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6 *Counsel for Defendant*  
7 *Koan You Lay*

8 SUPERIOR COURT OF CALIFORNIA  
9 COUNTY OF SAN BERNARDINO

10 PEOPLE OF CALIFORNIA,

Case Number FSB1502254

11 Plaintiff,

12 v.

**DEFENDANT KOAN YOU LAY'S  
MOTION TO SUPPRESS WIRETAP  
EVIDENCE; POINTS AND  
AUTHORITIES; and DECLARATION OF  
COUNSEL**

13 KOAN YOU LAY,

14 Defendant.  
15  
16 \_\_\_\_\_/


Date: August 25, 2015  
Time: 8:30 a.m.  
Department S12

17  
18 TO THE CLERK OF COURT, PARTIES AND COUNSEL:

19 **THIS IS NOTICE** that on August 25, 2015, in Department S12, at 8:30 a.m., defendant Koan  
20 You Lay will move this Court for an order suppressing the wiretap evidence in this case and all  
21 evidence derived from the suppressed wiretap evidence. This motion is based on the papers and  
22 pleadings on file, this motion, the attached Declaration of Michael H. Artan, Points and Authorities  
23 and such further argument or evidence as the Court may hear.

24 Respectfully submitted,

25  
26 Dated: August 14, 2015

  
\_\_\_\_\_  
Michael H. Artan  
*Counsel for Defendant*  
*Koan You Lay*

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**MEMORANDUM OF POINTS AND AUTHORITIES**  
**IN SUPPORT OF MOTION TO SUPPRESS**

**I. INTRODUCTION**

Courts and Congress have long recognized the intrusive nature of wiretaps and have placed specific and narrow limitations on their use. Among these limitations are:

- Restrictions as to which public officials are empowered to apply for wiretap authority; and
- Jurisdictional requirements that the wiretap authorizations may be issued by courts where the listening post is sited or where the telephone calls are made from.

Both these limitations were plainly violated in the wiretaps utilized in this case:

First, an unauthorized applicant was the signatory in each of the wiretap applications at hand. Cases in which authorization are obtained in state court derive from federal wiretap authorization in which “the principal prosecuting attorney” of a state or political subdivision may apply for an order authorizing a wiretap. *See* 18 U.S.C. § 2526(2). Under this process, California Penal Code section 629.50 specifically limits those public officials authorized to apply for the wiretap order as follows:

Each application for an order authorizing the interception of a wire or electronic communication shall be made in writing upon the personal oath or affirmation of the Attorney General, Chief Deputy Attorney General, or Chief Assistant Attorney General, Criminal Law Division, *or of a district attorney, or the person designated to act as district attorney in the district attorney's absence*, to the presiding judge of the superior court or one other judge designated by the presiding judge. (Emphasis added.)

The wiretap applications at hand were prepared and presented by the Riverside County District Attorney’s office over the course of seven months. Each wiretap application supplied by the People is signed by Jeffrey A. Van Wagenen Jr., Assistant District Attorney, with the claim that he was “the Riverside County District Attorney’s designee, as defined in California Penal Code section 629.50(a).” This claimed designation does not meet the legal requirements of Penal Code section 629.50(a). The

1 District Attorney for Riverside County was Paul Zellerbach throughout the period in question and he  
2 was legally required to sign each of the wiretap applications. The only exception to this requirement  
3 would be that Mr. Zellerbach was absent and his designee was “an assistant district attorney duly  
4 designated to act for all purposes as the district attorney.” *United States v. Perez-Valencia* (9<sup>th</sup> Cir.  
5 2013) 727 F.3d 852, 855.

6 There is no indication in the discovery provided that Mr. Zellerbach was absent during any  
7 point during the seven month period of the wiretap applications, nor is there any indication that Mr.  
8 Van Wagenen was the acting district attorney during that period. Mr. Van Wagenen therefore lacked  
9 the authority defined in Penal Code § 629.50 to apply for the wiretap orders.

10 The second failure arises from a lack of jurisdiction. Two alternative grounds exist for a court  
11 to issue wiretap orders. Either the target telephone is based in the jurisdiction of the court, or the  
12 listening post is within the court’s jurisdiction. The affidavit supporting the wiretap application  
13 identifies these two grounds.

