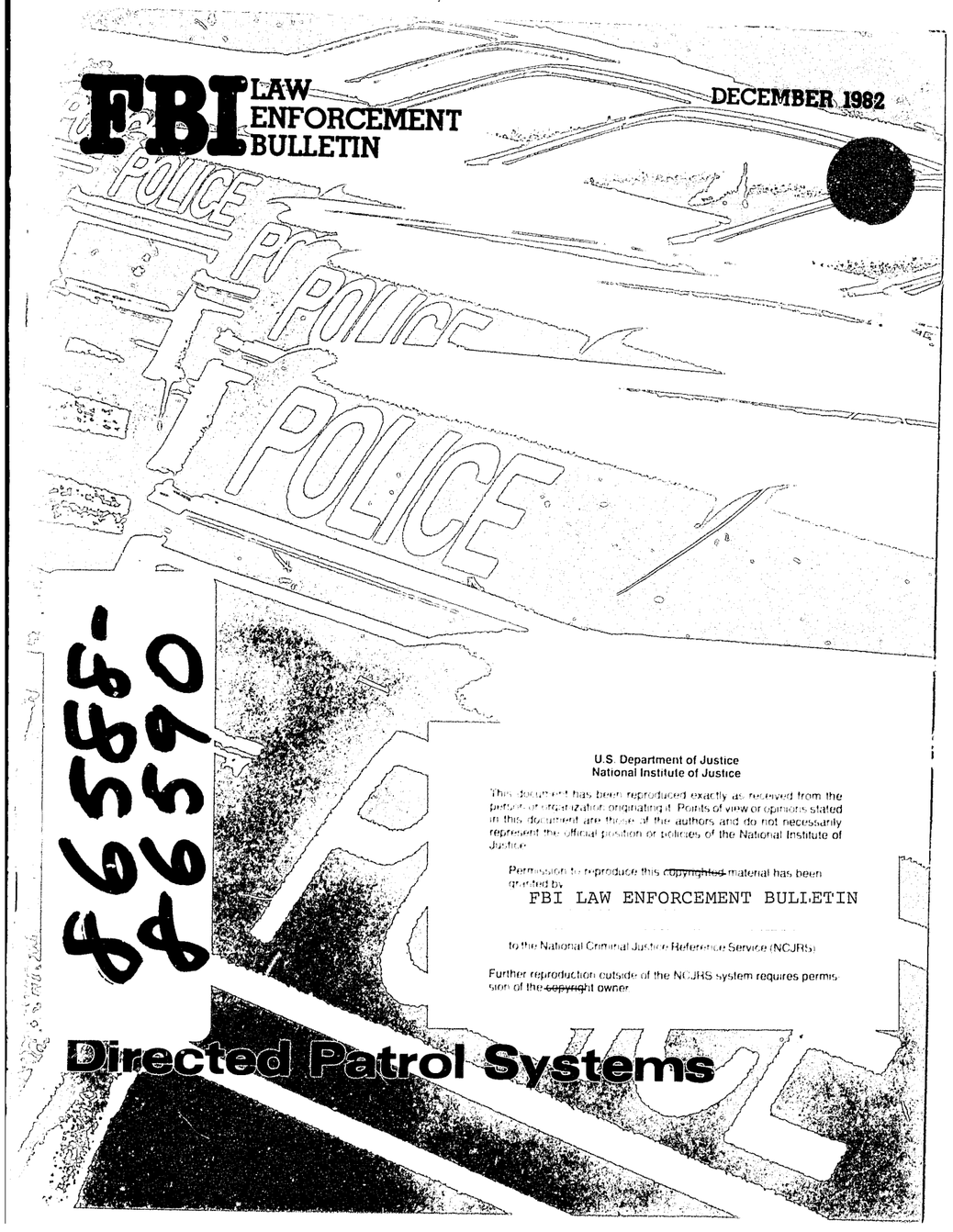
FBI LAW ENFORCEMENT BULLETIN

DECEMBER 1982



Directed Patrol Systems

FBI LAW ENFORCEMENT BULLETIN

DECEMBER 1982, VOLUME 51, NUMBER 12

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With the effectiveness of traditional patrol practices being questioned, police departments must now seek innovative ways to patrol. See article on directed patrol systems, p. 1.

