

# **ATTACHMENT I**



850.1

## SWEDEN

Convention on extradition, with protocol.<sup>1</sup> Signed at Washington October 24, 1961; entered into force December 3, 1963.

14 UST 1845; TIAS 5496; 494 UNTS 141.

850.3

<sup>1</sup>Protocol terminated January 1, 1965.

Include → \* Supplementary Convention on Extradition. Signed in Stockholm on March 14, 1984; entered into force on September 24, 1984.

850.22

[Not published in TIAS yet. The reprint in this volume is based on the Senate Treaty Document No. 98-4, 98th Cong., 1st Sess.

The text of the treaty is followed by the full text of the Senate committee on Foreign Relations report of June 20, 1984, recommending approval of the treaty: Executive Report No. 98-27, 98th Cong., 2d Sess.]

**Extradition**

*Convention and protocol signed at Washington October 24, 1961;  
Ratification advised by the Senate of the United States of  
America October 22, 1963;  
Ratified by the President of the United States of America  
October 29, 1963;  
Ratified by Sweden April 27, 1962;  
Ratifications exchanged at Stockholm December 3, 1963;  
Proclaimed by the President of the United States of America  
December 20, 1963;  
Entered into force December 3, 1963.*

---

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

**A PROCLAMATION**

WHEREAS a convention on extradition between the United States of America and Sweden, together with a related protocol, was signed at Washington on October 24, 1961, the originals of which convention and protocol, being in the English and Swedish languages, are word for word as follows:

CONVENTION ON EXTRADITION  
BETWEEN THE  
UNITED STATES OF AMERICA AND SWEDEN

The United States of America and the Kingdom of Sweden desiring to make more effective the cooperation of the two countries in the repression of crime, have resolved to conclude a Convention on Extradition and for this purpose have appointed the following Plenipotentiaries:

The President of the United States of America:

Dean Rusk, Secretary of State of the United States of America,  
and

His Majesty the King of Sweden:

Gunnar Jarring, Ambassador Extraordinary and Plenipotentiary  
of Sweden to the United States of America,

who, having communicated to each other their respective full powers, found to be in good and due form, agree as follows:

ARTICLE I

Each Contracting State undertakes to surrender to the other, subject to the provisions and conditions laid down in this Convention, those persons found in its territory who have been charged with or convicted of any of the offenses specified in Article II of this Convention committed within the territorial jurisdiction of the other, or outside thereof under the conditions specified in Article IV of this Convention; provided that such surrender shall take place only upon such evidence of criminality as, according to the laws of the place where the person sought shall be found, would justify his commitment for trial if the offense had been there committed.

ARTICLE II

Extradition shall be granted, subject to the provisions of this Convention, for the following offenses:

1. Murder, including infanticide; the killing of a human being, when such act is punishable in the United States as voluntary manslaughter, and in Sweden as manslaughter.
2. Malicious wounding; mayhem; willful assault resulting in grievous bodily harm.
3. Kidnapping; abduction.
4. Rape; abortion; carnal knowledge of a girl under the age specified by law in such cases in both the requesting and requested State.

5. Prostitution, defined as the procuring or transporting of a woman or girl under age, even with her consent, for immoral purposes, or of a woman or girl over age, by fraud, threats, or compulsion, for such purposes with a view in either case to gratifying the passions of another person; profiting from the prostitution of another.

6. Bigamy.

7. Robbery; burglary, defined to be the breaking into or entering either in day or night time, a house, office, or other building of a government, corporation, or private person, with intent to commit a felony therein.

8. Arson.

9. The malicious and unlawful damaging of railways, trains, vessels, aircraft, bridges, vehicles, and other means of travel or of public or private buildings, or other structures, when the act committed shall endanger human life.

10. Piracy; mutiny on board a vessel or an aircraft for the purpose of rebelling against the authority of the Captain or Commander of such vessel or aircraft; or by fraud or violence taking possession of such vessel or aircraft.

11. Blackmail or extortion.

12. Forgery, or the utterance of forged papers; the forgery or falsification of official acts of government, of public authorities, or of courts of justice, or the utterance of the thing forged or falsified.

13. The counterfeiting, falsifying or altering of money, whether coin or paper, or of instruments of debt created by national, state, provincial, or municipal governments, or of coupons thereof, or of bank-notes, or the utterance or circulation of the same; or the counterfeiting, falsifying or altering of seals of state.

14. Embezzlement by public officers; embezzlement by persons hired or salaried, to the detriment of their employers; larceny; obtaining money, valuable securities or other property by false pretenses, or by threats of injury; receiving money, valuable securities or other property knowing the same to have been embezzled, stolen or fraudulently obtained.

15. Making use of the mails or other means of communication in connection with schemes devised or intended to deceive or defraud the public or for the purpose of obtaining money under false pretenses.

16. Fraud or breach of trust by a bailee, banker, agent, factor, trustee or other person acting in a fiduciary capacity, or director or member or officer of any company.

17. Soliciting, receiving, or offering bribes.

18. Perjury; subornation of perjury.

19. Offenses against the laws for the suppression of slavery and slave trading.

20. Offenses against the bankruptcy laws.

21. Smuggling, defined to be the act of willfully and knowingly violating the customs laws with intent to defraud the revenue by international traffic in merchandise subject to duty.

22. Offenses against the laws relating to the traffic in, use of, or production or manufacture of, narcotic drugs or cannabis.

23. Offenses against the laws relating to the illicit manufacture of or traffic in poisonous chemicals or substances injurious to health.

24. The attempt to commit any of the above offenses when such attempt is made a separate offense by the laws of the Contracting States.

25. Participation in any of the above offenses.

#### ARTICLE III

1. The requested State shall, subject to the provisions of this Convention, extradite a person charged with or convicted of any offense enumerated in Article II only when both of the following conditions exist:

- (a) The law of the requesting State, in force when the offense was committed, provides a possible penalty of deprivation of liberty for a period of more than one year; and
- (b) The law in force in the requested State generally provides a possible penalty of deprivation of liberty for a period of more than one year which would be applicable if the offense were committed in the territory of the requested State.

2. When the person sought has been sentenced in the requesting State, the punishment awarded must have been for a period of at least four months.

#### ARTICLE IV

1. Extradition need not be granted for an offense which has been committed within the territorial jurisdiction of the requested State, but if the offense has been committed in the requested State by an officer or employee of the requesting State, who is a national of the requesting State, the executive authority of the requested State shall, subject to its laws, have the power to surrender the person sought if, in its discretion, it be deemed proper to do so.

2. When the offense has been committed outside the territorial jurisdiction of the requesting State, the request for extradition need not be honored unless the laws of the requesting State and those of the requested State authorize prosecution of such offense under corresponding circumstances.

3. The words "territorial jurisdiction" as used in this Article and in Article I of this Convention mean: territory, including territorial waters, and the airspace thereover, belonging to or under the control of one of the Contracting States; and vessels and aircraft belonging to one of the Contracting States or to a citizen or corporation thereof when such vessel is on the high seas or such aircraft is over the high seas.

