APPENDIX

APPENDIX A

UNITED STATES COURT OF APPEALS FOR THE SEVENTH CIRCUIT

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United States Courthouse
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FINAL JUDGMENT

July 6, 2026

Before

MICHAEL Y. SCUDDER, *Circuit Judge*
AMY J. ST. EVE, *Circuit Judge*
JOSHUA P. KOLAR, *Circuit Judge*

	UNITED STATES OF AMERICA, Plaintiff - Appellee

No. 25-1891	v. DANIEL SAMUEL ETA, Defendant - Appellant
Originating Case Information:	
District Court No: 1:18-cr-00818-1 Northern District of Illinois, Eastern Division District Judge John Robert Blakey	

The judgment of the District Court is AFFIRMED, in accordance with the decision of this court entered on this date.



Clerk of Court

APPENDIX B

In the

United States Court of Appeals

For the Seventh Circuit

No. 25-1981

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

v.

DANIEL SAMUEL ETA,

Defendant-Appellant.

Appeal from the United States District Court for the Northern District of Illinois, Eastern Division.
No. 18-CR-818-1 — **John Robert Blakey**, *Judge.*

ARGUED APRIL 8, 2026 — DECIDED JULY 6, 2026

Before SCUDDER, ST. EVE, and KOLAR, *Circuit Judges.*

ST. EVE, *Circuit Judge*. Daniel Eta was under investigation for leading a transnational cyber fraud scheme when he landed at Hartsfield-Jackson Atlanta International Airport on a flight from Nigeria. As he passed through customs, Customs and Border Protection ("CBP") officers manually searched his three cell phones and found evidence of criminal activity. Eventually, the government charged Eta with wire fraud, computer fraud, and passport fraud.

Eta moved to suppress the fruits of the border search, asserting law enforcement violated his Fourth Amendment rights by scrolling through his phones at the border. After holding an evidentiary hearing, the district court denied Eta's motion. Eta then conditionally pled guilty to one count of wire fraud, reserving the right, which he now exercises, to appeal the district court's order denying his motion to suppress. We affirm.

I. Background

Unless otherwise noted, we present the facts as the district court found them after holding an evidentiary hearing. The district court's factual findings, which Eta does not question, control unless clearly erroneous. *United States v. Devalois*, 128 F.4th 894, 898 (7th Cir. 2025).

Federal Bureau of Investigation ("FBI") Special Agent Andrew Innocenti was investigating transnational cyber fraud and money laundering schemes when, in May 2016, he conducted a postarrest interview of Samson Alimi. Alimi informed Special Agent Innocenti that he worked for Daniel Eta on various fraud schemes originating in Nigeria and targeting United States nationals. During the

interview, Special Agent Innocenti observed messages from Eta to Alimi containing directions concerning fraud proceeds, corroborating Alimi's allegation.

Over the following year, Special Agent Innocenti obtained information from a confidential source who, like Alimi, alleged that Eta was coordinating fraud schemes that originated in Nigeria. The source also informed Special Agent Innocenti that once Eta and his coconspirators laundered victims' funds, they sent those funds back to Nigeria through wire transfers or by purchasing vehicles and shipping them to Nigeria for sale.

Special Agent Innocenti sought to further corroborate the informants' accounts. For one thing, he obtained Eta's bank records, which revealed that Eta had over a million dollars moving in and out of his bank accounts, despite lacking any apparent legitimate source of income. This activity, in Special Agent Innocenti's training and experience, was consistent with his sources' claims. Special Agent Innocenti also testified that he obtained a pen register for Eta's Blackberry Messenger account, as both informants had indicated that Eta used this application to carry out his fraudulent operation. Though the district court did not make a finding on this issue, Special Agent Innocenti offered undisputed testimony—credible testimony, according to the district court—that Eta's Blackberry account had over 1,000 communications per day over a 37-day period. To Special Agent Innocenti, this activity corroborated the informants' descriptions of Eta's modus operandi. Moreover, Eta maintained frequent contact with a suspected (and ultimately indicted) coconspirator

whose bank records showed he received victim funds and then routed a portion of them to Eta.

In December 2017, Special Agent Innocenti learned that, in February, Eta would be returning to the United States from Nigeria. He requested that CBP manually search Eta's electronic devices when he arrived at the border.

CBP Officers Brian Coder and Carlos Carrasquillo managed the encounter with Eta that day, though Special Agent Innocenti and his partner, United States Postal Inspector Natalie Reda, were present for consultation and observation. Officer Carrasquillo interviewed Eta, who provided vague responses, seemed nervous, stammered, and carried seven pieces of checked luggage, all of which raised flags. Meanwhile, Officer Coder scrolled through Eta's three cell phones as Special Agent Innocenti and Postal Inspector Reda looked on, documenting notable evidence.

Having confirmed that the phones contained evidence of criminal activity, the agents asked the FBI Computer Analysis and Response Team to begin imaging—that is, extracting all data from—Eta's devices. The imaging process took longer than expected, though, so law enforcement decided to seize Eta's cell phones and seek a search warrant for the images. The record is unclear as to precisely how much time elapsed between commencing the manual search and deciding to seize the devices, as well as what portion of that time CBP spent searching Eta's devices. But Special Agent Innocenti's undisputed testimony is that searching Eta's devices, attempting to image them, and ultimately deciding to seize them

because imaging was taking too long consumed, all in, "several hours."

Two days later, the government obtained search warrants for Eta's phones, SIM cards, and the images extracted by the FBI. In May 2019, a federal grand jury returned a twenty-seven count indictment against Eta and his co-conspirators, charging wire fraud, computer fraud, and passport fraud. 18 U.S.C. §§ 1030(b), 1343, 1543.

Eta moved under the Fourth Amendment to suppress all evidence obtained from the warrantless manual search of his cell phones at the Atlanta airport. The district court held an evidentiary hearing at which Special Agent Innocenti, Postal Inspector Reda, Officer Carrasquillo, and Officer Coder testified credibly. The district court then denied Eta's motion, concluding that law enforcement properly manually searched Eta's phones without a warrant under the border search doctrine.

Following the district court's order, Eta pled guilty to one count of wire fraud, conditional on his right to appeal the district court's denial of his motion to suppress. After the district court sentenced him to 109 months' imprisonment, Eta timely appealed.

II. Discussion

Eta challenges the manual border search of his cell phones as a violation of the Fourth Amendment, a legal question we review de novo. *Devalois*, 128 F.4th at 898.

A. Border Search Exception

The Fourth Amendment enshrines "[t]he right of the people to be secure in their persons, houses, papers,

and effects, against unreasonable searches and seizures." "As the text makes clear, the ultimate touchstone of the Fourth Amendment is reasonableness." *Riley v. California*, 573 U.S. 373, 381 (2014) (citation modified). Typically, a search is reasonable only if preauthorized by a judicial warrant. *See id.* at 382. "But not always: The warrant requirement is subject to certain exceptions." *Case v. Montana*, 607 U.S. 107, 113–14 (2026) (quoting *Lange v. California*, 594 U.S. 295, 301 (2021)).

