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UNITED STATES DISTRICT COURT
DISTRICT OF OREGON

UNITED STATES OF AMERICA

3:16-CR-00051-BR

v.

AMMON BUNDY, et al.,

Defendants.

**DECLARATION OF RICHARD A.
BALTZERSEN, JR. IN SUPPORT OF
GOVERNMENT'S RESPONSE TO
DEFENDANTS' MOTION TO
REOPEN MOTION TO SUPPRESS
FACEBOOK EVIDENCE**

I, Richard A. Baltzersen, Jr., declare:

1. I am a Special Agent with the Federal Bureau of Investigation (hereinafter referred to as "FBI"), currently assigned to the Portland Division, and have been employed by the FBI since July 2002. As a Special Agent of the FBI, my duties and responsibilities have included conducting criminal and national security investigations for possible violations of federal law. I

received basic and advanced law enforcement training at the FBI Academy in Quantico, Virginia. During that time, I was taught the use and practical application of various investigative techniques that Federal law enforcement officers are allowed to employ. In addition to my formalized training at the FBI Academy, I have also acquired knowledge and information pertaining to violations of federal law from numerous other sources, including: formal and informal training, other law enforcement officers and investigators, informants, and my participation in other investigations.

2. This declaration is intended to show the handling of Facebook data for 23 accounts by FBI personnel received as a result of a search warrant issued in the District of Oregon on April 8, 2016. The facts set forth in this affidavit are based on my own personal knowledge, knowledge obtained from other individuals during my participation in this investigation, including other law enforcement officers, a review of records related to this investigation, communications with others who have knowledge of the events and circumstances described herein, and information gained through my training and experience.

3. I have knowledge that on August 17, 2016, SA Ronnie Walker received a Lexar 64GB thumb drive containing Facebook search warrant data from USAO Litigation Support Specialist Rena Rallis. SA Walker labeled the thumb drive with "Do Not Access Without A Court Order" and submitted it into evidence. I also know that all Facebook data contained in the case file is in 1B evidence and all are sealed and labeled "Do Not Access Without A Court Order". Items of evidence are stored in the FBI Evidence Control Room and labeled with a 1B number. These items can only be accessed by signing the chain of custody and checking the item out of the Evidence Control Room, with the added requirement of a new court order for the data referenced

here.

4. I have knowledge that the Domestic Terrorism Operations Unit uploaded both Facebook productions, evidence items 1B1079 and 1B1107, into the Palantir Mint system as personnel understood the data to be the same, just in different formats.

5. The Portland FBI personnel who conducted the reviews of the Mint reports and the date on which the review was conducted are listed below:

account holder	review date	Primary reviewer
1. Ammon Bundy acct	06/21/2016	SA J. Matthew Yeager
Bundy Ranch video review	06/21/2016	SA Claudia Bonilla
2. Darryl Thorn	05/26/2016	SA J. Matthew Yeager
3. Travis Cox	06/03/2016	SA J. Matthew Yeager
4. Geoffrey Stanek	06/01/2016	TFO Jeremy Chedester (WCSO)
5. Jon Ritzheimer	05/26/2016	SA Peter Summers
6. Ryan Bundy	06/01/2016	SA Adam Krametbauer
7. Joseph O'Shaughnessy	05/26/2016	SA Peter Summers
8. Corey Lequieu	06/08/2016	SA Kevin Strauss
9. David Fry	06/03/2016	SA J. Matthew Yeager
10. Bundy Ranch	06/21/2016	SA J. Matthew Yeager
Bundy Ranch adendum	06/21/2016	SA J. Matthew Yeager
11. And 12. Blaine	05/31/2016	SA Kevin Strauss

Cooper

13. Jason Patrick	05/26/2016	SA J. Matthew Yeager
14. Shawna Cox	06/01/2016	SA Wade Mutchler
15. Wesley Kjar	06/10/2016	SA Kevin Strauss
16. Guerilla Media		
(Santilli)	05/17/2016	SA J. Matthew Yeager
17. Sandra Anderson	06/09/2016	SA Kevin Strauss
18. Pete Santilli	05/17/2016	SA J. Matthew Yeager
19. Eric Flores	06/02/2016	TFO Daniel Diamond (OSP)
20. Duane Ehmer (nothing		
in acct)	06/15/2016	SA Peter Summers
21. Sean Anderson	06/01/2016	SA Wade Mutchler
22. Ryan Payne	06/01/2016	SA Adam Krametbauer
23. Jason Blomgren	06/13/2016	SA Kevin Strauss

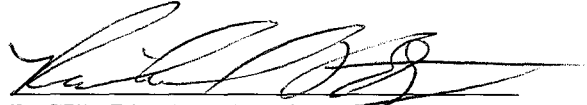
The FBI personnel reviewed the data on the Mint reports for responsiveness to the warrant, including text, pictures and videos from each account. Data found responsive was kept on the report and non responsive data was removed by DTOU personnel at the request of Portland personnel. Following completion of the review process the data was deleted from the Palantir Mint system. All digital media containing the data in the Portland FBI have been secured in the Evidence Control Room.

6. When the search warrant was issued, Lori McBryde of the USAO for the District of Oregon sent me a notification in the form of a meeting request the subject of which was that the review period for the warrant, 16-MC-191, expires on October 5, 2016. That notification is in my calendar on my telephone and desktop computer with an 18 hour reminder, which means my calendar will send me a notification on October 4, 2016, that the review period will expire the following day. It is my understanding that under the warrant, the investigative team had the ability to return to the original data until this date, October 5, 2016, and further search for responsive data should the investigation call for it.

7. I have reviewed the chain of custody logs for the original Facebook data, items 1B1079, 1B1083, 1B1094 and 1B1107, and none have been accessed since June 21, 2016, the date of the last review by investigative personnel for responsiveness.

8. Task Force Officers (TFO) Daniel Diamond of the Oregon State Police (OSP) and Jeremy Chedester of the Washington County Sheriff's Office (WCSO) are full time members of the Portland FBI's Joint Terrorism Task Force (JTTF). Both TFOs report to the Portland FBI building, specifically the squad space of the Domestic Terrorism Squad where they have assigned desks, on a daily basis. All reviews conducted by both TFO Diamond and TFO Chedester occurred in the FBI Building and at no time did either take any Facebook data out of the building.

I declare that the foregoing is true and correct to the best of my knowledge. This declaration was executed in Portland, Oregon, on September 7, 2016.

A handwritten signature in black ink, appearing to read 'R. A. Baltzersen, Jr.', written over a horizontal line.

RICHARD A. BALTZERSEN, JR.
Special Agent, Federal Bureau of Investigation