## ARTICLE V

Extradition shall not be granted in any of the following circumstances:

1. When the person sought has already been or is at the time of the request being proceeded against in the requested State in accordance with the criminal laws of that State for the offense for which his extradition is requested.
2. When the legal proceedings or the enforcement of the penalty for the offense has become barred by limitation according to the laws of either the requesting State or the requested State.
3. When the person sought has been or will be tried in the requesting State by an extraordinary tribunal or court.
4. When the offense is purely military.
5. If the offense is regarded by the requested State as a political offense or as an offense connected with a political offense.
6. If in the specific case it is found to be obviously incompatible with the requirements of humane treatment, because of, for example, the youth or health of the person sought, taking into account also the nature of the offense and the interests of the requesting State.

## ARTICLE VI

When the person sought is being proceeded against in accordance with the criminal laws of the requested State or is serving a sentence in that State for an offense other than that for which extradition has been requested, his surrender may be deferred until such proceedings have been terminated or he is entitled to be set at liberty.

## ARTICLE VII

There is no obligation upon the requested State to grant the extradition of a person who is a national of the requested State, but the executive authority of the requested State shall, subject to the appropriate laws of that State, have the power to surrender a national of that State if, in its discretion, it be deemed proper to do so.

## ARTICLE VIII

If the offense for which extradition is requested is punishable by death under the law of the requesting State and the law of the requested State does not permit this punishment, extradition may be refused unless the requesting State gives such assurance as the requested State considers sufficient that the death penalty will not be carried out.

## ARTICLE IX

A person extradited by virtue of this Convention may not be tried or punished by the requesting State for any offense committed prior to his extradition, other than that which gave rise to the request, nor

may he be re-extradited by the requesting State to a third country which claims him, unless the surrendering State so agrees or unless the person extradited, having been set at liberty within the requesting State, remains voluntarily in the requesting State for more than 45 days from the date on which he was released. Upon such release, he shall be informed of the consequences to which his stay in the territory of the requesting State might subject him.

#### ARTICLE X

To the extent permitted under the law of the requested State and subject to the rights of third parties, which shall be duly respected, all articles acquired as a result of the offense or which may be required as evidence shall be surrendered.

#### ARTICLE XI

1. The request for extradition shall be made through the diplomatic channel and shall be supported by the following documents:

- (a) In the case of a person who has been convicted of the offense: a duly certified or authenticated copy of the final sentence of the competent court. However, in exceptional cases, the requested State may request additional documentation.
- (b) In the case of a person who is merely charged with the offense: a duly certified or authenticated copy of the warrant of arrest or other order of detention issued by the competent authorities of the requesting State, together with the depositions, record of investigation or other evidence upon which such warrant or order may have been issued and such other evidence or proof as may be deemed competent in the case.

2. The documents specified in this Article must include a precise statement of the criminal act with which the person sought is charged or of which he has been convicted, and the place and date of the commission of the criminal act. The said documents must be accompanied by an authenticated copy of the texts of the applicable laws of the requesting State including the laws relating to the limitation of the legal proceedings or the enforcement of the penalty for the offense for which the extradition of the person is sought, and data or records which will prove the identity of the person sought as well as information as to his nationality and residence.

3. The documents in support of the request for extradition shall be accompanied by a duly certified translation thereof into the language of the requested State.

#### ARTICLE XII

1. The Contracting States may request, through the diplomatic channel, the provisional arrest of a person, provided that the offense

*WSP Treaty  
urgency*

SWEDEN

850.9

*cert'd documents*

for which he is sought is one for which extradition shall be granted under this Convention. The request shall contain:

*complaint  
indictment*

- (a) A statement of the offense with which the person sought is charged or of which he has been convicted;
- (b) A description of the person sought for the purpose of identification;
- (c) A statement of his whereabouts, if known; and
- (d) A declaration that there exist and will be forthcoming the relevant documents required by Article XI of this Convention.

*→ supporting docs (arrest warrant)*

*fingerprints / photograph*

2. If, within a maximum period of 40 days from the date of the provisional arrest of the person in accordance with this Article, the requesting State does not present the formal request for his extradition, duly supported, the person detained will be set at liberty and a new request for his extradition will be accepted only when accompanied by the relevant documents required by Article XI of this Convention.

ARTICLE XIII

1. Expenses related to the transportation of the person extradited shall be paid by the requesting State. The appropriate legal officers of the country in which the extradition proceedings take place shall, by all legal means within their power, assist the officers of the requesting State before the respective judges and magistrates. No pecuniary claim, arising out of the arrest, detention, examination and surrender of fugitives under the terms of this Convention, shall be made by the requested State against the requesting State other than as specified in the second paragraph of this Article and other than for the lodging, maintenance, and board of the person being extradited prior to his surrender.

2. The legal officers, other officers of the requested State, and court stenographers in the requested State who shall, in the usual course of their duty, give assistance and who receive no salary or compensation other than specific fees for services performed, shall be entitled to receive from the requesting State the usual payment for such acts or services performed by them in the same manner and to the same amount as though such acts or services had been performed in ordinary criminal proceedings under the laws of the country of which they are officers.

ARTICLE XIV

1. Transit through the territory of one of the Contracting States of a person in the custody of an agent of the other Contracting State, and surrendered to the latter by a third State, and who is not of the nationality of the country of transit, shall, subject to the provisions of the second paragraph of this Article, be permitted, independently

of any judicial formalities, when requested through diplomatic channels and accompanied by the presentation in original or in authenticated copy of the document by which the State of refuge has granted the extradition. In the United States of America, the authority of the Secretary of State of the United States of America shall be first obtained.

2. The permission provided for in this Article may nevertheless be refused if the criminal act which has given rise to the extradition does not constitute an offense enumerated in Article II of this Convention, or when grave reasons of public order are opposed to the transit.

#### ARTICLE XV

To the extent consistent with the stipulations of this Convention and with respect to matters not covered herein, extradition shall be governed by the laws and regulations of the requested State.

#### ARTICLE XVI

1. This Convention shall be ratified and the ratifications shall be exchanged at Stockholm as soon as possible.

2. This Convention shall enter into force upon the exchange of ratifications. It may be terminated by either Contracting State giving notice of termination to the other Contracting State at any time, the termination to be effective six months after the date of such notice.

### KONVENTION OM UTLÄMNING MELLAN AMERIKAS FÖRENTA STATER OCH SVERIGE

Amerikas Förenta Stater och Konungariket Sverige, vilka önska vidga de två staternas samarbete i fråga om brottslighetens bekämpande, ha beslutat att avsluta en konvention om utlämning och ha för detta ändamål utsett följande befullmäktigade ombud:

Amerikas Förenta Staters President:

Dean Rusk, Amerikas Förenta Staters Secretary of State, och

Hans Majestät Konungen av Sverige:

Gunnar Jarring, Sveriges utomordentlige och befullmäktigade ambassadör i Amerikas Förenta Stater,

vilka efter att ha delgivit varandra sina respektive fullmakter, som befunnits i god och behörig form, överenskomma om följande.

