

AGREED STATEMENT OF FACTS

1. On Sunday, May 21, 2023, at approximately 8:58am, Attorney Jonathan J. Einhorn ("Einhorn") completed and signed the 'Notification To Visitors and Request to Visit Detainee Form', completed each time a detainee is visited at the Wyatt Detention Facility ("Wyatt"), for inmate Anthony Whyte ("Whyte"). Einhorn signed and dated this document that contains the following certifications:

Date: 5/21/23	Officer's Name: E. J. Einhorn	Time: 8:58am	Housing Unit: L-32
TO BE COMPLETED BY INDIVIDUALS 18 YEARS OR OLDER			
<p>It is unlawful to bring upon the institution grounds any weapons, intoxicants, drugs, or other contraband. This applies to any person who provides, or attempts to provide to a detainee anything whatsoever without the knowledge and consent of the Warden. All persons entering upon these premises are subject to searches of their person, property (including vehicle), and packages. The Warden, upon reasonable suspicion that a person may be introducing contraband or demonstrating actions that might otherwise endanger the institution safety, security, or good order, may request the person, as a prerequisite to entry, to submit to a visual search, or other comparable test. A visitor may refuse a search or test, which will result in the visitor not being permitted to enter the institution. Smoking is prohibited on institutional grounds. Please advise the officer if you need life threatening medication during your visit. If so, the officer will maintain the medication at the Inner Lobby Desk.</p>			
I request to visit detainee: Anthony Whyte			SID #

<p>I have read, I understand, and I agree to the foregoing. I also understand and agree to abide by the visiting guidelines posted in the lobby and/or provided to me by the institution. I declare that I do not have any articles in my possession, which I know to be a threat to institution security. I am aware that if I have any questions about what is authorized, I should speak to the officer. I am aware that making a false statement is unlawful and constitutes perjury, which jeopardizes my visiting privileges. By acknowledging this I consent to a criminal history and wants/warrants check to be conducted on a random basis.</p>					
<p><input checked="" type="checkbox"/> I understand that the Donald W. Wyatt Detention Facility has taken measures in an attempt to maintain social distancing throughout the visit. I will not hold the facility liable if, I or the children accompanying me contract COVID-19.</p>					
<p>CONVERSATIONS BETWEEN DETAINEES AND VISITORS VIA THE NON-CONTACT VISITING ROOM TELEPHONES ARE BEING RECORDED AND MAY BE MONITORED.</p>					
Jonathan	J	Einhorn			
Print Your First Name	Initial	Print Your Last Name	Driver's License Number	State	Date of Birth

2. In part, the 'Notification To Visitors and Request to Visit Detainee Form' states: "It is unlawful to bring upon the institution grounds any weapons, intoxicants, drugs or other contraband...I declare that I do not have any articles in my possession which I know to be a threat to institutional security."

3. The Wyatt Correctional Officer stationed in the lobby asked Einhorn during the search process if he planned on passing any paperwork to detainees he was visiting. The Corrections Officer asked, "Are you gonna be passing anything to the detainees today?" When asked this question by the Correctional Officer, Einhorn responded "No, not today."

4. On May 21, 2023, Einhorn visited with several clients at Wyatt. Wyatt's Professional Standards Unit ("PSU") observed Einhorn pass paperwork to at least two of the detainees he met.

5. During Einhorn's visit with Whyte, Einhorn was observed passing Whyte a manila envelope. Whyte placed the envelope to the side and did not touch the envelope until the visit was nearly concluded. At that time, Whyte removed the contents of the envelope, flipped through the pages, placed them in between other paperwork he brought with him, and inserted the envelope into the pages of a book.

6. After the visit was complete, Whyte was placed into the detainee waiting room. PSU then seized all Whyte's paperwork. All the seized material was then brought to PSU and photographed. During a search of Whyte's paperwork, PSU located eight (8) pages that Einhorn passed to Whyte during the meeting, which were discolored and highly stained. PSU believed these pages had been treated with a contraband substance. The eight (8) pages were packed and placed into evidence by the PSU.

7. Four (4) of these pages were printed with an unofficial academic transcript for Whyte's son, showing a date of May 19, 2023, at 1:55pm, a one (1) page document from the National Student Clearinghouse showing the son's Current (college) Enrollment Verification and three (3) pages of athletic grant paperwork from a Connecticut college's athletic department. The seized paperwork was consistent with discussions between Whyte and his son in the days leading up to May 21, 2025.

8. Einhorn received these eight pages from Whyte's son in Connecticut on May 19, 2023. Einhorn brought the documents to Wyatt with the intention to deliver them to Whyte.

9. On May 25, 2023, the eight pages seized from Whyte on Sunday, May 21, 2023, were obtained by the Federal Bureau of Investigation from PSU. These items were later entered into FBI evidence.

10. On June 20, 2023, the seized paperwork was shipped to the FBI Laboratory for testing. One of the eight pages seized from Whyte was selected for chemical analysis. A report generated by the FBI Laboratory on July 31, 2023, identified that the examined page from the original eight pages that were seized from Whyte contained three synthetic cannabinoids, 5F-ADB, ADB-4en-PINCA, and MDMB-4en-PINACA. 5F-ADB is a synthetic cannabinoid and a Schedule I controlled substance. The formal name for 5F-ADB is Methyl 2-(1-(5-fluoropentyl)-1H-indazole-3-carboxamido)-3,3-dimethylbutanoate.

11. On April 23, 2023, Einhorn had visited Whyte at Wyatt. Similarly to May 21st, a Correctional Officer asked Einhorn if he would be passing anything to an inmate to which Einhorn responded negatively. Thereafter, Einhorn was observed passing documents to Whyte during this April 23rd meeting. The documents were not seized.