

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

UNITED STATES OF AMERICA

CRIMINAL COMPLAINT

v.

CASE NUMBER:

ROBERT ANTHONY BRYANT,
also known as "Tony Bryant"

I, the undersigned complainant, being duly sworn on oath, state that the following is true and correct to the best of my knowledge and belief: On or about January 23, 2007, at Chicago, in the Northern District of Illinois, Eastern Division, and elsewhere, ROBERT ANTHONY BRYANT, also known "Tony Bryant," defendant herein:

for the purpose of executing a scheme to defraud and attempting to do so, knowingly caused to be sent and delivered by mail, according to the directions thereon, an envelope, containing a listing of available properties for sale by Taxbiz which envelope was addressed to Victim CG in Chicago, Illinois, from TaxBiz.com in Chicago, Illinois;

in violation of Title 18, United States Code, Section 1341. I further state that I am a Postal Inspector with the Postal Inspection Service, and that this complaint is based on the facts contained in the Affidavit which is attached hereto and incorporated herein.

Signature of Complainant
KEVIN FREEMAN
Special Agent, Postal Inspection Service

Sworn to before me and subscribed in my presence,

February 27, 2009 at Chicago, Illinois
Date City and State

MICHAEL T. MASON, U.S. Magistrate Judge
Name & Title of Judicial Officer

Signature of Judicial Officer

UNITED STATES DISTRICT COURT)
)
NORTHERN DISTRICT OF ILLINOIS) ss

AFFIDAVIT

PRELIMINARY INFORMATION

I, Kevin Freeman, being duly sworn, state as follows:

1. I am a Postal Inspector with the United States Postal Inspection Service (“USPIS”). I have been so employed since approximately January 2006.

2. As part of my duties as a Postal Inspector , I investigate criminal violations relating to white collar crime and concerning the United States mail, including but not limited to, Title 18, United States Code, Section 1341. I have received specialized training in the enforcement of federal laws and have participated in criminal investigations involving the review of subpoenaed financial and real estate documents, physical surveillance, execution of search warrants, and arrests. Based on my training, experience, and participation in these types of investigations, I am familiar with the techniques used by persons engaged in such unlawful activities.

3. This affidavit is made in support of a criminal complaint and application for warrant to arrest **ROBERT ANTHONY “TONY” BRYANT (“BRYANT”)** for mail fraud, in violation of Title 18, United States Code, Section 1341.

4. This affidavit also is made in support of an application for a warrant to search the office and residence located at 420-422 West Grand Avenue, Chicago, Illinois (“The Premises”) (as more fully described in Attachment A), for

evidence, instrumentalities, and fruits (as more fully described in Attachment B), of mail fraud, in violation of Title 18, United States Code, Section 1341.

5. The statements in this affidavit are based on my personal knowledge, and on information I have received from other law enforcement personnel and from persons with knowledge regarding relevant facts, including my review of records and documents. Because this affidavit is being submitted for the limited purpose of securing federal arrest and search warrants, I have not included each and every fact known to me concerning this investigation. I have set forth only those facts that I believe are necessary to establish probable cause to believe that ROBERT ANTHONY BRYANT has committed mail fraud, in violation of Title 18, United States Code, Section 1341, and that evidence, instrumentalities, and fruits of violations of Title 18, United States Code, Section 1341 are located at The Premises, and within one or more computers and related peripherals, and computer media found at The Premises.

OVERVIEW

6. As set forth in more detail below, USPIS, with the assistance of Internal Revenue Service Criminal Investigation Division, and the Federal Bureau of Investigation (“FBI”), has obtained credible and reliable evidence showing that, since as early as 1996, ROBERT ANTHONY BRYANT has defrauded investors of funds such investors believed were being invested in tax certificates, in violation of Title 18, United States Code, Section 1341. More specifically, BRYANT has defrauded at least 41 individuals and/or entities (“victim purchasers”) of at least \$2 million by falsely