SWEDEN

Extradition

*Supplementary convention signed at Stockholm March 14, 1983  
Transmitted by the President of the United States of America to  
the Senate May 25, 1983 (Treaty Doc. No. 98-4, 98th Cong.,  
1st Sess.);*

*Reported favorably by the Senate Committee on Foreign Rela-  
tions June 20, 1984 (S. Ex. Rept. No. 98-27, 98th Cong., 2d  
Sess.);*

*Advice and consent to ratification by the Senate June 28, 1984;*

*Ratified by the President July 13, 1984;*

*Ratified by Sweden July 2, 1984;*

*Ratifications exchanged at Washington September 24, 1984;*

*Proclaimed by the President October 31, 1984;*

*Entered into force September 24, 1984.*

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA  
A PROCLAMATION

CONSIDERING THAT:

The Supplementary Convention to the Extradition Convention of October 24, 1961 between the United States of America and the Kingdom of Sweden was signed at Stockholm on March 14, 1983, the text of which is hereto annexed;

The Senate of the United States of America by its resolution of June 28, 1984, two-thirds of the Senators present concurring therein, gave its advice and consent to ratification of the Supplementary Convention;

The Supplementary Convention was ratified by the President of the United States of America on July 13, 1984, in pursuance of the advice and consent of the Senate, and was ratified on the part of the Kingdom of Sweden;

It is provided in Article XIII of the Supplementary Convention that the Supplementary Convention shall enter into force in accordance with the terms of Article XVI of the Convention on Extradition between the United States of America and Sweden signed at Washington on October 24, 1961;

Article XVI of the Convention of October 24, 1961 provides for entry into force upon the exchange of instruments of ratification;

The instruments of ratification of the Supplementary Convention were exchanged at Washington on September 24, 1984, and accordingly the Supplementary Convention entered into force on September 24, 1984;

TIAS 10812

NOW, THEREFORE, I, Ronald Reagan, President of the United States of America, proclaim and make public the Supplementary Convention to the end that it be observed and fulfilled with good faith on and after September 24, 1984, by the United States of America and by the citizens of the United States of America and all other persons subject to the jurisdiction thereof.

IN TESTIMONY WHEREOF, I have signed this proclamation and caused the Seal of the United States of America to be affixed.

[SEAL]

DONE at the city of Washington  
this thirty-first day of  
October in the year of  
our Lord one thousand  
nine hundred eighty-four  
and of the Independence  
of the United States of  
America the two hundred  
ninth.

Ronald Reagan

By the President:

George P. Shultz

Secretary of State

TIAS 10812

SUPPLEMENTARY CONVENTION ON EXTRADITION  
BETWEEN THE UNITED STATES OF AMERICA  
AND THE KINGDOM OF SWEDEN

The Government of the United States of America and the Government of the Kingdom of Sweden, desiring to make more effective the Extradition Convention signed at Washington October 24, 1961,<sup>[1]</sup> have agreed upon the following amendments and additions to the convention:

---

<sup>1</sup> TIAS 5496; 14 UST 1845.

Article I

Each Contracting State undertakes to surrender to the other, subject to the provisions and conditions laid down in this Convention, those persons found in its territory who are sought for the purpose of prosecution, who have been found guilty of committing an offense, or who are wanted for the enforcement of a sentence, in respect of any offense made extraditable under Article II of this Convention committed within the territorial jurisdiction of the other, or outside thereof under the conditions specified in Article IV of this Convention.

Article II

(1) An offense shall be an extraditable offense only if it is punishable under the laws of both Contracting States by deprivation of liberty for a period of at least two years. However, when the request for extradition relates to a person who has been convicted and sentenced, extradition shall be granted only if the duration of the penalty, or the aggregate of the penalties still to be served amounts to at least six months.

2) For the purpose of this Article, it shall not matter;

(a) whether or not the laws of the Contracting States place the offense within the same category of offenses or denominate the offense by the same terminology; or

TIAS 10812

(b) whether or not the offense is one for which United States federal law requires proof of interstate transportation, or use of the mails or of other facilities affecting interstate or foreign commerce, such matters being merely for the purpose of establishing jurisdiction in a United States federal court.

(3) Subject to the conditions set out in paragraphs (1) and (2) of this Article, extradition shall also be granted for conspiring in, attempting, preparing for, or participating in, the commission of an offense.

(4) When extradition has been granted with respect to an extraditable offense, it shall also be granted with respect to any other offense specified in the extradition request that meets all other requirements for extradition except for periods of deprivation of liberty set forth in paragraph (1) of this Article.

Article III

Deleted.

Article IV

(1) Subject to the provisions of paragraph (2) of this Article, extradition shall be granted in respect of an extraditable offense committed outside the territorial jurisdiction of the requesting State if:

TLAS 10812

(a) the courts of the requested State would be competent to exercise jurisdiction in similar circumstances; or

(b) the person sought is a national of the requesting State.

(2) Extradition may be refused for an offense which has been committed within the territorial jurisdiction of the requested State, when that State takes all possible measures in accordance with its own laws to prosecute the person claimed.

(3) The words "territorial jurisdiction" as used in this Article and in Article I of this Convention mean: territory, including territorial waters, and the airspace thereover, belonging to or under the control of one of the Contracting States; and vessels and aircraft belonging to one of the Contracting States or to a citizen or corporation thereof, when such vessel is on the high seas or such aircraft is over the high seas.

TIAS 10812

## Article VI

If the extradition request is granted in the case of a person who is being prosecuted or is serving a sentence in the territory of the requested State for a different offense, the requested State may:

(a) defer the surrender of the person sought until the conclusion of the proceedings against that person, or the full execution of any punishment that may be or may have been imposed; or

(b) temporarily surrender the person sought to the requesting State for the purpose of prosecution. The person so surrendered shall be kept in custody while in the requesting State and shall be returned to the requested State after the conclusion of the proceedings against that person in accordance with conditions to be determined by mutual agreement of the Contracting States.

## Article VII

(1) There is no obligation upon the requested State to grant the extradition of a person who is a national of the requested State, but the executive authority of the requested State shall, subject to the appropriate laws of that State, have the power to surrender a national of that State if, in its discretion, it be deemed proper to do so.

TIAS 10812

(2) If the request for extradition is denied solely on the basis that the person claimed is a national of the requested State, that State shall, if asked to do so by the requesting State, take all possible measures in accordance with its own laws to prosecute the person claimed. If the requested State requires additional documents or evidence, such documents or evidence shall be submitted without charge to that State. The requesting State shall be informed of the result of its request.

Article XI

(1) The request for extradition shall be made through the diplomatic channel.

(2) The request for extradition shall be accompanied by:

(a) a statement as to the identity and probable location of the person sought;

(b) a statement of the facts of the case, including, if possible, the time and location of the crime;

(c) the provisions of the law describing the essential elements and the designation of the offense for which extradition is requested;

(d) the provisions of the law describing the punishment for the offense; and

(e) the provisions of the law describing any time limit on the prosecution or the execution of punishment for the offense.

TIAS 10812

(3) A request for extradition relating to a person who is sought for prosecution also shall be accompanied by:

(a) evidence providing probable cause to believe that the person sought is the person to whom the warrant or decision of arrest refers;

(b) a certified copy of the warrant of arrest, issued by a judge or other competent judicial officer with respect to a request emanating from the United States, or a certified copy of the decision of arrest (häktningsbeslut) issued by a judge or other competent judicial officer with respect to a request emanating from Sweden, and such supplementary documentation as provides probable cause to believe that the person sought committed the offense for which extradition is requested. Such a warrant or decision of arrest and supplementary documentation shall be recognized as sufficient grounds for extradition, unless, in a specific case, it appears that the warrant or decision of arrest is manifestly ill-founded.

(4) In the case of a person who has been convicted of the offense, a request for extradition shall be accompanied by a duly certified or authenticated copy of the final sentence of the competent court. If the person was found guilty but not sentenced, the request shall be accompanied by a statement to that effect by the competent court. However, in exceptional cases, the requested State may request additional documentation.

