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UNITED STATES OF AMERICA

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

UNITED STATES OF AMERICA,)	CR. NO. 17-00101 LEK
)	
Plaintiff,)	UNITED STATES'S RESPONSE TO
)	THE DEFENDANT'S MOTION FOR
vs.)	SUPPRESSION OF EVIDENCE;
)	EXHIBITS A AND B; CERTIFICATE
ANTHONY T. WILLIAMS (1),)	OF SERVICE
)	
Defendant.)	
)	
)	
)	

UNITED STATES'S RESPONSE TO THE
DEFENDANT'S MOTION FOR SUPPRESSION OF EVIDENCE

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UNITED STATES'S RESPONSE TO THE
DEFENDANT'S MOTION FOR SUPPRESSION OF EVIDENCE

The government respectfully submits this response to Defendant Anthony T. Williams's (Defendant) Motion For Suppression of Evidence. Defendant's Motion for Suppression of Evidence at Exhibit A (hereinafter, Suppression Motion or Motion), ECF No. 437-2. The Motion comprises 13 single-spaced pages of disorganized arguments and factual disputes. The brief focuses upon two search warrants, signed by U.S. Magistrate Judge Barry M. Kurren in the District of Hawaii. The Motion claims that: (1) the affidavits upon which the two warrants were based were "deliberately and recklessly false in material respects;" (2) the warrants were "lacking in indicia of probable cause;" (3) the warrants were facially defective and "failed to adequately particularize the place to be searched or the things to be seized;" and (4) the warrants were improperly used as "general rights of search and seizure." Suppression Mot. 3, ECF No. 437-2.

In light of these purported defects, the Motion seeks a *Franks* hearing "regarding certain searches carried out by the FBI;" and a blanket order suppressing all evidence obtained as a result of the illegal searches. *Id.* 1. Finally, the Motion seeks dismissal of the counts in the Superseding Indictment "derived from illegally obtained evidence." *Id.* 1.

The Motion should be denied. Substantial evidence supports the Magistrate Judge's probable cause determination for the two warrants at issue and both

warrants describe with particularity both the property to be searched and the items to be seized. The defendant has failed to make a substantial preliminary showing of an intentional or reckless false statement in the warrants, and therefore, neither a *Franks* hearing, nor dismissal of any counts is appropriate.

FACTUAL BACKGROUND

The Superseding Indictment arises out of a mortgage fraud scheme executed by the defendant in at least two states, Florida and Hawaii. In the State of Florida, both the Federal Bureau of Investigation (FBI) and the Broward County Sheriff's Department conducted investigations of the defendant's conduct. For its part, the FBI obtained 12 search warrants in connection with its Miami investigation.¹

Based upon the state investigation, the defendant was charged with Florida state violations relating to his mortgage fraud conduct and convicted; judgment was entered on June 23, 2017. Mem. In Supp. Mot. Detain Def. Without Bail Exh. A, ECF No. 34-1 (June 23, 2017 Judgment). As a result of that prosecution and conviction, the FBI discontinued its Miami investigation. The government has since made evidence collected the FBI's Miami investigation available to the defendants in discovery in this matter.

¹ The Motion makes a passing and conclusory reference to a purportedly illegal traffic stop by local police in Miramar, Florida and an "illegal and unlawful search warrant to search [his] Lex[us]" that followed. Motion 10. The defendant argues that the items seized from this search are irrelevant. *Id.* As this is not a basis for suppression, we will not respond absent direction from the Court.

False statement was unlawfully convicted of unlawful filing of documents and grand theft of a house which has since been overturned. Never was charged with mortgage fraud

This is a reckless false statement. The FBI did not discontinue its investigation because of this conviction, but declined prosecution because no evidence of a Federal crime existed.

Reckless false statement. I have never been charged, arrested nor indicted for mortgage fraud.

Miami investigation commenced before the Broward County's unlawful prosecution

While the investigations in Florida were pending, the FBI conducted another investigation into the defendant's mortgage fraud in the District of Hawaii. As part of this investigation, the FBI obtained three search warrants. On December 14, 2015, the Court issued two warrants permitting searches of an office space used by the defendant (*In the matter of the Search of the building located at [REDACTED] Democrat Street, Honolulu, 96819*, Case No. 15-1515 BMK (D. Hi. Dec. 14, 2015) (Democrat St. Warrant), and the home of co-defendant Anabel Cabebe (*In the Matter of the Search of the residence located at [REDACTED] Kaimu Loop, Aiea, Hawaii 96701*, Cr. No. 15-1516-BMK (D. Hi. Dec. 14, 2015) (Kaimu Lp. Warrant) (together, Hawaii Warrants). The Hawaii Warrants were supported by the same affidavit, signed by FBI Special Agent Megan Crawley. These searches were executed on December 15, 2015. See Exhibits A (Democrat St. Warrant), B (Kaimu Lp. Warrant).

On June 27, 2016, the FBI obtained a third warrant from the U.S. District Court for the Western District of Texas to search the house of defendant Barbara Williams. *In the Matter of the Search of The residence located at [REDACTED] Bluebonnet Drive, Killeen, Bell County, Texas, and further described in Attachment A, to include all places above and below the surface of the ground all outbuildings, and all vehicles on the premises*, Case No. 16-126M (W.D. Tex. Jun. 27, 2016). This warrant was executed on June 29, 2016.

LEGAL ARGUMENT

The Motion seeks to suppress all evidence obtained in connection with two warrants signed by Magistrate Judge Barry Kurren of the U.S. District Court for the District of Hawaii, which were supported by an affidavit signed by Special Agent Crawley. Mot. 3-7, ECF No. 432-2. The Motion is baseless. The warrants are supported by probable cause and describe both the property to be searched and the items to be seized with due particularity. The Motion fails to make a substantial preliminary showing to support a *Franks* hearing.

I. The Hawaii Warrants Are Valid

The Fourth Amendment provides that “no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.” U.S. Const. amend. IV. “[P]olice must, whenever practicable, obtain advance judicial approval of searches and seizures through the warrant procedure.” *Terry v. Ohio*, 392 U.S. 1, 20 (1968). Generally, evidence seized in violation of the Fourth Amendment may not be used in criminal proceedings against the victim of the illegal search and seizure. *Illinois v. Krull*, 480 U.S. 340, 347 (1987).

For a search warrant to be valid it must be supported by an affidavit demonstrating: (1) probable cause; and a (2) particular descriptions of the place to be searched and of the things to be seized. *United States v. Reeves*, 210 F.3d 1041,

Affidavits must be sworn to that the person has firsthand personal knowledge which Crawley failed to do because she had no firsthand knowledge of a crime.

No particular descriptions of things to be seized. Every request had the term "any" or "all" and "if" which are not particular terms

Judge did not have a substantial basis because the application had numerous false statements and never outlined how she "knew" a crime was committed

1046 (9th Cir. 2000). There is a presumption of validity with respect to the affidavit supporting the search warrant. *Franks v. Delaware*, 438 U.S. 154, 171 (1978); *United States v. Burnes*, 816 F.2d 1354, 1357 (9th Cir. 1987). A reviewing court must evaluate a magistrate's decision to issue a warrant with great deference, only examining whether the magistrate had a "substantial basis" for concluding that probable cause existed. *Illinois v. Gates*, 462 U.S. 213, 238-39 (1983). In reviewing the magistrate's decision that probable cause existed, courts are limited to the information contained within the four corners of the affidavits supporting the application for the search warrant. *Dawson v. City of Seattle*, 435 F.3d 1054, 1063 (9th Cir. 2006). Because of the presumption of validity, the defendant bears the burden of persuasion regarding invalidity.

A. Probable Cause Supports The Hawaii Warrants

A substantial basis exists for the Magistrate Judge's determination that probable cause supports the Hawaii Warrants. The affidavit supporting both Hawaii Warrants exhaustively set forth the investigative support for probable cause that evidence of the defendant's wire and mail fraud scheme would be found at the Democrat Street and Kaimu Loop houses. The fraud scheme is set forth at

No support for probable cause was outlined in the affidavit. The affidavit was filled with Crawley's opinions and belief that bank fraud, money laundering, mail & wire fraud were committed. Nothing in the affidavit explained "when" these crimes were suppose to have been committed, "who" the crimes were committed against, "how" she "knew" the crimes were committed, "in what manner" these crimes were committed, and the "evidence" which supported the notion that probable cause existed to obtain a search warrant.

