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Attorney for Defendant, Jeremy Stone

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH, CENTRAL DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

-vs-

JEREMY STONE; KERI ANN STONE,

Defendants.

:
:
: **AFFIDAVIT OF DEFENDANT,**
: **JEREMY STONE, IN SUPPORT OF**
: **MOTION TO QUASH SEARCH**
: **WARRANT AND REQUEST FOR**
: **FRANKS HEARING**

:
:
: Case No. 2:14CR0009CV

:
:
: Judge Clark Waddoups

STATE OF UTAH)
 : ss.
COUNTY OF UTAH)

I, Jeremy Stone, being first duly sworn upon oath, depose and state as follows:

1. I am the Defendant to the above-entitled action.

2. I have reviewed the Affidavit of John Brimm of the Federal Bureau of Investigation, dated September 3, 2013, in support of the issuance of a Warrant to search my home located at 278 East 70th South in Lindon, Utah.
3. It is not my intention in this Affidavit to address all aspects of the Affidavit of Special Agent Brimm, nor even to address all of the components of Agent Brimm's Affidavit which I believe to be untrue. It is my intention primarily to address that portion of the Affidavit which deals with my attempt to exit the nation of Brazil at the Manaus Airport, on or about January 18, 2009. This Affidavit addresses testimony contained in Agent Brimm's Affidavit in support of the Search Warrant, at paragraphs 19, 20, 21 and 22 of the Affidavit, and in some other portions of his affidavit.
4. At paragraph 19 of Agent Brimm's Affidavit, it is alleged that, on January 18, 2009, my sister, Keri Ann Stone, and I "showed up at the last minute" to board a Delta flight to the United States. This is an absolutely false statement. This incident occurred at the airport in Manaus, Brazil, (which incidentally is about 2,700 of miles from Rio de Janeiro.) We showed up very early to check in for the flight, and we had no difficulty clearing customs or immigration, initially, and getting on the plane. My sister and myself were seated in our seats on the Delta plane, with our baggage on the plane, a half hour or more before the scheduled departure of the flight.
5. It is alleged in paragraph 19 of Agent Brimm's Affidavit that both Keri Ann Stone and myself were "detained by airport authorities". This is a false statement, in that it does not describe the true sequence of the events. After Keri Ann Stone and myself had boarded

the Delta flight, a flight attendant announced to her that Keri Ann Stone would need to get off the plane to meet with Brazilian officials, and that her luggage was being removed from the plane. I was permitted to remain aboard the plane. I remained aboard the plane for a substantial additional period of time, until the doors of the plane were about to be closed. Had I stayed on board, my luggage and myself would have flown directly to Atlanta, Georgia. At that point, because I would not abandon my sister in a foreign country without assistance, and because it was clear she would not be back on the flight in time to depart Brazil, I affirmatively asked that my luggage be removed from the plane and that I be permitted to join my sister. I was not, at that point, “detained” by anyone. I could have proceeded on the flight, had I chosen to do so.

6. It is asserted in paragraph 19 that, when my sister and I were questioned by airport authorities in Brazil, we “appeared aggressive towards the police.” This is a false statement. My sister and I were initially both very cooperative with the police. After we initially cooperated with the police, four or five burly male Brazilian police officers conducted a strip search of myself, including a body cavity search. After that, the same five male Brazilian officers indicated that they intended to conduct a similar strip search of my sister, Keri Ann Stone. At that point, I became upset because I had just experienced what those officers would do in the course of their strip search, and I believed that those male officers conducting such a strip search of my sister would constitute a sexual assault against my sister. At that point, I did assert verbally that my sister would not be strip searched and have her body cavities searched by five male

Brazilian police officers. I insisted that my sister have a female officer, or officers, conduct her search. Only after I became assertive did the officers desist from searching her and eventually take my sister and myself to another location, where she was searched by a matron.