Federal Bureau of Investigation
United States Department of Justice
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William H. Webster, Director

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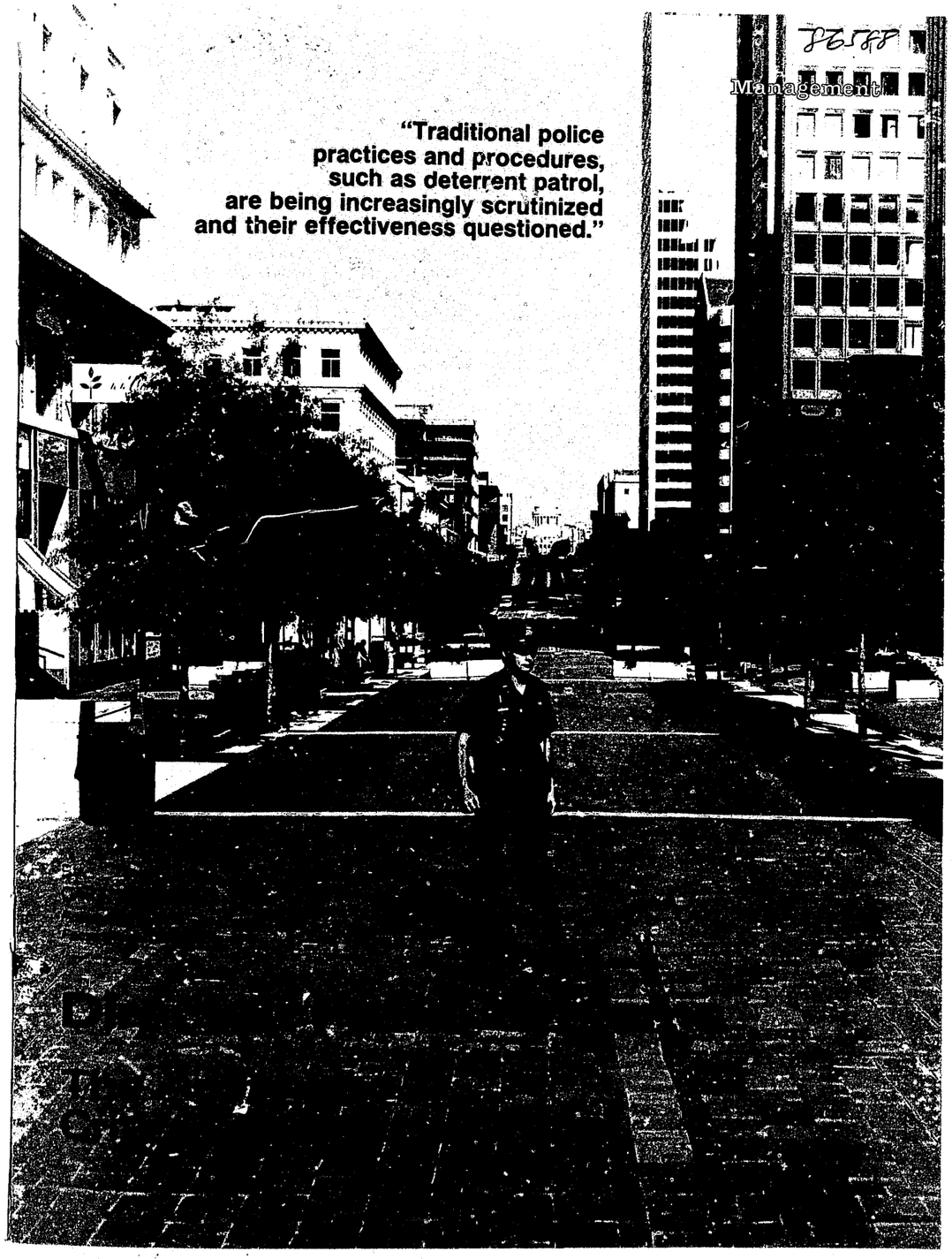

Special Agent Bracksieck

which represents 300 member companies engaged in truck and trailer rental and leasing, has initiated a pilot program in the Atlanta, Ga., area to mark over 2,500 tractors. In approximately 40 minutes, using a small sandblasting gun and a template cut from plastic, two men can mark a truck tractor in approximately 40 locations with the full vehicle identification number (VIN). Many of the markings are in easily seen places such as windows, grillwork, bumpers, fuel tanks, and frame members. Hidden areas, as well as the major component parts, are also etched. Such widespread markings are expected to discourage thieves from attempting to change numbers on stolen vehicles and chop shop operators from using these parts.