(5) Documents transmitted through the diplomatic channel shall be admissible in extradition proceedings in the requested State without further certification, authentication or other legalization.

(6) The documents in support of the request for extradition shall be accompanied by a duly certified translation thereof into the language of the requested State.

#### Article XII

(1) In case of urgency, either Contracting State may request the provisional arrest of any accused or convicted person. Application for provisional arrest shall be made through the diplomatic channel or directly between the United States Department of Justice and the Ministry for Foreign Affairs in Sweden, in which case the facilities of Interpol may be used.

(2) The application shall contain: a description of the person sought; the location of that person, if known; a brief statement of the facts of the case including, if possible, the time and location of the offense; a statement of the existence of a warrant or decision of arrest or a judgment of conviction against that person, as referred to in Article XI; and a statement that a request for extradition of the person sought will follow.

(3) On receipt of such an application, the requested State shall take the appropriate steps to secure the arrest of the person sought. The requesting State shall be promptly notified of the result of its application.

TIAS 10812

(4) Provisional arrest shall be terminated if, within a period of 40 days after the apprehension of the person sought, the Executive Authority of the requested State has not received the formal request for extradition and the supporting documents required by Article XI.

(5) The termination of provisional arrest pursuant to paragraph (4) of this Article shall not prejudice the extradition of the person sought if the extradition request and the supporting documents mentioned in Article XI are delivered at a later date.

#### Article XIII

(1) The requested State shall provide review of documentation in support of an extradition request for its legal sufficiency prior to presentation to the judicial authorities and shall provide for representation of the interests of the requesting State before the competent authorities of the requested State.

(2) Expenses related to the translation of documents and to the transportation of the person sought shall be paid by the requesting State. No pecuniary claim, arising out of the arrest, detention, examination and surrender of persons sought under the terms of this Convention or arising out of the representation of the interests of the requesting State before the competent authorities of the requested State, shall be made by the requested State against the requesting State.

TIAS 10812

This supplementary Convention shall apply to offenses encompassed by Article II committed before as well as after its entry into force.

Article XVI of the Convention of October 24, 1961, shall also apply to the entry into force and the termination of this supplementary Convention.

IN WITNESS WHEREOF, the respective plenipotentiaries have signed this supplementary Convention and have affixed hereunto their seals.

DONE at Stockholm in duplicate, in the English and Swedish languages, both versions being equally authentic, this March 14 1983.

FOR THE GOVERNMENT OF  
THE UNITED STATES OF  
AMERICA

FOR THE GOVERNMENT OF  
THE KINGDOM OF SWEDEN

*Franklin S. Forsberg* [1] *Lennart Bodstrom* [2]

(SEAL)

(SEAL)

<sup>1</sup>Franklin S. Forsberg.  
<sup>2</sup>Lennart Bodstrom.

# **ATTACHMENT J**

IN THE  DISTRICT  MUNICIPAL COURT OF SEATTLE WASHINGTON  
 STATE OF WASHINGTON, PLAINTIFF VS. NAMED DEFENDANT  
 COUNTY OF  
 CITY/TOWN OF SEATTLE INCIDENT #

052060601

CERTIFIED COPY

L.E.A. ORI #: WASPD0000 COURT ORI# WA017331J

THE UNDERSIGNED CERTIFIES AND SAYS THAT IN THE STATE OF WASHINGTON

DRIVER'S LICENSE NO. 9678932 STATE OR EXPIRES 07 PHOTO I.D. ON PERSON  YES  NO

NAME: LAST Solaway FIRST ROBERT MIDDLE Alan

ADDRESS 1200 WESTERN AV #17E  IF NEW ADDRESS  PASSENGER

CITY SEATTLE STATE WA ZIP CODE 98104 EMPLOYER

RACE W M SEX M DATE OF BIRTH 07-10-1979 HEIGHT 5-11 WEIGHT 180 EYES HAIR

RESIDENTIAL PHONE NO. CELL/PAGER NO. WORK PHONE NO.

VIOLATION DATE MONTH 07 DAY 24 YEAR 05 TIME 0407  INTERPRETER NEEDED  
 ON OR ABOUT AT LOCATION LAUS + S. KING CITY/COUNTY OF SEATTLE/KING

DID OPERATE THE FOLLOWING VEHICLE/MOTOR VEHICLE ON A PUBLIC HIGHWAY AND

VEHICLE LICENSE NO. 604 TUB STATE WA EXPIRES 03 VEH. YR. MER MAKE S20 MODEL 2-D STYLE WHITE COLOR WHITE

TRAILER #1 LICENSE NO. 505 117 TRM STATE EXPIRES TR. YR.

OWNER/COMPANY IF OTHER THAN DRIVER SAME

ADDRESS CITY STATE ZIP CODE

ACCIDENT  NO NR R I F COMMERCIAL  YES  NO HAZARD  YES  NO EXEMPT  YES  NO FARM  YES  NO FIRE  YES  NO OTHER

DID THEN AND THERE COMMIT EACH OF THE FOLLOWING INFRACTIONS

1. VIOLATION/STATUTE CODE 25.08.515 smc VEHICLE SPEED PubHz DisturbancE. IN A ZONE  SMD  FACE  AIRCRAFT  
 -VEHICLE AUDIO Equip.

2. VIOLATION/STATUTE CODE \*WARNING\* FAIL TO OBTAIN WASHINGTON STATE D.L. (101)

3. VIOLATION/STATUTE CODE

RELATED # PENALTY U.S. \$ 540

RELATED # DATE ISSUED 7/24/05

WITHOUT ADMITTING TO HAVING COMMITTED EACH OF THE ABOVE OFFENSES, BY SIGNING THIS DOCUMENT I ACKNOWLEDGE RECEIPT OF THIS NOTICE OF INFRACTION AND PROMISE TO RESPOND AS DIRECTED ON THIS NOTICE.

I CERTIFY UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF WASHINGTON THAT I HAVE ISSUED THIS ON THE DATE AND AT THE LOCATION ABOVE, THAT I HAVE PROBABLE CAUSE TO BELIEVE THE ABOVE NAMED PERSON COMMITTED THE ABOVE OFFENSE(S), AND MY REPORT WRITTEN ON THE BACK OF THIS DOCUMENT OR ATTACHED TO THIS INFRACTION IS TRUE AND CORRECT.

OFFICER C MYERS UNIT # 611 SERIAL # 5452

DEFENDANT'S SIGNATURE

INF	RESPONSE	DISPOSITION	PENALTY	SUSPENDED	SUB-TOTAL	FNDG/JDGT DATE
1	C NC	C NC D P DF	\$	\$	\$	ABSTRACT MLD TO OLYMPIA
2	C NC	C NC D P DF	\$	\$	\$	
3	C NC	C NC D P DF	\$	\$	\$	
TOTAL COSTS \$						

10685428

Δ

1K3

I WAS SITTING IN THE ZOO TRUCK OF LAUS.  
A MIXED COMMERCIAL AND RESIDENTIAL AREA  
IN PIONEER SQUARE, SEATTLE.

I HEARD A VERY LOUD STEREO  
OVER THE SOUND OF MY OWN ENGINE  
AND POLICE RADIO. I SAW + HEARD  
Δ PASS MY MARKED POLICE CAR WITH  
AN EXTREMELY LOUD CAR STEREO.

