

SUPERIOR COURT OF THE DISTRICT OF COLUMBIA
CRIMINAL DIVISION - FELONY BRANCH

UNITED STATES OF AMERICA)	CRIMINAL NOS. 2008-CF1-27068
)	2008-CF1-26997 ✓
v.)	2008-CF1-26996
)	
JOSEPH PRICE)	JUDGE LEIBOVITZ
VICTOR ZABORSKY)	
DYLAN WARD)	STATUS HEARING DATE: 3/12/10

GOVERNMENT'S NOTICE OF UNCHARGED CONDUCT I

The United States, by and through its attorney, the United States Attorney for the District of Columbia, hereby files the following Notice of Uncharged Conduct I,¹ as follows:

At a status hearing on January 15, 2010, the court set a briefing schedule for the parties in this case. Pursuant to that briefing schedule, the government is required to file by February 5, 2010, *inter alia*, notice of certain uncharged conduct. More specifically, as was discussed at the last status hearing, the court informed the parties that said notice should include the government's possible theories regarding culpability for the homicide of Robert Wone (as distinguished from culpability for the conspiracy, obstruction of justice, and tampering with evidence charges in this case). Accordingly, and with that understanding, the government hereby give the following notice:

Given the sophistication and success of the defendants' cover-up of the murder of Robert Wone, the evidence obtained to date does not yet establish beyond a reasonable doubt who actually killed Robert Wone. Although the government investigation into the murder continues, there is ample admissible evidence demonstrating the killer is someone known to the defendants, and not,

¹As was discussed at the recent status hearing in this case, much of what appears in this filing is not necessarily other crimes evidence, but rather represents the government's theory regarding the individuals potentially involved in the homicide.



as the defendants told the police, an unknown, unseen, unheard, phantom intruder who entered without force, took nothing from the home, went to the farthest reaches of the second floor of the home, stabbed Robert Wone (while Robert Wone lay immobile), and then fled without a sound and without taking any item from the home or disturbing anything therein. To say such a theory strains credulity is a gross understatement. Rather, the evidence overwhelmingly indicates that the killer is someone know to and being protected by the defendants.

The Affidavit in Support of the Arrest Warrants

The government hereby gives notice that it may seek to prove all matters that are included in the Affidavits in support of the Arrest Warrants in this case, copies of which are a matter or public record. In an effort to give more specific notice, the government sets forth the following categories of evidence it may seek to introduce at trial and the relevance thereof:

Restraints and Related Evidence

The injuries to the body of Robert Wone are both extremely unusual and quiet telling. The three stab wounds to Mr. Wone's torso were found to be perfect, slit-like defects, largely uniform in depth, width and orientation. There were no defense wounds of any kind on Mr. Wone. The bed in which Mr. Wone's body was ultimately found was showroom clean and pristine. The covers were neatly folded down at a 45-degree angle under Mr. Wone's body, plainly suggestive of Mr. Wone's body being placed on top of the folded-down bed covers. Only two relatively small spots of blood were found on the bed, demonstrating to even the crime-scene novice that this was not the bed in which a violent stabbing attack had been perpetrated. Indeed, the room itself was undisturbed, un-disrupted, and replete with plainly visible high-value items easily capable of being carried away by any "intruder." All of this remarkable evidence suggests, as the medical examiner opined, that Mr.

Wone was incapacitated at the time he was methodically, carefully, and repeatedly stabbed in the torso. Indeed, the totality of the evidence makes a compelling case for the conclusion that Mr. Wone was entirely unable to fend off his attacker or even move in anyway whatsoever as those wounds were being inflicted.

Given the nature of the physical and medical evidence in the case, Mr. Wone was either restrained or immobilized in ways known only to the participants in the events leading to his death. The following evidence, *inter alia*, was recovered from defendant Ward's bedroom, which was located within 1509 Swann Street on the same floor and just 40 feet from the room in which Mr. Wone's body was found:

- multiple body harnesses
- multiple arm and leg restraints
- multiple "hog tie" devices (designed to restrain an individual's arms and legs behind their back)
- integrated wrist and ankle restraints
- "spacer bars" used to keep shackled limbs spread apart at a distance
- black hoods
- leather blindfolds
- neck collars
- rubber ball gags for attaching around neck and jaw
- black leather mouth gags
- heavy duty suspension cuffs used to restrain arms
- neck-to-wrist restraints

- heavy-duty, padded fist mitts
- leather prisoner's belt

(comprehensive list of such items recovered from 1509 Swann Street, as previously disclosed to the defense, catalogued and described more fully at Attachment A).