One such exception applies to searches conducted at our nation's borders.[1] The Supreme Court confirmed long ago that "searches made at the border, pursuant to the longstanding right of the sovereign to protect itself by stopping and examining persons and property crossing into this country, are reasonable simply by virtue of the fact that they occur at the border." *United States v. Ramsey*, 431 U.S. 606, 616 (1977).

This principle is older than the Fourth Amendment itself. Before the first Congress proposed what became the Bill of Rights, it authorized customs officials to search "any ship or vessel, in which they shall have reason to suspect any goods, wares or merchandise subject to duty shall be concealed." Act of July 31, 1789, c. 5, 1 Stat. 29. "Border searches, then, from before the adoption of the Fourth Amendment, have been considered to be 'reasonable' by the single fact that the

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[1]An international airport's customs area is "the functional equivalent of an international border for the purpose of inspecting persons and articles arriving on international flights." *United States v. Wanjiku*, 919 F.3d 472, 472, 480 (7th Cir. 2019); *see Almeida–Sanchez v. United States*, 413 U.S. 266, 272–73 (1973).

person or item in question had entered into our country from outside." *Ramsey*, 431 U.S. at 619.

That sweeping language reflects the "qualitatively different" balance of government and privacy interests at the border. *United States v. Montoya de Hernandez*, 473 U.S. 531, 538 (1985); *see Riley*, 573 U.S. at 385 ("Absent more precise guidance from the founding era, we generally determine whether to exempt a given type of search from the warrant requirement 'by assessing, on the one hand, the degree to which it intrudes upon an individual's privacy and, on the other, the degree to which it is needed for the promotion of legitimate governmental interests.'" (quoting *Wyoming v. Houghton*, 526 U.S. 295, 300 (1999))). On one side, "the United States, as sovereign, has the inherent authority to protect, and a paramount interest in protecting, its territorial integrity." *United States v. Flores-Montano*, 541 U.S. 149, 153 (2004). On the other, "the expectation of privacy [is] less at the border than in the interior." *Montoya de Hernandez*, 473 U.S. at 539. Furthermore, "the Fourth Amendment balance between the interests of the Government and the privacy right of the individual is also struck much more favorably to the Government at the border." *Id.* at 540.

Precedents from the Supreme Court and our circuit have placed just one limit on border searches, drawing a line between "routine" and "non-routine" searches. "'Routine' searches of people and effects at the border"—like inspecting a bag or opening mail—"are 'per se reasonable' and require no particularized suspicion at all." *United States v. Mendez*, 103 F.4th 1303, 1307 (7th Cir. 2024) (quoting *United States v. Yang*, 286 F.3d 940, 944 (7th Cir. 2002)); *see*

Montoya de Hernandez, 473 U.S. at 538 ("Routine searches of the persons and effects of entrants are not subject to any requirement of reasonable suspicion, probable cause, or [a] warrant…."). But "highly intrusive, so-called 'non-routine' border searches need … reasonable suspicion." *Mendez*, 103 F.4th at 1307. The Supreme Court has deemed only one search non-routine: "a 16-hour detention for monitored bowel movement of a person suspected of" ingesting balloons filled with narcotics. *Id.*; *see Montoya de Hernandez*, 473 U.S. at 541.

We first applied these principles to a border search of a digital device in *Mendez*, a decision that goes a long way toward resolving this appeal. There, customs agents manually searched the defendant's cell phone and discovered child pornography. *Mendez*, 103 F.4th at 1305. Relying (as Eta does) on *Riley*, in which the Supreme Court held that the search-incident-to-arrest doctrine does not authorize warrantless cell phone searches, *see* 573 U.S. at 401–02, Mendez argued that the search of his phone required a warrant backed by probable cause, or at least reasonable suspicion.

We rejected both claims. Joining every other circuit to address the issue, we first held "that a border search of a cell phone or other electronic device requires neither a warrant nor probable cause." *Mendez*, 103 F.4th at 1310. We further concluded, again joining "the consensus among circuits," that "brief, manual searches of a traveler's electronic device are 'routine' border searches requiring no individualized suspicion." *Id.*

Eta's primary submission—that border searches of electronic devices require a warrant—runs headlong

into *Mendez*. To be sure, we may overturn circuit precedent for "a compelling reason." *United States v. Rivers*, 108 F.4th 973, 979 (7th Cir. 2024). Examples of compelling reasons include "when our position remains a minority one among other circuits, when the Supreme Court issues a decision on an analogous issue that compels us to reconsider our position, or when an intracircuit conflict exists." *Glaser v. Wound Care Consultants, Inc.*, 570 F.3d 907, 915 (7th Cir. 2009) (citations omitted).

Eta does not identify a compelling reason to overturn *Mendez*. He instead points only to district court decisions and scholarship adopting the position he supports. We appreciate those perspectives, but they establish only "simple disagreement with a rule [or] the possibility that a rule is debatable," neither of which "constitutes a compelling reason." *Rivers*, 108 F.4th at 979. Indeed, the circuits that have weighed in remain unanimous in declining to adopt a warrant or probable cause requirement for border searches of electronic devices—an unsurprising outcome given the Supreme Court's declaration that "[t]here has never been any additional requirement that the reasonableness of a border search depended on the existence of probable cause." *Ramsey*, 431 U.S. at 619; *see, e.g.*, *United States v. Pulido*, 133 F.4th 1256, 1274–75 (11th Cir. 2025); *United States v. Nkongho*, 107 F.4th 373, 381–82 (4th Cir. 2024). We therefore reaffirm *Mendez*.

Anticipating this outcome, Eta offers two independent reasons why, even under *Mendez* and the Supreme Court's unqualified approval of routine border searches, the manual search of his cell phones was unconstitutional: the search was non-routine and

lacked reasonable suspicion, or the search lacked a genuine border related justification.

Mendez all but forecloses the claim that CBP's manual search here was not routine. Recall we held "that brief, manual searches of a traveler's electronic device are 'routine' border searches requiring no individualized suspicion." *Mendez*, 103 F.4th at 1310. As we explained, "manual electronic searches at the border are typically 'brief procedure[s]'"—there it was about a half-hour—"practically limited in intrusiveness by the fact that the customs agent cannot download and peruse the phone's entire contents. Instead, they must physically scroll through the device, making it less likely for an agent to tap into the revealing nooks and crannies of the phone's metadata, encrypted files, or deleted contents." *Id.* (alteration in original). These limitations explain why every court of appeals to address manual searches of electronic devices post-*Riley* agrees that they are routine and thus do not require individualized suspicion. *See id.* (collecting cases).

Notwithstanding that the search was manual, Eta urges that its scope (several applications), duration (some portion of several hours), and manner (pre-planned and outside his presence) establish that it was not routine. In other words, Eta asks that we judge routineness under a multifactor balancing test instead of the bright line rule that every court of appeals to consider the question has adopted.

