

SLT:EDP
F.#:2014R01473

15M919

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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IN THE MATTER OF AN APPLICATION
FOR A SEARCH WARRANT FOR:
THE PERSON KNOWN AND DESCRIBED AS
RYAN QUASHIE

AFFIDAVIT IN SUPPORT
OF AN APPLICATION FOR
A SEARCH WARRANT

(Fed. R. Crim. P. 41)

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EASTERN DISTRICT OF NEW YORK, SS:

ELISABETH WHEELER, being duly sworn, deposes and states that he is a Special Agent with the Federal Bureau of Investigation ("FBI"), duly appointed according to law and acting as such.

Upon information and belief, there is probable cause to believe that on the person of RYAN QUASHIE ("the SUBJECT PERSON"), there are samples of deoxyribonucleic acid ("DNA"), which constitute evidence of a violation of Title 18, United States Code, Sections 2113(a) and (d).¹

¹ Some of the courts that have addressed the issue have found that obtaining DNA via saliva is subject to the protections of the Fourth Amendment. See United States v. Nicolosi, 885 F. Supp. 50, 51-56 (E.D.N.Y. 1995) (Glasser, J.); In re Shabazz, 200 F. Supp. 2d 578, 581-85 (D.S.C. 2002). But see United States v. Owens, No. 06-CR-72A, 2006 WL 3725547, at *6-17 (W.D.N.Y. Dec. 15, 2006) (finding probable cause not necessary for a saliva sample for DNA from an inmate); In re Vickers, 38 F. Supp. 2d 159, 165-68 (D.N.H. 1998) (permitting saliva sample by grand jury subpoena).

The source of your deponent's information and grounds for his belief are as follows:²

1. I have been a Special Agent with the FBI for approximately three and a half years. The facts set forth in this affidavit are based upon my own investigation of the facts and upon what I have learned from other law enforcement individuals who have assisted with the investigation.

2. On or about July 10, 2009, three men robbed Apartment 12C at 44-27 Purves Street in Queens, New York. The three men, who were dressed in police clothing and brandished firearms, tied up the occupants and stole money from the apartment. During the course of the robbery, one of the robbers dropped a mobile telephone ("the SUBJECT EVIDENCE").

3. The Department of Forensic Biology of the New York City Office of the Chief Medical Examiner ("OCME") received the SUBJECT EVIDENCE and a DNA analyst analyzed the SUBJECT EVIDENCE for DNA. OCME recovered usable DNA material from the SUBJECT EVIDENCE and that information was placed in a database for a search.

4. In 2014, the OCME matched the DNA recovered from the SUBJECT EVIDENCE to the DNA of the SUBJECT PERSON (see

² Because the purpose of this affidavit is to set forth only those facts necessary to establish probable cause to search, I have not set forth all of the facts and circumstances relevant to this investigation.

Exhibit A).³ The SUBJECT PERSON's DNA was obtained during a previous arrest. OCME advises the government that it requires a buccal swab sample or blood sample retrieved from the SUBJECT PERSON directly in order to perform additional analysis of the SUBJECT EVIDENCE, including a comparison of whether QUASHIE is the donor of the DNA material found on the SUBJECT EVIDENCE, so that relevant experts from OCME may give trial testimony.

5. Based on the above information, there is probable cause to believe that the SUBJECT PERSON is the source of DNA evidence found on the SUBJECT EVIDENCE. Therefore, there is probable cause to believe that a buccal swab sample or a sample of his blood constitutes evidence of the SUBJECT PERSON's commission of the charged crime.

WHEREFORE, your deponent requests that a search warrant be issued authorizing Special Agents of the FBI and other appropriate law enforcement and support personnel to seize and obtain from the SUBJECT PERSON a buccal swab sample or sample of his blood. An appropriately trained law enforcement officer, or an appropriately trained designee, will perform the cheek swabbing. The DNA samples sought herein will be collected by buccal swabbing. This method involves taking a sterile swab (similar to a Q-Tip) and gently scrubbing the inside right

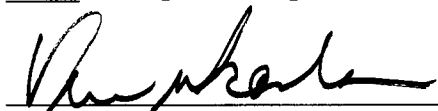
³ The document contained in Exhibit A was provided to Defense Counsel as discovery on January 30, 2015. The complainant's name has been redacted from this document.

cheek, then the inside left cheek, for approximately five to ten seconds. Two samples are requested in the event that one of the samples becomes contaminated or otherwise cannot be tested. The samples seized will be subsequently submitted to a forensic laboratory for examination and will be subject to examination, testing and analysis. A blood sample will only be sought in the event that the SUBJECT PERSON refuses to submit to a buccal cheek swab. In the event that a blood sample is taken, a licensed doctor or nurse or other qualified medical practitioner will take the sample.