Indeed, finding said restraints, gags, hoods and other items, in a case where there is evidence that the victim had been restrained, is analogous to the following (and far more common) circumstances in murder cases in our jurisdiction:

A victim dies as a result of perforating gunshot wound leaving no projectile in the body or otherwise on the scene, and no cartridge casing is recovered from the scene. A firearm is found in the possession of a suspect apprehended not 40 feet away from where the victim's body is discovered. Under such facts, no plausible argument could be made that said firearm would not be admissible as, at a minimum, evidence that the defendant had the means to commit the crime. The same holds true in the instant case vis-a-vis the restraints and other immobilizing equipment found in defendant Ward's bedroom.²

Items Capable of Being Used to Perpetrate a Sexual Assault

The evidence has revealed that all six swabs taken from victim's thighs, genitals, rectum and anal cavity, disclosed the presence of sperm. The quantities were very small and had to be combined by the FBI analysts to develop a DNA profile. Once combined and tested, there was no DNA found other than that of the victim. The medical examiner opined that such evidence is suggestive of a

² It should be noted that there is also photographic evidence that the government make seek to introduce showing that some of this bondage and pain-inducing equipment was used by and on defendant Price, thereby connecting him to the evidence recovered from Ward's room.

sexual assault.³ Accordingly, the government may seek to introduce other items recovered from 1509 Swann Street that provide the means to commit a sexual assault:

- floggers
- “spacer bars” used to forcibly keep legs spread apart, often as part of sexual activity
- assorted dildos
- metal anal probes
- chastity devices
- nipple clamps with chrome weight attachments
- scrotal harness with weight attachments
- urethral sounds
- various devices designed to inflict penile pain
- Erostek ET302R electrical shock wave generator with variable current settings
- Remote controls for Erostek unit allowing the dominant to administer shocks to the submissive
- assorted anal probes with conducting surfaces to be used with Erostek unit to administer shocks
- assorted penial attachments designed to be used with the Erostek unit to administer shocks

(see Attachment A)

³Of course the government does not suggest that said findings are exclusively consistent with a sexual assault, and the defense is certainly free to offer other explanations for the evidence.

As these items provide the means by which to perpetrate a sexual assault, they are plainly relevant in this case.⁴

Evidence of Dominance, Degradation, Enslavement, "Electro-torture," Etc.

One could argue that the ultimate in dominating another human being is the taking of that person's life. Recovered from within 1509 Swann Street were the following books, some of which had passages highlighted by the reader:

- Juice: Electricity for Pain and Pleasure
- SM 101
- Erotic Bondage Handbook
- Slave Training Manuel
- The Master's Manual
- The World of Sexual Dominance and Submission
- 13 Years of Bondage
- Ties That Bind

Additionally, defendant Price had a profile on an internet site called "ALT.com." On that site, he listed his "Activities Enjoyed," including "Electrotorture," "Ball Torture," "Humiliation," "Pain," "Sadism," etc. (see Attachment B).

⁴To be clear, the possession and/or use of these items between and among consenting adults is not misconduct, and hence the introduction of such evidence cannot be said to be unduly prejudicial in light of the probative value of said evidence. Of course, the government remains open to discussing the propriety of any limiting instruction that may be offered to the court by the defendants to properly focus the jury on the permissible uses/inferences concerning such evidence.

There can be no doubt that Mr. Wone was dominated in the worst possible way: he was killed. The government contends that these books and other materials showing an interest in domination, enslaving other human beings, inflicting pain on other human beings for the “pleasure” of one or both participants, “electro-torture,” and the like, are entirely relevant to the issue of what happened to Mr. Wone between the time he arrived at 1509 Swann Street and the time the defendant Zaborsky finally placed the 911 call alerting the authorities.⁵ Moreover, said evidence supports the theory that the defendants committed the charged offenses to cover up conduct that may have begun as sexual conduct and culminated in the homicide of Mr. Wone.

Evidence of Incapacitation of Robert Wone

Mr. Wone had multiple, pre-mortem needle-puncture marks on his body that were not the product of medical intervention. Indeed, given that Mr. Wone was already dead when the EMS workers arrived on the scene at about 11:54 p.m. on August 2, 2006, any pre-mortem needle mark had to have been inflicted before the arrival of the first responders.

During the course of the investigation, the government sought to determine how a person could be incapacitated such that they would be unable to defend themselves or even move during an assault. One obvious way to incapacitate an individual is by administering by injection an incapacitating drug. Accordingly, we consulted an anesthesiologist to determine the accessibility of such drugs and the effects of such drugs on human beings. Unlike narcotics, paralytic drugs (i.e., succinylcholine) are not tightly controlled and are fairly easily accessible, particularly to anyone who

⁵Again, having an interest in these topics is not criminal. Nor does the government contend that consenting adults who chose to engage in these practices are involved in misconduct of any kind, assuming no one is killed in the process. Accordingly, as the prejudicial impact is low, and can be addressed by the court as appropriate with limiting instruction, and as this evidence is plainly relevant to nature of forensic findings in this case, the evidence should be admitted.

has access to a hospital. Moreover, given that such paralytic drugs are specifically designed to rapidly break down into component parts that naturally occur in the human body, toxicology tests are unable to detect the introduction of such a drug into the human body.

The government may seek to introduce this theory of incapacitation, as supported by the physical evidence and prospective expert testimony.