7. After I properly insisted that my sister should not be sexually assaulted by the police officers in Brazil, the officers became angry and aggressive with me. They hit me repeatedly, in the face and head. During this process of physical abuse and interrogation, they continually attempted to get me to confess that I was smuggling something or committing some illegal act. When I continued to assert to them that I was not committing an illegal act, they hit me repeatedly. They seemed to conclude I was not “cooperating” because I would not allow them to sexually assault my sister, and I was not “cooperating” because I was not confessing as they wanted me to do.
8. The portion of the Affidavit of Special Agent Brimm, which states that my sister, Keri Ann Stone, “refused to be frisked or patted down” is a false statement. She refused to have a strip search and body cavity search conducted by five male police officers, who were leering and making gestures and laughing at the prospect of searching her.
9. The Brazilian officers who initially were dealing with Keri Ann Stone and myself at the Manaus, Brazil airport on January 18, 2009 did not speak English, with the exception of one officer who understood only a few words of English. His English was very poor. I do not speak Portuguese and neither does my sister. Our communications with the officers at the Manaus airport were therefore highly confused. The officers did not

understand what we were saying in English and apparently misinterpreted many of our statements. For example, during the course of our being detained at the Manaus airport, the officers asked me my religion and asked my sister's religion. We replied that we are "Mormon". The Brazilians did not seem to understand the word "Mormon". It was shortly after inquiring about our religion that they began to demand that male officers should do a strip search and body cavity search of my sister, whereupon I proclaimed that she should not be assaulted in that manner and whereupon Keri Ann Stone also refused to be groped and assaulted by the officers, stating quite plainly in English that she wanted to be searched by a woman. Neither of us ever stated to officers that it would be "against her religion" for my sister to be searched, or frisked.

10. The statement contained in Officer Brimm's Affidavit at paragraph 19, that Keri Ann Stone stated she was a "Muslim" and could only be frisked by someone of her own religion is absolutely false. Kerri Ann Stone stated that both she and I were "Mormon" and that she would not be frisked nor searched by a man.

11. The statement in the Affidavit of Agent Brimm that Keri Ann Stone told Brazilian officers her husband was a "senior officer" in the U.S. military and that the Brazilian authorities therefore were going to "have big problems" is a false statement. At that time, the husband of my sister, Keri Ann Stone, was on active duty in the United States military, serving in Afghanistan. Keri Ann Stone told the Brazilian officers at the Manaus airport that her husband was a member of the U.S. military, serving in Afghanistan and that she wanted to call him to tell him that she had missed her flight,

where she was, and that she was being held by Brazilian authorities. We also, simultaneously, requested that the American Consulate become involved in our detention at the airport. I did tell the officers that there would be “big problems,” or words to that effect, if they continued to detain U.S. citizens without any cause and if they effectively committed a sexual assault upon my sister, and if they continued to hit me. Eventually, the American Consulate was called in to assist us.

12. The statement of Officer Brimm that “the Stones attempted to bribe the police officers” contained at paragraph 19 of his Affidavit is absolutely false. At one point during the events at the Manaus Airport on January 18, 2009, the police officers had taken all of our possessions and spread them out upon various tables, and were in the process of going through them and tearing them apart. (Incidentally, no snake or drugs or any contraband was found within our baggage or on our persons.) During this period of time, our currency, including United States currency and Brazilian currency, was spread out on the table. The currency totaled approximately \$4,800.00, U.S., which was money that we had been carrying, as cash available to assist us in our travels. About \$2,400.00 belonged to me and about \$2,400.00 belonged to my sister. At some point, when Keri Ann Stone and I were attempting to figure out why the police were detaining us, demanding that we confess, and treating us so violently, my sister, Keri, turned to me and said, “is the problem with the cash?” or words to that affect. She inquired of me whether we had somehow violated some currency regulation of the nation of Brazil by having \$4,800.00 cash, or by taking any Brazilian currency out of the country. When she asked of me in

English whether the problem was with “the cash,” the officer who spoke a little bit of English immediately declared that we were attempting to bribe him. This was an absolutely false statement. We never attempted to bribe the police officers. However, it did become clear over the course of events at the airport that the officers were attempting to solicit a bribe from us. It became clear to me that the officer who “accused” us of offering a bribe was actually using that as a ruse to raise the topic of a bribe in order to solicit one from us. We never offered to pay nor paid a bribe to any officers. (It should be noted that my experience throughout Brazil was that all officials or functionaries there expected to be paid a bribe in order to perform their jobs.)