In addition to the numbering procedure, warning decals are affixed to the vent window on the driver's side and to the vehicle dash. The decals indicate that the markings have been made and provide a telephone number law enforcement officers can call if a vehicle is located. In addition, large signs will be prominently displayed at truck terminals to serve as a warning to potential thieves.

This program was inaugurated in March 1982, after a 2-year study of the truck theft problem by TRALA's Insurance Safety and Security Committee. The FBI supported the idea throughout its development.

A member of the committee suggested the marking program based on his experience with a similar effort at a car rental business. Beginning with a fleet in Chicago, the car rental establishment marked over 6,000 automobiles in an 18-month period in four cities, with favorable results. In a report to the committee, it was noted that after placing 20 VIN's on each car, thefts dropped dramatically and recovery rates improved to almost 100 percent.

The chairman of TRALA's Insurance Safety and Security Committee has reported an enthusiastic response from the operations personnel at the various participating companies. The committee will collect data to evaluate the success of the pilot. A reduction in thefts and improvement in recovery rate will be the benchmark of a successful program.

Law enforcement personnel will also benefit from this project. Proper vehicle identification is a critical element in any vehicle theft investigation. Through the use of this marking method, identification will be significantly aided, making the investigator's job somewhat easier.

TRALA's effort could help solve many cases in the future. It is almost certain that a successful pilot program will lead to more widespread participation, not only by TRALA members but throughout the trucking industry. **FBI**

A warning decal is prominently displayed in an easily seen area, and the glass is marked with a warning and toll free telephone number which can be called by an investigator.

PROBABLE CAUSE: INFORMANT INFORMATION (CONCLUSION)

By
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Law enforcement officers of other than Federal jurisdiction who are interested in any legal issue discussed in this article should consult their legal adviser. Some police procedures ruled permissible under Federal constitutional law are of questionable legality under State law or are not permitted at all.

The first part of this article dealt with meeting the *Aguilar* standard for the use of hearsay information in establishing probable cause. The conclusion deals with corroboration of hearsay information and other approaches that might be taken to establish probable cause while protecting the identity of an informant.

Corroboration

A strict reading of *Aguilar* might lead to the conclusion that corroboration is only pertinent to the second prong of the *Aguilar* test, since in defining the second prong, the Court noted that it could be satisfied by facts showing that "the informant was 'credible' *or his information 'reliable'*" (emphasis added). The phrase "or his information reliable" would appear to have reference to corroboration. However, another statement in *Aguilar* suggested that corroboration may be sufficient to cure both prongs.[74] The first corroboration case to be considered by the Court after *Aguilar*, namely, *Spinelli* v. *United States,*[75] resolved this question and established that corroboration could in fact cure both prongs of the test.

Before considering the facts of *Spinelli,* however, a pre-*Aguilar* corroboration case must be considered, namely, *Draper* v. *United States.*[76] The *Draper* case establishes a particular type of corroboration, which the Court in *Spinelli* approves of.

Corroboration *a la Draper:* Verifying the Details of a Tip

Draper v. *United States* involved a criminal informant who had been furnishing information to an agent of the Bureau of Narcotics over a 6-month period, which information the agent had always found to be "accurate and reliable." The informant told the agent that "'Draper had gone to Chicago the day before [September 6] by train [and] that he was going to bring back three ounces of heroin [and] that he would return to Denver either on the morning of the 8th of September or the morning of the 9th of September also by train.'" The informant furnished the agent with a detailed physical description of Draper (a Negro of light brown complexion, 27 years old, 5'8" tall, weighing about 160 pounds) and a detailed description of the clothing he would be wearing (light-colored raincoat, brown slacks, and black shoes). The informant also stated that Draper would be carrying a tan zipper bag and that he habitually "walked real fast." Armed with this information, on September 9th, law enforcement officers saw a person alight from an incoming Chicago train who exactly fit the description given by the informant. Moreover, the individual was walking fast and carrying a tan zipper bag. At this point, Draper was arrested and a search incident to arrest uncovered two envelopes containing 865 grams of heroin and a syringe. On the basis of these facts, the Court held that the agent, having "personally verified every facet of the information given him by [the informant] . . ., had 'reasonable grounds' to believe that the remaining unverified bit of . . . information—that Draper would have the heroin with him—was likewise true."