representing that BRYANT was selling the victim purchasers valid tax certificates associated with properties for which the buyer could obtain legal title. BRYANT falsely represented to the victim purchasers that in the event circumstances arose that impaired the victim purchasers' ability to obtain legal title to the properties – such as a property owner redeeming their property taxes within a redemption period, or the tax certificate being deemed a “Sale in Error” – BRYANT would refund their purchase price with interest. In fact, BRYANT knowingly sold victim purchasers worthless tax certificates, knowingly sold duplicate tax certificates to multiple victim purchasers for the same property, and/or knowingly refused to refund the victim purchasers' money as he had promised if the property owner redeemed the tax certificate or if the sale of the tax certificate was declared a sale in error. Instead, BRYANT converted the victims' funds to his own benefit. In doing so, BRYANT knowingly caused the use of United States mails and/or commercial or private interstate carriers, in violation of Title 18, United States Code, Section 1341 (mail fraud).

TERMINOLOGY AND BACKGROUND REGARDING “TAX CERTIFICATES”

7. In Cook County, Illinois, if a property owner fails to pay property taxes then that property may be subject to a “tax sale.” The Office of the County Treasurer conducts two types of tax sales in which delinquent property taxes are sold: the Annual Tax Sale and the biennial Scavenger Sale. At either sale, the buyer of a “tax certificate” acquires and retains a lien on a tax delinquent property. A “tax certificate” is a negotiable instrument indicating a sale of an ownership interest in a tax-

delinquent property. The certificate allows the buyer to enter legal proceedings to obtain clear title to the property, subsequent to a prescribed “redemption period.”

8. A “redemption period” is a prescribed length of time in which a property owner can pay his/her delinquent taxes and remove the tax lien, thereby retaining ownership of the property. Generally, the redemption period for a tax certificate sold at either sale is at least six months, meaning the property owner has six months to pay or “redeem” his or her delinquent taxes. The purchaser may extend the redemption period up to two and a half years.

9. The Annual Tax Sale involves properties that have delinquent property taxes for the immediate tax year. The Annual Tax Sale takes place in the form of an auction with buyers bidding down the interest rate they will receive for paying the delinquent tax bill. The bidding starts at the highest interest rate of eighteen percent.

10. The biennial Scavenger Sale involves properties that have delinquent property taxes for two or more continuous years. Similar to the Annual Tax Sale, the biennial Scavenger Sale takes place in the form of an auction. However, unlike the Annual Tax Sale where bidding is done on interest rates, at the Scavenger Sale, bidding is in dollar amounts to purchase the actual tax certificate. The bidding starts at the minimum purchase price of \$250.

11. At either sale, the winning bidder receives a receipt which he/she then brings to the Cook County Clerk’s Office (“Clerk’s Office”) to obtain the tax certificate. The winning bidder pays the Cook County Treasurer within 24 hours of posting the winning bid and, in exchange, receives the tax certificate from the Clerk’s Office, Real

Estate and Tax Services Division. An owner who redeems his taxes during the redemption period pays the delinquent taxes plus penalties (and the interest bid if purchased at the Annual Tax Sale), along with any taxes incurred subsequent to the sale, to the Cook County Treasurer which, in turn, generates a refund check to the winning bidder.

12. At either sale, the purchaser is gambling that the owner will not “redeem” or repay the delinquent taxes within the redemption period. If the owner does not redeem the delinquent taxes within the redemption period, then the purchaser may initiate legal process to convert the tax certificate to a title deed on the property in their name, otherwise known as “bringing the property to deed.”

13. There are certain properties – such as “tax exempt” property or property owned by certain governmental entities – for which the owner need not pay any property taxes. Because there is no such thing as “delinquent” taxes on these properties, they are not subject to either tax sale. However, sometimes these exempt properties appear in error on the listing of properties subject to the tax sale. If a tax certificate on such property is sold at the tax sale, then it is considered a “Sale In Error” because the tax certificate is essentially invalid and worthless, and the Cook County Treasurer generates a refund check to the winning bidder.

BRYANT AND TAXBIZ, INC.