Evidence Regarding Michael Price

Defendant Price and his brother Michael Price have a very close relationship. According to witnesses, when Michael Price is in trouble, at times criminal in nature, his brother generally attempts to help him. The evidence establishes that in June through August of 2006, Michael Price was enrolled in a course at Montgomery College, studying to be a phlebotomist (an individual who draws blood from patients). Moreover, there was a practical component to this course that involved students training at St. Mary's Hospital, located in Maryland. During the July/August 2006 time frame, Michael Price went to St. Mary's Hospital on occasion as part of his course responsibilities.

The class in which Michael Price was enrolled met twice a week in the evenings from 5:00 p.m. until 9:15 p.m., beginning on June 7, 2006, and running through August 23, 2006. Course attendance records reflect that Michael Price attended each and every scheduled class beginning on June 7, 2006 and running through July 31, 2006. However, those same records reflect that the first time he missed class was on August 2, 2006, the night Robert Wone was killed.⁶

On October 30, 2006, 1509 Swann Street was burglarized. Multiple items were taken from the home, including televisions, stereo equipment, dvd players, etc. That same day, the defendants

⁶It should be noted that Michael Prices's partner, Louis Hinton, provided an alibi for Michael Price at the time of the murder.

concluded that Michael Price was responsible for the burglary. However, the defendants decided not to report the burglary to the police because the apparent perpetrator, defendant Price's brother Michael Price, was involved.

On November 2, 2006, three days after the burglary, the defendants contacted the police and reported the burglary.⁷ During the course of the burglary investigation, defendant Price told the police for the first time that his brother Michael Price had a key to 1509 Swann Street. Michael Price was arrested on November 30, 2006, for the October 30, 2006 burglary.

Much of the Evidence Detailed Above Does Not Constitute Uncharged Misconduct

In reviewing the categories of evidence as related above, much of it does not constitute uncharged misconduct. Possession of restraining equipment and devices, or sexual equipment and paraphernalia, is not illegal. Similarly, no laws are violated by possessing the various books on bondage, sado-masochistic practices, enslavement of other human beings, inflicting pain via electrical shocks, etc. Finally, none of the evidence regarding Michael Price implicates other crimes evidence as it pertains to these defendant. Accordingly, said evidence clearly passes Federal Rule of Evidence 403 muster (as will be addressed below), as its probative value is exceedingly high and the prejudicial effect quite low. Accordingly, the evidence should be admitted.

Evidence of Uncharged Misconduct

The government recognizes that evidence and arguments demonstrating that the defendants restrained, assaulted and killed Robert Wone implicate the case law concerning the admissibility of

⁷Indeed, in a 911 call to the police on November 2, 2006, a copy of which has been provided to the defense, defense attorney Schertler speaks with the police and indicates that he (Schertler) is at 1509 Swann Street waiting for the police to arrive in connection with the burglary of three days earlier.

evidence of uncharged misconduct. However, the case law makes clear that such evidence, being direct and substantial proof of the charged offenses, being closely, indeed inextricably, intertwined with the charged offenses, and being entirely necessary to place the charged crime in an understandable context, is plainly admissible.

Our Court of Appeals long ago announced the principles involved in addressing the admissibility of uncharged misconduct. In (William) Johnson v. United States, 683 A.2d 1087 (D.C. 1996) (*en banc*), *cert. denied*, 520 U.S. 1148 (1997), after a lengthy and detailed review of the pertinent case law on the issue, including the familiar and then-leading case of Drew v. United States, 331 F.2d 85 (D.C. 1964), the District of Columbia Court of Appeals announced the following standard:

From the foregoing, it is clear that Drew's strictures do not come into play in every instance in which evidence offered to prove guilt of the charged offense could be offered in support of a prosecution of another crime. Specifically, Drew does not apply where such evidence (1) is direct and substantial proof of the charged crime, (2) is closely intertwined with the evidence of the charged crime, or (3) is necessary to place the charged crime in an understandable context.

Id. 683 A.2d at 1092.

Johnson has been the leading case for nearly 15 years on the question of the admissibility of uncharged misconduct. It is important to note that the Johnson test for admissibility is set out by the Court of Appeals in the disjunctive, with any of the three factors alone removing the question of admissibility from the Drew rubric.⁸ In this case, the evidence of the murder of Robert Wone easily

⁸Drew evidence -- evidence of uncharged criminal conduct independent of the crime charged -- is admissible if offered for a substantial, legitimate purpose, including, but not limited to, motive, intent, absence of mistake or accident, common plan or scheme, or identity. Drew, 331 F.2d at 90.

satisfies each of the three categories delineated in Johnson. The murder of Mr. Wone is (1) direct and substantial evidence of the reason for the cover-up orchestrated by the defendants, (2) is closely, indeed inextricably, intertwined with the cover-up, and (3) is necessary to place the cover-up in an understandable context. *See also Green v. United States*, 440 A.2d 1005, 1007 (D.C. 1982)(evidence admissible when offered “to explain the immediate circumstances surrounding the offenses charged); Holmes v. United States, 580 A.2d 1259, 1266 (D.C. 1990) (evidence admissible when “events so closely related to the charged offense in time and place that they are necessary to complete the story of the crime . . . by placing it in context of nearby and nearly contemporaneous happenings).