Eta's request contravenes bedrock Fourth Amendment principles. "[T]he Fourth Amendment," the Supreme Court has explained, "has to be applied on the spur (and in the heat) of the moment, and the

object in implementing its command of reasonableness is to draw standards sufficiently clear and simple to be applied with a fair prospect of surviving judicial second-guessing months and years after an arrest or search is made." *Atwater v. City of Lago Vista*, 532 U.S. 318, 347 (2001). That is why "[c]ourts attempting to strike a reasonable Fourth Amendment balance … credit the government's side with an essential interest in readily administrable rules." *Id.*

That interest is as strong at the border, which approximately one million people cross daily, as anywhere. *See CBP Releases March 2025 Monthly Update*, U.S. Customs and Border Protection (Apr. 14, 2025), https://www.cbp.gov/news-room/national-media-release/cbp-releases-march-2025-monthly-update [https://perma.cc/D9GD-7ZPV]. Eta's proposed test, however, insufficiently respects that interest by making it far more difficult for CBP to know when it is crossing the line from "routine" to "non-routine"—and, thus, at what point it needs reasonable suspicion. *Cf. Chatrie v. United States*, 609 U.S. ----, 2026 WL 1855568 (June 29, 2026) (highlighting line-drawing and workability concerns). In sum, under *Mendez* CBP conducted a routine search of Eta's devices, so it did not need individualized suspicion.

Eta's argument that the search required a warrant because it lacked a "true border-related justification" also does not persuade us. On Eta's view, a warrantless border search is permissible only when it is "genuine[ly]" justified by one of (what he asserts are) the purposes underlying the exception: interdicting contraband, enforcing customs laws, and regulating entry. *Mendez*, however, held without qualification that "searches of electronics at the border—like any

other border search—do not require a warrant or probable cause." 103 F.4th at 1305. True, *Mendez*'s facts concerned contraband (child pornography), but our holding was not so limited. Noting the sweeping language with which the Supreme Court has approved border searches, we concluded that "[r]outine or otherwise, searches at the border 'never' require a warrant or probable cause." *Id.* at 1307 (quoting *Ramsey*, 431 U.S. at 619).

Indeed, we agreed with the First Circuit's determination that "warrantless electronic device searches are essential to the border search exception's purpose of ensuring that the executive branch can adequately protect the border." *Id.* at 1308 (quoting *Alasaad v. Mayorkas*, 988 F.3d 8, 17 (1st Cir. 2021)). That conclusion echoes the Supreme Court's recognition that "[a]t the border, customs officials" are "charged, along with immigration officials, with protecting this Nation from entrants who may bring anything harmful into this country, whether that be communicable diseases, narcotics, or explosives." *Montoya de Hernandez*, 473 U.S. at 544. In other words, *Mendez* reasoned that border searches of electronic devices—as a category—advance the border search doctrine's purposes. It did not call for case-by-case adjudication of whether a particular search in fact advanced one of those purposes. This is consistent with the unequivocal and unqualified language the Supreme Court has used in upholding the authority to conduct border searches. *E.g.*, *Ramsey*, 431 U.S. at 620 ("It is [an envelope's] entry into this country from without it that makes a resulting search 'reasonable.'"). It is also analogous to how the Supreme Court has treated searches incident to lawful arrests, which, like

routine searches, do not require individualized suspicion. *See Riley*, 573 U.S. at 384, 386 (rejecting "case-by-case adjudication" of "whether or not there was present one of the reasons supporting the authority for a search of the person incident to a lawful arrest," and instead asking "whether application of the search incident to arrest doctrine to this particular category of effects [i.e., cell phones] would untether the rule from the justifications underlying" it (citation modified)).

Even assuming there is room for such case-by-case adjudication, Eta would not prevail. For one thing, preventing a transnational crime like Eta's furthers the United States's "inherent authority to protect, and … paramount interest in protecting, its territorial integrity," as well as its sovereign "right … to protect itself by stopping and examining persons and property crossing into this country." *Flores-Montano*, 541 U.S. at 152, 153; *see Nkongho*, 107 F.4th at 381 (searches of electronic devices "conducted under the border search exception are critical" because they "may contain evidence of ongoing transnational criminal activity"); *Alasaad*, 988 F.3d at 19.

Moreover, the evidence on which Eta relies to prove that this search lacked a "genuine border-related justification" is meritless. Eta first stresses that the FBI coordinated with CBP in advance. We see no constitutional infirmity in such interagency coordination, however, and other courts of appeals agree. *See United States v. Carter*, 592 F.2d 402, 405–06 (7th Cir. 1979) (participation of Drug Enforcement Agency agent in border search permissible); *see also United States v. Levy*, 803 F.3d 120, 124 (2d Cir. 2015) (concluding there is "no constitutional reason to

prevent … federal law enforcement agents from … supplying information to Customs officials in aid of a border search"); *United States v. Gurr*, 471 F.3d 144, 149 (D.C. Cir. 2006) ("Courts have routinely rejected the notion that cooperation among federal agencies renders a border search unlawful."); *United States v. Boumelhem*, 339 F.3d 414, 423–24 (6th Cir. 2003).

Eta also emphasizes Officer Carrasquillo's testimony that the purpose of searching Eta's devices was to assist the FBI's investigation. "Because reasonableness is an objective test," however, an officer's "subjective state of mind is irrelevant to a court's Fourth Amendment analysis." *Henry v. Hulett*, 969 F.3d 769, 781 (7th Cir. 2020) (en banc); *see Whren v. United States*, 517 U.S. 806, 813 (1996). Said another way, "the fact that the officer does not have the state of mind which is hypothecated by the reasons which provide the legal justification for the officer's action does not invalidate the action taken as long as the circumstances, viewed objectively, justify that action." *Scott v. United States*, 436 U.S. 128, 138 (1978); *see also United States v. Cano*, 934 F.3d 1002, 1016 n.9 (9th Cir. 2019) (rejecting defendant's reliance on officer testimony about purpose of his border search). And here, the objective circumstance justifying a routine search is simple: Eta was at the border. *See Ramsey*, 431 U.S. at 616 ("[S]earches made at the border … are reasonable simply by virtue of the fact that they occur at the border….").

As in *Mendez*, this case does not require us to resolve "whether more intrusive, forensic electronic device searches require individualized suspicion" and, if so, whether such suspicion must be tethered to the purposes underlying the border search doctrine.

