

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION**

<b>UNITED STATES OF AMERICA</b>	)	
	)	
<b>v.</b>	)	<b>No. 3:05-00185</b>
	)	<b>Judge Trauger</b>
<b>TIMOTHY RYAN RICHARDS</b>	)	<b>EVIDENTIARY HEARING REQUESTED</b>

**MOTION TO SUPPRESS FRUITS OF SEIZURES AND  
SUBSEQUENT SEARCHES OF COMPUTER SERVERS**

COMES NOW the Defendant, **Timothy Ryan Richards**, by and through his undersigned counsel, and pursuant to Rule 12(b)(3) of the Federal Rules of Criminal Procedure, hereby moves the Court to suppress: (1) the fruits of the search and seizure of a computer server and/or hard drive(s) described in the authorizing Search Warrant as BlackSun, Server #4, Cabinet #200.02, 1200 West 7<sup>th</sup> Street, Los Angeles, California; (2) the fruits of the search and seizure of a computer server and/or hard drive(s) described in the authorizing Search Warrant as NEOVA.net, IP 64.71.165.114, Customer # CE-0470, Cabinet #341, Hurricane Electric, 760 Mission Court, Fremont, California; (3) all testimony of law enforcement agents relating to observations made by them while engaged in said seizures and subsequent searches; and, (4) any evidence that was the result of investigatory leads obtained as a result of said seizures and subsequent searches, specifically including the subsequent Search Warrants for Defendant Richards' residences.

The grounds for this Motion are more fully set forth in the accompanying Memorandum of Law. In further support of this Motion, the following are filed and annexed hereto as Exhibits:

1. **Exhibit A** - Search Warrant for BlackSun, 66.54.91.171, Server #4, Cabinet #200.02,

1200 West 7<sup>th</sup> Street, Los Angeles, California issued by Magistrate Judge Michael F. Urbanski of the United States District Court for the Western District of Virginia with supporting Affidavit prepared and executed by FBI SA Monique Winkis on September 12, 2005.

2. **Exhibit B** - Search Warrant for NEOVA.net, IP 64.71.165.114, Customer # CE-0470, Cabinet #341, Hurricane Electric, 760 Mission Court, Fremont, California issued by Magistrate Judge Michael F. Urbanski of the United States District Court for the Western District of Virginia with supporting Affidavit prepared and executed by FBI SA Monique Winkis on September 12, 2005.

3. **Exhibit C** - Search Warrant for Defendant Richards' residence located on Milner Drive, Nashville, Tennessee issued by United States Magistrate Judge E. Clifton Knowles with supporting Affidavit prepared and executed by FBI Task Force Officer Charles Warner on September 27, 2005.

4. **Exhibit D** - Search Warrant for Defendant Richards' residence located on Raywood Lane, Nashville, Tennessee issued by United States Magistrate Judge E. Clifton Knowles with supporting Affidavit prepared and executed by FBI Task Force Officer Charles Warner on September 27, 2005.

5. **Exhibit E** - FBI 302 prepared by SA Bernard Riedel, Jr., on September 17, 2005; and, "Consent to Search Computer(s)" form executed by BlackSun owner, Paul Kim, on September 13, 2005.

**WHEREFORE**, Defendant Richards respectfully requests that the fruits of the constitutionally impermissible seizures and searches of both the BalckSun and Hurricane Electric computer servers and/or hard drives be suppressed.

Respectfully submitted,

**HODDE & ASSOCIATES**

40 Music Square East  
Nashville, TN 37203  
(615) 242-4200

BY: s/ Kimberly S. Hodde  
KIMBERLY S. HODDE  
Attorney for Defendant Richards

**TUNE, ENTREKIN & WHITE, P.C.**

21st Floor, AmSouth Center  
Nashville, Tennessee 37238  
(615) 244-2770

BY: s/ Peter J. Strianse (by permission)  
PETER J. STRIANSE  
Attorney for Defendant Richards

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing has been sent via the Court's electronic filing system, *or*, if not registered, sent via U.S. Mail, postage prepaid, to:

S. Carran Daughtrey  
Assistant United States Attorney  
110 Ninth Avenue South  
Suite A961  
Nashville, TN 37203

this 19<sup>th</sup> day of May, 2006.

s/ Kimberly S. Hodde  
KIMBERLY S. HODDE