Affidavit in Support of a Search Warrant, paragraphs 27-37 (Exhibit A at 430-36; Exhibit B at 472-78):²

- Two Hawaii state agencies alerted the FBI to complaints from homeowners who paid for mortgage reduction services, but who were foreclosed upon nonetheless. Affidavit in Support of a Search Warrant (Crawley Aff.) ¶¶ 27-28 (Exh. A at 430).
- The defendant Anthony Williams did business as “Mortgage Enterprise Investments” (MEI), a registered business in Hawaii, and the Common Law Office of America (CLOA). *Id.* ¶¶ 8, 14.
- Victim-witnesses reported to the FBI that MEI recruited them through word of mouth, that they attended information sessions arranged by co-defendant Anabel Cabebe. Exh. A at 432 ¶ 31.
- Victim-witnesses reported that Williams instructed clients to cease making payments to their mortgage lender and begin paying a lower amount to MEI, and to refer any communications from their lender to CLOA and himself. Exh. A at 432-33 ¶ 32.

² Because the two Hawaii Warrants rely upon an identical affidavit, the citations in this brief to the Affidavits will be to the Democrat St. Warrant only.

How can there be two "identical" search warrants for "two" separate places? Shows the applications were boilerplate.

None of these complaints were against ME, CLOA nor MEI but against Edna Henry, Rowena and Hep

No victims reported anything against ME, CLOA or MEI because there are no victims and no complaints from any alleged victims.

This is a lie. These were not victims & their payments only verify that they paid for the services rendered.

- Four specific victim accounts of transactions with MEI are set forth in the affidavit, which were verified with bank records. Exh. A at 433-36 ¶¶ 33-37.

The affidavit also set forth the nexus of the fraudulent scheme and the properties to be searched, and probable cause that evidence of the wire and mail fraud would be found at those addresses:

- Co-defendant Anabel Cabebe assisted with the operation of Williams's mortgage fraud scheme by answering client inquiries, setting up informational seminars to reach out to new victims, and collecting payments and forwarding them to Williams. Exh. A at 428 ¶ 20.
- Cabebe is the owner of the Democrat Street house, according to tax records. Exh. A at 428 ¶ 19.
- Multiple victim-witnesses reported that Williams resided and conducted business out of the Democrat Street house. Exh. A at 427-28 ¶ 17. Moreover, Williams submitted a form to the Honolulu Police Department that listed the Democrat Street house as his residence. *Id.*
- Cabebe's business cards reference her title as a "Private Attorney General," a fictitious title used by Williams in his CLOA business;

This is a lie as there are no victims but clients the FBI interviewed answered correctly where I resided which is not a crime nor reason for probable cause

There was no mortgage fraud scheme or the FBI would have charged me with Mortgage Fraud here and in Miami.

is a certified title as outlined by numerous Supreme Court rulings.

*This is not a crime
nor probable cause*

*Client was not a
victim and stated the
truth about how many people
were there to sign up for my
excellent services*

the cards list her business address as the Democrat Street house.
Exh. A at 429 ¶ 22. One confidential source indicated that clients
are instructed to leave payments and MEI-related documents at the
Democrat Street house. Exh. A at 429 ¶ 23.

- One victim witness indicated that Williams hosted about 50 people at the Democrat Street house to conduct MEI business. Exh. A at 434 ¶ 34.
- A confidential recording was taken of a business meeting conducted by Williams at the Democrat Street house. Exh. A at 437 ¶ 42.
- Cabebe also owns the Kaimu Loop address, and resides at that address. Exh. A at 429 ¶ 24. Cabebe has treated the Kaimu Loop address as an MEI business address, and has instructed MEI clients to come to the Kaimu Loop address to deliver their mortgage payments. Exh. A at 429 ¶ 25. Williams has apparently attempted to represent to banks that the Kaimu Loop house was his residential address: a bank document lists his residence as the same street number as the Kaimu Loop address, but with the substantially-similar cross street, Kaamilo, named. Exh. A at 430 ¶ 26.

*Nothing on this recording proved probable cause a
crime was committed but on the contrary showed
the honest disposition with which I conducted
my business*

- Special Agent Crawley observed an MEI “client” drop off a mortgage payment to Cabebe at the Kaimu Loop house. Exh. A at 434-35 ¶ 35.
- Multiple witnesses confirmed that MEI and CLOA operates out of the Democrat Street house, and utilizes the Kaimu Loop house as an occasional meeting point. Exh. A at 438 ¶ 43.

Finally, Special Agent Crawley also set forth the probable cause to support that evidence in support of the charged wire and mail fraud scheme would be found on computers and electronic storage at the Democrat Street and Kaimu Loop houses. Exh. A at 438-442 ¶¶ 44-50. Crawley explained that business entities such as MEI and CLOA rely upon computers to create and store documents, and that prior warranted searches of the defendant’s electronic media in connection with the FBI’s investigation in Miami yielded hundreds of documents and e-mails relating to MEI and CLOA business, including client contracts and paperwork, legal representation letters, and e-mail communications between associates. Exh. A at 441 ¶¶ 48-49. As relevant to the Hawaii Warrants, Crawley explained that there was a recording of a business meeting at the Democrat Street house during which Williams used a computer to further the business of the meeting. Exh. A at 437 ¶ 42. Crawley also explained that MEI deposited client checks through “e-capture,” likely through a smartphone application. Exh. A. at 440-41 ¶ 47. The

client paying for services is nota crime

This is nota crime nor probable cause

Crawley did not set forth any support for probable cause and the search warrant was for bank fraud, money laundry also and not just mail and wire fraud

IF evidence of a crime was found, Miami FBI would have filed charges.

defendant's argument that the affidavit "did not cite any specific allegations justifying [search and] seizure" of computers and electronic media is baseless.

See, e.g., Motion 7.

In light of the foregoing, the Magistrate Judge had a substantial basis upon which to find probable cause that evidence of wire and mail fraud would be found at the Democrat Street and Kaimu Loop houses. The defendant's argumentative characterization of the agent's summary, and his conclusory declarations about the absence of probable cause are unavailing. *See, e.g.*, Motion 6 ("In paragraph 46 ... Crawley did not outline nor specify how the undersigned committed a crime or what specifically the undersigned did regarding banking online which constituted a crime in order to get a SW."); Motion 7 ("Crawley did not mention any EVIDENCE OF CRIME . . ."); *id.* ("Nowhere in Crawley's affidavit does she establish, or attempt to establish, probable cause . . ."); *id.* ("None of the warrants establish probable cause . . ."); *id.* ("Crawley's affidavits also completely fail to identify any incident which would give rise to the suspicion that the undersigned has committed a federal crime of bank fraud, money laundering, mail or wire fraud."). So long as the magistrate had a substantial basis for concluding that a search would uncover evidence of wrongdoing, the Fourth Amendment requires no more. *Gates*, 462 U.S. at 236.

//

All the arguments were organized and outlined

B. The Motion Does Not Defeat The Substantial Basis For The Magistrate Judge's Probable Cause Determination

Despite the substantial basis for the Magistrate Judge's determination that probable cause supported the Hawaii Warrants, the Motion presents a torrent of disorganized arguments that urge this Court to reach a different conclusion. As a matter of law, this is not the correct inquiry on a suppression motion. *Gates*, 462 U.S. at 238-39. In any event, defendant's arguments are unavailing for the following reasons.

1. Probable Cause Is Not Affected By The Failure To Present Evidence Favorable To The Defendant

The Motion expends great energy litigating factual disputes with statements in the affidavit; such disputes are irrelevant to a probable cause inquiry.

The defendant raises factual arguments to dispute the accuracy or significance of certain summary investigation findings of Special Agent Crawley. *See, e.g.*, Motion 4 ("The central anchor of Crawley's yarn . . . was that the undersigned somehow misled consumers [However, t]he undersigned has been openly doing this business for over 16 years and has been very transparent . . ."); *Id.* 5 ("[T]he FBI alleged that the undersigned was claiming he was an attorney at law, when the undersigned expressly told every client that he was not and neither did he want to be one or a member of the bar."); *Id.* ("In paragraph 27, Crawley stated she received a call from DFI Criminal Investigator who reported to

the FBI a number of complaints However, these complaints were not against the undersigned.”); *Id.* (“Crawley goes on to state that MEI didn’t have the ability to execute a mortgage reduction program legitimately However, Crawley conveniently failed to state that MEI . . . was not operating or offering any of the services which require licensing.”); Motion 5-6 (“In paragraph 36, Crawley mention an alleged victim M.V. This client has already submitted a sworn affidavit that nothing the undersigned told him was false and that he was satisfied with the services of the undersigned and MEI”).