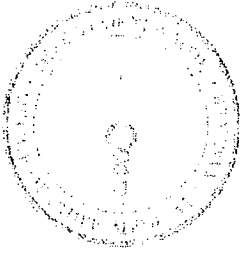
ELISABETH WHEELER
Special Agent
Federal Bureau of Investigation

Sworn to before me this
25th day of September, 2015



THE HONORABLE VERA M. SCANLON
UNITED STATES MAGISTRATE JUDGE
EASTERN DISTRICT OF NEW YORK

Exhibit A



OFFICE OF CHIEF MEDICAL EXAMINER
520 First Avenue, New York, New York 10016



DEPARTMENT OF FORENSIC BIOLOGY
421 East 26th Street, New York, New York 10016
Telephone: 212.323.1200 Fax: 212.323.1590
Email: dnalab@ocme.nyc.gov
Official Website: <http://www.nyc.gov/ocme>

DATE: February 26, 2014

LABORATORY REPORT

SUSPECT: Ryan Quashie
ARREST NO: Q14605912

NYSID NO: 03027832Q

LAB NO: FBS14-00130

REPORT ID: CRT-0214-0378

RESULTS AND CONCLUSIONS:

PCR DNA typing using the AmpF/STR® Identifier® PCR Amplification Kit was done on the cup submitted for Ryan Quashie. A DNA profile was determined.

This DNA profile was compared to the results in the following case:

FB Number
FB09-04197

Complaint Number
2009-108-04335

Complainants
[REDACTED]

Report Date
August 13, 2009

The results are the same as those of **Male Donor A**. Therefore, based on the random match probability for unrelated individuals, the DNA donor to the cup submitted for Ryan Quashie is the source of the DNA found on the sample listed below.

- swab of "Sanyo Sprint cell phone"

The DNA profile of the DNA donor to the cup submitted for Ryan Quashie does not match any other PCR (STR) DNA profiles in the local OCME database to date.

Further analysis could be done upon submission of a buccal swab from the suspect.

The DNA profile above is suitable for entry into the OCME local DNA databank.

Note: This report has an associated Forensic Biology case file.

FBS14-00130

Ryan Quashie

EVIDENCE RECEIVED:

ITEM	VOUCHER	DATE RECEIVED	DESCRIPTION
1	4000202007	01/31/2014	cup submitted for Ryan Quashie*

DISPOSITION:

The following items will be retained in the laboratory:

DNA extracts from samples and controls tested

* The sample collected from this item was consumed

The remainder of the evidence will be returned to the OCME Evidence Unit.

Analyst : Melissa Huyck
(Criminalist, Level III)
Administrative Review Date : 02/26/2014
Administrative Reviewer : Nahin Jalil

AO 93 (Rev. 12/09) Search and Seizure Warrant

UNITED STATES DISTRICT COURT

for the Eastern District of New York

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

THE PERSON KNOWN AND DESCRIBED AS RYAN QUASHIE

) Case No.)))))

150919

SEARCH AND SEIZURE WARRANT

To: Any authorized law enforcement officer

An application by a federal law enforcement officer or an attorney for the government requests the search of the following person or property located in the Eastern District of New York (identify the person or describe the property to be searched and give its location):

THE PERSON KNOWN AND DESCRIBED AS RYAN QUASHIE

The person or property to be searched, described above, is believed to conceal (identify the person or describe the property to be seized):

SAMPLES OF DNA, AS SET FORTH MORE FULLY IN ATTACHMENT A

I find that the affidavit(s), or any recorded testimony, establish probable cause to search and seize the person or property.

YOU ARE COMMANDED to execute this warrant on or before October 8, 2015 (not to exceed 14 days)

[x] in the daytime 6:00 a.m. to 10 p.m. [] at any time in the day or night as I find reasonable cause has been established.

Unless delayed notice is authorized below, you must give a copy of the warrant and a receipt for the property taken to the person from whom, or from whose premises, the property was taken, or leave the copy and receipt at the place where the property was taken.

The officer executing this warrant, or an officer present during the execution of the warrant, must prepare an inventory as required by law and promptly return this warrant and inventory to United States Magistrate Judge DUTY MAGISTRATE (name)

[] I find that immediate notification may have an adverse result listed in 18 U.S.C. § 2705 (except for delay of trial), and authorize the officer executing this warrant to delay notice to the person who, or whose property, will be searched or seized (check the appropriate box) [] for days (not to exceed 30). [] until, the facts justifying, the later specific date of

Date and time issued: 9/25/15 2:25 PM Judge's signature

City and state: BROOKLYN, NEW YORK THE HONORABLE VERA M. SCANLON, U.S.M.J. Printed name and title

AO 93 (Rev. 12/09) Search and Seizure Warrant (Page 2)

Return

Case No.:	Date and time warrant executed:	Copy of warrant and inventory left with:
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Inventory made in the presence of:

Inventory of the property taken and name of any person(s) seized:

Certification

I declare under penalty of perjury that this inventory is correct and was returned along with the original warrant to the designated judge.

Date: _____

Executing officer's signature

Printed name and title

Attachment A

The person known and described as RYAN QUASHIE (the "SUBJECT PERSON"), is believed to conceal DNA in the form of a buccal swab sample or sample of his blood. An appropriately trained law enforcement officer, or an appropriately trained designee, will perform the cheek swabbing. The DNA samples sought herein will be collected by buccal swabbing. This method involves taking a sterile swab (similar to a Q-Tip) and gently scrubbing the inside right cheek, then the inside left cheek, for approximately five to ten seconds. Two samples are requested in the event that one of the samples becomes contaminated or otherwise cannot be tested. The samples seized will be subsequently submitted to a forensic laboratory for examination and will be subject to examination, testing and analysis. A blood sample will only be sought in the event that the SUBJECT PERSON refuses to submit to a buccal cheek swab. In the event that a blood sample is taken, a licensed doctor or nurse or other qualified medical practitioner will take the sample.