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Peeping Landlord Attempts to Withhold Hidden Camera Evidence

December 8, 2011 By [Keith Ecker](#)



Earlier this year, two women students were eager to leave Bulgaria for the summer and visit the U.S. They went through an agency to find employment and obtain the proper work visas. Meanwhile, a cafe operator in Tampa, Fla. was in search of new staff. He took the unorthodox approach of contacting the two women – Ralitsa Dzhabazova and Vanya Samokovareva – through Skype and Facebook prior to employing them at his eatery and providing them with an apartment. By May 28, when the students arrived in Tampa, they had jobs and a place to live. Everything was falling into place.

- **Foreign students accuse landlord of illegally bugging their apartment.**
- **Landlord asserts Fifth Amendment right to attempt to block request for electronic evidence.**
- **Legal experts believe Punjani's objection may hurt his civil case.**

But then, in July, the co-eds made a terrible discovery. Concealed within a smoke detector in their apartment was a hidden camera. After discovering several more, the women immediately disconnected the cameras and filed a police report. Now, they are suing their former landlord and employer, Nadir Punjani, for the humiliation, embarrassment, anxiety, stress and pain his actions have caused them.

But the peeping landlord has plenty of chutzpah. After the court ordered him to preserve and turn over any computers, laptops, cell phones and servers in his possession, he attempted to assert his [Fifth Amendment](#) right as a means to legally refuse to comply with the order!



Bulgarians, Lies and Videotape

When the police arrived on July 25, the officers observed what appeared to be covert cameras throughout the apartment. Wires from the cameras ran under the carpet and into a secured central closet in the living room. The students believe that the next day, Punjani arrived on the scene and, without permission, entered the premises to remove incriminating electronic equipment that he was storing in the locked closet.

Mark H. Wright



"It is our position that Punjani went in and didn't have time to rip out the cameras and instead took the server out of the locked closet," says [Mark H. Wright](#), an attorney at [Jayson Farthing Skafidas Wright](#) who is representing the students. "The police have no evidence he was recording."

The fact that there is no hard evidence of audio or video recording is significant. Currently, the crime that the landlord committed would only be considered a [misdemeanor in Florida](#). But if there is evidence that audio recording took place, the

crime would be bumped up to a [felony](#). To date, the police have closed their investigation, and the two students have not yet filed criminal charges.

“The law has never changed with technology,” Wright says. “In the old days, if some pervert is in the mall, leans over and takes a picture, I understand how that could be a misdemeanor. But it makes no sense that this guy can put cameras in these women’s bedrooms and bathroom and get away with just a misdemeanor.”

Pleading the Fifth in a Civil Case

Presumably in an effort to sidestep felony charges, Punjani has attempted to keep all hardware associated with the voyeurism incident out of the civil case. That is why, on Nov. 8, he and his counsel filed an objection to the order that he turn over for inspection his computers, laptop, iPhone, server, router and Wi-Fi box, citing the Fifth Amendment — which states that no person “shall be compelled in any criminal case to be a witness against himself.”



When an individual “pleads the Fifth” in a criminal case, the jury cannot presume that you are hiding something. However, this is not so in a civil case.

“This guy is trying to avoid any admission that he has materials that show he recorded off these surveillance cameras as well as to avoid saying anything about those materials,” says [Christopher Balch](#), an attorney at the [Balch Law Group](#) in Atlanta. “And in either case, in a civil trial, he is not going to get the presumption of innocence you are usually going to get in a criminal case. So even if he doesn’t have to produce this evidence, the jury may be given the instruction to presume there is bad stuff there, which is known as negative inference.”

Christopher Balch

Wright says that he believes Punjani may be able to successfully refrain from testifying about the electronic equipment, but he does not believe the landlord has the right to refrain from producing the equipment.

“Assuming the police serve a [search warrant](#) on your house and they want to pull all your computers and electronics, can you assert the Fifth Amendment to prevent them from doing this? No,” Wright says. “However, you can assert the Fifth as to questions about that stuff. If Punjani does this successfully, I will make the argument to get the court to provide the jury with a negative inference instruction.”

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