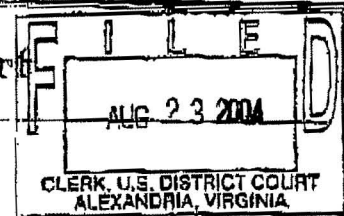


United States District Court  
EASTERN DISTRICT OF VIRGINIA



In the Matter of the Search of

(Name, address or brief description of person or property to be searched)

A PALLET OF DOCUMENTS  
IN THE DRIVEWAY AT 4502 WHISTLER  
COURT, ANNANDALE, VIRGINIA

SEARCH WARRANT

CASE NUMBER: 1: 64mq287

**COPY**

TO: Shawn S. Devroude and any Authorized Officer of the United States

Affidavit(s) having been made before me by Special Agent Shawn S. Devroude, FBI who has reason to believe that ☐ on the person of or ☒ on the premises known as (name, description and/or location)

an industrial-size pallet, approximately ten feet by four feet, with what appear to be boxed documents on it four feet high, in the driveway of the 4502 Whistler Court residence during the execution of the search on August 21, 2004, wrapped in plastic but exposed to the elements. Approximately half of the boxes were removed for safeguarding on August 21st, and now are located in a truck in FBI custody.

In the Eastern District of Virginia there is now concealed a certain person or property, namely (describe the person or property) evidence, fruits and instrumentalities of the provision of material support to foreign terrorist organizations, in violation of 18 U.S.C. 2332b, as more fully described in Attachment D to this Warrant.

I am satisfied that the affidavit(s) and any recorded testimony establish probable cause to believe that the person or property so described is now concealed on the person or premises above-described and establish grounds for the issuance of this warrant.

YOU ARE HEREBY COMMANDED to search on or before 10 days from the date this is signed by US Magistrate Judge Jones

(not to exceed 10 days) the person or place named above for the person or property specified, serving this warrant and making the search (in the daytime -- 6:00 A.M. to 10:00 P.M.) (at any time in the day or night as I find reasonable cause has been established) and if the person or property be found there to seize same, leaving a copy of this warrant and receipt for the person or property taken, and prepare a written inventory of the person or property seized and promptly return this warrant to Thomas Rawles Jones, Jr. United States Magistrate Judge as required by law.

U.S. Judge or Magistrate

August 23, 2004  
Date and Time Issued

at 3:20 pm

at Alexandria, Virginia  
City and State

Thomas Rawles Jones, Jr.  
United States Magistrate Judge  
Name and Title of Judicial Officer

Signature of Judicial Officer

3152-44-18189-522 SEARCH WARRANTS

RETURN

DATE WARRANT RECEIVED

8/23/2004

DATE AND TIME WARRANT EXECUTED

8/25/2004

COPY OF WARRANT AND RECEIPT FOR ITEMS LEFT WITH

FEMME @ PROVIDE / HANDED to Girl room  
and Sgt. [unclear]

INVENTORY MADE IN THE PRESENCE OF

SA SHAWN S DEVERDE / FBI CPO

INVENTORY OF PERSON OR PROPERTY TAKEN PURSUANT TO THE WARRANT

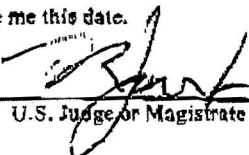
See ATTACHED Inventory

CERTIFICATION

I swear that this inventory is a true and detailed account of the person or property taken by me on the warrant.



Subscribed, sworn to, and returned before me this date.

  
U.S. Judge or Magistrate

9/3/04  
Date

02/05/2010 10:58 2022331125

PAGE 04

XX Received from Bureau on 10/2/1901

IN THE UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF VIRGINIA

Alexandria Division

IN THE MATTER OF A SEARCH	)	
OF A PALLET OF DOCUMENTS	)	Misc. No. 1:04 MG
IN THE DRIVEWAY AT 4502 WHISTLER	)	
COURT, ANNANDALE, VIRGINIA	)	

AFFIDAVIT IN SUPPORT OF APPLICATION FOR SEARCH WARRANT

I, SHAWN S. DEVROUDE, being duly sworn, depose and state as follows:

1. I was the affiant for the attached affidavit in support of an application for the issuance of a warrant issued this past Saturday morning, in Misc. No. 1:04 MG 285, for the search of the residence at 4502 Whistler Court in Annandale, Virginia, and I incorporate that attached affidavit by reference here. I and other law enforcement agents executed that search on Saturday morning, August 21st.