103 F.4th at 1310. We leave those questions for another day.

B. Good-Faith Exception

Even if Eta prevailed on the Fourth Amendment merits, we would nonetheless affirm because the good-faith exception to the exclusionary rule applies.[2]

The typical remedy for a Fourth Amendment violation is exclusion—the government may not use the unlawfully obtained evidence against the defendant. *United States v. Walker*, 143 F.4th 889, 899 (7th Cir. 2025). Where "officers 'act with an objectively reasonable good-faith belief that their conduct is lawful,'" however, the good-faith exception to the exclusionary rule applies. *Id.* at 900 (quoting *United States v. Rainone*, 816 F.3d 490, 495 (7th Cir. 2016)). In *Davis v. United States*, 564 U.S. 229 (2011), the Supreme Court established one instantiation of the good-faith exception, holding that "searches conducted in objectively reasonable reliance on binding appellate precedent are not subject to the exclusionary rule." *Id.* at 232.

We have twice applied this principle to border searches of electronic devices. *See generally United States v. Wanjiku*, 919 F.3d 472 (7th Cir. 2019); *United States v. Skaggs*, 25 F.4th 494, 500 (7th Cir. 2022). The upshot of *Wanjiku* and *Skaggs* is straightforward: if CBP reasonably suspected the defendant of criminal activity, the good-faith exception precludes suppression. *See Wanjiku*, 919 F.3d at 479 ("[T]hese

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[2] The parties briefed the good-faith exception below, but the district court's order did not address it. We may do so, however, because the parties sufficiently developed the record below. *See United States v. Eymann*, 962 F.3d 273, 288 (7th Cir. 2020).

agents acted in good faith when they searched the devices with reasonable suspicion to believe that a crime was being committed, at a time when no court had ever required more than reasonable suspicion for any search at the border."); *Skaggs*, 25 F.4th at 500. Because binding appellate precedent did not change in between the searches conducted in those cases and the search of Eta's phones, *Wanjiku* and *Skaggs* apply with full force here.

"'Reasonable suspicion' is not a high bar." *United States v. Edwards*, 161 F.4th 1088, 1096 (7th Cir. 2025). It requires only "'a particularized and objective basis' for suspecting that [Eta] was engaged in criminal activity." *Wanjiku*, 919 F.3d at 488 (quoting *Ornelas v. United States*, 517 U.S. 690, 696 (1996)). That standard amounts to "more than a hunch but less than probable cause and considerably less than preponderance of the evidence." *United States v. Reedy*, 989 F.3d 548, 552 (7th Cir. 2021) (quoting *Gentry v. Sevier*, 597 F.3d 838, 845 (7th Cir. 2010)). And it "takes into account 'the totality of the circumstances—the whole picture.'" *Navarette v. California*, 572 U.S. 393, 397 (2014) (quoting *United States v. Cortez*, 449 U.S. 411, 417 (1981)).

A pair of additional principles bear on our analysis of this search. First, under the collective-knowledge doctrine, "where law enforcement authorities are cooperating in an investigation, as here, the knowledge of one is presumed shared by all." *United States v. Eymann*, 962 F.3d 273, 284 (7th Cir. 2020) (quoting *Illinois v. Andreas*, 463 U.S. 765, 771 n.5 (1983)). In ascertaining whether CBP had reasonable suspicion to search Eta's phones, we may therefore consider knowledge possessed by any of the four law

enforcement officers relevant to this case. Second, we have recognized certain additional factors bearing on reasonable suspicion in the border search context, including "nervous or unusual conduct" and "evasive or contradictory answers." *Yang*, 286 F.3d at 949 (quoting *United States v. Asbury*, 586 F.2d 973, 976–77 (2d Cir. 1978)).

The government reasonably suspected Eta of criminal activity, a conclusion he hardly contests. Law enforcement had two independent sources, one of whom worked for Eta, pin him as the leader of a transnational fraud scheme. Not only did these sources corroborate each other, but independent evidence—Eta's messages on Alimi's phone, Eta's Blackberry Messenger activity, and his bank records—corroborated their claims. *See Alabama v. White*, 496 U.S. 325, 332 (1990) (one "anonymous tip, as corroborated, exhibited sufficient indicia of reliability to" provide reasonable suspicion). At the airport, moreover, Eta provided vague responses, seemed nervous, stammered, and carried seven pieces of checked luggage, which in Officer Carrasquillo's experience raised concerns about potential contraband or unlawful activity. *See Yang*, 286 F.3d at 949. The "cumulative weight" of these facts, *United States v. Yang*, 39 F.4th 893, 901 (7th Cir. 2022), furnished "a particularized and objective basis for suspecting that [Eta] was engaged in criminal activity," *Wanjiku*, 919 F.3d at 488 (citation modified). Under *Wanjiku* and *Skaggs*, then, the good-faith exception would preclude suppression even if Eta could establish a Fourth Amendment violation.

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The judgment of the district court is

AFFIRMED.

APPENDIX C

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

UNITED STATES OF AMERICA,	Case No. 18-CR-818-1
v.	Judge John Robert Blakey
DANIEL SAMUEL ETA	

MEMORANDUM OPINION AND ORDER

On February 12, 2018, Defendant Daniel Samuel Eta arrived at Hartsfield-Jackson Atlanta International Airport on an international flight from Nigeria, where he planned to catch a connecting flight to Chicago. When he arrived in Atlanta, Customs and Border Protection agents stopped him, took temporary possession of his cellphones, and scrolled through them. The fruits of that border search led to his arrest and indictment here. Defendant has moved to suppress the search of his cellphones. *See* [576]. Based upon the parties' briefs and arguments, and the evidentiary hearing held on March 11, 2024, this Court now denies his motion to suppress.

I. Court Proceedings & Findings of Fact

On February 12, 2018, Defendant arrived at the Atlanta airport on an international flight from Lagos, Nigeria. At that time, Customs and Border Protection ("CBP") conducted a primary, and then secondary search, of Eta's phones, having been tipped off by FBI Special Agent Andrew Innocenti, who was investigating Eta in Chicago.

On December 4, 2018, the Government filed a criminal complaint, supported by a 68–page affidavit, charging Defendant and eight others with conspiracy to commit various online scams, which bilked victims out of more than $2 million over a two-year period. Thereafter, on May 16, 2019, the Grand Jury returned a twenty-seven count indictment.

On November 22, 2023, Defendant moved to suppress the "fruits" of the border search of his cellphones, which had led to his arrest and indictment. *See* [576]; *Wong Sun v. United States*, 371 U.S. 471, 487-88 (1963) (suppressing unlawfully obtained evidence and any "fruit of the poisonous tree"). Specifically, Defendant moves to suppress all evidence uncovered during that initial or primary CBP search, as well as all evidence uncovered during the subsequent, more extensive searches of his two cellphones, two SIM cards, and SD card at the Atlanta airport.[1]

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[1] On February 16, 2018, Postal Inspector Natalie Reda submitted an application and affidavit for a search warrant for Defendant Eta's two cellphones, two SIM cards and SD card, [585-1], and the warrant issued upon probable cause. *Id.* In the current motion, Defendant challenges only the February 12, 2018 search; he does not challenge the warrant itself.