Thus, the Court adopted the principle that corroboration may take the form of simply verifying the details of a tip, though the details may not be of a suspicious nature. The exact contours of this principle were later refined in *Spinelli* v. *United States.*[77]

Special Agent McGuiness

The *Spinelli* Case

In *Spinelli* v. *United States,* an affidavit for a search warrant set out the following informant's tip:

"The Federal Bureau of Investigation has been informed by a confidential reliable informant that William Spinelli is operating a handbook and accepting wagers and disseminating wagering information by means of the telephones which have been assigned the numbers WYdown 4-0029 and WYdown 4-0136." [78]

The tip clearly failed the basis of knowledge prong of the *Aguilar* test by not stating how the informant came by his information. Moreover, the affidavit failed to establish the informant's veracity, such as by a statement of prior performance. The FBI, however, had verified that Spinelli was seen entering an apartment to which the telephone numbers disclosed in the tip were assigned. The argument was advanced that by having confirmed this detail, corroboration a la *Draper* had been made, thus transforming the otherwise insufficient tip into probable cause. The Court answered this contention as follows: "Independent police work in that case [Draper] corroborated much more than one small detail that had been provided by the informant." Thus, the Court did not overrule *Draper,* nor did it indicate that corroboration of innocent details was insufficient to cure both prongs of the *Aguilar* test. What *Spinelli* did establish is that if the type of corroboration employed is that of simply verifying details of a tip that are nonsuspicious in nature, *i.e.,* those not suggesting the crime under investigation, there must be a significant number of details verified—not just one detail.[79]

Another illustration of this is the case of *United States* v. *Larkin,*[80] decided by the U.S. Court of Appeals for the Ninth Circuit. In *Larkin,* a first-time informant's tip reported that a 1972 black-on-blue "blazer-type" vehicle, bearing a specific license plate number and proceeding from El Centro, Calif., to Los Angeles, would be transporting narcotics. An officer spotted such a vehicle on the same morning he received the tip. The defendant was arrested and a search of the vehicle uncovered narcotics. The court held that this tip, not meeting both prongs of *Aguilar,* was not sufficiently corroborated in the *Draper* sense, since only a few details were verified, as opposed to *Draper* where a "wealth of detail" was corroborated.

Thus, if an officer intends to rely on this type of corroboration, *i.e.,* verifying nonsuspicious details of a tip, he should elicit from the informant as many facts as possible concerning the subject and his activities. Information as to the subject's address, telephone number, description, occupation, vehicles owned, etc., would be relevant. As to the subject's conduct, all details concerning the manner in which he is carrying out the crime should be obtained for verification.

A type of "verifying the details" corroboration that is convincing is where detailed information not generally known to the public concerning the prior commission of a crime is furnished by an informant and verified. For instance, in *People* v. *Clay*,[81] an informant stated that the defendants told him that they committed an armed robbery and showed him the shotgun employed and the money taken in the crime. The informant then supplied detailed descriptions of the suspects. All

"... if the type of corroboration employed is that of simply verifying details of a tip that are nonsuspicious in nature . . . there must be a significant number of details verified—not just one detail."

of this information concerning the crime was checked and found to be accurate. The court found this to be adequate corroboration and sufficient to establish probable cause.

Suspicious Conduct

Perhaps a better form of corroboration is that of uncovering suspicious conduct on the suspect's part which suggests the crime under investigation. In other words, the corroboration does not just confirm some innocent details of a tip, as was done in *Draper,* but detects facts and circumstances which connote the crime at hand. This was a second contention of the Government in *Spinelli.* The Government argued that the following facts, taken together, were sufficient corroboration of the informant's tip:

1) Observing Spinelli travel from Illinois to St. Louis, Mo. on four occasions;
2) Observing Spinelli enter an apartment to which the telephone numbers referred to above were assigned; and
3) The fact that Spinelli was known to be "a bookmaker . . . (and) gambler . . . ."

