



Received
DEC 2007

COMMONWEALTH of VIRGINIA

Office of the Attorney General

Robert F. McDonnell
Attorney General

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Richmond, Virginia 23219
804-786-2071
FAX 804-786-1991
Virginia Relay Services
800-828-1120
7-1-1

December 17, 2007

The Honorable Bruce F. Jamerson, Clerk
House of Delegates
P.O. Box 406
Richmond, Virginia 23218

RE: Virginia Code § 19.2-70

Dear Mr. Jamerson:

Enclosed please find a report of wiretapping activity for 2007 under Virginia Code § 19.2-70. If you need any further information, please contact me at 804-786-9531.

Thank you for your cooperation and assistance in this matter.

Very truly yours,

A handwritten signature in black ink, appearing to read "J. Robert Bryden, II".

J. Robert Bryden, II
Assistant Attorney General
Criminal Litigation Section

Enclosures

Report Prepared By
J. Robert Bryden, II

Telephone No. (Area Code)
(804) 786-9531

1. COURT AUTHORIZING OR DENYING THE INTERCEPT

Name of Judge
James A. Cales, Jr.

Mailing Address
P.O. Box 1217, 601 Crawford Street

County & Court
Circuit Court for the City of Portsmouth

City or Town
Portsmouth

State
VA

Zip Code
23705-1217

2A. SOURCE—OFFICIAL MAKING APPLICATION

Name
William C. Mims

Title
Chief Deputy Attorney General

Telephone No. (Area Code)
(804) 786-2071

County & Agency Name
Office of the Attorney General

Mailing Address
900 E. Main St., Richmond, VA 23219

2B. SOURCE—PROSECUTION OFFICIAL AUTHORIZING APPLICATION—SHOW "SAME" IF SAME AS 2A

Name
Earle C. Mobley

Title: Portsmouth Commonwealth's Attorney
Attorney

Telephone No. (Area Code)
(757) 393-8581

County & Agency Name
Portsmouth Comm. Attorney Office

Telephone No. (Area Code)
757-393-8581

Mailing Address
430 Crawford Street, Portsmouth, Virginia 23704

Zip Code
23704

3. COUNTY CODE (Leave blank)

4. OFFENSE (MOST SERIOUS)
Conspiracy to Distribute Cocaine

5. TYPE OF ORDER
 Ordinary Specification Order
 Relaxed Specification Order. (If this box is checked, also check "Roving" under Item 8.)

6. DURATION OF INTERCEPT

ORDER OR EXTENSION	NUMBER OF DAYS	DATE OF APPLICATION	CHECK ONE		GRANTED WITH THESE CHANGES	DATE ORDER DENIED OR GRANTED
			DENIED	GRANTED		
ORIGINAL REQUEST	30	11/9/06		√		11/10/06
Extensions	1 st					
	2 nd					
	3 rd					
Total Days Authorized	30					
Total No. of Extensions	0					

7. TYPE OF INTERCEPT

Phone Wiretap
 Microphone/Eavesdrop
 Electronic Communication (Specify below)
 digital Display Pager
 Other (Specify) _____

8. PLACE

Single Family Dwelling-e.g. detached home, semi-detached, townhouse, rowhouse, duplex.
 Apartment-e.g. garden style, low rise, high rise, self-contained private room or apartment within a house, condominium.
 Multiple Dwelling-e.g. boarding house with common telephones, dormitory.
 Business (Specify Type) _____ e.g. store, restaurant, motel business, coffee shop.
 Roving-authorized by relaxed specification order.
 Other (Specify) wireless communications (cell phones) e.g. trailer, mobile home, boat, automobile, pay phone, motel room, social club.

9. INSTALLATION

NEVER INSTALLED (Skip Items 10 through 12)
 INSTALLED BUT NOT USED (Fill in Item 11 only)
 INSTALLED AND USED (Complete form.)