The Government opposes the motion, arguing that, when Defendant arrived at the Atlanta airport, CBP knew he was a Nigerian citizen with legal permanent residency status in the United States who was under investigation for leading a Nigerian money laundering and fraud organization. Furthermore, after Defendant lied when interviewed by CBP about where he lived and worked, CBP properly performed a manual inspection of Defendant's phones under its border search authority at the Atlanta airport. *See* [585]. Thereafter, the agents then performed a lawful forensic search of the cellphones.

On March 11, 2024, this Court held an evidentiary hearing to resolve any factual disputes arising from the Defendant's motion. At that hearing, the Government called several witnesses: FBI Special Agent Andrew Innocenti, CBP Officer Brian Coder, CBP Officer Carlos Carrasquillo, and United States Postal Inspector Natalie Reda.[2]

Special Agent Innocenti testified that he was assigned the investigation of Defendant's connection to various online fraud schemes originating primarily in West Africa, in which individuals in the United States were victimized and fraudulent proceeds were

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[2] Based upon the in-court proceedings, this Court makes the factual finding that Special Agent Innocenti, CBP Officers Coder and Carrasquillo, and Postal Inspector Reda all testified credibly. *United States v. Thurman*, 889 F.3d 356, 366 (7th Cir. 2018) (Generally, the trial court's credibility determinations are entitled to deference "because, unlike our review of transcripts, the district court 'had the opportunity to listen to testimony and observe the demeanor of witnesses at the suppression hearing.'") (quoting *United States v. Biggs*, 491 F.3d 616, 621 (7th Cir. 2007) and *United States v. Parker*, 469 F.3d 1074, 1077 (7th Cir. 2006)).

then moved to Nigeria or other destinations. Special Agent Innocenti testified that, in May of 2016, he conducted a post-arrest interview of a cooperator named Samson Alimi, who indicated that he was working for Defendant on various fraud schemes (including romance and secret shopper scams) originating in Nigeria. Upon review, Special Agent Innocenti corroborated this information with messages coming through Alimi's phone during the interview, which confirmed that Alimi was, in fact, receiving directions concerning fraud proceeds and related information about multiple bank accounts and third-party entities involving those funds.

Special Agent Innocenti further testified that, in connection with his investigation, he also obtained information from a separate confidential source who corroborated Alimi's information and indicated that Defendant's fraud schemes originated overseas, typically in Nigeria, and that, once the victims' monies were laundered, they were often either transferred back to Nigeria or were used to purchase vehicles, which were then shipped to Nigeria for sale. This second source provided information concerning telephone numbers and Blackberry messenger accounts that Defendant used to communicate pickups for the fraud schemes. Special Agent Innocenti also testified that, during the relevant period, he obtained banking records relating to Defendant's bank accounts, which showed that Defendant had over a million dollars moving in and out of his accounts, despite having no apparent employer or other legitimate sources of income. Based upon the training and experience of the agents, this information remained consistent with what Alimi and the second,

confidential source said about Defendant's fraud and money laundering activities.

Special Agent Innocenti also testified that, around December 2017, he learned that Defendant planned to travel to Nigeria and return to the United States on February 12, 2018. Innocenti reached out to CBP in Atlanta about Defendant's return flight and asked them to conduct a secondary border search of Defendant's electronics and then return them to him. Innocenti asked that he and his partner, Postal Inspector Natalie Reda, be allowed to be present during that search to facilitate the identification of evidence relating to the transnational criminal enterprise. Special Agent Innocenti stated that he did not yet have a search warrant at that time and that he did not apply for a search warrant to perform a full forensic download of Defendant's phones until two days after the initial border search at the Atlanta airport.

CBP Officers Brian Coder and Carlos Carrasquillo handled the encounter with Defendant at the border on February 12, 2018. Officer Carrasquillo testified that, in February 2018, he received an FBI lead report and electronic communication concerning Defendant. The communication indicated that Defendant was part of a Nigerian money laundering organization with connections to transnational organized crime; the communication also included a photograph of Defendant and a request for a secondary inspection. *See also* [585-3] (the request for secondary inspection dated 1/16/18 advising CBP in Atlanta that Defendant "is one of the main subjects of an ongoing open investigation out of the Chicago Field Office relating to cyber-enabled fraud schemes, to include romance

scams, secret shopper scams, and employment scams. Additionally, [Defendant] ETA is purported to be part of a Nigerian money laundering organization with connections to transnational organized crime.").

Officer Carrasquillo testified that he prepared a report concerning the temporary seizure of Defendant's phones at the border, and Officer Coder testified that he personally performed the initial manual inspection of Defendant's phones at customs secondary, though Coder testified that he had no independent recollection of this secondary inspection, as he conducts thousands of such inspections each year. Officer Carrasquillo testified that, during the border interview prior to the search, Defendant provided vague responses, seemed nervous, and stammered a bit, which in his experience remained consistent with concealment or not being truthful with answers; he also testified that Defendant carried seven pieces of checked luggage, which in his experience also raised questions about potential contraband or unlawful activity based upon the circumstances of Defendant's travel.

United States Postal Inspector Natalie Reda testified that she previously worked as a postal inspector investigating mail fraud and, in that capacity, worked with the FBI to investigate Defendant. She testified that she traveled to Atlanta in February 2018 with Special Agent Innocenti to consult with CBP as Defendant came across the border from Nigeria. She testified that she and Special Agent Innocenti briefed CBP Officer Carrasquillo on their international fraud investigation and conferred with

CBP concerning the veracity of Defendant's responses to questions posed during the CBP interview.[3]

As to the initial search of Defendant's phones, Inspector Reda testified that CBP Officers manually accessed Defendant's phones and scrolled through as she and Special Agent Innocenti looked on and documented certain contents in handwritten notes and photographs. Special Agent Innocenti testified that he and Inspector Reda were present with the CBP Officer as he was scrolling through, and they indicated at different points to stop so they could review bank account information and other information consistent with their fraud investigation. At this point, based upon the totality of the circumstances, including what they saw as CBP Officer Coder scrolled, the agents knew the phones contained evidence of criminal activity, and they then asked the FBI Computer Analysis and Response Team ("CART") to begin imaging both of Defendant's cellphones.

Special Agent Innocenti also testified that, although they anticipated a short border search (with the cellphones quickly being returned to Defendant to maintain the covert nature of their investigation), the imaging process took longer than expected, so the officers decided to seize the cellphones and obtain search warrants for a forensic download. At the border, they instructed Defendant that he should contact Special Agent Innocenti to coordinate the return of his cellphones in Chicago. Innocenti testified that

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[3] For example, in response to questions from CBP, Defendant indicated that he lived in Minnesota, but Innocenti and Reda believed, based upon their investigation, that Defendant lived in the Chicagoland area, and they told CBP Officers as much.

Defendant did, in fact, contact him about the devices and later got his cellphones back.

At the conclusion of the evidentiary hearing, counsel argued the motion. This Court then took the matter under advisement and now issues its findings of fact and conclusions of law.