13. During the investigation at the Manaus Airport on January 18, 2009, the Brazilian officials accused us of trafficking in cocaine, though no cocaine was found on our persons. (Neither I nor my sister had cocaine on us, nor any other contraband, at the Brazilian airport in January of 2009. This was plainly obvious after a few minutes of searching us. Despite this fact, the Brazilian police held us for about eighteen hours, without cause and without legal counsel.) The U.S. Consulate eventually helped us correctly translate our statements to police at the Manaus police station where we were taken after the airport. (The Brazilian police originally told us there was no U.S. Consulate in Manaus, which was a false statement.) After being detained for hours, we were finally released without being fined or arrested. The Consul drove us back to our hotel. She informed us (and I understood based on her advice) that we were required to leave Brazil within three days. We could not exit via Manaus, as we had planned. There

were no seats on flights to the U.S. over the next three days. The fact we had been “stamped out” earlier and had cleared customs already was of great concern.

14. It is stated in paragraph 21 of Agent Brimm’s Affidavit that I informed the police in Brazil that I worked in the “real estate business selling homes” and that I had an annual salary of \$75,000.00 per year. This claim of the Agent is a false statement. I did not say this. In fact, in 2009, I worked in the insurance business selling insurance policies, and I had an annual salary of about \$75,000.00 per year from the combination of selling insurance and selling reptiles in the State of Utah. This is exactly what I told the Brazilian officers at the Manaus airport, and what I told them was an absolutely true statement. I did not make a false statement to those officers. The fact that the Brazilian officers misinterpreted my statement to be that I worked in the real estate business is an indication of their very poor English.

15. It was shocking to me to be detained as I was in January, 2009 at the Manaus Airport. Having been raised in the United States, I am not accustomed to officers detaining people for eighteen hours without food or rest, as occurred to my sister and myself. I am not accustomed to officers being allowed to hit people repeatedly to try to get them to confess to a crime, as happened to me at that airport. I am not accustomed to groups of male officers suggesting they should be permitted to inspect the breasts and genitals of females, as happened to my sister in my presence. I am not accustomed to police officers suggesting they should be paid a bribe to let me go (and suggesting they would not be

detaining me so long if I would just pay them). I was terrified through the entire process for my safety and the safety of my sister.


16. I have indeed imported and exported hundreds of live snakes from 2009 to the present. I have licenses with U.S. Fish and Wildlife to do so. All of my shipments into the United States have been inspected by U.S. F.W.S. inspectors, and have had CITES documents attached.

17. The natural habitat range of the boa constrictor is from virtually the tip of South America (in mid-Argentina) north into Mexico, to about 200 miles from the United States border. The boa is an “apex predator,” with numerous subspecies of boa. Each subspecies has a natural habitat range. Not all “boa constrictors” are native to Brazil and some subspecies of boa constrictor may be found naturally in both Brazil and in other nations.

18. I never met Agent John Brimm before he searched my house on September 5, 2013. He was certainly not at the Manaus Airport nor Manaus police station when I experienced the events described above that occurred January 2009.

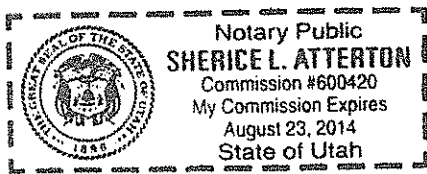
Further Affiant sayeth naught.

DATED this 28 day of May, 2014.



JEREMY STONE,
Affiant

SUBSCRIBED AND SWORN to before me this 28th day of May, 2014.





NOTARY PUBLIC

CERTIFICATE OF SERVICE

I hereby certify that on the 29th day of May, 2014 I filed a true and correct copy of the foregoing with the Clerk of the Court using CM/ECF system, which sent notification of such filing to the following:

Jared C. Bennett
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Attorney for Plaintiff

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/s/ Sherice Atterton

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