14. On June 28, 1995, BRYANT was interviewed by FBI and provided the following information as of that date:

a. BRYANT was in the business of acquiring property through the purchase of delinquent real estate taxes at the Scavenger Tax Sales held in Cook County, Illinois.

b. At the 1991 Scavenger Sale, BRYANT bought tax sale certificates regarding several pieces of property.

c. By at least as early as January 1992, BRYANT had prepared computer-generated sales contracts for tax certificates that he then sold to customers.

15. On March 8, 2006, BRYANT was interviewed by a Cook County Assistant State's Attorney and provided the following information as of that date:

a. In about 1991, BRYANT began buying tax liens in Chicago. BRYANT always worked for himself. BRYANT created a business called Taxbiz, Inc. BRYANT purchased tax liens or tax certificates and resold them to clients. BRYANT had been in the tax certificate business for over 16 years and had bought and sold over 6000 tax certificates. BRYANT also had businesses called Business, Inc., and Beautiful.com.

b. BRYANT lived at 420 West Grand, which was his old office building. BRYANT ran his business out of 720 West Randolph, but rarely went to the office. BRYANT mainly did business out of the 420 West Grand location.

c. BRYANT advertised in the Chicago Tribune, the Chicago Sun-Times, and on the internet. He also posted signs at different properties.

d. BRYANT listed multiple properties for sale and also looked for investors to invest in the properties. He paid investors a 25% return on their

investment.

16. According to Illinois Secretary of State (“ILSOS”) records, between 2001 and 2005, BRYANT registered at least 11 different companies at 420 or 422 West Grand, Suite 1A: Business, Inc.; Title Holders, Inc.; God, Inc.; River West South, LLC; Green, Inc.; Beautiful.com, Inc.; Party Mansion, Inc.; Faith, Inc.; Taxbiz, Inc.; Westside Real Estate, Inc; and Real Business, Inc.

17. Taxbiz maintains two websites — taxbiz.com and taxbuyer.com – which contain information regarding the sale and purchase of tax certificates for tax delinquent properties, and includes a list of properties for sale. The websites previously contained links to preferred attorneys that specialize in foreclosures and property tax reductions work.

18. According to the Taxbiz website, Taxbiz purchases and sells tax certificates, and Taxbiz also refers purchasers to legal counsel to assist the buyer in bringing the property to deed. Taxbiz advertises:

The process is somewhat complicated but we can help arrange for an attorney who can handle everything for you so that you will never have to leave your house.

www.taxbiz.com (last visited February 24, 2009).

19. On the Taxbiz website, BRYANT guarantees that the tax certificates sold by Taxbiz.com are valid and that purchasers will be refunded their money if the owner of the property redeems the taxes within the prescribed redemption period:

We sell our certificates with a redemption guarantee, meaning that in the unlikely event that the delinquent owner redeems his taxes within six months we refund all money paid to us by the purchaser.

www.taxbiz.com (last visited February 24, 2009).

VICTIM CG

20. Victim CG was interviewed by law enforcement and provided the following information:

a. Victim CG first learned of BRYANT and Taxbiz in about 2001 through its advertisements. Victim CG saw a Taxbiz sign on a fenced-in church building near 60th and Michigan Avenue. The sign said the property was “very cheap” and listed a phone number and/or website for Taxbiz.

b. In about October 2001, Victim CG purchased a tax certificate from BRYANT and Taxbiz for a funeral home at 1242 West 111st Street, which Victim CG intended to convert to a church. Victim CG later learned that the funeral home property was comprised of three lots, and that BRYANT had sold Victim CG a tax certificate to only one of the three lots. Because BRYANT had sold the tax certificates to the other two lots to other individuals, Victim CG eventually sold the lot he purchased.

c. In 2007, Victim CG looked up the Taxbiz website and saw they were still offering properties. Victim CG called the Taxbiz phone number to inquire about possibly buying tax certificates for some of the properties on the website. As a result of this call, Taxbiz sent Victim CG via U.S. Mail a listing of available tax certificates for sale by Taxbiz. Victim CG provided law enforcement a copy of the envelope containing the property list. The return address on the envelope consisted

of a pre-printed "TaxBiz.com" business label, and Victim CG's address was handwritten on the envelope. The envelope contained USPS postage with a postmark of January 23, 2007.