Given that the evidence the government seeks to introduce in this case plainly satisfies the Johnson standard, the court need only apply the balancing test of Federal Rule of Evidence 403, as adopted into our local practice by the Johnson Court. 683 A.2d at 1099 (“ . . . this jurisdiction will follow the policy set forth in Federal Rule of Evidence 403 – evidence [otherwise relevant] may be excluded if its probative value is substantially outweighed by the danger of unfair prejudice . . .”) (internal quotation marks omitted).

Here, the vast majority of the evidence detailed above goes directly and inextricably to the defendants’ motive to cover-up the murder. The fact that the evidence clearly excludes a phantom intruder as the killer, firmly supports the conclusion that the killer is known to and being protected by the defendants. Accordingly, all of the conduct and evidence related above is compelling evidence of their motive to conceal the crime by fabricating evidence, orchestrating the scene, and lying to and misdirecting the police in their statements to law enforcement.


Indeed, one need only look at the facts of Johnson to see some compelling parallels between it and the instant case. In Johnson, the two defendants, William Johnson and Bruce Void, murdered Tyrone Carrington on September 1, 1989, using a .38 caliber and a .45 caliber pistol. About an hour later, Johnson and Void, using keys stolen from Carrington, entered the Maryland apartment of Carrington's girlfriend, killed two young boys who knew and could identify defendant Johnson (using the same .45 caliber pistol), and stole drugs, money, and a 9 mm pistol. The 9 mm pistol was recovered from Johnson one week later. The Court of Appeals held that the trial court did not abuse its discretion in admitting the evidence of the murder of the two boys in Maryland, as it tended to prove the identity of the person charged with Carrington's murder.

In observing that the murder of the two boys was probative to the identity of the Carrington's killer, the court related that, "it was more likely that the burglars of the apartment would kill the boys in order to silence them if the boys knew the burglars. Thus, the killing of the boys greatly narrowed the class of persons potentially responsible for Carrington's murder." Johnson, 683 A.2d at 1094. The same can be said of the instant case: the evidence that a person known to the defendants was responsible for the homicide of Robert Wone *greatly narrows the class of persons potentially responsible* for orchestrating the cover-up. Additionally, just as the Johnson court recognized that the "same evidentiary stream ran through [the Maryland murders] and the charged crime," in the instant case, the same evidentiary stream runs through the murder of Robert Wone and the subsequent cover-up.

WHEREFORE the government respectfully submits that the all of the above-detailed evidence is admissible for the reasons stated.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that I caused a copy of this motion to be served by facsimile and first class mail on February 5, 2010, upon Bernard Grimm, Esq., The Army and Navy Building, 1627 I Street, NW, Suite 1100, Washington, DC 20006, counsel for defendant Price, Thomas G. Connolly, Esq., Harris, Wiltshire & Grannis, LLP, 1200 Eighteenth Street, N.W., 12th Floor, Washington, DC 20036-2506, counsel for defendant Zaborsky, and David Schertler, Esq., Schertler & Onorato, LLP, 601 Pennsylvania Avenue NW, North Building, 9th Floor, Washington, DC 20004-2601, counsel for defendant Ward.


GLENN L. KIRSCHNER
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ATTACHMENT A

Identification from photographs of evidence submitted in association with Superior Court of the District of Columbia: CCN 06-105003; 08CRW4026

Image 394	Item #1	Black leather upper torso body harness
	#2	Black leather arm band with 'D' ring for possible restraining of arms
	#3	Black leather thin strapped upper torso harness
	#4	Black leather "hog tie" device usually used with leather wrist and ankle restraints to restrain arms and legs from behind
	#5	Small black leather flogger usually used on nipples, penis or scrotum
	#6	Same as item #5 this image
Image 395	Item #1	Chrome plated chain upper torso body harness
	Item #2	Small black leather flogger; same as Item #6 in Image 394
	Item #3	Small black leather flogger; same as Item #5 in Image 394
	Item #4	Black leather "hog tie" device; sake as Item #4 in Image 394
Image 396		Blurred; unable to determine
Image 397	Item #1	Black leather "hog tie" device; sake as Item #4 in Image 394
	Item #2	Small black leather flogger; same as Item #5 in Image 394
Image 398	Item #1	Chrome plated chain upper torso body harness; same as Item #1 in Image 395
	Item #2	Black leather "slapper;" mainly used in spanking scenes
Image 399	Item #1	Black leather "slapper;" same as Item#2 in Image 398
	Item #2	Forged metal wrist and ankle restraint usually worn in a seated position
	Item #3	Two chrome plated or possibly stainless steel "spacer bars;"
	&3a	usually used to keep shackled limbs spread apart at a distance or used by attaching to a neck collar at one end and shackled hands behind the back at the other end
Image 400		Blue cloth; possible an "under-hood" to be worn under a leather hood over head, but cannot be sure without personal inspection
Image 401	Item #1	Blue cloth; possible an "under-hood;" same as in Image 400
	Item #2	Black leather heavy duty head hood; when used in connection with blind fold and mouth gag employed to aid sensory deprivation

Identification from photographs of evidence submitted in association with Superior Court of the District of Columbia: CCN 06-105003; 08CRW4026 (cont'd.)