2. This affidavit is in support of an application for a warrant to search the contents of boxes on an industrial-size pallet, approximately ten feet by four feet, with what appear to be boxed documents on it approximately four feet high, that I found in the driveway of the 4502 Whistler Court residence during the execution of the search on August 21st. The pallet of what appears to be documents was located in the driveway of the residence, wrapped in plastic but exposed to the elements. I and other FBI agents did not search the boxes of documents because the pallet was outside the house and thereby perhaps not covered by the search warrant. We removed approximately half of the boxes from the pallet and put them in a truck in FBI custody to safeguard them in FBI custody until we could apply for another warrant to search them. This affidavit is in support of an application for a warrant to search all of the boxes that were on the

pallet, including both the ones still on the pallet in the driveway and those presently in the truck in FBI custody that we removed from the pallet to safeguard while obtaining a warrant. The facts set forth in this affidavit, in conjunction with the facts set forth in my earlier affidavit (attached), show probable cause that items described in Attachment "D" of my earlier affidavit (and incorporated herein) will be found at that location.

3. During the execution of the search warrant on August 21st, I and my fellow agents found throughout the house many boxes of documents regarding Hamas and related organizations. I describe here only a small portion of those materials, in part because we have not had time to examine most of the documents in detail or translate them in full:

**a. SEE SEALED ANNEX**

b. A Handbook of the Muslim Brotherhood's charter, including conditions, salary brackets, various positions' descriptions, etc.; a recruitment guideline for Moslem Brotherhood outlining the suitable types of individuals who would be suitable as leaders; and a description of the activities of the Algerian office of the Muslim Brotherhood. The Muslim Brotherhood is an extremist organization banned in various parts of the Arab world for its use of terrorism. The Palestinian terrorist group, Hamas, is ideologically related to the Muslim Brotherhood.

c. Copies of various communiqués from Hamas with signatures of members of the Hamas leadership, as well as Hamas posters, and many photographs of top Hamas leaders, past and present, such as Sheikh Yassin.

d. Originals and copies of various writings of Hamas leader Marzook, and of Yousef Saleh, an individual who, before leaving the United States, used to run the operations of UASR, an organization in Northern Virginia affiliated with Hamas and Marzook.


e. Various information concerning Libya, Abdurahman Alamoudi, and the American Muslim Council. Alamoudi recently pled guilty in this Court to accepting Libyan money to fund the assassination of the ruler of Saudi Arabia, as well as to procuring his naturalization by fraud, for concealing his affiliations with Marzook and UASR on his citizenship application.

4. From the execution of the search warrant on Saturday, I saw that Elbarasse's house was full of documents. It appeared to me that the pallet of documents in the driveway had been delivered to Elbarasse's house but stored outside because there was insufficient room yet cleared for them inside. It appeared to me that the documents had been delivered from UASR. I believe that the documents stored in boxes on that pallet are as relevant as those I found in Elbarasse's house to investigations regarding the ties of Elbarasse and others to Hamas and related organizations.

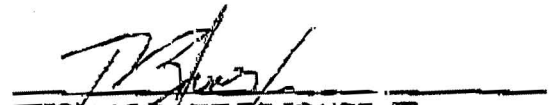
5. On the basis of the foregoing, there is probable cause that Ismail Elbarasse stored records in boxes on an industrial-size pallet, approximately ten feet by four feet, with what appear to be boxed documents on it approximately four feet high, wrapped in plastic but exposed to the elements, that I found in the driveway of the 4502 Whistler Court residence during the execution of the search on August 21st. Accordingly, there is probable cause to believe that evidence of violations of 18 U.S.C. § 2339B, as described in Attachment D to my earlier (attached) affidavit, will be found within those boxes.

WHEREFORE, your affiant prays that a search warrant be issued pursuant to Rule 41 of the Federal Rules of Criminal Procedure.

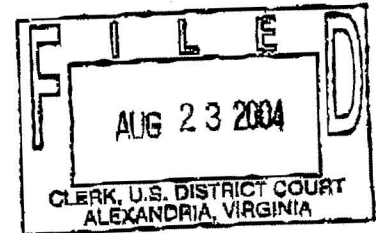
FURTHER THIS AFFIANT SAYETH NOT.