Δ MADE IT TO S MAIN, APPROX 250'  
AWAY AND HIS CAR STEREO WAS STILL  
CLEARLY AUDIBLE. IT WAS 0407 HRS  
ON A SUNDAY MORNING.

WHEN STOPPED Δ HAD AN OREGON  
LICENSE DESPITE ESTABLISHING WASHINGTON  
RESIDENCY PRIOR TO 2/05. HIS OREGON D.L.  
CAR REGISTRATION AND INSURANCE ALL  
LIST SEATTLE AS HIS PRIMARY RESIDENCE

Δ WAS ALSO CITED FOR  
IMPROPER VEH. LICENSE.

SEE CIT # 10685429

TRAFFIC		WEATHER			STREET			LIGHT						
<input checked="" type="radio"/> LT	<input type="radio"/> MED	<input type="radio"/> HV	<input checked="" type="radio"/> CL	<input type="radio"/> RN	<input type="radio"/> FG	<input type="radio"/> SN	<input checked="" type="radio"/> D	<input type="radio"/> W	<input type="radio"/> I	<input type="radio"/> S	<input type="radio"/> D	<input type="radio"/> DWN	<input type="radio"/> DSH	<input checked="" type="radio"/> DK
WITNESS NAME (LAST, FIRST, M.I.)											PHONE			
ADDRESS				CITY				STATE				ZIP		
WITNESS NAME (LAST, FIRST, M.I.)											PHONE			
ADDRESS				CITY				STATE				ZIP		
INCIDENT NUMBER				RELATED CITATION/INFRACTION NUMBERS				APPROVING OFFICER/NO.						

STATE OF WASHINGTON } ss  
County of King

ROBERT WHITE, Clerk of the Municipal Court of the City of Seattle, State of Washington for the County of King, do hereby certify that I have compared the foregoing copy with the original instrument as the same appears file and or record in my office, and that the same is a true and perfect transcript of said original and of the whole thereof.

IN TESTIMONY WHEREOF I have hereunto set my hand and affixed the

Seal of said Municipal Court at my office at Seattle this \_\_\_\_\_ day of \_\_\_\_\_ 2007

ROBERT WHITE Municipal Court Clerk

By \_\_\_\_\_



STATE OF WASHINGTON  
DEPARTMENT OF LICENSING  
P. O. Box 9030 • Olympia, Washington 98507-9030

RECEIVED

JUL 16 2007

CRIMINAL INVESTIGATION  
SEATTLE FIELD OFFICE  
tnt

July 13, 2007

Having been appointed by the Director of Licensing as legal custodian of driving records in the State of Washington, I certify that such records are official, and are maintained in the office of the Department of Licensing, Olympia, Washington. I certify that all information contained in this certificate pertains to the driving record of:

License No: SOLOWRA

Name: SOLOWAY, ROBERT ALAN

Birthdate: July 10, 1979

I further certify under penalty of perjury that after a diligent search of computer files there is no document or other evidence in said official record to indicate that on July 13, 2007 the Department of Licensing had issued a valid license to the above-named person.

Trina Truong  
Custodian of Records  
Place: Olympia, Washington  
Date: July 13, 2007



The Department of Licensing has a policy of providing equal access to its services.  
If you need special accommodation, please call (360) 902-3900 or TTY (360) 664-0116.

000182

UNITED STATES OF AMERICA

The State of



Washington

Secretary of State

I, **Sam Reed**, Secretary of State of the State of Washington and custodian of its seal,  
hereby issue this

certificate that according to records on file in this office,

as of the date this certificate,

NEWPORT INTERNET MARKETING CORPORATION

is not on file as either a domestic or foreign corporation

as being registered with this office.

Date: July 13, 2007



Given under my hand and the Seal of the State  
of Washington at Olympia, the State Capital

Sam Reed, Secretary of State

# **ATTACHMENT K**

AFFIDAVIT

1  
2  
3 STATE OF WASHINGTON  
4 COUNTY OF KING

}  
} ss:

5  
6 SILVIA REYES, being first duly sworn on oath, deposes and says:

7  
8 **I. IDENTITY OF AFFIANT AND INTRODUCTION**

9 1. I am a Special Agent (SA) with the Internal Revenue Service, Criminal  
10 Investigation Division (IRS-CI) and have been such since February, 2005. I am  
11 currently assigned to the Seattle, Washington field office. As a Special Agent, I have  
12 received specialized training in taxation, accounting, financial structuring and money  
13 laundering investigative techniques. Before becoming an SA with IRS-CI, I was  
14 employed for six years as a Special Agent for the Washington State Gambling  
15 Commission Financial Investigations Unit. In that position, I was responsible for  
16 conducting forensic audits of business and individuals' books and records, and also for  
17 conducting criminal and administrative investigations to detect violations of the Revised  
18 Code of Washington and the Washington Administrative Code.

19 2. I hold a Bachelor of Arts degree in Accounting, and a Master of Business  
20 Administration degree in Finance. In 2001 I obtained, and hold in good standing to  
21 date, a certificate of Certified Public Accounting from the Washington State Board of  
22 Accountancy and a certificate of Certified Fraud Examiner from the American  
23 Association of Certified Fraud Examiners.

24 3. I learned the facts set forth in this affidavit by reviewing documents  
25 referenced herein, and from information obtained from other law enforcement officers,  
26 including, in particular, Federal Bureau of Investigation Special Agent  
27 Kenneth A. Schmutz, and United States Postal Inspector Joseph Stephenson.

28 4. Because this affidavit is submitted for the limited purpose of obtaining

1 seizure warrants for the financial accounts and assets referenced herein, I have not  
2 included all details of every aspect of the investigation, but set forth only those facts I  
3 believe are necessary to establish cause for the issuance of the seizure warrants.  
4 Details of the facts summarized herein are set forth in the Application and Affidavit for  
5 Search Warrant of the residence and computers of Robert Alan Soloway, which is  
6 attached hereto and incorporated as if fully set forth herein. In addition, when I rely on  
7 statements made by others, such statements are set forth in substance and as pertinent  
8 facts.

## 9 II. SUMMARY OF THE CASE

10 5. The attached Application and Affidavit for Search Warrant establishes that  
11 from at least November 2003 Robert Alan Soloway ("Soloway") has committed  
12 offenses against the United States.

13 Since at least November of 2003, Soloway has solely owned and operated a  
14 business, "Newport Internet Marketing," ("NIM"), that Soloway and NIM  
15 characterize as a "broadcast email" business. Soloway and NIM advertise and sell what  
16 they describe as "broadcast email services" and a "broadcast email product."  
17 Soloway and NIM advertise the company and the services and products that they sell by  
18 sending bulk commercial e-mail messages (spam) over the Internet, and by publishing  
19 websites on the world wide web. In those spammed and website advertisements,  
20 Soloway and NIM make false and fraudulent representations about the products and  
21 services they sell, the "technical support" they purportedly provide, and the guarantees  
22 that they purportedly offer for their products.

23 The spam messages that Soloway and NIM transmit over the Internet to  
24 advertise their company contain false and forged header information, and are relayed  
25 through the use of a network of proxy computers. Some of the forged headers contain  
26 e-mail addresses or domain names that belong to other real people and organizations,  
27 which makes it appear as though those other people or organizations are responsible for  
28 the spammed messages.