d. After receiving the listing, Victim CG and his/her spouse drove around to look at some of the properties on the listing. Victim CG decided they were interested in purchasing two residential properties: one in Maywood (the "Maywood property"), and one on 61st Street in Chicago (the "Chicago property").

e. After deciding on the properties, Victim CG's spouse called Taxbiz to arrange a meeting to discuss acquiring the tax certificates for the properties. A meeting was scheduled, and Victim CG's spouse was directed to bring in either cash or a cashier's check for the purchases. As a result, Victim CG and his/her spouse obtained a cashier's check dated January 29, 2007, in the amount of \$60,500 from Chase Bank payable to Taxbiz, Inc.

f. On or about January 30, 2007, Victim CG and his/her spouse went to Taxbiz office at 422 West Grand, Chicago, and met with BRYANT. They brought with them their cashier's check in the amount of \$60,500.

g. The office area is a huge open area with brick walls and hardwood floors. There is a very large elaborate brick or stone fireplace. There were couches and tables in the space. There were four very large desks in the space. The desk where BRYANT sat had a large computer monitor. During their meeting on about January 30, 2007, BRYANT pulled up a photo on the computer of the Chicago property and showed it to Victim CG. BRYANT attempted to pull up a photograph of the Maywood

property on the computer, but when he was unable to find it, he instead produced a very large book which contained a photo of the Maywood property.

h. Victim CG saw other employees in the office space, including an individual Victim CG believed to be a secretary. The secretary was working on a separate computer at her desk. There was a third computer at one of the unoccupied desks. There were free-standing filing cabinets as well as filing cabinets under the desks.

i. When Victim CG and his/her spouse met with BRYANT, BRYANT explained that Victim CG could take possession of the Chicago property after 30 days. BRYANT explained that it would take about 6 months for Victim CG to take possession of the Maywood property because the owner of that property had to be given notice, and a redemption period had to pass before they could get the property.

j. BRYANT assured Victim CG and his/her spouse that if the certificates for either property were redeemed, Taxbiz would return their money to them with interest.

k. At the meeting, Victim CG entered into a written contract with BRYANT and Taxbiz to purchase four tax certificates for the two properties in Chicago and Maywood. The contracts referenced the specified property, including the Real Estate Permanent Index Number ("PIN").

l. During the meeting, BRYANT typed up the tax certificate sales agreement from the computer at his desk. After BRYANT printed the agreement, Victim CG and his/her spouse signed the agreement. BRYANT signed the agreement

in their presence at the bottom of the contract after the indication for “Seller / TaxBiz, Inc / Tony Bryant.”

m. At the time they were signing the contract, Victim CG provided BRYANT the cashiers check for \$60,500. After providing BRYANT the \$60,500 check, Victim CG witnessed BRYANT write in the middle of the contract: “Paid in Full 1-30-07 R.A.B.” and circle it.

n. According to the written contract entitled “Tax Certificate Sales Agreement” and dated January 30, 2007, the purchase price for the four tax certificates corresponding with the two properties was \$60,500, payable upon signing of the agreement. The contract specified:

In the Event of redemption or States Attorney initiated “sale in error” of any individual tax certificate between today’s date and 4-1-08, the purchaser shall receive a refund of all money paid to the Seller by the Purchaser pursuant to this agreement for that individual tax certificate only, plus 6% interest.

o. BRYANT did not provide Victim CG a copy of any of the four tax certificates they purchased.

p. About ten minutes after Victim CG and his/her spouse left 422 West Grand, they realized that they did not receive a copy of the four tax certificates they had just purchased. They returned to BRYANT’s office about ten minutes later and rang the bell, but no one answered the door. Victim CG made several phone calls to BRYANT over the next several days, but BRYANT never returned Victim CG’s telephone calls. Despite going to BRYANT’s office several times and calling BRYANT, Victim CG has not heard from BRYANT since meeting with him on January 30, 2007.

q. On about July 5, 2007, Victim CG filed a civil suit against BRYANT individually and doing business as Taxbiz. As part of the civil suit, BRYANT's attorney produced to Victim CG's attorney one of the four certificates Victim CG purchased.

r. As of this writing, and despite Victim CG's repeated requests and civil suit, BRYANT has neither produced the other three tax certificates Victim CG purchased nor refunded Victim CG any of the \$60,500.