14 The affidavit states: “The Listening post will be in Los Angeles County.” (Artan Decl. Exhibit  
15 B 10:16) The Affidavit also acknowledges that the target telephone “is mostly used near LAY and  
16 TAN’s business in Long Beach, California.” (Artan Decl. Exhibit B 13:17-21) There is no suggestion  
17 in the application, or even subsequent events, that the target telephone was ever used in Riverside  
18 County, or even any calls were made to Riverside County.

19 The wiretap applications were therefore invalid for two separate and apparent reasons. Because  
20 the orders authorizing the wiretaps were illegally obtained, it follows that the wiretap evidence and the  
21 evidence derived from that evidence should be suppressed.

## 22 II. PROCEDURES AND FACTS RELEVANT TO THIS MOTION

### 23 A. The Charges at Hand

24 Mr. Lay is charged in the complaint with seven counts related to three alleged money laundering  
25 transactions. The charges are: Count 1—Health & Safety Code section 11370.6(a)—possession of  
26 money over \$100,000 obtained in conjunction with controlled substance sales; Count 2—Penal Code  
27 section 182(a)(1)—Conspiracy as to possession of money over \$100,000 obtained in conjunction with  
28 controlled substance sales; Count 3—Health & Safety Code section 11370.6(a)—possession of money

1 over \$100,000 obtained in conjunction with controlled substance sales; Count 4—Penal Code section  
2 182(a)(1)—Conspiracy as to possession of money over \$100,000 obtained in conjunction with  
3 controlled substance sales; Count 5—Health & Safety Code section 11370.6(a)—possession of money  
4 over \$100,000 obtained in conjunction with controlled substance sales; Count 6—Penal Code section  
5 182(a)(1)—Conspiracy as to possession of money over \$100,000 obtained in conjunction with  
6 controlled substance sales; and Count 7—Health & Safety Code section 11352(a)—sale of controlled  
7 substance.

### 8 **B. The Initial Application**

9 The initial wiretap application is signed by Jeffrey A. Van Wagenen Jr., Assistant District  
10 Attorney, with the claim that he was “the Riverside County District Attorney’s designee, as defined in  
11 California Penal Code section 629.50(a).” (Artan Decl., Exhibit A) There is no indication in the  
12 application that Paul Zellerbach, the actual District Attorney for Riverside County, was absent from the  
13 County, or that Mr. Van Wagenen was the acting District Attorney in such absence.

14 This initial application incorporates by reference an Affidavit in Support of the Application  
15 executed by Drug Enforcement Administration Special Agent Jesse E. Odum. (Artan Decl., Exhibit B)

16 In the process of reporting to the federal government on the wiretap, forms were executed by the  
17 issuing court and by the prosecutor’s office. (Artan Decl., Exhibit C) In each of the forms, a space  
18 appears for “DAAG Name (*Fed Cases Only*).” (“DAAG” would refer to the Deputy Assistant Attorney  
19 Generals authorized by the federal wiretap statute in federal court applications.) In the space provided,  
20 each form is filled in: “JEFF VAN WAGENEN, ADA”. Despite the requirement in the form that  
21 designated agents are only to be used in federal cases, and despite the plain language of Penal Code  
22 section 629.50, the Riverside prosecutors used an unauthorized applicant for each of the wiretap  
23 applications.

### 24 **C. The Jurisdictional Recitation in the Original Affidavit**

25 Generally stated, the Odum affidavit accompanying the first wiretap application seeks issuance  
26 of a wiretap of Koan You Lay’s cell phone (562-353-005) based on suspicion that Lay was involved in  
27 transfers of cash in support of a drug trafficking organization that included various individuals.  
28

1 (“Original Affidavit”—Artan Decl., Exhibit B 2:26-3-6) None of these individuals conducted any  
2 activities within Riverside County.