II. Analysis & Conclusions of Law

The Fourth Amendment protects "against unreasonable searches and seizures." U.S. Const. amend. IV. In the absence of a warrant, a search is reasonable "only if it falls within a specific exception to the warrant requirement." *Riley v. California*, 573 U.S. 373, 382 (2014). One such exception applies at the country's borders, including at international airports, which are "the functional equivalent of an international border." *United States v. Wanjiku*, 919 F.3d 472, 480 (7th Cir. 2019). *See also Almeida-Sanchez v. United States*, 413 U.S. 266, 273 (1973) ("a search of the passengers and cargo of an airplane arriving at a St. Louis airport after a nonstop flight from Mexico City would clearly be the functional equivalent of a border search."); *United States v. Ramsey*, 431 U.S. 606, 616 (1977) ("That searches made at the border, pursuant to the long-standing right of the sovereign to protect itself by stopping and examining persons and property crossing into this country, are reasonable simply by virtue of the fact that they occur at the border, should, by now, require no extended demonstration."). "Since the founding of our Republic, Congress has granted the Executive plenary authority to conduct routine searches and seizures at the border, without probable cause or a

warrant." *United States v. Montoya de Hernandez*, 473 U.S. 531, 537 (1985).

Defendant argues initially that the border exception does not apply here because CBP was not searching for contraband when it searched his phone. But neither the Supreme Court nor the Seventh Circuit has ever cabined the border exception in this way. On the contrary, the Supreme Court has instructed that border searches "are reasonable simply by virtue of the fact that they occur at the border." *Ramsey*, 431 U.S. at 616. In this case, the agents acted well within their constitutional authority in performing a traditional border search.[4]

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[4] Even if, as Defendant urges, the border exception were limited to subjective "border" purposes, the Government's "interest in preventing crime at international borders 'is at its zenith' and it follows that a search for evidence of either contraband or a cross-border crime furthers the purposes of the border search exception to the warrant requirement." *Alasaad v. Mayorkas* 988 F.3d 8, 19 (1st Cir. 2021). Likewise, in *United States v. Carpenter*, a 2023 district court case upon which Defendant relies, the trial court recognized that the border exception applies if the search furthers "a sovereign interest underlying the exception whether by preventing the entry of people or contraband, investigating cross-border crime, collecting or regulating duties, or otherwise safeguarding national security." *United States v. Carpenter*, No. 20 CR 376-2, 2023 WL 358794 (N.D. Ill. Jan. 23, 2023). Here, the searches in this case did, in fact, involve such sovereign "border" purposes. Special Agent Innocenti and Postal Inspector Reda asked CBP in Atlanta to assist with their Chicago-based investigation of cross-border crime and transnational criminal activity, and CBP Officers thus knew about the nature of the investigation when they pulled Defendant aside for a secondary customs search of his phones. In short, even under Defendant's narrow constitutional reading, the border exception applies.

First, the agent's manual "scrolling" search constituted a lawful routine border search. *United States v. Mendez*, 103 F.4th 1303, 1305 (7th Cir. 2024), holds that "searches of electronics at the border—like any other border search—do not require a warrant or probable cause" and "routine, manual" searches performed at the border do not even require "individualized suspicion." In *Mendez,* the defendant arrived at O'Hare International Airport on an international flight from Ecuador and was passing through Customs and Border Protection when a CBP agent pulled him aside for inspection, unlocked and scrolled through his cell phone, and found child pornography in his photo gallery. 103 F.4th at 1305. At that time, CBP had flagged Mendez based upon his arrest record and his prior travel history; he was also traveling alone and returning from Ecuador, "which CBP officers classified as a potential child-trafficking source country." *Id.* Mendez argued that the search of his phone required a warrant and probable cause or at least reasonable suspicion. *Id.* The Seventh Circuit rejected his arguments. *Id.* at 1306–11. The same result obtains here.[5]

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[5] This Court follows binding Seventh Circuit precedent and rejects the Ninth Circuit's decision in *United States v. Cano*, which, in contrast to the majority of circuit courts, held that "cell phone searches at the border, whether manual or forensic, must be limited in scope to a search for digital contraband." 934 F.3d 1002, 1007, 1017–18 (9th Cir. 2019). The other circuit courts have endorsed a rule consistent with *Mendez*, *see Alasaad v. Mayorkas*, 988 F.3d 8, 20 (1st Cir. 2021) (The "border search exception is not limited to searches for contraband itself rather than evidence of contraband or a border-related crime."); *United States v. Gurr*, 471 F.3d 144, 149 (D.C. Cir. 2006) (holding that in the context of border searches, the "distinction ... between

Mendez confirms that "routine or otherwise, searches at the border 'never' require a warrant or probable cause." *Id.* at 1307 (citing *United States v. Ramsey*, 431 U.S. 606, 619 (1977)). This Court thus rejects Defendant's claim that CBP needed a warrant to seize and search his cellphones at the border.

Likewise, the law does not require reasonable suspicion to manually search Defendant's cellphones at the border. In *Mendez*, the court held that "brief, manual searches of a traveler's electronic device are 'routine' border searches requiring no individualized suspicion." 103 F.4th at 1310 (citations omitted). As a result, this Court need not consider the question of reasonable suspicion to find that the initial secondary inspection lawful (where CBP officers scrolled through Eta's cellphones, with Special Agent Innocenti and Inspector Reda looking over their shoulders), because the action constituted a lawful border search.

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contraband and documentary evidence of a crime is without legal basis"); *United States v. Xiang*, 67 F.4th 895, 900 (8th Cir. 2023) (rejecting argument that the Fourth Amendment does not permit border searches for evidence); *United States v. Nkongho*, No. 22-4261, 2024 WL 3350850, at *5-6 (4th Cir. July 10, 2024) (Despite "the privacy interests at stake, forensic searches conducted under the border search exception are critical for preventing cross-border crime and the importation of contraband" but "given the sheer mass of intimate information available in a forensic search, the government may rely on the border search exception to conduct such a search" [only where it can] "show that it possesses 'individualized suspicion of an offense that bears some nexus to the border search exception's purposes" which includes among other things "evidence of ongoing transnational criminal activity") (citing *United States v. Kolsuz*, 890 F.3d 133, 143-44 (4th Cir. 2018) and *United States v. Aigbekaen*, 943 F.3d 713, 721 (4th Cir. 2019)).