- Image 410 Item #1 Black leather heavy duty padded fist mitts; same as seen in Item #1 & 1a in Image 404
- Image 411 Item #1 Black leather full body harness with opening for penis and scrotum
Item #2 Partial view of black leather heavy duty padded fist mitts; same as seen in Item #1 & 1a in Image 404
Item #3 Wrist portion of black leather neck to wrist restraint same as Item #1 in Image 409
- Image 412 Either a black leather prisoner's belt or a set of leather wrist restraints; difficult to determine without personal inspection as item(s) is (are) coiled with its(them)selves
- Image 413 Item #1 Spreader bar studded and covered in black leather
Item #2 Same as item in Image 412
- Image 414 Black leather collar and wrist restraints rolled within each other
- Image 415 Black ping-pong styled paddle probably made of laminated wood with holes drilled through to reduce wind resistance; used in spanking scenes
- Image 416 Black leather upper torso body harness; same as Item #3 in Image 394
- Image 417 Item #1 Black nylon sports jock
Item #2 Black leather jock with zipper fly
- Image 418 Item #1 Black leather arm band or large wrist cuff with 'D' ring for use in restraining wearer*
Item #2 Black leather cock and ball ring
Item #3 Black leather arm band or large wrist cuff with 'D' ring for use in restraining wearer*
Item #4 Black leather collar with 'D' ring for leash or for restraining wearer
Item #5 Black leather arm band or large wrist cuff with 'D' ring for use in restraining wearer*
Item #6 Black rubber "ball gag" with black leather strap for attaching around neck and jaw
* Arm restraint can also be used as ankle restraints

Identification from photographs of evidence submitted in association with Superior Court of the District of Columbia: CCN 06-105003; 08CRW4026 (cont'd.)

Image 425		Believed to be a black leather ball or scrotal sheath with an opening for a penis
Image 426	Item #1 Item #2	Black cloth hood sometimes referred to as a guillotine hood Clear plastic spacer rings for a CB3000 same as Items #2a-c in Image 419 and Item #1 and #1a in Image 421
Image 427		Black plastic funnel with black leather head strap; attached so end of funnel hose fits in mouth for forced feeding of urine
Image 428	Item #1 Item #2 Item #3 Item #4 Item #5	Black plastic funnel with black leather head strap; same as seen in Image 427 Black ping-pong styled paddle probably made of laminated wood with holes drilled through to reduce wind resistance; same as seen in Image 415 Black nylon sports jock; same Item #1 seen in Image 417 Clear plastic front portion of a CB3000 chastity device; same as seen in Images 423 and 424 Black leather jock with zipper fly; same Item #2 seen in Image 417
Image 429	Item #1 & 1a Item #2 Item #3	Black leather snap-on mouth gags to be attached to a black leather hood such as Item #2 in Image 402 Black ping-pong styled paddle probably made of laminated wood with holes drilled through to reduce wind resistance; same as seen in Image 415 and Item #2 in Image 428 Unknown – from other images, appear to be a circular device bearing logo and name of Giamam, a company supplying yoga equipment on line, but could not find same item in online search – may be a collar or head piece of some type
Image 430	Item #1 Item #2 & 2a	Red rubber ball gag with black leather head strap Industrial style knee pads
Image 431 through 439		Wide shots of all evidence displayed on conference room and identified in remaining images
Image 440		Wartenberger of neural wheel used; same as Item #1 in Image 402

Identification from photographs of evidence submitted in association with Superior Court of the District of Columbia: CCN 06-105003; 08CRW4026 (cont'd.)

- Image 441 Close up of wheel end of Wartenberger of neural wheel used; same as Item #1 in Image 402 and Image 440
- Image A Item #1 Metal nipple clamps of various designs
 Through 1g
Item #2a Chrome plated dog leash with black leather strap handle
Item #2b Unclear – possibly a black leather or cloth harness of some type
Item #2c Unclear – possibly a collar of some sort
Item #2d Chrome plated choker collar – possibly more than one
Item #3 Appear to be a set of chrome plated weights for attaching to
 &3a nipple clamps
Item #4 Unclear – cannot determine
Item #5 Chrome plated chain with leather strap outfitted with snaps, used to attach a cock ring using the leather snap on strap to the chain and the chain to a corresponding chain normally connected between a pair of nipple clamps to increase stress on clamps when worn
Item #6 Unknown – cannot determine from image would need to inspect up close
Item #7 Chrome or nickel plated snap hooks and chrome plated ‘O’ rings can be used as cock rings or in bondage scenes
Item #8 Black leather and chrome plated chain “parachute” scrotal or ball harness – attached to the base of the scrotal sack; weights or other items may be attached to the chains by means of a snap hook at the end of the chains
Item #9 Chrome plated ‘O’ rings in a plastic back – unclear if they are attached some how, or separate
Item #10 Black rubber ball gag with black leather strap for attaching around neck and jaw with pair of nipple clamps attached on either side of the rubber ball; same as Items #1 & #2 in Image G
Item #11 Black enameled lead weights may be attached to nipple claps or “parachute” scrotal harness to increase stress
Item # 12 (a-g) Plastic bags containing clothes pins – may be used for extreme tactile play by pinching skin (usually with multiple clothes pins) or as nipple clamps
Item #13 Tube of lubricant in a plastic back same as Item #1 in Image I
Item #13a Small urethral sound same as Item #2 in Image I
Item #14 Pair of black plastic clothes pins of the same sort as seen in
 &14a Items #12 (a-g) above
Item #15 Unclear – cannot determine from image
Item #16 “ “ “ “ “

Identification from photographs of evidence submitted in association with Superior Court of the District of Columbia: CCN 06-105003; 08CRW4026 (cont'd.)

