

Kaushal Niroula
Defendant In Pro Per
Booking # 200910575
Indio Jail
P.O. Box 1748
INDIO, CA 92201

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF RIVERSIDE
(INDIO BRANCH)**

_____ THE PEOPLE OF THE STATE OF CALIFORNIA, PLAINTIFF)	CASE NO: INF 064492
)	
v.)	EX PARTE MOTION
)	FOR PRIVILEGED
KAUSHAL NIROULA, DEFENDANT)	TELEPHONE CALLS
)	BY DEFENDANT
_____)	
)	TO: HONORABLE DAVID B DOWNING JUDGE PRESIDING

**MOTION FOR COURT ORDER PROTECTING
THE PRIVILEGED NATURE OF TELEPHONE COMMUNICATIONS
BETWEEN DEFENDANT AND COURT APPOINTED ASSETS
AS WELL AS OTHER COUNSEL PROVIDING REPRESENTATION**

MAY IT PLEASE THIS HONORABLE COURT. Defendant, **KAUSHAL NIROULA**, (hereinafter referred to as "Mr. Niroula") respectfully submits the following request for an Order of this Honorable Court ordering that those assets appointed by this Honorable Court be granted freedom from wire and/or oral interception of their communications with Defendant. In support, Mover shows the following:

1. On or about the ___day of _____, 2011, this Honorable Court appointed William Picard to aid and assist in Mover's Defense by researching and producing drafts of Motions to be considered and upon approval of Mover filed on his behalf. In

conjunction with the free access to this Court appointed asset and other assets appointed by this Court, Mover has secured local telephone numbers for his use.

2. To date there is evidence that privileged telephone calls were illegally intercepted by persons unknown at this time.. As this Court indicated on June 17, 2011, and as reflected in the record found at Pages 30-32 (**EXHIBIT "A"**) , "It is illegal to listen to a privileged call. We all recognize that. And anybody who does that, does it at that peril. So that will be that." { See: Pages 31-32; Lines 28; Lines 1-2}.

3. On August 24, 2011, your Mover spoke telephonically with S. Stephen Spring, II, Attorney at Law, who has been retained to represent your mover in separate civil matters. Further, each and every phone call has been prefaced with a standardized statement from your Mover that it is a felony under California law to intercept such privileged telephone calls. Further, both Mover and have counsel have consistently stated prior to engaging in any conversation, that neither has consented to any wire intercepts or monitoring. As has been the usual custom, on August 24, 2011, Mover requested that his civil attorney establish local telephone numbers through the use of Vonage so that Mover will have greater access to his Court appointed assets. Further, within twenty or so minutes of the telephone accounts being established, the account was suspended for a "fraud" alert which apparently was triggered by a third party communication which could have only arisen from a real time and illegal wire interception of this privileged phone call going through the telephone system installed and maintained by the Sheriff of Riverside County. As a result, Mover was required to submit to Vonage Subpoena Compliance Department a Preservation Letter transmitted and received on August 25, 2011.

4. By separate pleading concomitant with the filing of this Motion, Mover is also seeking the issuance of a subpoena directed to Vonage Holdings Corporation, Legal Compliance Unit, located in Holmdel, New Jersey. A copy of the Preservation Letter is attached and annexed hereto as **EXHIBIT "B"**.

5. As a result, the following telephone numbers are being submitted to this Honorable Court for use by the Court appointed assets:

- A) William Picard - Motion Writer - 760.989.4108
- B) Graham J. Desvernine – Private Investigator - 760.989.4475
- C) James Butts – Florida Private Investigator assisting Mr. Desvernine-
760.501.0409

6. Mover further requests that this Honorable Court direct an order forthwith to the Honorable Stanley Sniff, Sheriff of Riverside County, California, that these telephone numbers are privileged phone numbers and are, in no manner whatsoever, to be intercepted, monitored, or subjected to Global Tel Link's Call IQ - which is a system installed in the Riverside County Jail that is an ongoing data mining operation in which all calls are indiscriminately intercepted, subjected to wholesale transcription and computer analyzed for certain trigger words that trip an "alert" resulting in either an employee of Riverside County or the Sheriff's Department reviewing in its entirety any telephone intercepts which have been subjected to this operation, including privileged telephone calls which are, upon information and belief, being illegally intercepted on a wholesale basis within the jail. (See: **EXHIBIT "C"**).

WHEREFORE, Mover, Kaushal Niroula, requests that this Honorable Court order that: 1) The respective telephone numbers: 760.989.4108; 760.989.4475; and 760.501.0409 are privileged numbers; 2) That under no circumstances, save a Title III (See: 18 USC § 2510, et seq.) warrant in effect, are any of these calls to be intercepted, monitored, or subjected in any way to Global Tel Link's "Call IQ"; and 3) That the Honorable Stanley Sniff, Sheriff of Riverside County, his subordinates, agents, assigns, and/or employees are prohibited in any way from intercepting, recording, monitoring, and/or using "Call IQ" for any of the telephone calls made by your Mover until further orders of this Honorable Court.

Dated this ___ day of August, 2011, from Indio, California

Respectfully submitted,

Kaushal Niroula, *A Propria Persona*
Defendant In Pro Per
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Indio Jail, P.O. Box 1748
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