Were the Court to consider the question, however, this Court also finds, in the alternative, that CBP possessed more than reasonable suspicion to conduct the initial, manual, scrolling search of Defendant's cellphones. First, the CBP Officers had reasonable suspicion based upon Special Agent Innocenti's January 16, 2018 communication, which indicated that Defendant was "one of the main subjects of an ongoing open investigation out of the Chicago Field Officer relating to cyber-enabled fraud schemes, to include romance scams, secret shopper scams, and employment scams." [585-3] at 4. The communication further advised that Defendant was "purported to be part of a Nigerian money laundering organization with connections to transnational organized crime," and these leads arose from the detailed information obtained via the ongoing investigation in Chicago, including information Agent Innocenti obtained from the interviews of two cooperating witnesses and corroborating phone and bank records.[6] And, finally, Defendant's behavior during his encounter with CBP Officers supports the existence of reasonable suspicion: he lied to the officers, carried seven pieces of checked luggage, was vague in his responses, carried numerous prohibited agricultural items, appeared nervous

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[6] Information obtained in the Chicago investigation supports reasonable suspicion even if CBP had no subjective firsthand knowledge of these details. *See United States v. Eymann*, 962 F.3d 273, 283–84 (7th Cir. 2020) (Under the collective-knowledge doctrine, "where law enforcement authorities are cooperating in an investigation, as here, the knowledge of one is presumed shared by all.") (citing *Illinois v. Andreas*, 463 U.S. 765, 771 n.5 (1983)).

during the interview, and "started stuttering his words." [585-2] at 4–5.

Similarly, the subsequent, more extensive search of Defendant's cellphones was also supported by more than reasonable suspicion. Again, *Mendez* is instructive. There, after an initial search involving scrolling through Mendez's cellphone's photo gallery, CBP "conducted a more extensive, 'forensic' examination of Mendez's devices," used a data extraction technology to download a copy of the devices' photos and videos, then seized Mendez's cellphone, while allowing him to leave. 103 F.4th at 1305. Mendez moved to suppress the fruits of the cellphone search, arguing (like Defendant Eta here) that the search violated the Fourth Amendment; the district court denied the motion, and the Seventh Circuit affirmed. *Id.* at 1306, 1311. After holding that CBP did not need a warrant for either the initial scrolling, or the more extensive forensic examination and data extraction, the court held that it did not need to consider whether CBP's extensive forensic search required "individualized suspicion" because "customs agents had that and more once they found illicit images and videos of children on Mendez's phone during the routine search." *Id.* at 1310–11. Again, the same result obtains here.

As noted above, CBP officers knew (either firsthand or based upon the collective knowledge doctrine) that Defendant was the subject of an ongoing investigation in Chicago, and his involvement had been confirmed by Alimi and another confidential source, and various corroborating records. Alimi indicated that he was personally working for Defendant, serving as the pickup guy for the various fraud schemes, which

originated in Nigeria. Messages Alimi received during the interview concerning bank accounts confirmed that he was working for, and receiving direction from, Defendant about what to do with proceeds of Defendant's scams. Information from Mount Prospect Police, who arrested Alimi, also corroborated Alimi's account of his role in Defendant's organization. Moreover, a second, independent confidential source further corroborated the information Alimi provided, confirming that Defendant was, in fact, the head of a crew of individuals operating in the greater Chicago area committing money laundering activities for online fraud scams originating in Nigeria; the witness also corroborated the use of personal bank accounts to carry out transactions in furtherance of the international fraud schemes. CBP's initial search of Defendant's cellphones also revealed messages and notifications consistent with the information obtained from the various Chicago investigation sources. In short, as in *Mendez*, by the time CBP seized Defendant's cellphones at the border, and prior to the more extensive, forensic search of those phones, the agents possessed reasonable, individualized suspicion of international criminal activity, and more.[7]

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[7] Indeed, considering the totality of the circumstances here, the factual record supports a finding of probable cause, not just reasonable suspicion. *See, e.g., Illinois v. Gates*, 462 U.S. 213, 231 (1983) (relevant circumstances encompass the entire factual picture, including rational inferences drawn from the facts based upon the experience of the officers; thus, the existence of probable cause "does not deal with hard certainties," but rather "with probabilities.") (quoting *United States v. Cortez*, 449 U.S. 411, 418 (1981)); *United States v. Cortez-Gomez*, 2023 WL 4405832 (N.D. Ill. July 7, 2023); *Abbott v. Sangamon Cty., Ill.*, 705 F.3d 706, 714 (7th Cir. 2013) (Although probable cause requires "something

Finally, even if the record failed to support reasonable suspicion for the more extensive searches and ultimate seizure of Defendant's cellphones, this Court would nonetheless deny Defendant's motion to suppress based upon the inevitable discovery doctrine. Under that doctrine, "illegally seized evidence need not be suppressed if the government can prove by a preponderance of the evidence that the evidence inevitably would have been discovered by lawful means." *United States v. McGill*, 8 F.4th 617, 624 (7th Cir. 2021) (citing *United States v. Pelletier*, 700 F.3d 1109, 1116 (7th Cir. 2012); *Nix v. Williams*, 467 U.S. 431, 442–44 (1984)). The government has met this burden here. The record shows that Defendant was the subject of an ongoing, multi-agency investigation and the ostensible leader of a transnational, Nigerian-based crime ring alleged to have swindled victims out of millions of dollars in an extensive web of schemes and scams. The Chicago team knew from its investigation, including its interviews with Alimi and another confidential source, that Defendant was

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more than a hunch," it does not require a finding that an individual engaged in any unlawful activity); *United States v. Schaafsma*, 318 F.3d 718, 722 (7th Cir. 2003) (probable cause requires "only a substantial chance of criminal activity, not an actual showing of such activity."); *Fox v. Hayes*, 600 F.3d 819, 832 (7th Cir. 2010) (analysis looks at all relevant circumstances "from the perspective of what the officers knew at the time of the arrest"); *United States v. Reed*, 443 F.3d 600, 603 (7th Cir. 2006) (probable cause "is not a post hoc determination"); *United States v. Gary*, 790 F.3d 704, 707–708 (7th Cir. 2015) (Probable cause exists even though there "could have been innocent explanations" for a defendant's actions, so long as "the inference of the criminal activity was reasonable.") (citing *United States v. Funches*, 327 F.3d 582, 587 (7th Cir. 2003)).

directing financial transactions in furtherance of the schemes, and they knew Defendant's own banking activity was tied to those schemes, as was other banking activity he directed using his cellphones. This information (including the various corroborating records obtained during the Chicago investigation) provided sufficient justification to seize the cellphones and later obtain a search warrant—especially in light of the additional evidence (the notification, texts, and banking activity) found in the initial manual search of Defendant's cellphones at the border. Without question, if Special Agent Innocenti and Inspector Reda had been unable to enlist CBP to assist with a border search, they would still have secured (as indeed they did secure, on February 16, 2018) a warrant to seize and search Defendant's cellphones. The inevitable discovery doctrine controls.

As the Seventh Circuit noted in *Mendez*, "in more than 200 years of border search precedent, neither the Supreme Court nor we have ever found a border search unconstitutional." 103 F.4th at 1307. This case proves no exception.

III. Conclusion

For the reasons explained, the Court denies Defendant's motion to suppress [576].