- | | | |
|--------------------|----------|---|
| Image A
Cont'd. | Item #17 | “ “ “ “ “ (though may be ‘Q-tip” type swabs) |
| | Item #18 | Nipple clamps attached to black rubber ball gag with black leather head strap ball gag is is Item #10 in this image; same as same as Item #2 in Image G |
| | Item #19 | Chrome plated rings – possibly some sort of cock and ball device |
| | Item #20 | Black Plastic nipple clamp |
| | Item #21 | Brass and/or steel device with four ‘I’ hooks – possibly home made – uncertain of intended use – possibly some sort of mouth bit or clamp of some sort |
| | Item #22 | Several black leather cock rings |
| | #22a | |
| | Item #23 | Unclear – possibly additional black leather cock rings |
| | Item #24 | A pair of chrome plated ‘O’ rings in graduating sizes from large to small attached to a black leather strap – largest ring worn over base of penis and behind scrotal sack while other rings enclose the penal shaft known as “the gates of hell” due to discomfort created when penis is erect |
| Image B | Item #1 | Erostek ET302R electrical shock wave generator with variable current settings |
| | Item #2 | User’s guide for Erostek ET302R |
| | Item #3 | Remote control unit for Erostek ET302R (may also be used with other Erostek units – allows used (top/dominant) to administer shocks to wearer (bottom/submissive) at a remote distance |
| | Item #4 | Same as Item #3 |
| | Item #5 | Plastic bag containing a pair of red connector nuts for attaching leads from the Erostek ET302R to various devices that are attached or inserted in the body |
| | Item #6 | Plastic bag containing a black insulated connector |
| | Item #7 | Black insulated and beaded connector device – possibly used for anal or urethral insertion |
| | Item #8 | Unclear – unknown |
| | Item #9 | Clear plastic cock ring with electrical connection points for use with the Erostek ET302R |
| | Item #10 | Flesh colored butt plug with conducting surfaces for anal insertion while attached to the ErostekET302R or similar device |
| | Item #11 | Insulated electrical wires used to connect various devices in this image to ErostekET302R or similar device |
| | Item #12 | Black adjustable cock ring with white and red connector for use with Erostek ET302R or similar device |

Identification from photographs of evidence submitted in association with Superior Court of the District of Columbia: CCN 06-105003; 08CRW4026 (cont'd.)

- Image B
Cont'd.
- Item #13 Blue plastic cock and ball straps with Velcro closures for use with Erostek ET302R or similar device
 - Item #14 Appears to be some sort of snap on electrical connector & 14a
 - Item #15 Clear plastic tube – use uncertain
 - Item #16 Metal or metallic appearing butt plug for use with Erostek ET302R or similar device
 - Item #17 Tube of electrode gel used to improve conductivity of various devices seen in this image
 - Item #18 Uncertain – possibly an electronic urethral sound
- Image C
- Item #1 Uncertain – same as Item # 18 in Image B
 - Item #2 Appears to be some sort of snap on electrical connector same as Item #14a in Image B
 - Item #3 Clear plastic cock ring with electrical connection points for use with the Erostek ET302R same as Item #9 in Image B
 - Item #4 Appears to be some sort of snap on electrical connector same as Item #14a in Image B
 - Item #5 Flesh colored butt plug with conducting surfaces for anal insertion while attached to the Erostek ET302R or similar device same as Item # 10 in Image B
 - Item #6 Plastic bag containing a black insulated connector same as Item #6 in Image B
 - Item #7 Black insulated and beaded connector device – possibly used same as Item #7 in Image B
 - Item #8 Blue plastic cock and ball straps with Velcro closures for use with Erostek ET302R or similar device same as Item #13 in Image B
 - Item #9 Plastic bag containing a pair of red connector nuts for attaching leads from the Erostek ET302R to various devices that are attached or inserted in the body same as Item #5 in Image B
 - Item #10 Clear plastic tube – use uncertain same as Item #15 in Image B
 - Item #11 Metal or metallic appearing butt plug for use with Erostek ET302R or similar device same as Item #16 in Image B
 - Item #12 Remote control unit for Erostek ET302R (may also be used with other Erostek units – allows used (top/dominant) to administer shocks to wearer (bottom/submissive) at a remote distance same as Item #4 in Image B
- Image D
- Pair of items – uncertain of use

Identification from photographs of evidence submitted in association with Superior Court of the District of Columbia: CCN 06-105003; 08CRW4026 (cont'd.)