Second, the defendant argues that the affidavit was inadequate because it did not present evidence of any client victim’s complaint, thereby suggesting that he had not harmed any of his purported clients. Motion 3 (“one complaint from any of the enumerated homeowners”), 4 (“not one homeowner complained” NOT ONE of these clients told the FBI that they were scammed”); 6 (“Missing from Crawley’s affidavits are any complaints made by consumers the FBI asserts were defrauded and lied to by the undersigned.”).

The defendant’s purported factual arguments are irrelevant to whether there is a substantial basis for the magistrate judge’s determination of probable cause. A warrant application is a one-sided process, and does not require or allow for adversarial input. *United States v. Vasey*, 834 F.2d 782, 789, 789 n.3 (9th Cir. 1987). Probable cause must be established within the four corners of the agent’s

This idiot admits that everything I said in my motion argument was factual but that facts are irrelevant for a magistrate determination of probable cause.

The warrant must be truthful and not based upon false statements and blatant lies

All the false statements were intentional and reckless

affidavit. *Gates*, 462 U.S. at 236. The fact that the defendant disputes a fact set forth in the affidavit, or that a fact may be flatly erroneous, does not support invalidating a warrant, absent an intentionally or recklessly false statement in the affidavit. *United States v. Senchenko*, 133 F.3d 1153, 1158 (9th Cir. 1998).

2. Probable Cause Is Not Affected By Alleged Defects In The Indictment

The Motion also erroneously argues that the Superseding Indictment—as opposed to the warrant affidavit—contains defective allegations. Motion 3 (“The government . . . did not specify in . . . the indictment with particularity how these [charged] emails constituted fraud and what exactly in the emails were false . . .”); *id.* (“In the indictment the government alleged that the undersigned’s company never refunded any homeowners that requested a refund and KNEW this was a lie”); Motion 6 (“None of the mail fraud counts contain any use of any electronic device but are payments made to the undersigned’s company”). The sufficiency of allegations in an indictment, however, is irrelevant to whether a warrant affidavit supports probable cause. *Dawson*, 435 F.3d at 1063 (probable cause determined from information within the four corners of the warrant).

can not be upheld because affidavit based on intentional and reckless lies and misrepresentations

In light of the foregoing, a substantial basis exists the Magistrate Judge’s probable cause determination and the warrants should be upheld if they are sufficiently particular.

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wants the probable cause to be determined by lies set forth in the "four corners" of the warrant

C. The Warrants Describe The Places To Be Searched And The Items To Be Seized With Sufficient Particularity

Both Hawaii Warrants described the properties to be searched and the items to be seized with sufficient particularity. A valid warrant must describe particularly the places that officers may search and the types of items they may seize. *United States v. Spilotro*, 800 F.2d 959, 963 (9th Cir. 1986). This requirement prevents general, exploratory searches and indiscriminate rummaging through a person's belongings. *Id.* at 963.

Did not particularly nor sufficiently describe what items to be seized. The few items listed could be obtained from the BOE and the courts.

1. Description Of The Places To Be Searched

Both Hawaii Warrants described the properties to be searched with sufficient particularity. The test for the sufficient particularity in the description of a property is: “(1) whether the warrant describes the place to be searched with ‘sufficient particularity to enable law enforcement officers to locate and identify the premises with reasonable effort; and (2) whether any reasonable probability exists that the officers may mistakenly search another premises.” *United States v. Brobst*, 558 F.3d 982, 992 (9th Cir. 2009). Attachment A to both Hawaii Warrants set forth the accurate street address of the house to be searched, the Democrat Street and Kaimu Loop house, respectively, as well as a detailed description, and attached two photographs of the houses. Because the address on the warrant is accurate, the Hawaii Warrants’ descriptions are sufficiently particular. *See, e.g.*,

United States v. Turner, 770 F.2d 1508, 1511 (9th Cir. 1985). The Motion does not contest this.

2. Description Of The Items To Be Seized

The Hawaii Warrants also described the items to be seized with sufficient particularity. Search warrants must be specific in both particularity and breadth. *Brobst*, 558 F.3d at 993. Particularity is the requirement that the warrant must clearly state what is sought. *Id.*, citing *United States v. Towne*, 997 F.2d 537, 544 (9th Cir. 1993). Breadth deals with the requirement that the scope of the warrant be limited by the probable cause on which the warrant is based. *Id.* The description of the things to be seized must be specific enough to enable the officers conducting the search reasonably to identify the things authorized to be seized. *Id.*, citing *United States v. Mann*, 389 F.3d 869, 877 (9th Cir. 2004).

The Hawaii Warrants were narrowly tailored and targeted only five categories of items, and described the items they sought within those categories with particularity. The Hawaii Warrants both attached the same seven-page description of items to be seized from the properties. Attachment B began with an introductory explanation that: “items to be seized are evidence, contraband, fruits or instrumentalities of violations of” the wire, mail, and bank fraud and money laundering statutes, during the period that the defendant ran his fraud scheme in Hawaii. Exh. A at 453 ¶ 1 (Attachment B to Democrat St. Warrant); *see also*, Exh.

B at 495. Attachment B then explained that the evidence it sought “relat[ed] to the mortgage reduction program pertaining to [MEI] or [CLOA],” in either electronic media or hard copy. Exh. A. at 453 ¶ 2.

The next five paragraphs, paragraphs 3-7, succinctly set forth five discrete categories of items that are directly pertinent to the charged mortgage fraud scheme operated by MEI and CLOA. For instance:

- Paragraph 3 described items “pertaining to mortgage loans or mortgage reduction programs,” and listed precise examples, including “applications, UCC filings, court filings, State of Hawaii Bureau of Conveyances (BOC) filings, filed Affidavits, Homeowner Service Guarantee Agreement documents, Short Form Power of Attorney documents, contracts, spreadsheets, client lists, client’s original mortgage documents, and client information sheets.” Exh. A. at 454 ¶ 3.
- Paragraph 4 sought “MEI or CLOA financial and accounting records,” and listed particular documents, including, bank statements, balance sheets, bank reconciliations, income statements, . . .” Exh. A. at 454 ¶ 4.
- Paragraph 5 sought “address books . . . , message logs, or other notation of messages maintained by [defendant] Williams and [co-

Note of these items are the basis of any of the mail or wire fraud charges

Note of these items are the basis of mail or wire fraud charges

defendant] Cabebe, MEI, or CLOA with information relating to associates, employees, clients, or potential clients.” Exh. A. at 454-55 ¶ 5.

- Paragraph 6 sought “correspondence relating to the mortgage reduction program, or associates, employees, clients, or potential clients of MEI or CLOA.” Exh. A. at 455 ¶ 6.

The next three paragraphs further defined the scope of the items to be seized.

Paragraph 7 specified that, with respect to electronic devices or media, evidence “sufficient to show the actual user(s)” and their purpose would be sought. Exh. A. at 455 ¶ 7. Paragraphs 8 and 9 defined specific search terms used in the prior paragraphs. Exh. A. at 456-57. Finally, the remaining twelve paragraphs did not describe items to be seized at all, but merely set forth search protocols. Exh. A. at 456-59.

Attachment B’s five categories of items to be seized are squarely permitted by Ninth Circuit case law. In *United States v. Spilotro*, the Ninth Circuit invalidated as overbroad a warrant that sought “evidence of violations” of listed statutes, including “evidence of the commission of a criminal offense; or contraband, the fruits of crime,” or criminal means, without further description. 800 F.2d 959, 961 (9th Cir. 1986). But the *Spilotro* court explained that such a warrant may have been permissible if it described the items it expected to find,

The items listed on the warrant the FBI already had copies of from the FBI Miami office & did not need a search warrant for them. They were listed only to attempt to specify what they were searching for when in reality they were searching for "ANY EVIDENCE" of a crime as stated by Crawley

Crawley never described what criminal activity constituted bank fraud, money laundering, mail or wire fraud

described the criminal activities themselves rather than simply referring to the statute believed to have been violated, and provided examples of the items it sought. *Id.* 964.

The Ninth Circuit provided an apt, illustrative example. A warrant seeking evidence of loan sharking might be permitted if it sought “records relating to loan sharking and gambling, including pay and collection sheets, lists of loan customers, loan accounts, and telephone numbers, line sheets, bet slips, tally sheets, and bottom sheets.” *Id.* 964. Attachment B to the Hawaii Warrants did exactly this: it set forth five categories of items it sought, all relating to the mortgage fraud scheme, and listed specific examples of items that would be seized.

The defendant’s arguments regarding the warrant’s scope are conclusory and nonsensical. Motion 11 (“The use of ‘ANY’ [in the Hawaii Warrants] can not be used to describe something specifically”); *id.* (“In paragraph 4, Crawley again uses the term ‘ANY’ which is violative of the requirement of specificity”).