10. DESCRIPTION OF INTERCEPTS

10A. Termination Date of Interception	10B. Number of Days in Actual Use	10C. Aver. Frequency of Intercept (Per Day) 10E + 10B	10D. Number of Persons Whose Communications Were Intercepted	10E. Number of Communications Intercepted	10F. Number of Incriminating Communications Intercepted
12/8/06	26	96	47	2509	95

11. COST

Check, A, B, or C { A. Costs shown here are for this wiretap only.
 B. Costs shown here are for this wiretap plus Docket Number(s) _____
 C. Costs for this wiretap are included in total shown on Docket Number _____

D. Nature and Quantity of Personnel Used to install and monitor
21 Virginia State Police officers (1 installer, 12 monitors, 8 surveillance)

Personnel Cost
\$77,185.09

Total Cost (Round to nearest dollar)
\$103,995

E. Nature and Other Resources (Cost of installation, supplies, etc.)
Pen registers, travel expenses, hotel/meals

Personnel Cost
\$26,809.53

12. RESULTS Check here if case is pending and no Results to report.

12A. Number of Persons Arrested	Arrest Offenses	12B. Specify Numbers of Motions to Suppress		
		Granted	Denied	Pending
1 (2006)	Conspiracy to distribute cocaine	0	1	0
12C. No. of Persons Convicted	Conviction Offenses	12D. Number of Trials Completed		
1 (2007)	Conspiracy to distribute cocaine	1		

13. COMMENTS AND ASSESSMENT

Give an assessment of the importance of the interceptions in obtaining convictions. Use the back of the form if necessary. List the application number(s) of any related wiretaps (if applicable). Do NOT include the names, addresses or phone numbers of any individuals or places involved in the communication intercept.

This form reflects one of two wireless numbers that were intercepted pursuant to the same investigation. W-07-2 reflects the other wireless number pursuant to this investigation. Collectively, the two intercepts resulted in the arrest and subsequent conviction of two persons. Each form separately details the arrest offenses, conviction offenses and trial information for the two individuals.