The Court held that this was insufficient. Traveling from one State to another and entering an apartment can "hardly be taken as bespeaking gambling activity." Being in an apartment that has two separate telephone lines is not unusual. "Many a householder indulges himself in this petty luxury." Even when both of these facts are taken together, they raise "no suggestion of criminal conduct," nor should they be "endowed with an aura of suspicion by virtue of the informer's tip." Moreover, merely stating that a person is a bookmaker and gambler is wholly conclusory—"a bald and unilluminating assertion of suspicion that is entitled to no weight" in assessing probable cause.

Thus, there must be facts and circumstances observed or disclosed which in themselves are suspicious, *i.e.,* suggest the crime under investigation, to fit this type of corroboration. Indeed, the Supreme Court noted that had it been shown that the apartment which Spinelli visited contained an "unusual number of telephones" or if "abnormal activity" had been observed, a different case would be before the Court.

An excellent example of this is found in the Maryland case of *Dawson* v. *State* [82] which, also being a gambling investigation, serves as a useful comparison with *Spinelli.* In *Dawson,* the officer began his affidavit by reciting his investigative experience with respect to gambling in order to demonstrate his basis for believing that certain of the facts set out in the affidavit were suspicious. The informant's tip, which did not meet the *Aguilar* two-pronged test, was then stated, along with information that:

1) Dawson was arrested and convicted of gambling violations less than 3 years previously;
2) Dawson was observed over a 2-week period without ever seeing him engaged in a legitimate business;
3) Dawson had two separate unlisted telephones at his residence, and one of the numbers was previously discovered in the course of a raid of an illegal lottery operation;
4) Dawson was observed each day purchasing a scratch sheet;
5) Dawson was observed each day stopping at a number of places, including liquor stores and restaurants, for periods of no more than several minutes and was never observed to purchase anything [the officer indicated that this is characteristic of the "pick-up man" phase of a gambling operation];
6) Dawson returned to his house before noon daily and remained there until after 6:00 p.m. [the officer indicated that this is when number and horse race bets are normally placed and when results become available]; and
7) On one occasion, Dawson was observed to spend the day with a named person who had been previously arrested for gambling violations.

In concluding that probable cause could be found from these facts, the court stated:

"The appellant urges strongly that not one of his observed activities could not easily have been engaged in by an innocent man. That is true. It is also beside the point. What the appellant ignores is that probable cause emerges not from any single constituent activity but, rather, from the overall pattern of activities. Each fragment of conduct may

". . . an officer is well-advised to state in his affidavit the reason that certain circumstances are suspicious when the same facts would not strike such a note in the average person."

communicate nothing of significance, but the broad mosaic portrays a great deal. The whole may, indeed, be greater than the sum of its parts." [83]

The circumstances of the *Dawson* case, taken together, were unusual and inviting of explanation. The officer helped to demonstrate the suspicious nature of Dawson's conduct by specifically noting *why* he found Dawson's activities to be suspicious. Consequently, an officer is well-advised to state in his affidavit the reason that certain circumstances are suspicious when the same facts would not strike such a note in the average person.

Second Independent Informant

Another avenue of corroboration is through a second informant whose report independently corroborates the first. Supreme Court authority for this type of corroboration is found in the pre-*Aguilar* cases of *Jones* v. *United States* [84] and *Rugendorf* v. *United States,* [85] and to a lesser extent, the 1971 case of *United States* v. *Harris.*[86] In each of these cases, however, there were additional elements of corroboration. In *Jones,* there was knowledge of the defendants' propensity for the crime from previous admissions to the use of narcotics and prior observations by the officer of needle marks on them; in *Rugendorf,* a police officer had furnished an element of corroboration to three informants' reports; in *Harris,* the main informant made a statement against his penal interest and contraband had previously been recovered from the defendant.