21. According to the endorsement on the back of the check, on about January 31, 2007, BRYANT deposited the \$60,500 cashier's check into an account at JP Morgan Chase Bank in the name of Taxbiz.

22. According to Clerk's Office records, on about December 6, 2006, the owner of record of the Chicago property redeemed the delinquent taxes associated with that property.

23. According to Clerk's Office records, the Maywood property has been tax exempt since about 2000 because the property is owned by a not-for-profit charitable organization.

24. According to Clerk's Office records, on about December 4, 2003, at the 2003 Scavenger Sale, BRYANT or an associate working on behalf of BRYANT paid approximately \$6057.50 total to purchase the two tax certificates associated with the Chicago property. On about January 4, 2006, at the 2005 Scavenger Sale, BRYANT or an associate working on behalf of BRYANT paid approximately \$965 total to purchase the two tax certificates associated with the Maywood property.

OTHER VICTIMS

25. As summarized below, law enforcement has information and evidence that since approximately 1996, BRYANT similarly has defrauded at least approximately 40 other victims of at least approximately \$2 million by either knowingly selling the victim an worthless tax certificate, knowingly selling duplicate tax certificates to multiple victim purchasers for the same property, and/or knowingly refusing to refund the victim purchasers' money as he had promised in the event of a "Sale in Error" or in the event the property owner redeemed the taxes.

Victim	Date of Contract	Intended Loss	Actual Loss	Type of Fraud
1	7/9/02	\$94,000.00	\$62,000.00	Sale In Error
2	10/21/96	\$39,000.00	\$39,000.00	Failure to Tender
3	1/6/05	\$55,000.00	\$55,000.00	Sale In Error
4	4/19/99	\$75,000.00	\$75,000.00	Multiple Sale
5	1/20/04	\$12,000.00	\$4,000.00	Multiple Sale
6	1/9/98	\$13,000.00	\$13,000.00	Multiple Sale
7	6/21/95	\$28,000.00	\$28,000.00	Multiple Sale
8	10/21/97	\$18,000.00	\$18,000.00	Multiple Sale
9	6/27/03	\$25,000.00	\$8,500.00	Failure to Tender
10	8/12/96	\$13,000.00	\$2,000.00	Failure to Tender
11	2/4/98	\$13,500.00	\$13,500.00	Sale In Error
	9/8/98	\$395.00	\$395.00	Multiple Sale
	9/9/97	\$220.00	\$220.00	Multiple Sale
	9/30/96	\$12,000.00	\$12,000.00	Sale In Error
12	6/23/95	\$12,000.00	\$12,000.00	Multiple Sale
13	6/1/02	\$15,000.00	\$15,000.00	Failure to Tender