1 By conducting their operations in this way, Soloway and NIM have committed  
2 violations of federal laws, including Title 18 U.S.C. Sections 1037(a)(2) and (a)(3)  
3 (Fraud in Connection with Electronic Mail), Title 18 U.S.C. Section 1341 (Mail  
4 Fraud), Title 18 U.S.C. Section 1343 (Wire Fraud), Title 18 U.S.C. Section 1028A  
5 (Aggravated ID Theft), and Title 18 U.S.C. Section 1956(a)(1)(A)(i) (Money  
6 Laundering).

7 **III. PURPOSE OF THE AFFIDAVIT**

8 6. This affidavit is made in support of seizure warrants for the following  
9 accounts and assets:

<u>Account Owner</u>	<u>Financial Institution</u>	<u>Account Number</u>
Newport Internet Marketing	WestAmerica	05703285
Robert A Soloway	Wells Fargo	1506243243
Robert A Soloway	Epassporte.com	2153939
Robert A Soloway	Epassporte.com	2556723

15 These accounts are subject to seizure and forfeiture to the United States pursuant  
16 to Title 18, United States Code, 981(a)(1)(C), as proceeds of wire fraud and mail  
17 fraud, offenses that constitute "specified unlawful activities," as that term is defined in  
18 Title 18, United States Code, Section 1956(c)(7).

19 7. These seizure warrants are sought on the grounds that there is probable  
20 cause to believe that the listed accounts and assets constitute or are derived from the  
21 proceeds of violations of Title 18 U.S.C. Section 1341 (Mail Fraud) and Title 18  
22 U.S.C. Section 1343 (Wire Fraud).

23 8. In addition there is probable cause to believe that Robert A Soloway has  
24 laundered the proceeds of these transactions in violation of Title 18, United  
25 States Code, Section 1956, and that they are therefore subject to civil forfeiture in  
26 accordance with Title 18, United States Code, Section 981 (a)(1)(A) as property  
27 involved in money laundering.  
28

#### IV. SOLOWAY DOING BUSINESS AS NIM

1  
2 9. I have reviewed the financial transactions conducted by Soloway and  
3 Newport Internet Marketing Corporation, also variously known as NIM, Newport IM,  
4 and NPR (hereinafter "NIM"). NIM was incorporated in California on  
5 November 24, 1998. The trade name "NIM Corporation" was registered with the  
6 Washington State Department of Licensing in December 2003.

7 10. NIM's California corporate registration has been suspended. NIM has  
8 lost all corporate rights and powers for failure to meet statutory filing requirements in  
9 either the California Secretary of State's Office or the California Franchise Tax Board.

10 11. Washington State law requires a foreign organization, being those formed  
11 in a state other than Washington, to submit an application for Certificate of Authority to  
12 do Business in Washington. The Washington State Secretary of State's Office has no  
13 record of receiving the statutorily required application or issuing a Certificate of  
14 Authority to do Business in Washington to NIM.

15 12. During my review of the financial transactions conducted by Soloway and  
16 NIM, I examined the control of the corporation, the adherence to corporate formalities,  
17 the use of the corporation's assets, and the ability to obligate the corporation. I found  
18 that Soloway was the sole shareholder of NIM, and he alone held ownership, financial  
19 interest, and control of the corporate assets. In addition, I found that Soloway routinely  
20 commingled personal and corporate assets and liabilities.

21 13. Although the legal entity is no longer in good standing, and never  
22 obtained authorization to operate within Washington State, Soloway has continued to  
23 represent NIM as a separate and distinct legal entity. Based on my knowledge,  
24 training, and experience I believe that the appearance of a corporation was maintained  
25 in an attempt to shield Soloway from any liability resulting from the fraudulent activity  
26 in which Soloway is engaged. The information summarized herein will establish  
27 probable cause to seize the property of Robert Alan Soloway and Newport Internet  
28 Marketing as set forth below.

V. FINANCIAL INVESTIGATION

1  
2 14. I have reviewed business formation documents, documentation related to  
3 the purchase and sale of personal assets, and personal and business invoices, bank  
4 records, loan applications, credit reports, and credit card records as fully detailed in the  
5 body of this Affidavit and the attached Affidavit in Support of Search Warrant. Based  
6 upon the information I reviewed, the proceeds generated from the spam and related  
7 mail and wire fraud is the primary source of income for NIM.

8 15. In addition, based on the deposits into accounts controlled by Soloway,  
9 and the source of payments on debts owed by Soloway, I determined that NIM is his  
10 primary source of income. I found no additional paychecks or other indications of  
11 earnings, no records on file with Washington State Employment Security, or any other  
12 documentation normally found for wage earners.

13 16. The information given by Soloway in a deposition taken on October 26,  
14 2005, supports my review and evaluation. In the October 26, 2005 deposition the  
15 following questions were asked of, and answered by Soloway:

16 Q: Can you give me your approximate dates of employment with NIM?

17 A: It's the only employment I've had in my life. So you can say  
18 that I've never worked for anybody. It's only been my company.

19 Q: And you began in approximately 1996?

20 A: Correct. When I was about 16 or so. So that's the only  
21 occupation I've had.

22 Q: You stated that you were the sole employee of NIM?

23 A: Correct. There are no employees besides myself.

24  
25 Q: Are there any other officers or directors?

26 A: No.  
27  
28

1 17. The information given by Soloway also supports my findings that he is  
2 sole shareholder fo NIM, and that he alone held ownership, financial interests, and  
3 control of the corporate assets and liabilities.

4 18. My financial investigation also included a review of the bank account  
5 records of Soloway and NIM, as provided by the respective banks.

6 19. NIM's bank records obtained from WestAmerica Bank (formerly The  
7 Bank of the Redwoods) indicates that account # \*\*\*\*03285 was opened on  
8 January 4, 1999, and remains open with Soloway as the only individual with signature  
9 authority on the account.

10 20. Newport Internet Marketing's bank records obtained from Premierwest  
11 Bank indicate that account \*\*\*\*\*4139 was opened on May 2, 2003 and closed on  
12 May 28, 2004. Soloway was the only individual with signature authority on the  
13 account.

14 21. The records provided by the WestAmerica and Premierwest Bank identify  
15 specific items deposited into the accounts. These deposit items include wire transfers,  
16 checks, money orders, and cash.

17 22. The individual items deposited into Premierwest Bank account  
18 \*\*\*\*\*4139 consistently have comments on the memo lines stating, "Broadcast e-mail  
19 software," "E-mail marketing," and "Advertising," indicating that they represent  
20 payment for the sale of e-mail services offered by Newport Internet Marketing and  
21 proceeds from the sale of software.

22 23. The individual deposit items into Premierwest Bank account #\*\*\*\*\*1234  
23 consist primarily of disbursements from PayPal, an internet based money transmitter  
24 service. The deposit items into Premierwest Bank account #\*\*\*\*\*2676 deposit items  
25 include disbursements from PayPal and individual checks that also have comments on  
26 the memo lines stating, "Broadcast e-mail software," "E-mail marketing," and  
27 "Advertising," indicating that they represent payment for the sale of e-mail services  
28 offered by Newport Internet Marketing and proceeds from the sale of software.