While there is no known authority stating that corroboration by a second informant is not sufficient in itself to establish probable cause, it is usually the case that this is not the only element of corroboration.[87] Thus, it would be worthwhile to bolster the affidavit with some additional elements of corroboration. In many cases, this may easily be done by some knowledge of defendant's background, such as previous convictions for the offense under investigation,[88] recovery of stolen goods or contraband, or previous admissions of wrongdoing; [89] the verification of some details of the tip; [90] the uncovering of some suspicious circumstances; [91] or the fact that one of the informants has made a statement against his penal interest.[92]

Propensity for Committing the Crime

As indicated above, another type of corroboration recognized by the Supreme Court is that of the officer's knowledge of defendant's propensity for committing the crime under investigation. This may consist of knowledge of the defendant's prior criminal record for this offense,[93] previous admissions and observations of consistent conduct,[94] or the recovery of stolen property or contraband in the past.[95] However, this type of corroboration standing alone is never sufficient to establish probable cause.[96] This would be the practical equivalent of holding, as the Court said in *Beck* v. *Ohio,*[97] "that anyone with a previous criminal record could be arrested at will." Thus, it is a type of corroboration which can only be employed with other forms of corroboration to establish probable cause.

Double Hearsay

Is the use of double hearsay from a criminal informant ever permissible? In other words, can information from an informant whose information is based on another's report to him be sufficient in itself? The courts have unanimously endorsed this when the information from each of the sources meets the *Aguilar* standard.[98] This is not difficult to comprehend when the double hearsay consists of information from a fellow law enforcement officer who is relaying information from his informant. However, what of the situation in which an informant repeats information to the officer from another and the officer seeks to act upon such? Assuming the primary hearsay information satisfies *Aguilar, i.e.,* the source states how he knows the information and he has a prior track record of reliability, and the secondary source's basis of knowledge is established, the question arises as to establishing the secondary source's veracity. Not being an informant as such, he will not have a track record of past performances for the officer to refer to. Two methods of satisfying the veracity prong for this secondary source have been recognized under these circumstances. First, his information might be a statement against his penal interests and therefore acceptable of belief.[99] But beyond this is the notion that when this secondary source is not bartering, selling, and trading his information directly to the police, the truth of his information can more readily be accepted.[100] For instance, in the Maryland case of *Thompson* v. *State,*[101] an informant of proven reliability attempted to make a purchase of narcotics from a street seller. The street seller advised the informant that he would not have any narcotics to sell until Thompson, his supplier, arrived with such, which would be at 1:00 p.m. The reliable informant knew Thompson to drive a particular vehicle. When the car arrived, it was searched, narcotics were discovered, and Thompson was arrested. Thompson challenged the search, since the probable cause was based upon double hearsay. In upholding the use of double hearsay, the court stated:

> "This street seller was . . . engaged in a purely commercial venture for his own profit. He was dealing with a regular and presumably valued customer. Being unable initially to satisfy his customer's demands, it was to his every advantage to assure the prompt return of that customer as soon as fresh merchandise was available for sale. He simply had no purpose in misleading his own clientele. The circumstances in which the seller passed on the information to a customer and confidant are replete, we think, with reasonable assurances of trustworthiness." [102]

Supreme Court authority for the use of double hearsay is found in the *Spinelli* case, previously discussed. In referring to the fact that the informant failed to state his basis of knowledge, the Court in *Spinelli* observed:

> "We are not told how the FBI's source received his information—it is not alleged that the informant personally observed Spinelli at work or that he had even placed a bet with him. *Moreover, if the informant came by the information indirectly, he did not explain why his sources were reliable.*" [103] (emphasis added)

Thus, the use of double hearsay is not constitutionally infirm. The informant, however, should be instructed to ascertain how his sources have acquired their information so that the basis of knowledge prong of the *Aguilar* test can be satisfied.

Informant Appearing Before Magistrate

If all else fails, another method which may be employed when the information emanates from a first-time informant is to bring the informant before the magistrate and have him file an affidavit under oath.[104] Since this is no longer hearsay information, *Aguilar* is not applicable. As with any other affiant, the magistrate is free to believe or disbelieve him.

This procedure may not be acceptable to the informant, of course, since his identity is revealed thereby. However, three different approaches have been taken by State courts in an effort to strike a balance. In *People* v. *Stansberry,*[105] the informant was allowed to sign "John Doe" to his affidavit. On appeal to the Supreme Court of Illinois, this procedure was not found constitutionally deficient. In the Wisconsin case of *Rainey* v. *State,*[106] the court upheld a procedure whereby the informant testified to certain facts under oath before a magistrate but did not reveal his name on the record. The New York case of *People* v. *Brown* [107] offered a further variation. In support of a search warrant, an officer testified to the facts given him by his informant. The informant was also produced and confirmed the information to the magistrate off the record, not under oath. The court found this to be a sufficient basis upon which to credit the informant's report.