- Image E
- Item #1 Black adjustable cock ring with white and red connector for use with Erostek ET302R or similar device same as Item #12 in Image B
 - Item #2 Insulated electrical wires used to connect various devices in this image to ErostekET302R or similar device same as Item #11 in Image B
 - Item #3 Uncertain – possibly an electronic urethral sound same as Item #18 in Image B
 - Item # 4 Appears to be some sort of snap on electrical connector same as Item #14a in Image B and Item #4 in Image C
 - Item #5 Clear plastic tube – use uncertain same as Item #15 in Image B
 - Item #6 Metal or metallic appearing butt plug for use with Erostek ET302R or similar device same as Item #16 in Image B and Item #11 in Image C
 - Item #7 Erostek ET302R electrical shock wave generator with variable current settings same as Item #1 in Image B
 - Item #8 Tube of electrode gel used to improve conductivity of various devices seen in this image same as Item #17 in Image B
 - Item #9 Erostek ER302R User's guide same as Item # 2 in Image B
 - Item #10 Remote control unit for Erostek ET302R (may also be used with other Erostek units – allows used (top/dominant) to administer shocks to wearer (bottom/submissive) at a remote distance same as Item #3 in Image B
 - Item #10a Same as Item 10 above and Item #4 in Image B and Item #12 in Image C
- Image F
- Item #1 (a-c) Red rubber anal balls attached to leather thong (string) with small 'O' rings attached at one end – for use in anal insertion similar to bien wa balls
 - Item #2 Black rubber butt plug
 - Item #3 Flech colored rubber double headed dildo
 - Item #4 (a-m) various rubber butt plugs and dildos (note 4J made of metal)
 - Item #5 Unclear – cannot determine without closer inspection
 - Item #6 Small plastic collapsing syringe for inserting lubricant in tight spaces in clear plastic bag
 - Item #7 Two flesh colored dildo attached with a plastic coupler and appeared to be wired for electro play
 - Item #8 White binding twine

Identification from photographs of evidence submitted in association with Superior Court of the District of Columbia: CCN 06-105003; 08CRW4026 (cont'd.)

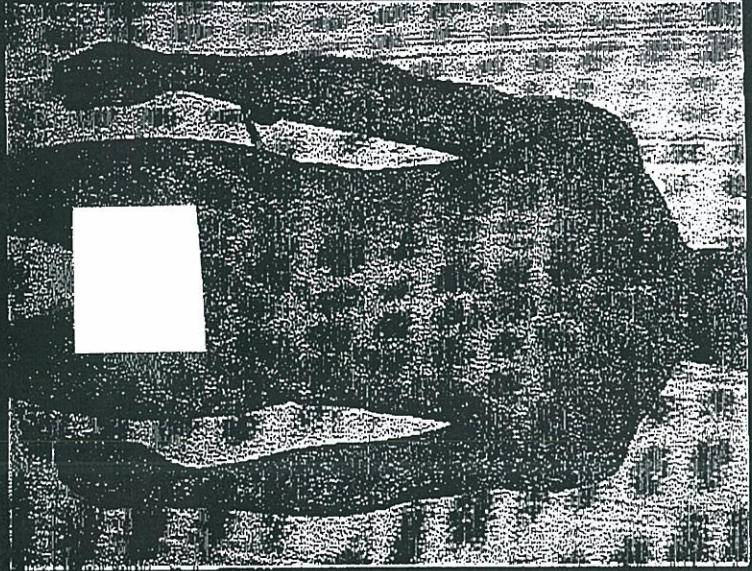
Image G	Item #1	Close up of black rubber ball gage with black leather strap for attaching behind neck and around jaw – same as Item # 10 in Image A
	Item #2	Pair of nipple clamps attached to either side of ball in Item #1 of this Image #18 in Image A
Image H		Unknown – same as Item #21 in Image A – appears to be a brass and/or steel device with four eye hooks – possibly home made – uncertain of intended use – possibly some sort of mouth bit or clamp of some sort
Image I	Item #1	Tube of sterile medical lubricating gel in clear plastic bag with warning label cautioning on proper care of urethral sounds same as Item #13 in Image A
	Item #2	Small urethral sound possibly with a small electric vibrator enclosed same as Item #13a in Image A
Image J		Label for “Joy Rider” rimming seat (rimming is the oral stimulation by tongue of anus and area around anus
Image K		Partially disassemble “Joy Rider” rimming seat
Image L		Adult male wearing a CB3000 chastity device

Note: I have described various items in these imaged as being constructed of black leather, being chrome plated, made of rubber or similar latex and plastic materials or plastic. Most similar sado/masochistic (S/M) items available through most vendors are normally made of such substances. Since I have not personally examined the evidence but have worked from photographic image these are assumptions on my part. After more than a decade of experience with gay sado/masochistic practices I am very familiar with nearly all the items presented in the above list. There are a few items with which I am not personally familiar and have indicated my uncertainty of their nature and/or uses in such cases.