  
SHAWN S. DEVROUDE, Special Agent  
Special Agent, Federal Bureau of Investigation

Subscribed to and sworn before me this 23rd day of August 2004.

  
THOMAS RAWLES JONES, JR.  
UNITED STATES MAGISTRATE JUDGE

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF VIRGINIA  
Alexandria Division



IN RE THE SEARCH OF:

**COPY**

)  
) Case No.: 1:04mg 287  
)  
) ~~UNOFFICIAL~~ Tj

ORDER TO SEAL

The UNITED STATES, pursuant to Local Rule 49(B) of the Local Criminal Rules for the United States District Court for the Eastern District of Virginia, having moved to seal the Sealed Annex to Search Warrant Affidavit, the Motion to Seal, and proposed Order in this matter; and

The COURT, having found that revealing the ~~material~~ <sup>annex</sup> sought to be sealed would jeopardize an ongoing criminal investigation; and that this is the least restrictive alternative that will serve the government's legitimate interest in concluding the investigation; and finding that this legitimate government interest outweighs at this time any interest in the disclosure of the material; it is hereby

ORDERED, ADJUDGED, and DECREED that, the Sealed Annex to Search Warrant Affidavit, ~~Sealed Motion to Seal, and this Order~~ be sealed until the United States moves to unseal. The United States is authorized to leave a copy of the search warrant with Attachment A at the location to be searched.

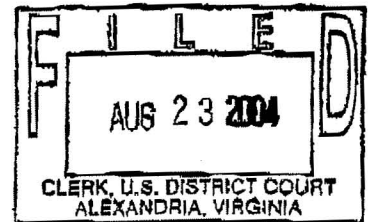
Date: August 23, 2004  
Alexandria, Virginia

United States Magistrate Judge



U.S. UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF VIRGINIA

Alexandria Division



IN RE THE SEARCH OF:

**COPY**

)  
) Case No: 1:04 mg 287  
)  
) ~~UNCLASSIFIED~~ 773  
)

GOVERNMENT'S MOTION TO SEAL SEARCH WARRANT  
PURSUANT TO LOCAL RULE 49(B)

The United States, by and through undersigned counsel, pursuant to Local Rule 49(B) of the Local Criminal Rules for the United States District Court for the Eastern District of Virginia, asks for an Order to Seal The Sealed Annex to Search Warrant Affidavit, together with this Motion to Seal and proposed Order, until the United States makes a motion to unseal.

I. REASONS FOR SEALING (Local Rule 49(B)(1))

1. The Washington Metropolitan Field Office of the FBI is conducting an investigation into violations of Title 18, United States Code, Section 2339B, material support to foreign terrorist organizations.
2. The Sealed Annex to Search Warrant Affidavit contains a description of documents seized during the execution of a prior search warrant in this investigation. Premature disclosure of the details of the document described at paragraph 3(a) might impair the ongoing investigation as it relates to activities in Saudi Arabia, and might alert individuals in that country as to the nature and scope of the investigation.
3. Sealing only paragraph 3(a) is the least restrictive means of protecting the investigation.

## II. REFERENCES TO GOVERNING CASE LAW (Local Rule 49(B)(2))

4. The Court has the inherent power to seal affidavits in support of search warrants to protect an ongoing investigation. See United States v. Wuagnoux, 683 F.2d 1343, 1351 (11<sup>th</sup> Cir. 1982); State of Arizona v. Maypenny, 672 F.2d 761, 765 (9<sup>th</sup> Cir. 1982); Times Mirror Company v. United States, 873 F.2d 1210 (9<sup>th</sup> Cir. 1989); see also Shea v. Gabriel, 520 F.2d 879 (1<sup>st</sup> Cir. 1975); United States v. Hubbard, 650 F.2d 293 (D.C. Cir. 1980); In re Braughton, 520 F.2d 765, 766 (9<sup>th</sup> Cir. 1975). "The trial court has supervisory power over its own records and may, in its discretion, seal documents if the public's right of access is outweighed by competing interests." In re Knight Pub. Co., 743 F.2d 231, 235 (4<sup>th</sup> Cir. 1984). Sealing search warrants and their accompanying affidavits and application is appropriate where there is a substantial probability that release of the sealed documents would compromise the government's on-going investigation severely. See e.g. In re Search Warrant for Secretarial Area Outside Office of Gunn, 855 F.2d 569, 574 (8<sup>th</sup> Cir. 1988); Matter of Eye Care Physicians of America, 100 F.3d 514, 518 (7<sup>th</sup> Cir. 1996); Matter of Flower Aviation of Kansas, Inc., 789 F.Supp. 366 (D. Kan. 1992).