No Federal case approving such a procedure is known, but two cases to the contrary exist. In *United States ex rel. Pugh* v. *Pate,*[108] the U. S. Court of Appeals for the Seventh Circuit held that a "false-name" affidavit violates the fourth amendment. The only authority the court could refer to, however, was a previous case, *King* v. *United States,*[109] decided in 1960 by the fourth circuit. In the *King* case, the magistrate was actually deceived as to the true name of the affiant and the case was decided primarily on the basis of Rule 41 of the Federal Rules of Criminal Procedure, which at the time required that the warrant state the "names of the persons whose affidavits have been taken in support thereof." Rule 41 no longer requires this.

It is submitted that since the Supreme Court has indicated that under certain circumstances a witness may testify at trial without stating his name,[110] for purposes of merely establishing probable cause, an informant could likewise be relieved of having his true name stated on an affidavit for public review. In such circumstances, the public affidavit could omit his name, with the affidavit bearing his true name being maintained under seal with the court. Another alternative would be for the court to maintain the true name of the informant in a sealed transcript concerning the warrant application.

". . . the officer's knowledge of defendant's propensity for committing the crime under investigation . . . can only be employed with other forms of corroboration to establish probable cause."

Sealing the Affidavit

Another method of protecting the informant's identity, at least for a period of time, would be to request a court to seal the affidavit upon which the warrant is based.[111] This procedure might be followed whenever the affidavit would reveal the informant's identity, whether by reason of the fact that he is actually named or that the nature of his information discloses his identity. This would enable an informant to continue his activities undisclosed. As long as the affidavit were unsealed in sufficient time to permit the defendant to challenge the probable cause before trial, it would appear to be a constitutionally permissible procedure.

Grand Jury

Another apparently seldom-used technique where either the problem of a first-time informant is present or where disclosure of the informant's information might identify him is to employ the grand jury process, with the grand jury returning an indictment and an arrest warrant being issued on the basis of the indictment.[112] At the grand jury proceeding, either the officer could testify to the informant's information or the informant could himself appear and testify. Secrecy is traditionally attached to grand jury proceedings[113] and the testimony given is not generally discoverable by the defense in many jurisdictions.[114] Therefore, the problem of the information identifying the informant would also not be present. Moreover, an indictment by the grand jury is not subject to review by the courts concerning the information upon which they acted.[115]

While an arrest warrant will be issued solely on the basis of an indictment, a search warrant will not. However, the possibility exists that the mere fact that an indictment has been issued might serve as a basis for establishing that the defendant committed the crime, thus providing part of the probable cause to support the search. The only Federal case on this subject, however, holds to the contrary.[116]

Conclusion

While the *Aguilar* case presents a formidable test for the use of hearsay information, there are a number of paths which have been outlined for the law enforcement officer to follow in converting a tip, which may not in itself constitute probable cause, into one that does. Furthermore, the officer should not feel constrained in thinking that the methods outlined herein are the only acceptable ones. Other approaches await discovery by the resourceful and imaginative officer, and establishment into law through the efforts of the aggressive prosecutor.