Respectfully submitted

Res. Sgt. James F. Plante, Metropolitan Police Department of the District of Columbia
Badge #8017
June 14, 2009

ATTACHMENT B



Default member for abuse. Report this photo for abuse.

- Interact with Culuket
- Send an Email
- Block Emails/Winks
- Add to Halllist
- Private Chat Room

- Send him a wink
- Refer to a friend
- Send Voice Message
- Invite to Join my Network

Looking For: Men or Couples (2 men) for active participation

Profile for Culuket

I'm a 34 year old BDSM enthusiast in the Washington D.C. area looking for a dominant or submissive partner to join me and my dom (35, slim, swimmer's build). We are into and have experience with CBT, TT, feel, ass-play, discipline, light bondage, dog training and fetishwear. We'd like to expand our fetish experience by including a third (experience level not important) seeking the same in a mutually satisfying experience.

My Ideal Person:

I'm interested in meeting a confident, fit man (sub or dom) who would be interested in participating in a threesome with me and my dom.

All I Fetish Checklist

Information:

- Gender: Man
- Birthdate: September 30, 1971 (37 years old)
- Lives in: Washington, DC, District of Columbia (4 miles from you)
- Height: 5'11 in / 180-182 cm
- Body Type: Slim/Fat
- Smoking: I'm a non-smoker
- Drinking: I'm a light/social drinker
- Drugs: Ever not to say
- Education: PhD/MD/Post doctorate
- Race: Caucasian
- Sexual Orientation: Gay/Lesbian
- Speaks: English
- Hair Color: Brown
- Hair Length: Shaved

Orgasm Denial
Extreme Cockteasing
Dominant Women
Who Love to Control Your Cock!
CockControl.com

BONDAGE
Strictly pleasure
fulfill your fantasies tonight!

[Back](#)
[Home](#)
[Search](#)
[Favorites](#)
[Print](#)
[Close](#)

Address: <http://ali.com/p/member.cgi>

- [Refer to a Friend](#)
- [Send Voice Message](#)
- [Private Chat Room](#)
- [Invite to join my Network](#)

Interactions in the Past 30 Days

You have no interactions in the past 30 days.

Compatibility Score: **192/100**

Astroloby

Libra  Flu 

See your astrological compatibility

	Mutual Match	You	Him
Gender:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Distance:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Activities Enjoyed:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Relationship Goal:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Drinking:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Smoking:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Body Type:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Age:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Race:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Culikel's Network

Add Testimonial

Albums for Culikel

Sexual Orientation: Gay/lesbian

Speaks: English

Hair Color: Brown

Hair Length: Slaved

Eye Color: Brown

Glasses or Contacts: Neither

Lifestyle

Activities Employed: Anal Sex; Ass Play; Blindfolds; Bondage; Breast/Nipple Torture, Clamps, etc.; Candle Wax; Chains; Chastity Devices; Cork and Ball Torture, Clamps, etc.; Collar and Lead/Leash; Combamant/Catgut; Diapylators/Schwanz; Discipline; Domination; Electrostimulation (EMS; TENS; unles); Handcuffs/Shackles; Humiliation; Kismaphilia (Douching/Enema); Latex; Leather; Masochism; Master/Slave; Nipples; Oral Sex; Pain; Participating in Erotic Photography; Podophilia (Foot Fetish); Power Exchange; Racks/Medieval Devices; Rimming; Role Playing; Rubber; Sadism; Sensory Deprivation; Spanking/Paddling; Toys; Urolagnia (Water Sports/Urine); Voyeurism; Whips

[View full A L T Fetish Checklist Details](#)

I think about A L T freestyle: Once a day

Role: Submissive

Dress: Preppie

Social Orientation: Extreme Liberal

Safe Sex: Yes

Deemeanor: Asseltive

Facial Hair: None

Body Hair: Little

Body Decorations: None

Male Endowment: Average/ Avelage

**IN THE SUPERIOR COURT FOR THE DISTRICT OF COLUMBIA
CRIMINAL DIVISION**

UNITED STATES,

v.

**JOSEPH R. PRICE,
DYLAN M. WARD, and
VICTOR J. ZABORSKY,**

Defendants.

**Criminal No. 08-CF1-27068
Criminal No. 08-CF1-26996
Criminal No. 08-CF1-26997**

Judge Lynn Leibovitz

Courtroom 310

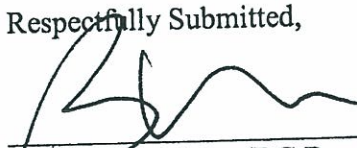
Status Hearing: March 12, 2010

NOTICE OF FILING

Defendant Joseph Price, by and through counsel, respectfully requests that the attached letter be filed in this case.

January 28, 2010

Respectfully Submitted,


Bernard S. Grimm (DC Bar # 378171)
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Washington, D.C. 20006-4007
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Facsimile: 877-260-9435
Email: bgrimm@cozen.com




CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Notice was faxed, this 27th day of January, 2010, to:

Glenn L. Kirschner
T. Patrick Martin
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Washington, DC 20530

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Bernhard S. Grimm