In light of the foregoing, the Hawaii Warrant described the properties to be searched and the items to be seized with sufficient particularity.

D. The FBI’s Execution Of The Hawaii Warrants Was Not Overbroad

Finally, the defendant argues that the FBI conducted an overbroad search that resulted in the seizure of irrelevant items. Motion 11-12 (“No investigative agent acting in good faith could possibly believe these files were relevant to the

No where in the search warrant application did Crawley outline how money laundering, bank fraud, mail fraud or wire fraud had or was being committed.

This is exactly how Crawley's affidavit was written and submitted!

investigation outlined in Crawley's affidavit.”). The defendant then lists eleven items that he claims demonstrate overbroad execution. *Id.* We address each of the defendant's examples below:

- Business cards, “Private Attorney General” Stamp, ID Badges, CLOA Stamp. Motion 11-12. These items fall squarely within Paragraph 3 of the Attachment B, which sought “materials pertaining to mortgage loans or mortgage reduction programs, or when MEI or CLOA is listed”
- Two Samsung Flip Phones, Black Cell Phone, Black & Silver Cell Phone. Motion 12. These items also fall within Paragraph 3, Paragraph 5 for “address books (including electronic address books, such as devices commonly referred to as electronic organizers), message logs, or other notation of messages maintained by Williams, Cabebe, MEI or CLOA with information relating to associates, employees, clients, or potential clients of MEI or CLOA, and Paragraph 6 for correspondence, insofar as each has memory and can store text messages and contacts.”³

None of this relates to probable cause for pro. 1 + wire fraud

No basis for search + seizure of cell phones as none of these were specifically outlined in the warrant, furthermore no allegation of use of the cellphone in connection with the offenses were alleged

³ It should be noted that forensic examiners were unsuccessful in imaging these devices.

- Religious CD's & DVD's, Music CD's, Movie DVD's. Motion

11. These were not seized pursuant to the Hawaii Warrants, and are irrelevant to the Motion. A single black CD case containing 46 CDs, mostly with handwritten titles, was seized as part of the FBI Miami investigation. This office reviewed each disk and verified that no relevant information was contained within, and offered to return it to the defendant's standby counsel, Lars Isaacson, Esq.

Thus, each example raised by the defendant does not demonstrate an overbroad execution. To the extent that any described item may arguably fall outside of a category in Attachment B, the seizure is innocuous and harmless to the overall execution of the warrant. *E.g., United States v. Rodriguez*, 869 F.2d 479, 487 (9th Cir. 1989) ("Those [items] which arguably do not [fit within a warrant category] are so innocuous (such as tape and note pads) that their seizure was harmless in the overall execution of the warrant."). For similar reasons, because the agents executing the warrant acted reasonably, no outrageous government conduct that rises to the level of a due process violation took place that would support dismissal of the Superseding Indictment as requested by the Motion. *See United States v. Restrepo*, 930 F.2d 705, 712 (1991).

In sum, the Hawaii Warrants should be upheld as valid. A substantial basis exists for the Magistrate Judge's determination that probable cause supports the

This is assume to use a double adjective
innocuous means harmful

There was no good faith in the warrant application because all of the info sought the FBI already had in its possession and wanted a general warrant to go "fishing" to try to find some "evidence" of a crime which they did not find and ultimately used information that was seized from Mam; to file charges in Hawaii

warrants. Moreover, the warrants are narrowly tailored and describe the properties to be searched and the items to be seized. Affirmation of the validity of these warrants is further demanded by the direction of the Ninth Circuit that even in doubtful cases, preference should be given to the validity of the warrant. *United States v. McQuisten*, 795 F.2d 858, 861 (9th Cir. 1986).

II. The Good Faith Exception Applies To Any Evidence Seized

Suppression is also inappropriate because the good faith exception applies to the searches pursuant to the Hawaii Warrants. Separate and apart from whether a technical violation appears on the face of the warrants—which the government disputes—the FBI’s reliance upon the warrants was objectively reasonable and they executed the warrants in good faith. *United States v. Leon*, 468 U.S. 897, 922 (1984) (“We conclude that the marginal or nonexistent benefits produced by suppressing evidence obtained in objectively reasonable reliance on a subsequently invalidated search warrant cannot justify the substantial costs of exclusion.”). For the reasons set forth in the previous section, the circumstances where the good faith exception would not apply, namely wholesale abandonment of the magistrate’s judicial role, an affidavit lacking in any indicia of probable cause, or facially deficient warrant, are not present. *Id.* at 923.

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I have shown repeated intention & reckless
false statements. FBI don't want an evidentiary
hearing because they know I will expose them to
all be damn liars!

III. The Defendant Is Not Entitled To An Evidentiary Hearing

The defendant is not entitled to an evidentiary hearing upon affiant Special Agent Crawley's summary testimony, as the Motion demands. In only limited circumstances may the defendant be entitled to a hearing to afford an opportunity to attack the veracity of a facially-valid affidavit in support of a search warrant. To seek a hearing, the defendant must make a "substantial preliminary showing" that: the affidavit contains intentionally or recklessly false statements; and (2) the affidavit cannot support a finding of probable cause without the allegedly false information. *United States v. DeLeon*, 979 F.2d 761, 763 (9th Cir. 1992).

Because there is a presumption of validity for information in a warrant affidavit, the defendant's allegations of falsity must be "more than conclusory and must be supported by more than a mere desire to cross examine." *Franks*, 438 U.S. at 171. The defendant must "point out specifically the portion of the warrant affidavit that is claimed to be false . . . accompanied by a statement of supporting reasons." *Id.* Moreover, the defendant's argument must be "accompanied by an offer of proof" such as "[a]ffidavits or sworn or otherwise reliable statements of witnesses." *Franks*, 438 U.S. at 171. "The lack of an affidavit or sworn statement offering proof of deliberate falsehood . . . is enough in itself to defeat [a] demand for an evidentiary hearing" under *Franks*. *United States v. Ruddell*, 71 F.3d 331, 334 (9th Cir. 1995).

I have multiple affidavits from clients that show Crawley lied

Nowhere in the Motion's 13 single-spaced pages does the defendant identify a specific, material false statement made by Special Agent Crawley in the affidavit. Failure to identify a false statement in a motion to suppress, by itself, is a basis to deny a hearing. *United States v. Staves*, 383 F.3d 977, 982 (9th Cir. 2004). A review of the alleged false statements is illustrative.

Twice, the Motion references purported false statements that were not in the affidavit at all, but were purportedly in the Indictment or uttered by third parties other than Crawley:

- “The undersigned confronted the Nashville FBI for the lies they were spreading about the undersigned and the undersigned video recorded the incident . . .” Motion 2.
- “8) In the indictment the government alleged that the undersigned's company never refunded any homeowners that requested a refund and KNEW this was a lie . . .” Motion 3.

Insofar as these purportedly false statements do not appear in the four corners of the affidavit, the Magistrate Judge's determination of probable cause was not based upon them.

On four occasions, the Motion relies upon a conclusory allegation that the affidavit generally contained false statements, without identifying the statements:

- “The warrants in question were based solely on affidavits of Crawley and are so lacking in indicia of probable cause and infected with her deliberate and reckless falsehoods as to render any belief in existence of probable cause entirely unreasonable.” Motion 3 (emphasis added).

- “4) In all affidavits, Crawley spun an incredible yarn for both the assertion of federal investigatory jurisdiction and the factual basis for requesting that the extraordinary power of search and seizure be vested [*sic*] in her.” *Id.* (emphasis added).
- “11) Proceeding in violation of law since Crawley had no probable cause for anything under controlling law, Crawley nevertheless created a fanciful yarn designed to get judicial approval for warrants authorizing her to kick over the rocks in the undersigned’s life to see what he could find and to then proceed with a general search without ever disclosing that she did so or what he found doing so.” Motion 4. (emphasis added).
- “13) The FBI had all of this factual information yet choose to [*sic*] manipulate an affidavit to make it appear that the undersigned was scamming and defrauding homeowners when the opposite was true[.]” Motion 4.
- “12) A central anchor of Crawley’s yarn, and one which is both fanciful and false on its face, was that the undersigned somehow misled consumers and made promises and misrepresentations that he could not make.” Motion 4.

All of this is true

Franks expressly noted that an allegation of a false statement must be “more than conclusory” to support the defendant’s right to an evidentiary hearing. *Franks*, 438 U.S. at 171. These conclusory allegations do not even specify what the defendant believes is the false statement that gives rise to the allegation.