3 The Original Affidavit includes a recitation of law and facts which purport to justify the issuance  
4 within the jurisdiction of the Riverside Superior Court. The law set forth in this section acknowledges  
5 that the initial interception or listening post should be in the jurisdiction of the issuing court. (Artan  
6 Decl., Exhibit B 7:11-8:11) The Original Affidavit adds the following language, which is misleading:

7 “(See also *United States v. Ramirez* (7<sup>th</sup> Cir. 1997) 112 F.3d 849, cert  
8 denied 522 U.S. 892, 118 S. Ct. 232, 130 L.Ed.2d163 [Holding that a  
9 judge, sitting in the jurisdiction where the target subject lived and *where*  
10 *the criminal conduct was occurring*, could issue a wiretap order for a  
11 cellular telephone which was thought to be used by the target regardless of  
12 where the phone or listening device was.” (Emphasis added.) (Artan Decl.,  
13 Exhibit B 8:11-16)

14 The recitation concerning *Ramirez* is misleading for three reasons. First, the case is not  
15 controlling here in the Ninth Circuit. Second, even though the listening post and the cell phone was sited  
16 in Minnesota, the government believed that the cell phone was going to be used in the issuing district,  
17 the Western District of Wisconsin, at the time of the original application. Third, the prosecution was  
18 investigated and the prosecution was pursued in the issuing district, which is also where the criminal  
19 conduct occurred.

20 To justify issuance of the warrant in Riverside County, the Original Affidavit includes a  
21 narrative of claims that do not fit any jurisdictional theory. This claimed conduct centers on Arturo  
22 Rivas, a co-defendant who is accused of picking up drug money from Lay’s jewelry store in Long  
23 Beach, and who had no activities in Riverside. Rivas was described as “a courier for a *yet to be*  
24 *identified* drug trafficking organization.” (Emphasis added.) (Artan Decl., Exhibit B 7: 6-9: 4-26)

25 Rivas’s telephone was apparently used to call 562-755-2462. In turn, the 562-755-2462 number  
26 had received calls from two suspected drug dealers, one of whom had a nightclub in Moreno Valley  
27 which was believed to be frequented by drug cartel members. The theory in the Original Affidavit was  
28 that Rivas may be conducting illegal activities in Riverside because he lived in Fontana, which is “in

1 close proximity” to the nightclub in Moreno Valley. (Artan Decl., Exhibit B 9: 4-26) A Google map  
2 search reveals that the “close proximity” between the two locations is 22 miles.

3 The narrative also seeks to bolster its jurisdictional claim because two of the subjects of the  
4 investigation, Lim Van Brugen and Ting Lin, took trips to Morongo Casino in Riverside, a location  
5 “used to launder narcotics proceeds.” (Artan Decl., Exhibit B 10: 1-4)

6 The Original Affidavit states: “The Listening post will be in Los Angeles County.” (Artan  
7 Decl., Exhibit B 10:16) The Original Affidavit also acknowledges that the target telephone “is mostly  
8 used near LAY and TAN’s business in Long Beach, California.” (Artan Decl. Exhibit B 13:17-21)  
9 There is no indication the target telephone was ever used in Riverside County, or even that any calls  
10 were made to Riverside County.

#### 11 **D. The Subsequent Applications**

12 The subsequent applications provided in discovery are signed by signed by Mr. Van Wegenan,  
13 and all contain the same language that he was “the Riverside County District Attorney’s designee, as  
14 defined in California Penal Code section 629.50(a).” These subsequent applications do not include any  
15 language suggesting that Mr. Zellerbach was absent or that Mr. Van Wegenan was acting District  
16 Attorney in his absence.

17 The subsequent applications include affidavits by reference, and these affidavits contain the  
18 same jurisdictional narratives as the Original Affidavit.

19 Each of the subsequent applications includes a request to continue the wiretap of Koan You  
20 Lay’s cell phone (562-353-005)

### 21 **III. THE WIRETAP ORDERS WERE ILLEGALLY OBTAINED**

#### 22 **A. The Motion to Suppress is Procedurally Authorized**

23 Penal Code section 629.72 authorizes a motion to suppress wiretap evidence as follows:

24 Any person in any trial, hearing, or proceeding, may move to suppress  
25 some or all of the contents of any intercepted wire or electronic  
26 communications, or evidence derived therefrom, only on the basis that the  
27 contents or evidence were obtained in violation of the Fourth Amendment  
28 of the United States Constitution or of this chapter. The motion shall be

1 made, determined, and be subject to review in accordance with the  
2 procedures set forth in Section 1538.5.