Victim	Date of Contract	Intended Loss	Actual Loss	Type of Fraud
14	7/6/04	\$60,000.00	\$60,000.00	Redeemed
15	7/9/98	\$51,000.00	\$51,000.00	Sale In Error
16	4/22/03	\$365,000.00	\$294,000.00	Sale In Error
17	1/4/00	\$12,000.00	\$12,000.00	Invalid Certificate
18	1/24/03	\$25,000.00	\$25,000.00	Redeemed
19	2/27/96	\$27,000.00	\$27,000.00	Sale In Error
20	10/15/04	\$25,000.00	\$25,000.00	Sale In Error
21	1/27/06 4/14/06	\$15,000.00 \$13,000.00	\$15,000.00 \$13,000.00	Redeemed Sale In Error
22	6/6/05	\$20,000.00	\$20,000.00	Sale In Error
23	9/14/05 4/14/06	\$17,500.00 \$17,000.00	\$17,500.00 \$17,000.00	Redeemed Redeemed
24	3/2/05	\$32,000.00	\$17,000.00	Redeemed
25	2/24/05	\$24,000.00	\$24,000.00	Sale In Error
26	2/21/06	\$90,000.00	\$90,000.00	Redeemed
27	5/2/07	\$15,000.00	\$7,500.00	Invalid Certificate
28	6/23/06	\$29,000.00	\$29,000.00	Multiple Sale
29	3/30/06	\$4,500.00	\$4,500.00	Sale In Error
30	10/25/05	\$10,000.00	\$10,000.00	Misrepresentation
31	8/3/04	\$65,000.00	\$20,000.00	Multiple Sale
32	12/30/03	\$9,500.00	\$7,104.50	Sale In Error
33	6/17/07	\$45,000.00	\$45,000.00	Sale In Error
34	6/20/07	\$180,000.00	\$180,000.00	Sale In Error
35	2/26/07	\$115,000.00	\$115,000.00	Sale In Error
36	5/29/07	\$650,000.00	\$650,000.00	Sale In Error

Victim	Date of Contract	Intended Loss	Actual Loss	Type of Fraud
37	10/7/06	\$103,000.00	\$103,000.00	Sale In Error
38	1/30/07	\$60,500.00	\$60,500.00	Redeemed/Sale In Error
39	7/11/05	\$5,000.00	\$0.00	Sale In Error
40	2/29/00	\$100,000.00	\$0.00	Sale In Error
41	Unknown	\$65,000.00	\$21,000.00	Multiple Sale
		\$2,675,115.00	\$2,317,719.50	

26. As of January 9, 2009, Taxbiz.com listed as for sale tax certificates pertaining to approximately 240 PINs and/or properties which are tax exempt properties. BRYANT's offer price on those worthless tax certificates pertaining to the approximately 240 properties totals over \$21 million. As noted above, Taxbiz continues to advertise a money back guarantee for its tax certificates.

420-422 WEST GRAND AVENUE

27. The Premises to be searched is 420-422 West Grand Avenue, and is further described in Attachment A. According to Cook County Recorder of Deeds, BRYANT has owned 420-422 West Grand Avenue Unit 1A since about November 1996. In mid-2000 BRYANT had outstanding mortgages totaling approximately \$2.75 million on the property.

28. According to an annual report filed with the ILSOS on January 12, 2005, and signed by BRYANT as President, BRYANT was the president of Taxbiz, Inc., and

the principal address of Taxbiz was 420 West Grand #1A.

29. According to Articles of Incorporation filed in December 2004, and signed by BRYANT, BRYANT was the registered agent and incorporator for Beautiful.com, Inc., with a registered office of 422 West Grand, Suite 1A.

30. As explained above, 420 and 422 West Grand are connected to comprise a single space. The Premises consists of a large, open space with adjacent living space. BRYANT currently conducts business for Taxbiz and resides on the premises. As explained above, BRYANT also has several other companies registered to The Premises.

31. Based upon law enforcement investigation, surveillance, and information from cooperating individuals, this address is known to be the location of BRYANT's residence and business. BRYANT was seen in the building as recently as the week of February 9-13.

SPECIFICS REGARDING SEARCHES OF COMPUTER SYSTEMS

32. Based upon my training and experience, and the training and experience of specially trained computer personnel whom I have consulted, searches of evidence from computers commonly require agents to download or copy information from the computers and their components, or remove most or all computer items (computer hardware, computer software, and computer-related documentation) to be processed later by a qualified computer expert in a laboratory or other controlled environment. This is almost always true because of the following:

a. Computer storage devices can store the equivalent of thousands of pages of information. Especially when the user wants to conceal criminal evidence, he or she often stores it with deceptive file names. This requires searching authorities to examine all the stored data to determine whether it is included in the warrant. This sorting process can take days or weeks, depending on the volume of data stored, and it would be generally impossible to accomplish this kind of data search on site.