The entire Motion references just one factual statement in the affidavit that is specific, but the defendant fails to offer of proof of the statement’s falsity. The Motion alleges:

- “To [f]urther such a false assertion, the FBI alleged that the undersigned was claiming he was an attorney at law, when the

Handwritten notes:
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 leg

undersigned expressly told every client that he was not and neither did he want to be one or a member of the bar.” *Id.* 5.

A related allegation appears on page 12 of the Affidavit, in paragraphs 32 and 33, Special Agent Crawley presented summary testimony that as part of the fraud scheme, Williams’s company MEI would convince mortgage holders to stop making payments upon their mortgages to their lenders, and instead pay a percentage of their mortgage payments to MEI as a fee. Crawley explained in the affidavit that “Williams advises clients if they receive any communication from their mortgage lender, notifying them of delinquency of loan payments, to refer their lender to CLOA and their legal representative Williams.” Exh. A at 432-33 ¶ 32. Later, in the following paragraph, Crawley explains that an MEI client explained to him that “Williams represented himself as an attorney and stated he knew the law book inside-out.” Exh. A at 433 ¶ 33.

It will be a matter for a federal jury to consider at trial precisely what representations Williams made to his clients regarding his legal services. However, for the purposes of a preliminary *Franks* showing, the defendant has failed to present an “offer of proof” such as “[a]ffidavits or sworn or otherwise reliable statements of witnesses” to demonstrate that these assertions were false. *Franks*, 438 U.S. at 171. Indeed, the Motion undermines its own argument that Williams did not hold himself out as a legal representative when the Motion itself repeatedly holds Williams out as a legal representative and attorney. Motion 1

(“NOW COMES Private Attorney General (PAG) Anthony Williams . . .”); 15 (“WHEREFORE, PAG Anthony Williams moves the court . . .”); *id.* (“Righteously submitted, /s/Anthony Williams/Private Attorney General/Counsel to the Poor (Psalms 14:6)/Common Law Counsel (28 USC 1654, First Judiciary Act of 1789, section 35).

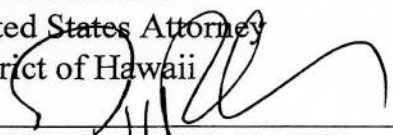
In any event, the title that Williams conferred upon himself and whether he represented to his client-victims that he was an attorney at law or one in fact is not material to the fraud scheme as alleged in the affidavit, and therefore, to the Magistrate Judge’s probable cause determination. These two lines could be stricken from the 28 pages of the Affidavit, and the remaining testimony amply supports probable cause. *DeLeon*, 979 F.2d at 763. For this additional reason, the defendant has failed to make a substantial showing that entitles him to a *Franks* hearing.

Congress created this title and wrote it into law and was conferred by them and not upon myself

CONCLUSION

The government respectfully requests that this Court deny the Suppression Motion.

DATED: April 26, 2019, at Honolulu, Hawaii.

KENJI M. PRICE
United States Attorney
District of Hawaii
By 
GREGG PARIS YATES
Assistant U.S. Attorney

CERTIFICATE OF SERVICE

I hereby certify that, on the dates and by the methods of service noted below, a true and correct copy of the foregoing was served on the following by the method indicated on the date of filing:

Served by First Class Mail:

Lars Isaacson, Esq.
1100 Alakea Street, 20th Floor
Honolulu, HI 96813

Attorney for Defendant
ANTHONY T. WILLIAMS

Anthony T. Williams
Register No. 05963-122
Inmate Mail
FDC Honolulu
PO Box 30080
Honolulu, HI 96820

DATED: April 26, 2019, at Honolulu, Hawaii.



SEALED
UNITED STATES DISTRICT COURT
BY ORDER OF THE COURT
for the
District of Hawaii

FILED IN THE
UNITED STATES DISTRICT COURT
DISTRICT OF HAWAII

DEC 14 2015

at 3 o'clock and 25 min. P.M.
SUE BEITIA, CLERK

In the Matter of the Search of
*(Briefly describe the property to be searched
or identify the person by name and address)*

The building located at
[REDACTED] Democrat Street,
Honolulu, HI 96819

Case No. 15-01515 BMK

APPLICATION FOR A SEARCH WARRANT

I, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property *(identify the person or describe the property to be searched and give its location)*:
See Attachment A - incorporated herein by reference and made an part hereof.

located in the _____ District of _____ Hawaii _____, there is now concealed *(identify the person or describe the property to be seized)*:

See Attachment B - incorporated herein by reference and made a part hereof.

The basis for the search under Fed. R. Crim. P. 41(c) is *(check one or more)*:

- evidence of a crime;
- contraband, fruits of crime, or other items illegally possessed;
- property designed for use, intended for use, or used in committing a crime;
- a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of:

<i>Code Section</i>	<i>Offense Description</i>
18 U.S.C. 1341; 18 U.S.C. 1343; 18 U.S.C. 1344; 18 U.S.C. 1956-1957	Mail Fraud; Wire Fraud; Bank Fraud; Money Laundering

The application is based on these facts:
The attached Affidavit in Support of a Search Warrant incorporated herein by reference and made a part hereof.

- Continued on the attached sheet.
- Delayed notice of _____ days (give exact ending date if more than 30 days: _____) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.

Sworn to before me and signed in my presence.

Date: 12.14.2015

City and state: _____



Applicant's signature
Megan Crowley, FBI Special Agent

Printed name and title



Judge's signature
Honorable Barry M. Kurren, U.S. Magistrate Judge

Printed name and title

WILLIAMS_ET_AL_000000421

Exhibit A

WILLIAMS_ET_AL_000000421

Affidavit in Support of a Search Warrant

I, MEGAN CRAWLEY, Special Agent, Federal Bureau of Investigation, being duly sworn, depose and state as follows:

Introduction

1. I am employed as a Special Agent (SA) of the Federal Bureau of Investigation (FBI), Department of Justice, and have been so employed since June 2014. I am currently assigned to a white collar crime squad at the FBI Honolulu Field Office in Honolulu, Hawaii. My current duties include investigating financial crimes to include mortgage fraud, money laundering, and bankruptcy fraud. In the course of my duties, I have prepared search and arrest warrants and have participated in the execution of search and arrest warrants.

2. This affidavit is made in support of an application for a search warrant authorizing a search of the SUBJECT PREMISES which is described in Attachment A.

3. The requested search warrant seeks authorization to seize at the SUBJECT PREMISES the items identified in Attachment B that constitute evidence, fruits, or instrumentalities of violations of 18 U.S.C. 1343 (Wire Fraud), 18 U.S.C. 1341 (Mail Fraud), 18 U.S.C. 1344 (Bank Fraud), and 18 U.S.C. 1956, 1957 (Money Laundering) (collectively, the "Subject Offenses"): (a)

any physical/hard copy materials such as paper files, books and records; (b) any data that resides on computers, digital devices or electronic storage media that was created or modified on or after January 1, 2012; (c) any data that resides on any other computers, digital devices or electronic storage media currently unknown to this investigation; (d) any materials that are themselves an instrumentality of the Subject Offenses; and (e) any business records to include but not limited to documents, digital files, or data relating to the history and operation of mortgage related businesses from 2002 to present.

4. As used herein, the terms "computer," "digital device" and "electronic storage media" include any electronic system or device capable of storing or processing data in digital form, including central processing units; desktop, laptop, notebook, and tablet computers; personal digital assistants; wireless communication devices, such as telephone paging devices, beepers, mobile telephones, and smartphones; digital cameras; peripheral input/output devices, such as keyboards, printers, scanners, plotters, monitors, and drives intended for removable media; related communications devices, such as modems, routers, cables, and connections; storage media, such as hard disk drives, floppy disks, memory cards, optical disks, and magnetic tapes used to store digital data (excluding analog tapes such as VHS); and security devices.

5. The SUBJECT PREMISES is identified in Attachment A to the search warrant application. The list of items to be seized is set forth in Attachment B to the search warrant application. Attachments A and B are incorporated herein by reference.

6. The facts set forth in this affidavit are based upon my own investigation, information I have gained through my training and experience and information related to me by other individuals, including other law enforcement officers. Except as explicitly set forth below, I have not distinguished in this affidavit between facts of which I have personal knowledge and facts I have learned from others. Where the contents of documents and the actions and statements of others are reported herein, they are reported in substance and in part, except where otherwise indicated. This affidavit is intended to show merely that there is sufficient probable cause for the requested warrant and does not purport to set forth all of my knowledge or investigation into this matter.

STATEMENT OF PROBABLE CAUSE

I. SUMMARY OF INVESTIGATION

7. Law enforcement agencies, including the FBI, are conducting an investigation into Anthony Troy Williams, Anabel Cabebe, and others, for the Subject Offenses.