3 Penal Code section 1538.5 (a)(1) describes the circumstances in which a motion to suppress is  
4 properly presented:

5 A defendant may move for the return of property or to suppress as  
6 evidence any tangible or intangible thing obtained as a result of a search or  
7 seizure on either of the following grounds:

8 (A) The search or seizure without a warrant was unreasonable.

9 (B) The search or seizure with a warrant was unreasonable because  
10 any of the following apply:

11 (i) The warrant is insufficient on its face.

12 (ii) The property or evidence obtained is not that described in the  
13 warrant.

14 (iii) There was not probable cause for the issuance of the warrant.

15 (iv) The method of execution of the warrant violated federal or state  
16 constitutional standards.

17 (v) There was any other violation of federal or state constitutional  
18 standards.

19 **B. The Applicant Was Not Authorized**

20 California Penal Code section 629.50 defines those authorized to apply for wiretap order as  
21 follows:

22 Each application for an order authorizing the interception of a wire or  
23 electronic communication shall be made in writing upon the personal oath  
24 or affirmation of the Attorney General, Chief Deputy Attorney General,  
25 or Chief Assistant Attorney General, Criminal Law Division, *or of a*  
26 *district attorney, or the person designated to act as district attorney in*  
27 *the district attorney's absence*, to the presiding judge of the superior  
28

1 court or one other judge designated by the presiding judge. [Emphasis  
2 added.]

3 Each of the wiretap applications were prepared and presented by the Riverside County District  
4 Attorney's office. The applications spanned the course of seven months. Each wiretap application is  
5 signed by Jeffrey A. Van Wagenen Jr., Assistant District Attorney, with the claim that he was "the  
6 Riverside County District Attorney's designee, as defined in California Penal Code section 629.50(a)."  
7 This designation does not meet the legal requirements of Penal Code section 629.50(a). The District  
8 Attorney for Riverside County was Paul Zellerbach throughout the period in question and he was  
9 therefore required to sign each of the wiretap applications. The only exception to this requirement  
10 would be that Mr. Zellerbach was absent and his designee was "an assistant district attorney duly  
11 designated to act for all purposes as the district attorney." *United States v. Perez-Valencia* (9<sup>th</sup> Cir.  
12 2013) 727 F.3d 852, 855.

13 Nothing indicates that Mr. Zellerbach was absent during any point during the seven month  
14 period of the wiretap applications, nor is there any indication that Mr. Van Wagenen was the acting  
15 district attorney during that period. Mr. Van Wagenen therefore lacked the authority defined in Penal  
16 Code § 629.50 to apply for the wiretap orders.

### 17 C. The Issuing Court Did Not Have Jurisdiction

18 Penal Code section 629.52 describes the jurisdictional requirements of a wiretap as  
19 follows:

20 "Upon application made under Section 629.50, the judge may enter an ex  
21 parte order, as requested or modified, authorizing interception of wire or  
22 electronic communications *initially intercepted within the territorial*  
23 *jurisdiction of the court in which the judge is sitting*, if the judge  
24 determines, on the basis of the facts submitted by the applicant, all of the  
25 following..." (Emphasis added.)

26 Jurisdiction for federal issuance of a wiretap is based on 18 U.S.C. § 2518(3) and confers  
27 authorization on a court to authorize the "interception of wire, oral or electronic communications  
28 within the territorial jurisdiction of the court in which the judge is sitting."



1 The jurisdictional standard has been succinctly stated as follows: "The most reasonable  
2 interpretation of the statutory definition of interception is that an interception occurs where the tapped  
3 phone is located *and* where law enforcement officers first overhear the call." *United States v. Luong*  
4 (9<sup>th</sup> Cir. 2006) 471 F3d 1107.

