



**U.S. Department of Justice**

*United States Attorney  
District of New Jersey*

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May 23, 2016

Honorable Kevin McNulty  
United States District Judge  
United States Post Office and Courthouse  
Federal Square  
Newark, New Jersey 07102

Re: United States v. Ravelo  
Crim. No. 15-576 (KM)

Dear Judge McNulty:

Please accept this letter brief in lieu of a more formal brief in opposition to Keila Ravelo's ("Ms. Ravelo" or "the defendant") motion to suppress the evidence obtained from the seizure and search of Ms. Ravelo's cellular telephone ("the Phone"). The Government is in the process of determining whether it will use any evidence obtained from the Phone in its case-in-chief at trial. Until the Government makes this determination, the defendant's motion is not ripe. Thus, for the reasons set forth more fully below, the Government respectfully requests that the Court deny the defendant's motion without prejudice.

Factual Basis and Procedural History

The defendant engaged in a fraudulent scheme from in or about 2008 through in or about July 2014 through which she and her husband, Melvin Feliz, obtained millions of dollars from one of the defendant's clients ("Client 1"). During that time, the defendant was a partner at one law firm from 2008 until approximately October 1, 2010. She then joined a second law firm as partner and remained there through the conspiracy. While at those law firms, Ms. Ravelo spent much of her time representing Client 1.

Ms. Ravelo used her position as a partner at both firms to fraudulently obtain more than \$5,000,000. Specifically, Ms. Ravelo and her husband caused two entities to be formed. Both of the entities purported to be

companies that provided litigation support services. Ms. Ravelo and her husband caused those entities to submit invoices to the law firms where Ms. Ravelo was a partner. The invoices claimed that the entities were vendors, that they had performed work for the law firm as part of the law firm's representation of Client 1, and sought payment. In reality, the entities had not performed the work for which they sought payment. Ms. Ravelo then used her position as partner to authorize payment for many, if not all, of the submitted invoices.

The defendant and her husband reaped significant profits from their criminal activity. Indeed, records demonstrate that Ms. Ravelo and her husband caused the supposed vendors to transfer more than \$4,000,000 into the couple's joint bank account. Ms. Ravelo and her husband then used the majority of this money to cover personal expenses and to fund investments. In addition, Ms. Ravelo and her husband made sure they kept all their fraudulently-obtained money by failing to report and pay taxes on this income.

On or about December 19, 2014, the Honorable Joseph A. Dickson, United States Magistrate Judge for the District of New Jersey, signed a Complaint charging Ms. Ravelo and her husband with conspiring to commit wire fraud and issued an arrest warrant for both individuals.

On or about December 22, 2014, law enforcement executed the warrants and arrested Ms. Ravelo and her husband. During the arrest law enforcement took possession of the Phone. On December 24, 2014, the Honorable Cathy L. Waldor, United States Magistrate Judge for the District of New Jersey, executed a warrant authorizing law enforcement to search the Phone.

The Government has told defense counsel that it will provide the search warrant affidavit for the Phone ("the Affidavit") if the Government determines that it intends to use evidence from the Phone in its case-in-chief at trial or if bound to do so by any other discovery obligations.

Following the issuance of the search warrant for the Phone, an AUSA not part of the trial team ("the filter AUSA") caused a copy of the contents of the Phone to be made and provided a copy of the Phone's contents to defense counsel. At or about that time, the filter AUSA and defense counsel agreed to a protocol whereby defense counsel would review the copy of the contents of the Phone and identify and notify the filter AUSA concerning any material that defense counsel alleged contained privileged material. It is the trial team's understanding that the protocol is currently ongoing.

### Argument

The Court should defer on hearing the defendant's motion as it is not ripe for adjudication. A motion to suppress evidence is not ripe when the Government has stated that it does not intend to introduce the evidence. Cf. United States v. LeVasseur, 609 F.Supp.849 (D. Maine 1985) (in light of the Government indicating it would not use the evidence obtained during a search the Court dismissed the defendant's motion to suppress as moot because there was no justiciable issue before the Court); United States v. Martin, 2014 WL 3700917 (D. Minnesota, July 25, 2014) (the Court denied the defendant's motion to suppress as moot because the Government represented it would not use the evidence at issue in its case-in-chief at trial). Indeed, the Federal Rules of Criminal Procedure specifically permit the Court to take such action. Fed. R. Crim. Pro. 12(d) (Courts must decide every pretrial motion before trial unless it finds good cause to defer a ruling).

In this matter, the Government is in the process of determining whether it intends to introduce any of the contents of the Phone in its case-in-chief at trial. Specifically, the Government recognized in advance that the contents of the Phone may include privileged material. The Government, through the filter AUSA, therefore provided a copy of the contents of the Phone to defense counsel. It is the trial team's understanding that defense counsel is currently reviewing the Phone's contents to determine whether, in its view, any privileged materials exist. Once it is determined what, if any, evidence on the Phone is privileged, the trial team will receive the contents of the Phone minus the privileged items. The trial team will then conduct its review and determine if it intends to use any of the contents of the Phone in its case-in-chief at trial. If the trial team determines that it will indeed use any of the contents of the Phone in its case-in-chief at trial, it will provide the Affidavit to defense counsel and will address any motion to suppress at that time<sup>1</sup>. If the Government elects not to so use the contents of the Phone, however, Ms. Ravelo's motion would be moot. Thus, the defendant's motion is not ripe.

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<sup>1</sup> As such, the Government is not presently seeking to have the defendant's motion dismissed with prejudice even though it is not supported by a sworn affidavit. Nor is the Government addressing what it believes to be factual inaccuracies in the defendant's submission.

Conclusion

Accordingly, the Government respectfully requests that the Court deny the defendant's motion without prejudice.

Thank you for your consideration.

Respectfully submitted,

PAUL J. FISHMAN  
United States Attorney



By: Andrew Kogan  
Assistant U.S. Attorney

cc: Lawrence S. Lustberg, Esq.  
Steven Sadow, Esq.