8. The investigation has revealed that Mortgage Enterprise Investments ("MEI"), a registered business in Hawaii since 2013, is offering a mortgage reduction program to clients in Hawaii and the mainland. The program guarantees a reduction of overall loan amount, loan term, and monthly mortgage payment by half. After an initial sign-up fee to MEI, clients are instructed to cease all payments to their mortgage lender and to direct all future mortgage payments to MEI. However, because MEI is not a licensed mortgage company with the ability to create, service, or modify loans, the client's loan with their actual mortgage lender continues to become increasingly delinquent as MEI does not have authority, or make an attempt, to satisfy the client's mortgage before reassigning it to MEI.

9. As part of the scheme, Anthony Troy Williams (hereinafter referred to as "Anthony Williams" or "Williams") an owner and partner in MEI, and others made material misrepresentations, created false documents and created false appearances that MEI was authorized to perform the services it was offering. When in truth and fact, MEI, while a registered business, currently does not have, and has never obtained the required licenses in the State of Hawaii pursuant to Chapters 454F and 454M, Hawaii Revised Statutes ("HRS") needed to service or modify mortgage loans. Due to Williams' and his co-conspirators' scheme and artifice, a number of of MEI's clients

have become delinquent on their mortgage payments to their mortgage lender, resulting in numerous of foreclosures on client properties to include a number of evictions.

II. RELEVANT INDIVIDUALS AND ENTITIES

A. Anthony Williams and Mortgage Enterprise Investments

10. According to the State of Hawaii Department of Commerce and Consumer Affairs (DCCA) Business Registration Division records, MEI is a registered business with an active registration until June 23, 2018, and has been since June 24, 2013. DCCA's "Application for Registration of Trade Name" form required for all businesses in the state of Hawaii was completed for MEI on June 1, 2013, filled out and signed by Anthony Williams.

11. The Business Registration Branch of DCCA maintains the business registry for all corporations, limited liability companies, general partnerships, limited partnerships, limited liability partnerships and limited liability limited partnerships conducting business activities in the State of Hawaii.

12. According to a letter from the Commissioner of DCCA's Division of Financial Institutions (DFI), Williams currently does not have and has never obtained the licenses necessary to legally create, service, or modify loans in the State of Hawaii.

13. According to Extraco Bank documents, MEI's physical address is [REDACTED].

According to other Extraco Bank documents, Williams' mother, partner, and co-owner of MEI, Barbara Williams (hereinafter referred to as "Barbara") listed her residence address as [REDACTED].

B. Common Law Office of America (CLOA)

14. According to its Web site, CLOA is an office that employs Private Attorney Generals (PAGs) and offers services to its clients that include, but are not limited to: mortgage reduction, foreclosure assistance, UCC filings, document writing, and Power of Attorney. Williams is the owner and operator of CLOA. Williams also personally represents himself as a PAG and carries badges/credentials to that effect.

15. According to corporate documents filed with the State of Hawaii, the business address for the Honolulu office of CLOA is P.O. Box [REDACTED], Honolulu, Hawaii 96820.

16. According to DCCA's Business Registration Division records, CLOA is not a registered business in the State of Hawaii.

C. [REDACTED] Democrat Street

17. According to multiple client statements, when Williams is in Hawaii he frequently, and almost exclusively, resides and conducts MEI & CLOA business out of a bedroom and an office on

the second floor of a building located at [REDACTED] Democrat Street, Honolulu, Hawaii 96819. According to a form filled out by Williams and sent to the Honolulu Police Department, Williams reported that [REDACTED] Democrat Street is his place of business.

18. According to the confidential source, on the first floor of the building is a waiting room which contains a fax machine, copy machine, table, chairs, and couch for MEI clients to wait while Williams is in a meeting upstairs on the second floor. The copy machine is used to make copies of MEI-related documents for the clients.

19. According to State of Hawaii tax records, the owner of this property, TMK [REDACTED], is Anabel G Cabebe.

D. Anabel Cabebe

20. According to multiple client statements, Anabel Gasmen Cabebe (hereinafter referred to as "Anabel Cabebe" or "Cabebe") assists Williams and coordinates his MEI and CLOA business with his Hawaii clients. Cabebe answers client inquiries, sets up informational seminars on the mortgage reduction program, and collects mortgage payments which are often then mailed to Williams on the Mainland when he is off-island.

21. According to a recorded jail call between Williams and Cabebe between November 8, 2015 and December 4, 2015, while Williams was in custody, Williams and Cabebe spoke about the "situation" in Hawaii. Cabebe informed Williams the FBI was

talking to MEI clients and Williams instructed Cabebe to visit the clients to let them know everything was fine and it was business as usual.

22. On Cabebe's business card, provided by Cabebe to an undercover Honolulu Police Department Lieutenant, lists Cabebe as a Private Attorney General, and Notary Public for the State of Hawaii, with an address of [REDACTED] Democrat Street, Honolulu, Hawaii 96819. Cabebe also has her PAG title displayed on a magnet affixed to the side of one of her vehicles.

23. According to the confidential source, though Williams frequently works and resides upstairs at [REDACTED] Democrat Street when he is in Honolulu, when Williams or Cabebe are not present at the location, clients are instructed to leave mortgage payments or MEI-related documents at Cabebe's catering business, Mang Gorio's Lechon Catering, Inc., which is located on the southwest side of the first floor of [REDACTED] Democrat Street.

E. [REDACTED] Kaimu Loop

24. According to the confidential source, Cabebe owns and resides at [REDACTED] Kaimu Loop, Aiea, Hawaii 96701. Cabebe has on multiple occasions had MEI clients come to this location to hand deliver their mortgage payment check directly to Cabebe.

25. According to State of Hawaii tax records, the owner of this property, TMK [REDACTED], is Anabel G Cabebe.

26. According to Extraco Bank documents, in November 2013 Williams listed "[REDACTED] Kaamilo Loop, 96701" as his "residence address." A geographical database search of that exact address comes up negative but offers "[REDACTED] Kaimu Loop, Aiea, Hawaii 96701" as the only relevant alternative. In addition, [REDACTED] Kaimu Loop is at the corner of Kaimu Loop and Kaamilo Street.

III. The Mortgage Reduction Program

A. Background

27. On or about February 23, 2015, I received a call from a DFI Criminal Investigator who reported to the FBI a number of complaints they had received recently from distressed homeowners. The complainants reported of a mortgage reduction program they had signed up for and paid money toward, only to subsequently have their property foreclosed on. The complainants were Filipinos who spoke broken English and who were reticent to come forward.

28. In or around March 2015, I received a call from an attorney within DCCA's Office of Consumer Protection (OCP) who referred me to depositions he had recently completed in a bankruptcy proceeding assigned to him. One of the debtors in the proceeding, Henry Malinay (hereinafter referred to as "Malinay"), Williams' recruited to be a referral agent for his mortgage reduction program because of Malinay's extensive network from a previous job he held, which Malinay states in the

deposition. According to this February 25, 2015 deposition, Malinay would refer clients, receive checks and give them to MEI, CLOA, or Williams. In return, he would receive referral bonuses from Williams and Williams would waive the client fees for the mortgage reduction program, which Malinay was signed up for. Malinay also reports that he would drop off client checks with Cabebe at [REDACTED] Democrat Street.

B. The Fraudulent Scheme

29. Based on the below-described fraudulent scheme, I believe there is probable cause to believe that kept and concealed within the SUBJECT PREMISES is evidence, fruits and instrumentalities of violations of federal law, including Title 18 U.S.C. 1343 (Wire Fraud), 18 U.S.C. 1341 (Mail Fraud), 18 U.S.C. 1344 (Bank Fraud), and 18 U.S.C. 1956, 1957 (Money Laundering) (collectively, the "Subject Offenses").

30. Anthony Williams, together with others, did knowingly and willfully conspire to execute a scheme and artifice to defraud and with the intent to defraud homeowners by making materially false and fraudulent representations thereby creating false impressions that CLOA and MEI are licensed businesses and that were authorized to legitimately provide the mortgage services they represented to clients. When in truth and fact, neither Williams nor his co-conspirators have the ability to

execute a mortgage reduction program legitimately and successfully. This is confirmed by multiple witnesses.