Date: July 11, 2024

ENTERED:



John Robert Blakey
United States District Judge

APPENDIX D

BY MR. ZHOU:

Q. If I can direct you to the second sentence of this first paragraph at the bottom of the EC?

A. Yes.

Q. Where it says: For reference, Eta is one of the main subjects of an ongoing open investigation out of the Chicago Field Office relating to cyber-enabled fraud schemes, to include romance schemes, secret shopper scams, and employment scams.

Do you see that?

A. Yes, sir.

Q. And it goes on to mention that Eta is purported to be part of a Nigerian money laundering organization with connections to transnational organized crime.

Do you see that?

A. Yes, sir.

Q. Now, those two sentences that I read, that's it, right?

A. Correct.

Q. There's nothing else in this document that provides any context for why the FBI is requesting a secondary inspection of Mr. Eta's electronic devices, true?

A. Well, the second page has more information.

Q. Well, the second page has more information, that's true. But is there any information on the second page

that provides any explanation for why the FBI was seeking to search Mr. Eta's electronic devices?

A. Not on the first page, no.

Q. Not on the second page?

A. Not on the first. I'm sorry, the second.

Q. I'm sorry, we might be getting mixed up. Which page are you referencing, Officer?

A. One, two, three.

Q. So, yes, on this first page of the electronic communication, those are the two sentences that I just read?

A. Correct.

Q. And outside of those two sentences that I read, is there anything else in this document that gives you or explains why the FBI was requesting a search for electronic devices?

A. No, sir.

Q. There's no mention in this EC of Mr. Eta committing any crimes during his travels, is there?

A. Correct.

Q. There's no mention of any contraband that Mr. Eta might be bringing back to the United States?

A. Correct.

Q. There's no mention of Mr. Eta's immigration status in this EC?

A. Correct.

Q. It's just the information contained in those two sentences?

A. Correct.

Q. And prior to this communication, you're not aware of any other communication from the FBI to CBP in 2016 or 2017 to alert CBP to this supposed transnational criminal, are you?

A. Correct.

Q. The FBI waited until they needed CBP to conduct a search of Mr. Eta's electronic devices to involve CBP in its investigation, true?

A. Correct.

Q. And there are no other written communications from the FBI to CBP prior to February 12th, 2018, describing the basis for the FBI's request for a search of Mr. Eta's electronic devices?

MR. MULANEY: Objection. Foundation.

THE COURT: Want to lay a foundation, counsel.

BY MR. ZHOU:

Q. Officer Carrasquillo, you're not aware of any communication between the FBI to CBP prior to February 12, 2018, describing the basis for the FBI's request for a search of Mr. Eta's electronic devices, are you?

A. Correct.

Q. And as you testified earlier on direct --

THE COURT: Counsel, slow --

MR. ZHOU: I apologize.

THE COURT: -- down. Wait. Don't talk at the same time. Slow down. There's no rush. You're doing a great job. You've just got to slow down.

BY MR. ZHOU:

Q. And as you testified earlier on direct examination, Officer, you were on the JTTF task force, correct?

A. I still am. Yes, sir.

Q. And that meant that you served as the liaison between the FBI and CBP when the FBI needed requests such as this, correct?

A. Correct.

Q. Now, when the FBI arrived in Atlanta to search Mr. Eta's electronic devices, you also had a meeting with them to go over the investigation?

A. I'm pretty sure we did. I don't -- I don't remember, but I'm pretty sure we talked at some point, yes.

Q. And did you rely on any of the information that you learned during that meeting in conducting the search?

A. What exactly do you mean? Can you rephrase the question?

Q. Sure, yeah. We discussed just a moment ago how the electronic communication that we looked at didn't include any additional details beyond the two sentences that I read concerning the reasons for the FBI's request. Did you learn anything more about those reasons for the request in that meeting with the FBI?

A. I don't recall. But if I can say something, usually whenever we search electronic devices, we find our own violations. We don't depend on anyone to direct us to what is it that they're trying to find or if I can --

THE COURT: Are you talking about normal cases?

THE WITNESS: Talking about like a regular inspection, your Honor.

THE COURT: Just a regular inspection?

THE WITNESS: Yeah.

THE COURT: All right. Go ahead.

BY THE WITNESS:

A. Like, the FBI can tell me whatever is it that they want, but it's up to us to make sure we're doing what we're supposed to be doing.

BY MR. ZHOU:

Q. In this case, Officer Carrasquillo, you would not have searched Mr. Eta's electronic devices in the absence of the request that you had received from the FBI to search those devices, true?

A. Correct.

MR. MULANEY: Objection. Calls for speculation.

THE COURT: Lay a foundation about whether or not he would know the hypothetical.

BY MR. ZHOU:

Q. Mr. Eta, in this case, you've testified that you searched Mr. Eta's electronic devices because you received that lead request from the FBI, true?

A. The devices, yes. The search, yes, correct.

Q. And if you learned anything during your communications with the FBI during that meeting at the Atlanta airport that would have provided you sort of an additional -- information concerning the reasons to search those devices, you would have included those in any reports that you issued in connection with that?

A. Correct. Correct.

Q. And sitting here today, you can't recall if you were actually told by the FBI during that meeting that the

alleged scams that they were investigating were international in scope, can you?

A. I do not recall if that was addressed, but -- I want to say the lead probably mention it. So, we kind of knew before. Before --

Q. Right. Those two sentences --

A. Yes.

Q. -- that I read in the lead --

A. Yes.

Q. -- earlier is what you're referencing?

A. Correct, yes, sir.

Q. But beyond that, you can't recall specifically being told by the FBI that the scams were international in scope, true?

A. Correct. Correct.

Q. I want to talk to you a little bit about contraband, which came up during your direct examination.

Now, you recall testifying about how certain agricultural -- prohibited agricultural items were found in Mr. Eta's bags?

A. Correct.

Q. And, specifically, he had had seven bags on his person?

A. Correct.

Q. And you indicated that that might not be suspicious, but certainly in today's modern age, people travel a little lighter?

A. Correct.

Q. All of that that I just discussed, that's physical contraband, right?

A. Correct.

Q. And that's not the same thing as digital contraband?

A. Contraband is contraband to us, whether it's digital or physical.

Q. Well, I think my question was a little bit different, which is: If you are talking about someone's physical bags and searching through their physical bags, what you're looking for is physical contraband, not digital contraband --

A. Right.

Q. -- true?

A. Yeah.

Q. Now, as we've discussed over the course of your testimony today, the purpose of this search of Mr. Eta's electronic devices, it was to assist the FBI in their ongoing investigation of Mr. Eta, true?

A. Correct.

Q. This wasn't about Mr. Eta's immigration status?

A. Correct.

Q. This wasn't about finding contraband?

A. Correct.

Q. And this wasn't about anything having to do with where Eta lived, right?

A. Correct.

Q. I want you to turn back to the FBI's request, which should still be in front of you as Exhibit 3.

Now, there is a CBP directive that's referenced in connection with the FBI's request, right?

A. I'm on Exhibit 3.

Q. Exhibit 3. It should be the first page, the FBI's lead. And it's in the "Details" --