FBI

Footnotes

[74] *Supra* note 4, at 109 n.1.
[75] *Supra* note 16.
[76] *Supra* note 7.
[77] *Supra* note 16.
[78] *Id.* at 422.
[79] On this point *see also United States* v. *Branch*, 565 F.2d 274 (4th Cir. 1977).
[80] 510 F.2d 13 (9th Cir. 1974).
[81] 55 Ill.2d 501, 304 N.E.2d 280 (1973).
[82] 11 Md.App. 694, 276 A.2d 680 (Ct. Spec. App. 1971).
[83] *Id.* at 687.
[84] 362 U.S. 257 (1960).
[85] 376 U.S. 528 (1964).
[86] *Supra* note 64.
[87] For a case in which informants corroborating each other was in itself held to give rise to probable cause, *see United States* v. *Hyde*, 574 F.2d 856, 863-864 (5th Cir. 1978).
[88] *See United States* v. *Farese*, 612 F.2d 1376, 1379 (5th Cir.), *cert. denied*, 447 U.S. 925 (1980); *United States* v. *Clements*, 588 F.2d 1030, 1034-35 (5th Cir. 1979), *cert. denied*, 440 U.S. 982 (1979) and 441 U.S. 936 (1980).
[89] *See supra* note 8.
[90] *See United States* v. *Vazquez*, 605 F.2d 1269, 1281 (2d Cir.), *cert. denied*, 444 U.S. 981 (1979); *United States* v. *Clements*, *supra* note 88; *United States* v. *Weinrich*, 586 F.2d 481, 488-90 (5th Cir. 1978).
[91] *United States* v. *Hyde*, 574 F.2d 856, 863 (5th Cir. 1978); *United States* v. *Scott*, 555 F.2d 522 (5th Cir.), *cert. denied*, 434 U.S. 985 (1977).
[92] *See United States* v. *Martin*, 615 F.2d 318 (5th Cir. 1980); *United States* v. *Regan*, 525 F.2d 1151, 1156-57 (8th Cir. 1975).
[93] *See Brinegar* v. *United States*, 338 U.S. 160 (149).
[94] *See supra* note 8.
[95] *United States* v. *Harris*, *supra* note 64.
[96] *See Beck* v. *Ohio*, 379 U.S. 89 (1964).
[97] *Id.*
[98] *See United States* v. *Santarpio*, 560 F.2d 448, 453 (1st Cir.), *cert. denied*, 434, U.S. 984 (1977); *United States* v. *DiMuro*, 540 F.2d 503, 510 (1st Cir. 1976), *cert. denied*, 429 U.S. 1038 (1977); *United States* v. *Fiorella*, 468 F.2d 688, 691 (2d Cir. 1972), *cert. denied*, 417 U.S. 917 (1974); *United States* v. *Williams*, 603 F.2d 1168, 1171 (5th Cir. 1979), *cert. denied*, 444 U.S. 1024 (1980); *United States* v. *Smith*, 462 F.2d 456, 459-60 (8th Cir. 1972).
[99] *See United States* v. *Poulack*, 556 F.2d 83, 87 (1st Cir.), *cert. denied*, 434 U.S. 986 (1977); *United States* v. *Carmichael*, 489 F.2d 983, 986-87 (7th Cir. 1973) (en banc); *Commonwealth* v. *Kaschik*, 235 Pa.Super. 388, 344 A.2d 519 (1975)
[100] *See United States* v. *Spach*, 518 F.2d 866, 871 (7th Cir. 1975); *Thompson* v. *State*, 16 Md. App. 560, 298 A.2d 458 (Ct. Spec. App. 1973).
[101] *Id.*
[102] *Id.* at 462.
[103] *Supra* note 16, at 416.
[104] *United States* v. *Hunley*, 567 F.2d 822 (8th Cir. 1977); *Skelton* v. *Superior Court*, 81 Cal. Rptr. 613, 460 P.2d 485, 490-91 (1969).
[105] 47 Ill.2d 541, 268 N.E.2d 431, *cert. denied*, 404 U.S. 873 (1971).
[106] 74 Wis.2d 189, 246 N.W.2d 529 (1976).
[107] 40 N.Y.2d 183, 352 N.E.2d 545 (1976).
[108] 401 F.2d 6 (7th Cir. 1968), *cert. denied*, 394 U.S. 999 (1969).
[109] 282 F.2d 398 (4th Cir. 1960).
[110] *Smith* v. *Illinois*, 390 U.S. 129 (1968) (concurring opinion).
[111] Fed.R.Crim.P. 57(b); *cf.* Fed.R.Crim.P. 6(e)(4).
[112] Fed.R.Crim.P. 9.
[113] *Pittsburgh Plate Glass Co.* v. *United States*, 360 U.S. 395 (1959).
[114] Fed.R.Crim.P. 6(e)(2), (3).
[115] *United States* v. *Calandra*, 414 U.S. 338 (1974).
[116] *United States* v. *DeFalco*, 509 F.Supp. 127 (S.D. Fla. 1981).

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EQUIPMENT

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