## III. PERIOD OF TIME GOVERNMENT SEEKS TO HAVE MATTER REMAIN UNDER SEAL (Local Rule 49(B)(3))

5. Pursuant to Local Rule 49(B)(3), the search warrant and the affidavit will remain sealed until the United States moves to unseal the search warrant and affidavit.

6. Notwithstanding this Motion to Seal, the United States requests authorization to leave a copy of the search warrant, with Attachment A, at the location to be searched.

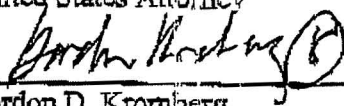
WHEREFORE, the United States respectfully requests that the Sealed Annex to Search

Warrant Affidavit, and this Motion to Seal and proposed Order be sealed the United States  
moves to unseal.

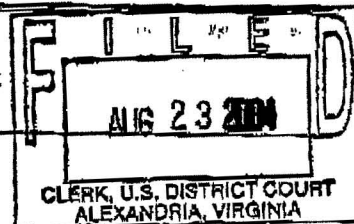
Respectfully submitted,

Paul J. McNulty  
United States Attorney

By:

  
Gordon D. Kromberg  
Assistant United States Attorney

VAO 106 (Rev. 7/87) Affidavit for Search Warrant

United States District Court  
EASTERN DISTRICT OF VIRGINIAIn the Matter of the Search of  
(Name, address or brief description of person, property or premises to be searched)A PALLET OF DOCUMENTS  
IN THE DRIVEWAY AT 4502 WHISTLER  
COURT, ANNANDALE, VIRGINIAAPPLICATION AND AFFIDAVIT  
FOR SEARCH WARRANT

CASE NUMBER: 1:04 mg 287

COPY

I, Shawn S. Devroude, being duly sworn depose and say:I am a(n) Special Agent, Federal Bureau of Investigation and have reason to believe  
Official Titlethat ☐ on the person of or ☒ on the property or premises known as (name, description and/or location)

an industrial-size pallet, approximately ten feet by four feet, with what appear to be boxed documents on it four feet high, in the driveway of the 4502 Whistler Court residence during the execution of the search on August 21, 2004, wrapped in plastic but exposed to the elements. Approximately half of the boxes were removed for safeguarding on August 21st, and now are located in a truck in FBI custody.

in the Eastern District of Virginia

there is now concealed a certain person or property, namely (describe the person or property to be seized)

SEE ATTACHMENT D to the affidavit of August 21, 2004, attached to and incorporated by reference in the affidavit in support of this application

WHICH IS (state one or more bases for search and seizure set forth under Rule 41(b) of the Federal Rules of Criminal Procedure)

evidence, fruits and instrumentalities of the provision of material support to foreign terrorist organizations

concerning a violation of Title 18 United States Code, Sections 2339B.

The facts to support a finding of Probable Cause are as follows:

See Attached Affidavit

Continued on the attached sheet and made a part hereof.

☒ Yes ☐ No

Reviewing AUSA: Gordon D. Kromberg

Signature of Affiant  
Shawn S. Devroude, Special Agent  
Federal Bureau of Investigation

Sworn to before me, and subscribed in my presence

August 23, 2004  
Dateat Alexandria, Virginia  
City and StateThomas Rawles Jones, Jr.  
United States Magistrate Judge  
Name and Title of Judicial Officer

Signature of Judicial Officer

## ATTACHMENT D

### Items to Be Seized

1. Any videotapes
2. Any photographs of monuments, buildings, bridges, tunnels, landmarks or any other structure the destruction of which could significant property damage or loss of life.
3. Any correspondence or any document evidencing communications between ELBARASSE and any Foreign Terrorist Organization, as designated by law, their affiliates or members.
4. Any maps, diagrams of, or related to monuments, buildings, bridges, tunnels, landmarks or any other structure the destruction of which could significant property damage or loss of life.
5. Any correspondence or document which tends to establish an affiliation or relationship of any kind with any foreign terrorist organization.
6. Any document related to any monuments, buildings, bridges, tunnels, landmarks or any other structure the destruction of which could significant property damage or loss of life.