5 In *Luong*, the Ninth Circuit Court of Appeals further cited *United States v. Rodriguez* (2d Cir.  
6 1992) 968 F.2d 130, 136 and *United States v. Ramirez* ((7<sup>th</sup> Cir. 1997) 112 F.3d 849, 852, for the  
7 conclusion "that an interception occurs in the jurisdiction where the tapped phone is located, where the  
8 second phone in the conversation is located, and where the scanner used to overhear the call is  
9 located." *Luong, supra*.

10 None of these jurisdictional factors are met in the affidavits supporting the applications  
11 for wiretaps. The initial target telephone was used in and around Long Beach, California. The  
12 listening post was in Los Angeles County. The proper jurisdiction for the issuing court should  
13 have been Los Angeles Superior Court, not the Riverside Superior Court.

14 Any claim that jurisdiction is supported by suspected illegal activity in Riverside County does  
15 not comport with the jurisdictional requirements that are recognized statutorily and in case law, as  
16 stated above. The factual assertions in the Original Affidavit do not demonstrate a nexus between the  
17 target telephone and any activities in Riverside County. The drug trafficking organization attributed to  
18 Rivas was "yet to be identified," he was living in San Bernardino County (Fontana) and his alleged  
19 illegal conduct would only have taken place in Long Beach (Los Angeles County). The jurisdictional  
20 claim is not aided by the suggestion that he lived "in close proximity" to El Rodeo Nightclub—which  
21 is twenty-two miles away—and involved no direct telephone contact. Finally, to attribute jurisdiction  
22 because two of the suspects went to Morongo Casino is complete speculation and lacks good faith.

23 It follows that the orders authorizing the wiretaps were unauthorized and should be suppressed.

24 **IV. THE EVIDENCE DERIVED FROM THE ILLEGAL WIRETAPS**  
25 **MUST ALSO BE SUPPRESSED**

26 The exclusionary rule prevents introduction of evidence obtained in violation of the United  
27 States Constitution. The exclusionary rule applies to evidence gained from an unreasonable search or  
28 seizure in violation of the Fourth Amendment, see *Mapp v. Ohio*, 367 U.S. 643 (1961) An extension of


1 the exclusionary rule affirmed in *Wong Sun v. United States* (1963) 371 U. S. 471 and first recognized in  
2 in *Silverthorne Lumber Co. v. United States* (1920) 251 U.S. 385 (1920), provides that evidence  
3 obtained with the assistance of illegally obtained information must be excluded from trial. It follows that  
4 any evidence derived from the wiretaps must be suppressed.

5 **V. CONCLUSION**

6 For the above reasons, the Court should issue an order suppressing the wiretap evidence in this  
7 case and all evidence derived from the suppressed wiretap evidence.

8 Respectfully submitted,

9  
10 Dated: August 14, 2015

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13 Michael H. Artan  
14 *Counsel for Defendant*  
15 *Koan You Lay*  
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**DECLARATION OF MICHAEL H. ARTAN**

I, Michael H. Artan, declare:

1. I am counsel for the defendant in this case. I make this declaration in support of the above motion to suppress. Unless otherwise stated, I have personal knowledge of the facts set forth below, and if called to testify, I could and would testify to the truth of these facts.

2. Attached as Exhibit A is a true copy of the initial application for a wiretap as provided in the discovery for this case, which is incorporated by reference.

3. Attached as Exhibit B is a true copy of the Affidavit in Support of the Application executed by Drug Enforcement Administration Special Agent Jesse E. Odum as provided in the discovery for this case, which is incorporated by reference ("Original Affidavit").

4. The Original Affidavit states that Arturo Rivas lived "in close proximity" to the El Rodeo nightclub in Moreno Valley. A Google map search reveals that the "close proximity" between the two locations is 22 miles by road. [Discovery provided indicates Rivas's residence in Fontana, which is not being stated at this time out of respect for Mr. Rivas's privacy, and an online search provides the nightclub address as 24805 Alessandro Boulevard, Moreno Valley.]

5. Attached as Exhibit C is a true copy of federal reporting forms as provided in the discovery for this case, which is incorporated by reference.