b. Searching computer systems for criminal evidence is a highly technical process requiring expert skill and a properly controlled environment. The vast array of computer hardware and software available requires even computer experts to specialize in some systems and applications, so it is difficult to know before a search which expert should analyze the system and its data. The search of a computer system is an exacting scientific procedure which is designed to protect the integrity of the evidence and to recover even hidden, erased, compressed, password-protected, or encrypted files. Since computer evidence is extremely vulnerable to tampering or destruction (which may be caused by malicious code or normal activities of an operating system), the controlled environment of a laboratory is essential to its complete and accurate analysis.

33. In order to fully retrieve data from a computer system, the analyst needs all storage media as well as the computer. The analyst needs all the system software (operating systems or interfaces, and hardware drivers) and any applications software which may have been used to create the data (whether stored on hard disk drives or on external media).

34. In addition, a computer, its storage devices, peripherals, and Internet connection interface may be instrumentalities of the crime(s), and are subject to seizure as such if they contain contraband or were used to carry out criminal activity.

PROCEDURES TO BE FOLLOWED IN SEARCHING COMPUTERS

35. The warrant sought by this Application does not authorize the "seizure" of computers and related media within the meaning of Rule 41(c) of the Federal Rules of Criminal Procedure. Rather the warrant sought by this Application authorizes the removal of computers and related media so that they may be searched in a secure environment.

36. With respect to the search of any computers or electronic storage devices seized from the location identified in Attachment A hereto, the search procedure of electronic data contained in any such computer may include the following techniques (the following is a non-exclusive list, and the government may use other procedures that, like those listed below, minimize the review of information not within the list of items to be seized as set forth herein):

a. examination of all of the data contained in such computer hardware, computer software, and/or memory storage devices to determine whether that data falls within the items to be seized as set forth herein;

b. searching for and attempting to recover any deleted, hidden, or encrypted data to determine whether that data falls within the list of items to be seized as set forth herein (any data that is encrypted and unreadable will not be returned

unless law enforcement personnel have determined that the data is not (1) an instrumentality of the offenses, (2) a fruit of the criminal activity, (3) contraband, (4) otherwise unlawfully possessed, or (5) evidence of the offenses specified above);

c. surveying various file directories and the individual files they contain to determine whether they include data falling within the list of items to be seized as set forth herein;

d. opening or reading portions of files in order to determine whether their contents fall within the items to be seized as set forth herein;

e. scanning storage areas to discover data falling within the list of items to be seized as set forth herein, to possibly recover any such recently deleted data, and to search for and recover deliberately hidden files falling within the list of items to be seized; and/or

f. performing key word searches through all storage media to determine whether occurrences of language contained in such storage areas exist that are likely to appear in the evidence described in Attachment B.

37. Any computer systems and electronic storage devices removed from the premises during the search will be returned to the premises within a reasonable period of time not to exceed 30 days, as dictated by the volume and complexity of the items seized, excluding any items or materials deemed to be contraband or materially relevant to this investigation, or unless otherwise ordered by the Court.

CONCLUSION

38. Based on the above information, there is probable cause to believe that ROBERT ANTHONY BRYANT has committed mail fraud, in violation of Title 18, United States Code, Section 1341, and that evidence, instrumentalities, and fruits relating to this criminal conduct, as further described in Attachment B, will be found in office and residence located at 420-422 West Grand, Chicago, as further described in Attachment A.

39. I therefore respectfully request that this Court issue a search warrant for the office and residence located at 420-422 West Grand, Chicago, Illinois, more particularly described in Attachment A, authorizing the seizure of the items described in Attachment B, pursuant to the protocol described in the addendum to Attachment B.

FURTHER AFFIANT SAYETH NOT.

KEVIN FREEMAN
Inspector,
United States Postal Inspection Service

SUBSCRIBED AND SWORN TO BEFORE ME
this 27th day of February, 2009

MICHAEL T. MASON
United States Magistrate Judge