1           24. The WestAmerica Account # \*\*\*\*03285 primarily contained deposits  
 2 from credit card merchants such as Novus, American Express, and Bankcard Services.  
 3 I have reviewed the NIM websites detailed in the Affidavit in Support of Search  
 4 Warrant, and have verified that the credit cards listed above are accepted forms of  
 5 payment. I reviewed the merchant credit card applications provided by the various  
 6 credit card companies and verified that NIM represented that these credit card  
 7 payments were to be accepted by its internet-based business. In addition, I reviewed  
 8 the individual transactions within a daily batch deposit from the credit card merchants  
 9 and concluded that the merchant deposits were from customers who purchased product  
 10 or services from NIM and paid via credit card.

11           25. From the bank records, investment account statements, and various  
 12 financial documents described and referenced within this affidavit, I have determined  
 13 that Soloway and NIM's fraud and spamming scheme, described fully in the Affidavit  
 14 for Search Warrant, generated income in excess of \$1.0 million from 2003 through  
 15 2006. Based on information available at this time, I have determined that the  
 16 proceeds were deposited in the accounts held by Soloway and NIM as follows:

18	Financial Institution	Acct.	2003	2004	2005	2006	Total
19	Bank of the Redwoods	3285	268,401.59	251,442.66	302,736.49	216,449.39	1,039,030.13
20	Premier West Bank	4139	8,617.93	2,370.00	0.00	0.00	10,987.93
21	Premier West Bank	2676	11,086.26	0.00	0.00	0.00	11,086.26
22	Premier West Bank	1234	10,035.00	0.00	0.00	0.00	10,035.00
23	PayPal	Multi.					81,836.33
24	Charles Schwab & Co	7454	0.00	0.00	10,000.00	0.00	10,000.00
25	Premier West Bank	1681	116,161.39	0.00	0.00	0.00	116,161.39
26	Washington Mutual	6423	5,862.67	10,840.00	0.00	0.00	16,702.67
27	Washington Mutual	6128	0.00	207,134.02	97,793.87	0.00	304,927.89
28	Wells Fargo	8814	0.00	23,080.18	0.00	0.00	23,080.18

Silvia Reyes Seizure Affidavit  
 USAO #2007R01674/Soloway, Robert A. - 7

UNITED STATES ATTORNEY  
 700 Stewart Street, Suite 5220  
 Seattle, Washington 98101-1271  
 (206) 553-7970

1	Wells Fargo	6263	0.00	23,188.41	0.03	0.00	23,181.44
2	Wells Fargo	0141	0.00	0.00	25,100.33	0.00	25,1003.33
3	Wells Fargo	3243	0.00	0.00	0.00	15,128.81	15,128.81
4	Wells Fargo	8175	0.00	0.00	0.00	100.38	100.38
5	Sound Community Bank	2856	0.00	0.00	1,262.55	180.00	1,442.55
6	Epassporte.com	3939	0.00	0.00	240.00	40,582.00	40,822.00
7	<b>TOTAL DEPOSITS</b>		<b>420,164.84</b>	<b>518,055.27</b>	<b>437,133.27</b>	<b>272,440.58</b>	<b>1,647,793.96</b>

8

9           26. In addition to NIM bank records I have reviewed e-commerce accounts.  
10 These accounts allow payments and money transfers to be made through the Internet.  
11 E-commerce accounts serve as an electronic alternative to traditional paper methods  
12 such as checks and money orders.

13           27. The e-commerce accounts I reviewed include Google Merchant,  
14 epassporte.com, PayPal, and E-Bay records that were provided by the respective  
15 companies. I reviewed the account registration information for these accounts and  
16 noted that the accounts were registered to one or more of the following: Newport  
17 Internet Marking, NIM Corp, Robert A. Soloway, Bob Soloway, R. Soloway, and to  
18 e-mail accounts known to be used by Soloway with an address of 1200 Western Avenue  
19 Seattle, WA, as fully detailed in the Affidavit for Application of a Search Warrant.

20           28. The review of e-commerce accounts included PayPal accounts, which  
21 facilitates the transfer of funds between two parties. Between 2003 and 2006, Soloway  
22 opened eighteen PayPal Accounts, each registered to a separate e-mail address. Nine  
23 of these accounts were designated as business accounts and nine were designated as  
24 personal accounts.

25           29. I reviewed the transactions posted to the accounts and noted that the  
26 income funds included comments stating, "Broadcast e-mail software," "E-mail  
27 marketing," and "Advertising," indicating that the transactions represent payment for  
28 e-mail services sold by Newport Internet Marketing and proceeds from the sale of

1 software.

2 30. From the PayPal records described in the paragraphs above, I have  
3 determined that the electronic mail spamming scheme described herein generated  
4 deposits in excess of \$81,000 from 2003 through 2006 that were deposited in PayPal  
5 accounts. Based on information available at this time, I have determined that the  
6 proceeds were deposited into the accounts as summarized below:

<u>Registered to:</u>	<u>Account Number</u>	<u>Opened</u>	<u>Total</u>
nim@cyberservices.com	1989915275618993231	10/17/2003	20,008.83
rsoloway@runbox.com	1340634501436136959	02/02/2005	7,500.00
theemailcompany@mailshack.com	1895180423547216904	10/11/2006	154.00
thebroadcastcompany@mailshack.com	1245168892165817118	10/11/2006	808.00
marketingassociates@mailshack.com	1368592183099076012	10/13/2006	139.00
emailmarketing@mailshack.com	1268876056812217955	10/13/2006	590.00
broadcastmarketing@mailshack.com	1455553951259741553	10/14/2006	195.00
marketingassociates@nerdshack.com	1350256294236526258	12/17/2006	433.19
	TOTAL RECEIVED		81,836.33

17 31. In addition to the funds received in relation to the spam scheme, the  
18 transaction comments also indicated that Soloway received funds related to the sale of  
19 personal goods. The volume and duplicative items indicate that Soloway's Ebay  
20 business included the sale of electronic goods such as video games, game consoles, and  
21 clothing.

22 32. In addition, I noted that in 2003 Soloway's account, registered to e-mail  
23 support@newportmarketing.com, contained 270 payments to other individuals totaling  
24 approximately \$61,573. The comments for these transactions include, "Mailing to 10  
25 million," "Mailing to 8 million," "Mailing Services," "Software Development," and  
26 "Resending". The payments and corresponding comments indicate that Soloway paid  
27 individuals and businesses to send electronic mail on his behalf.

28 33. I reviewed additional withdrawals and transfers out of the PayPal

1 accounts. I noted that the funds were withdrawn from the Paypal accounts through  
2 checks, transfers to personal and business bank accounts, and through credit card  
3 payments made to cards held by Robert A Soloway. The transfer of funds between  
4 business and personal accounts in this manner further indicates that Soloway routinely  
5 disregarded the legal corporate entity that he had established, and indiscriminately  
6 commingled business and personal funds.

7 34. I have further reviewed the distributions made from Soloway's bank  
8 accounts and e-commerce accounts, and have identified payments made to businesses  
9 and individuals that supported and promoted the continued operation of the fraud and  
10 spamming schemes. These financial transactions represent the proceeds of violations of  
11 specified unlawful activities including, but not limited to violations of Title 18 U.S.C.,  
12 Section 1341 (Mail Fraud), and Title 18, U.S.C. 1343 (Wire Fraud).