A. The Introduction

31. Witnesses have reported they heard about the mortgage reduction program primarily when referred by friends or family members. Some witnesses report that MEI employs recruiters, to include but not limited to Malinay, who would hold meetings at residences to deliver the pitch and provide the proper sign-up documentation if the attendees decided to join at the meeting. If the attendees chose to do so, Malinay would give them the necessary documents and charge them an initial sign-up fee. Other witnesses report being referred to informational sessions Cabebe would arrange, at which Williams would speak. Here to, if attendees decided to join the program they would be provided paperwork, sometimes notarized on-site by Cabebe, a certified notary, and pay an initial sign-up fee. Documents comprising the initial application packet include, but are not limited to, a Homeowner Service Guarantee Agreement and a Short Form Power of Attorney.

b. Mortgage Reassignment

32. Once a client of MEI, Williams would instruct clients to cease all payments to their mortgage lender and begin making all future mortgage payments to MEI. CLOA prepares the mortgage paperwork, files it with the State of Hawaii Bureau of

Conveyances (BOC), and instructs the BOC to mail the BOC-recorded copy to MEI at [REDACTED], Killeen, Texas 76540 as MEI is alleged to be the new mortgage holder. Williams advises clients if they receive any communication from their mortgage lender, notifying them of delinquency of loan payments, to refer their lender to CLOA and their legal representative, Williams. When this occurs, CLOA sends a letter to the lender and informs them that they are prohibited from contacting CLOA's client and that the lender will be fined \$1,000 for every contact moving forward.

c. Clients of MEI

33. On November 23, 2015, W.R., a client of MEI, told the FBI he signed up for the mortgage reduction program in 2013 at [REDACTED] Democrat Street. W.R. waited in a line of approximately thirty (30) people, for a "mass sign-up" Williams and Cabebe were hosting. When it was W.R.'s turn, Cabebe had him sign a logbook and pay a \$150 cash fee before sending him inside to meet with Williams. W.R. met with Williams alone inside the office where Williams delivered his pitch for the mortgage reduction program for approximately 10-15 minutes. Williams was very quick with his words, smooth, a good speaker, and sounded educated—especially when speaking about the law and the Government. Williams represented himself as an attorney and stated he knew the law book inside-out. Overall, the pitch

sounded good so W.R. signed up for the program. So far, my investigation has discovered two (2) checks W.R. has paid to MEI that were deposited into an Extraco Bank checking account ending in 678 that is held by MEI, with Williams and Barbara as signatories.

34. On November 19, 2015, D.A., a client of MEI, told the FBI she was referred to Malinay by a friend. D.A. met with Malinay and explained how the mortgage reduction program would work for them. During that same meeting, the program application paperwork and paid Malinay \$800 application fee, \$50 cash to Cabebe for a notary fee, and \$30 check to BOC. Malinay told D.A. to stop paying her current mortgage. D.A. and her husband went to [REDACTED] Democrat Street to meet Williams and sign more paperwork—D.A. knew Williams as the head of MEI. There were approximately 50 other people at [REDACTED] Democrat Street to meet with Williams. My investigation has currently discovered one (1) of D.A.'s checks deposited into an Extraco Bank checking account ending in 678 that is held by MEI, with Williams and Barbara as signatories.

35. A confidential source, a client of MEI, told the FBI that her friend referred her to Malinay who explained that their program was 100% refundable and would reduce the source's mortgage by half. The source paid a sign-up fee of approximately \$3,000, and two processing fees of \$1,500 and \$500. The last

mortgage payment the source made to MEI was in October 2015 when I observed the confidential source visit Cabebe at her residence at [REDACTED] Kaimu Loop to drop off the mortgage payment. I was located outside the property in a vehicle and observed the confidential source enter the house with Cabebe to deliver the check. Recordings of the conversation have Cabebe inform the source that Cabebe was waiting for a few more checks to be turned in to her that day before over-nighting them to Williams in Florida, per Williams' request. Bank statements of the source's checking account show the funds were withdrawn the following week.

36. On November 19, 2015, M.V., a client of MEI, told the FBI his sister-in-law introduced him to Malinay where Malinay told M.V. he was working with Williams and would be able to cut M.V.'s mortgage in half through their mortgage reduction program. M.V. filled out some paperwork and paid Malinay a \$900 enrollment fee to sign up for the program. Malinay told M.V. to cease all mortgage payments, which were currently over \$2,000 a month, to his current lender and to begin sending payments, now only \$900 through the program, to MEI. When M.V. began the program, he was not delinquent on his original loan nor was his property in foreclosure. My investigation has discovered eleven (11) of M.V.'s checks, all having been deposited into an Extraco

Bank checking account ending in 678 that is held by MEI, with Williams and Barbara as signatories.

37. On November 23, 2015, the confidential source informed me that Williams, when in Hawaii, resides and conducts MEI business out of the second floor of [REDACTED] Democrat Street and occasionally stays in a bedroom provided by Cabebe at [REDACTED] Kaimu Loop.

PROBABLE CAUSE REGARDING EVIDENCE LOCATED AT SUBJECT PREMISES

38. Based on my knowledge, training, and experience, I have knowledge of common business practices. In particular, I am aware that businesses routinely document and maintain records of their operating accounts - both in hard copy and electronically - including the receipt, expenditure and accounting of business funds. Businesses also maintain detailed records of their business activities, including records regarding clients, lenders and associates. I know these records are kept in both electronic and paper formats and are typically maintained in perpetuity as business owners desire to be able to retrieve records if needed or requested by clients, business associates, banks, and the government, to include regulatory agencies and tax collection agencies.

39. Based on my knowledge, training, and experience, businesses typically retain financial records such as documents

relating to bank accounts, including check books, money market accounts, checking accounts, investment accounts, stock fund accounts, 401k funds, mutual funds, retirement funds, bonds, including deposits and disbursements, cancelled checks or draft electronic transfers, ledgers, credit cards, ATM, and debit card accounts.

40. Based on my knowledge, training, and experience, businesses typically retain applications, contracts, agreements, logs, lists or papers affiliated with any professional services, referrals, or storage, including records of payment.

41. Based on my knowledge, training, and experiences, businesses retain files on employees or clients, such as files listing any and all employee/client names, addresses, telephone numbers, and background information for all such individuals.

42. I know that companies who create, service, or modify mortgages use computers to conduct business. I have reviewed a recording between the confidential source and Williams at 1604 Democrat Street where Williams utilizes a computer at multiple points to further the MEI business meeting. I have also reviewed multiple e-mails sent and received by Williams and Barbara in connection with the above-described scheme. In addition, Williams has communicated via e-mail with Cabebe on at least one occasion.

43. Since approximately 2012, MEI associates and owner have represented that MEI and CLOA operates out of [REDACTED] Democrat Street, with [REDACTED] Kaimu Loop being an occasional meeting point when needed. Such representations have been made verbally to clients and publicly through business cards.

ELECTRONIC STORAGE AND FORENSIC ANALYSIS

44. As described above and in Attachment B, this application seeks permission to search for records that might be found at the SUBJECT PREMISES, in whatever form they are found. One form in which the records might be found is data stored on a computer's hard drive or other storage media. Thus, the warrant applied for would authorize the seizure of computers, digital devices, or electronic storage media or, potentially, the copying of electronically stored information, all under Rule 41(e)(2)(B).

I. Probable Cause

45. I submit that if a computer or storage medium is found at the SUBJECT PREMISES, there is probable cause to believe those records will be stored on that computer or storage medium, for at least the following reasons:

A. Based on my knowledge, training, and experience, I know that computer files or remnants of such files can be recovered months or even years after they have been downloaded onto a storage medium, deleted,

or viewed via the Internet. Electronic files downloaded to a storage medium can be stored for years at little or no cost. Even when files have been deleted, they can be recovered months or years later using forensic tools. This is so because when a person "deletes" a file on a computer, the data contained in the file does not actually disappear; rather, that data remains on the storage medium until it is overwritten by new data.

B. Therefore, deleted files, or remnants of deleted files, may reside in free space or slack space—that is, in space on the storage medium that is not currently being used by an active file—for long periods of time before they are overwritten. In addition, a computer's operating system may also keep a record of deleted data in a "swap" or "recovery" file.

C. Wholly apart from user-generated files, computer storage media—in particular, computers' internal hard drives—contain electronic evidence of how a computer has been used, what it has been used for, and who has used it. To give a few examples, this forensic evidence can take the form of operating

system configurations, artifacts from operating system or application operation, file system data structures, and virtual memory "swap" or paging files. Computer users typically do not erase or delete this evidence, because special software is typically required for that task. However, it is technically possible to delete this information.

D. Similarly, files that have been viewed via the Internet are sometimes automatically downloaded into a temporary Internet directory or "cache."

46. I know computers and computer technology have revolutionized the way in which individuals who commit financial crimes are able to launder money, manage multiple bank accounts and easily initiate wire transfers for large sums of money. Computers can connect to banking Web sites, where an account holder can monitor account activity, initiate the transfer of funds between accounts, make deposits, and make payments. Banks also have applications for smartphones, tablets, iPads, and other devices that allow the user to access bank accounts, and perform the same functions as accessing accounts using a computer and internet browser.