Signature of ~~Authorizing~~ Prosecutor

J. Robert Boyd

Date of Report

12/17/07

Form 2 (Rev. 11/92)		REPORT OF APPLICATION AND/OR ORDER AUTHORIZING INTERCEPTION OF COMMUNICATION		Application Number (Optional) W-07-2	Docket No.		
Report Prepared By J. Robert Bryden, II			Telephone No. (Area Code) (804) 786-9531				
1. COURT AUTHORIZING OR DENYING THE INTERCEPT							
Name of Judge James A. Cales, Jr.			Mailing Address P.O. Box 1217, 601 Crawford Street				
County & Court Circuit Court for the City of Portsmouth			City or Town Portsmouth	State VA	Zip Code 23705-1217		
2A. SOURCE—OFFICIAL MAKING APPLICATION							
Name William C. Mims			Title Chief Deputy Attorney General		Telephone No. (Area Code) (804) 786-2071		
County & Agency Name Office of the Attorney General			Mailing Address 900 E. Main St., Richmond, VA 23219				
2B. SOURCE—PROSECUTION OFFICIAL AUTHORIZING APPLICATION—SHOW "SAME" IF SAME AS 2A							
Name Earle C. Mobley			Title: Portsmouth Commonwealth's Attorney		Telephone No. (Area Code) (757) 393-8581		
County & Agency Name Portsmouth Comm. Attorney Office			Telephone No. (Area Code) 757-393-8581	Mailing Address 430 Crawford Street, Portsmouth, Virginia 23704			
3. COUNTY CODE		4. OFFENSE (MOST SERIOUS)		5. TYPE OF ORDER			
(Leave blank)		Conspiracy to Distribute Cocaine		<input checked="" type="checkbox"/> Ordinary Specification Order <input type="checkbox"/> Relaxed Specification Order. (If this box is checked, also check "Roving" under Item 8.)			
6. DURATION OF INTERCEPT							
ORDER OR EXTENSION	NUMBER OF DAYS	DATE OF APPLICATION	CHECK ONE		DATE ORDER DENIED OR GRANTED		
			DENIED	GRANTED			
ORIGINAL REQUEST	30	11/9/06		√	11/10/06		
Extensions	1 st						
	2 nd						
	3 rd						
Total Days Auth- orized	30						
Total No. of Extensions	0						
7. TYPE OF INTERCEPT		8. PLACE		9. INSTALLATION			
<input checked="" type="checkbox"/> Phone Wiretap <input type="checkbox"/> Microphone/Eavesdrop <input type="checkbox"/> Electronic Communication (Specify below) <input type="checkbox"/> digital Display Pager <input type="checkbox"/> Other (Specify) _____		<input type="checkbox"/> Single Family Dwelling-e.g. detached home, semi-detached, townhouse, rowhouse, duplex. <input type="checkbox"/> Apartment-e.g. garden style, low rise, high rise, self-contained private room or apartment within a house, condominium. <input type="checkbox"/> Multiple Swelling-e.g. boarding house with common telephones, dormitory. <input type="checkbox"/> Business (Specify Type) _____ e.g. store, restaurant, motel business, coffee shop. <input type="checkbox"/> Roving-authorized by relaxed specification order. <input checked="" type="checkbox"/> Other (Specify) <u>wireless communications (cell phones)</u> e.g. trailer, mobile home, boat, automobile, pay phone, motel room, social club.		<input type="checkbox"/> NEVER INSTALLED (Skip Items 10 through 12) <input type="checkbox"/> INSTALLED BUT NOT USED (Fill in Item 11 only) <input checked="" type="checkbox"/> INSTALLED AND USED (Complete form.)			
10. DESCRIPTION OF INTERCEPTS							
10A. Termination Date of Interception	10B. Number of Days in Actual Use	10C. Aver. Frequency of Intercept (Per Day) 10E + 10B	10D. Number of Persons Whose Communi- cations Were Intercepted	10E. Number of Communications Intercepted	10F. Number of Incriminating Communications Intercepted		
12/8/06	26	See Form W- 07-1	See Form W-07- 1	See Form W- 07-1	See Form W-07-1		
11. COST							
Check, A, B, or C { <input checked="" type="checkbox"/> A. Costs shown here are for this wiretap only. <input type="checkbox"/> B. Costs shown here are for this wiretap plus Docket Number(s) _____ <input type="checkbox"/> C. Costs for this wiretap are included in total shown on Docket Number _____							
D. Nature and Quantity of Personnel Used to install and monitor See Form W-07-1			Personnel Cost See Form W- 07-1	Total Cost (Round to nearest dollar) See Form W-07- 1			
E. Nature and Other Resources (Cost of installation, supplies, etc.) See Form W-07-1			Personnel Cost See Form W- 07-1				
12. RESULTS <input type="checkbox"/> Check here if case is pending and no Results to report.							
12A. Number of Persons Arrested	Arrest Offenses				12B. Specify Numbers of Motions to Suppress		
					Granted	Denied	Pending
1 (2006)	Conspiracy to distribute cocaine				0	1	0
12C. No. of Persons Convicted	Conviction Offenses				12D. Number of Trials Completed		
1 (2007)	Conspiracy to distribute more than fifty grams of crack cocaine				1		
13. COMMENTS AND ASSESSMENT							

Give an assessment of the importance of the interceptions in obtaining convictions. Use the back of the form if necessary. List the application number(s) of any related wiretaps (if applicable). Do NOT include the names, addresses or phone numbers of any individuals or places involved in the communication intercept.

Although the individual pursuant to this form was arrested on state charges, he was eventually convicted of conspiracy to distribute more than fifty grams of crack cocaine in federal court. Pursuant to a disclosure order, evidence obtained from the state wiretap investigation was given to federal authorities and used for his conviction.

Signature of ~~Authorizing Prosecutor~~

J. Robert Boyd

Date of Report

12/17/07