13 35. During the course of the scheme Soloway registered multiple internet  
14 domains and leased space on internet servers to continue the operation of his internet-  
15 based business. The payments made to these service providers were made to promote  
16 and carry on the specified unlawful activities, namely mail and wire fraud. The records  
17 that I have reviewed indicate that Soloway paid for these services with credit cards,  
18 through internet transactions.

19 36. I have identified the credit card payments made by Soloway and  
20 determined that the funds used to pay the credit card payments originated in whole or in  
21 part from accounts containing funds from the fraud and spamming activity in which  
22 Soloway was engaged; specifically, that the funds originated from the accounts for  
23 which I am now seeking seizure warrants based on this affidavit. Details of those

24  
25 payments include the following, regarding credit card payments made from 2004 -  
26 2005:

27 \\  
28 \\  
29



1	Direct Debit Collection	Collections	7	380.00
2	Network Solutions, Internet Domain Name	Domain reg.	6	209.94
3	Register.com, Domain Name Register	Domain reg.	6	133.70
4		TOTAL		5,837.62

5        38. I reviewed the transactions that posted between December 2005 and  
6 January 2007 to Soloway's JPMorgan Chase Bank Visa Credit Card \*\*\*5127. I  
7 identified the transactions below as payments posted for server hosting services,  
8 internet domain name registration, and related activities for purposes of promoting and  
9 carrying on the fraud and scheme.

10	<u>Paid To</u>	<u>Primary Service</u>	<u>Transactions</u>	<u>Total</u>
11	NoBull Server	Server hosting	5	954.51
12	Cologuys	Server hosting	11	1,650.00
13	Millenium Digital Media	ISP	13	2,506.87
14	AOL Services	Internet Service	6	145.40
15	Constant Contact	E-mail marketing	9	310.00
16	Dot.Domainregistration	Domain registration	1	8.50
17	Epassporte	Cyber bank	42	12,605.75
18	Google	Advertising	5	474.56
19	Inflolink	Server hosting	1	121.84
20	Interweb Technologies	Server hosting	7	2,114.61
21	Jconnect Services	Fax & voicemail	12	180.00
22	Krypt Technologies	Server hosting	13	1,409.36
23	Moniker Online Services	Domain registration	1	18.99
24	Primus Telegroup	ISP	13	353.89
25	Register.com	Domain registration	8	163.69
26	WesternUnion	Money transmitter	55	17,202.40
27	Xdrive.com	Online storage	3	59.70
28		TOTAL		40,280.07

1 39. I reviewed the transactions that posted between December 2005 and  
2 January 2007 to Soloway's JPMorgan Chase Bank Visa Credit Card \*\*\*0918. I  
3 identified the transactions below as payments posted for server hosting services,  
4 internet domain name registration, and related activities for purposes of promoting and  
5 carrying on the fraud and spam scheme.

<u>Paid To</u>	<u>Primary Service</u>	<u>Transactions</u>	<u>Total</u>
Krypt Technologies	Web Hosting	13	1,599.24
Western Union	Money Transmitter	1	202.00

6  
7  
8  
9 40. During the course of the scheme Soloway shipped his software product to  
10 consumers. I have identified payments for shipping services provided by FedEx, a  
11 commercial interstate carrier. The payments to FedEx were made primarily by credit  
12 card. Each individual transaction potentially represents a violation of Title 18,  
13 United States Code, Section 1341 as fully detailed in the Affidavit for Application of a  
14 Search Warrant.

15 41. Between December 2003 and December 2006, Soloway shipped out  
16 approximately 2,760 shipments utilizing FedEx, totaling \$53,857 as documented by  
17 individual transactions posted to Soloway's American Express, Business Platinum  
18 Card \*\*\*\*1005.

19 42. During the course of the scheme Soloway operated NIM from 1200  
20 Western Avenue, Apartment E17, Seattle, WA, which is an apartment in Harbor Steps  
21 Apartments. Rent payments made to Harbor Steps Apartments allowed Soloway to  
22 promote and carry on the specified unlawful activity. The funds to pay the rent  
23 originated in whole or part from the fraud and spam activity. I have identified these  
24 payments, made primarily by checks and credit cards.

25 43. Between December 2005 and December 2006, Soloway initiated 27 rent  
26 payments totaling \$35,283 to Harbor Steps through rentpayment.com. Soloway  
27 utilized an internet website, various credit cards and varied the amounts paid. Based  
28 on my training, knowledge, and experience, I know this activity is consistent with


1 individuals trying to conceal or disguise the source or nature of their income. I have  
2 detailed below the 2006 rent payments made through rentpayment.com below:

<u>Payment Date</u>	<u>Amount</u>	<u>Credit Card</u>	<u>Ending Digits</u>
01/04/2006	1,855.00	Master Card	7517
01/04/2006	900.00	Visa	1217
02/06/2006	1,840.00	Visa	3178
02/06/2006	915.00	Visa	1217
03/05/2006	2,094.37	Visa	3338
03/05/2006	900.00	Visa	0918
04/06/2006	1,663.14	Master Card	2314
04/06/2006	831.57	Visa	1217
05/08/2006	1,800.00	Master Card	2314
05/08/2006	860.99	Visa	1217
06/05/2006	1,850.00	Master Card	2314
06/05/2006	976.23	Visa	1217
07/05/2006	1,800.00	Master Card	7517
08/05/2006	2,000.00	Master Card	7517
08/05/2006	925.99	Visa	1217
09/06/2006	2,087.99	Visa	7351
09/06/2006	1,000.00	Visa	1217
10/05/2006	1,900.00	Visa	7351
10/05/2006	950.00	Visa	1217
10/27/2006	900.00	Visa	1217
10/27/2006	1,802.15	Master Card	7517
12/05/2006	1,700.00	Master Card	7517
12/05/2006	850.00	Visa	1217
12/10/2006	125.65	Visa	3178

1 44. In addition, I have identified payments to the storage unit companies  
2 Shurgard and Public Storage. In a deposition given by Soloway on July 27, 2004 he  
3 stated that he utilized a storage unit to store business records and one to store personal  
4 property. I identified 10 payments made in 2006 on Soloway's JPMorgan Chase  
5 Bank Visa Credit Card \*\*\*5127; two payments to Shurgard totaling \$269.19 and eight  
6 payments to Public Storage totaling \$1,111.00.

7 **VI. CONCLUSION**

8 45. Based on my training and experience and the information set forth herein  
9 and in the Application and Affidavit in Support of Search Warrant, attached hereto and  
10 incorporated by reference herein, there is probable cause to believe that the income  
11 earned by NIM, and therefore Soloway, and contained within financial and bank  
12 accounts controlled by Soloway, constitutes income derived from the proceeds of  
13 specified unlawful activities, committed in violation of federal laws including  
14 Title 18 United States Code, Sections 1341 and 1343 (Mail Fraud and Wire Fraud). In  
15 addition the accounts identified for seizure were used to pay credit card bills which in  
16 turn were used for purchases to promote mail fraud and wire fraud, and therefore the  
17 accounts are forfeitable as property involved in money laundering transactions.

18  
19   
20 Special Agent Silvia S. Reyes, Affiant  
21 United States Treasury, Internal Revenue Service

22  
23 AFFIDAVIT subscribed and sworn to before me this 23 day of July, 2007.

24   
25 MARY ALICE THEILER  
26 UNITED STATES MAGISTRATE JUDGE  
27  
28