47. I know from my investigation that MEI clients' mortgage payments, when in check form, are frequently deposited

into accounts held by MEI through an "e-capture" deposit, likely through a smartphone application when the user opens the application, takes pictures of the front and back of the check, and then the bank's application processes the deposit request.

48. Business entities, such as MEI and CLOA, rely on computers to generate, modify, and transmit documents and communications. Those documents and communications are often stored on hard drives, or e-mail containers, or transmitted through Web sites over the internet.

49. I know from my investigation that Williams utilizes computers to further his MEI and CLOA business. In October and November 2015, FBI-Miami search warrants of laptops and e-mail accounts seized from Williams resulted in the discovery of hundreds of documents and e-mails relating to MEI and CLOA business to include but not limited to client contracts, spreadsheets of client information, legal representation letters, e-mail communications between associates, and MEI client paperwork.

50. In 2015, Williams sent Cabebe, along with others, an e-mail informing them of a new smartphone application, "Dingtone," that he utilizes and provided them his account number so if/when they sign up, they can communicate with him through the application. "Dingtone" is a smartphone application that allows the user unlimited calls and text messages with a

random phone number assigned to the user, allowing the user to circumvent the use of their own phone number.

II. Forensic evidence

51. As further described in Attachment B, this application seeks permission to locate not only computer files that might serve as direct evidence of the crimes described on the warrant, but also for forensic electronic evidence that establishes how computers were used, the purpose of their use, who used them, and when. There is probable cause to believe that this forensic electronic evidence will be on any storage medium in the SUBJECT PREMISES because:

- A. Data on the storage medium can provide evidence of a file that was once on the storage medium but has since been deleted or edited, or of a deleted portion of a file (such as a paragraph that has been deleted from a word processing file). Virtual memory paging systems can leave traces of information on the storage medium that show what tasks and processes were recently active. Web browsers, e-mail programs, and chat programs store configuration information on the storage medium that can reveal information such as online nicknames and passwords. Operating systems can record additional information, such as the attachment of peripherals, the attachment of USB flash storage

devices or other external storage media, and the times the computer was in use. Computer file systems can record information about the dates files were created and the sequence in which they were created, although this information can later be falsified.

B. As explained herein, information stored within a computer and other electronic storage media may provide crucial evidence of the "who, what, why, when, where, and how" of the criminal conduct under investigation, thus enabling the United States to establish and prove each element or alternatively, to exclude the innocent from further suspicion. In my training and experience, information stored within a computer or storage media (e.g., registry information, communications, images and movies, transactional information, records of session times and durations, internet history, and anti-virus, spyware, and malware detection programs) can indicate who has used or controlled the computer or storage media. This "user attribution" evidence is analogous to the search for "indicia of occupancy" while executing a search warrant at a residence. The existence or absence of anti-virus, spyware, and malware detection programs

may indicate whether the computer was remotely accessed, thus inculcating or exculpating the computer owner. Further, computer and storage media activity can indicate how and when the computer or storage media was accessed or used. For example, as described herein, computers typically contain information that log: computer user account session times and durations, computer activity associated with user accounts, electronic storage media that connected with the computer, and the IP addresses through which the computer accessed networks and the internet. Such information allows investigators to understand the chronological context of computer or electronic storage media access, use, and events relating to the crime under investigation. Additionally, some information stored within a computer or electronic storage media may provide crucial evidence relating to the physical location of other evidence and the suspect. For example, images stored on a computer may both show a particular location and have geolocation information incorporated into its file data. Such file data typically also contains information indicating when the file or image was created. The existence of such image files, along with external

device connection logs, may also indicate the presence of additional electronic storage media (e.g., a digital camera or cellular phone with an incorporated camera). The geographic and timeline information described herein may either inculcate or exculpate the computer user. Last, information stored within a computer may provide relevant insight into the computer user's state of mind as it relates to the offense under investigation. For example, information within the computer may indicate the owner's motive and intent to commit a crime (e.g., internet searches indicating criminal planning), or consciousness of guilt (e.g., running a "wiping" program to destroy evidence on the computer or password protecting/encrypting such evidence in an effort to conceal it from law enforcement).

C. A person with appropriate familiarity with how a computer works can, after examining this forensic evidence in its proper context, draw conclusions about how computers were used, the purpose of their use, who used them, and when.

D. The process of identifying the exact files, blocks, registry entries, logs, or other forms of forensic

evidence on a storage medium that are necessary to draw an accurate conclusion is a dynamic process.

While it is possible to specify in advance the records to be sought, computer evidence is not always data that can be merely reviewed by a review team and passed along to investigators. Whether data stored on a computer is evidence may depend on other information stored on the computer and the application of knowledge about how a computer behaves. Therefore, contextual information necessary to understand other evidence also falls within the scope of the warrant.

E. Further, in finding evidence of how a computer was used, the purpose of its use, who used it, and when, sometimes it is necessary to establish that a particular thing is not present on a storage medium. For example, the presence or absence of counter-forensic programs or anti-virus programs (and associated data) may be relevant to establishing the user's intent.

III. Necessity of seizing or copying entire computers or storage media

52. In most cases, a thorough search of a premises for information that might be stored on computers, digital devices,

or electronic storage media often requires the seizure of the physical storage media and later off-site review consistent with the warrant. In lieu of removing physical storage media from the premises, it is sometimes possible to make an image copy of computers, digital devices, or electronic storage media. Generally speaking, imaging is the taking of a complete electronic picture of the computer's data, including all hidden sectors and deleted files. Either seizure or imaging is often necessary to ensure the accuracy and completeness of data recorded on the computers, digital devices, or electronic storage media, and to prevent the loss of the data either from accidental or intentional destruction. This is true because of the following:

- A. The time required for an examination. As noted above, not all evidence takes the form of documents and files that can be easily viewed on site. Analyzing evidence of how a computer has been used, what it has been used for, and who has used it requires considerable time, and taking that much time on premises could be unreasonable. As explained above, because the warrant calls for forensic electronic evidence, it is exceedingly likely that it will be necessary to thoroughly examine storage

media to obtain evidence. Computers, digital devices, or electronic Storage media can store a large volume of information. Reviewing that information for things described in the warrant can take weeks or months, depending on the volume of data stored, and would be impractical and invasive to attempt on-site.

B. Technical requirements. Computers can be configured in several different ways, featuring a variety of different operating systems, application software, and configurations. Therefore, searching them sometimes requires tools or knowledge that might not be present on the search site. The vast array of computer hardware and software available makes it difficult to know before a search what tools or knowledge will be required to analyze the system and its data at the SUBJECT PREMISES. However, taking the storage media off-site and reviewing it in a controlled environment will allow its examination with the proper tools and knowledge.

C. Variety of forms of computers, digital devices, or electronic storage media. Records sought under this warrant could be stored in a variety of storage

media formats that may require off-site reviewing with specialized forensic tools.

IV. Nature of Examination

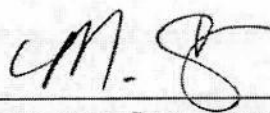
53. Based on the foregoing, and consistent with Rule 41(e)(2)(B), the warrant I am applying for would permit seizing, imaging, or otherwise copying storage media that reasonably appear to contain some or all of the evidence described in the warrant, and would authorize a later review of the media or information consistent with the warrant. The later review may require techniques, including but not limited to computer-assisted scans of the entire medium, that might expose many parts of a hard drive to human inspection in order to determine whether it is evidence described by the warrant.

REQUEST FOR SEALING

54. Since this investigation is continuing, disclosure of the search warrant, affidavit and application will jeopardize the progress of the investigation. Accordingly, I request that the Court issue an order that the search warrant, this affidavit in support of application for search warrant and the application for search warrant be filed under seal until further order of this Court.

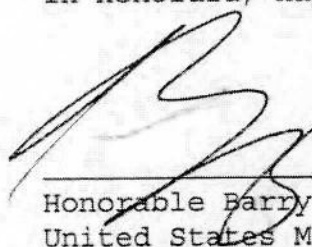
CONCLUSION

55. For the reasons described above, I respectfully submit there is probable cause to believe that evidence, fruits, and instrumentalities of the Subject Offenses will be found at the SUBJECT PREMISES and on computers, digital devices, or electronic storage media located at the SUBJECT PREMISES.



Megan Crawley, Special Agent
Federal Bureau of Investigation

Subscribed to and Sworn before me
this 14 th day of December, 2015
in Honolulu, Hawaii



Honorable Barry M. Kurren
United States Magistrate Judge