



FBI Seeks Google's Help to Crack Alleged Pimp's Android Phone

McNabb Associates, P.C. (Federal Criminal Defense Lawyers)

Submitted at 9:27 AM March 15, 2012

PCMag.com on March 14, 2012 released the following:

“By Damon Poeter

The FBI needs some help cracking the Android phone of an alleged pimp being investigated as part of a federal human trafficking investigation. Agents out of the FBI's San Diego office seized one Dante Dears' Samsung phone on Jan. 17, tried and failed to get past the device's pattern lock, and have now applied for a warrant ordering Google to unlock it for them.

Dears is the convicted founder of a San Diego street gang called “Pimpin' Hoes Daily.” After his release from state prison in January 2009, he allegedly fell in with his old set and the FBI secured a search warrant for his phone. In the affidavit filed on March 9 with the U.S. District Court in the Southern District of California, FBI agent Jonathon Cupina reveals that after seizing the device, FBI Regional Computer Forensics Lab (RCFL) technicians tried “multiple times” to get into the locked-down phone but couldn't do it.

So where does Google come in? The RCFL techs' attempts to get past the phone's pattern lock triggered a memory lock on the device that can't be unlocked without the user's Gmail address and password. The feds want Google to divulge that information, plus “any and all

Attorney General Eric Holder Speaks at the Meeting of the President's Interagency Task Force to Monitor and Combat Trafficking in Persons

(USDOJ: Justice News)

Submitted at 11:41 AM March 15, 2012

“For the Department of Justice, our commitment to preventing human trafficking, bringing traffickers to justice, and assisting victims has never been stronger – and our approach has never been more effective. Our work has sent a clear and critical message: that, in this country – and under this Administration – human trafficking crimes will not be tolerated,” said Attorney General Holder.

means of gaining access” to the phone, including password reset info and the manufacturer default code, or PUK, “in order to obtain the complete contents of the memory” of the device.

Christopher Soghoian of the Center for Applied Cybersecurity Research first spotted the FBI warrant Wednesday. Posting on his Slight Paranoia blog, he wondered why the RCFL techs didn't just “use commercially available forensics tools or widely documented hardware-hacking techniques” to get into Dears' phone.

But the competency of the RCFL techs or their willingness to use possibly illegal hacking tools isn't the primary concern of Soghoian and his commenters.

For one thing, Soghoian raises the issue of whether texts, voice mails, emails, or other communications arriving on the phone after it was seized could be used as incriminating evidence against Dears if the original search warrant didn't also request the phone be used as a surveillance device.

Second, at the end of the warrant application, Cupina requests of the court that Dears (or any other subscriber using the phone—the suspect claims the phone isn't his, according to Cupina, but the feds believe otherwise) not be told “by any means of communication” about the effort to collect the data on it. Either the court decided to disregard that request or somebody made a pretty big error in

unsealing the record of the application for all the world to see and report about.

Of course, it would be somewhat baffling if Dears didn't realize the FBI wanted to see what was on his phone when they seized it. Unfortunately for the feds, it's possible he may have already taken steps to erase data accessed through the phone but stored in the cloud, like email.”

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Douglas McNabb and other members of the U.S. law firm practice and write and/or report extensively on matters involving Federal Criminal Defense, INTERPOL Red Notice Removal, International Extradition and OFAC SDN Sanctions Removal.

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