6. There is no indication in the discovery provided that the target telephone was ever used in Riverside County, or even that any calls were made to Riverside County.

7. The subsequent applications provided in discovery are signed by signed by Mr. Van Wegenan, and all contain the same language that he was "the Riverside County District Attorney's designee, as defined in California Penal Code section 629.50(a)." These subsequent applications do not include any language suggesting that Mr. Zellerbach was absent or that Mr. Van Wegenan was acting District Attorney in his absence.

8. The subsequent applications provided in discovery include affidavits by reference, and these affidavits contain the same jurisdictional narratives as the Original Affidavit.

1           9. Each of the subsequent applications includes a request to continue the wiretap of Koan  
2 You Lay's cell phone (562-353-005).

3           I declare under penalty of perjury that the above is true and correct and that his declaration is  
4 executed at Los Angeles, California, on August 14, 2015.

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Michael H. Artan

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# **EXHIBIT A**

EXHIBIT A

1 PAUL E. ZELLERBACH  
2 DISTRICT ATTORNEY  
3 COUNTY OF RIVERSIDE  
4 Deena M. Bennett  
5 Deputy District Attorney  
6 3960 Orange St.  
7 Riverside, California 92501  
8 Telephone: (951) 955-5400  
9 Fax: (951) 955-9673

10 IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA  
11 IN AND FOR THE COUNTY OF RIVERSIDE

12 IN THE MATTER OF THE APPLICATION )  
13 OF THE DISTRICT ATTORNEY OF THE ) WIRETAP NO. 13-310  
14 COUNTY OF RIVERSIDE FOR AN ORDER )  
15 AUTHORIZING THE INTERCEPTION OF ) APPLICATION  
16 WIRE, PAGER AND ELECTRONIC )  
17 COMMUNICATIONS )  
18 Target Telephone #1 – 562-353-0005 )

19 APPLICATION PURSUANT TO PENAL CODE SECTION 629.50, Et Seq.

20 I, Jeffery A. Van Wagenen Jr., Assistant District Attorney for the County of Riverside, declare:

21 1. Applicant is the District Attorney of the County of Riverside, Paul E. Zellerbach. I  
22 am the Riverside County District Attorney's designee, as defined in California Penal Code  
23 section 629.50(a).

24 2. After reviewing the Affidavit In Support Of Application For An Order Authorizing  
25 The Interception Of Wire And Electronic Communications of United States Department of  
26 Justice, Drug Enforcement Administration (DEA) Special Agent (SA) Jesse E. Odum, and relying  
27 thereon, I approve making this Application and hereby apply to the Riverside County Superior  
28 Court for authorization to intercept wire, pager and electronic communications to and from the  
communication devices (the "Target Device(s)") described below. The Affidavit is attached  
hereto and incorporated herein by this reference.

3. Applicant hereby assigns Deputy District Attorney Deena M. Bennett, or her  
substitute, to physically present this Application to the Court and to make the required periodic  
reports required by Penal Code section 629.60.

1           4.     SA Odum, assigned to DEA Southwest Border Initiative Group 4, is the law  
2 enforcement officer seeking authorization to intercept wire and electronic communications  
3 pursuant to Penal Code Section 629.50(a). He is certified by the California State Attorney  
4 General's Office in wiretaps, as set forth in the Affidavit.

5           5.     Pursuant to Penal Code Section 629.50(a)(2), the DEA Los Angeles Field  
6 Division, Southwest Border Initiative Group 4 is the agency that will execute this Order and,  
7 pursuant to Penal Code Section 629.50(a)(3), LAFD Special Agent in Charge Anthony D.  
8 Williams, reviewed the Affidavit and approves this Application (see Review of the Chief  
9 Executive Officer filed herewith).

10          6.     Based on my review of the Affidavit, I believe there is probable cause to conclude  
11 the Target Subjects as set forth in the Affidavit have committed, are committing, and will  
12 continue to commit the crimes of H.S. 11370.6(a): Possession of Money or Instruments over  
13 \$100,000, H.S. 11370.9(a): Proceeds Derived from Controlled Substance Offenses and P.C.  
14 182(a)(1): Conspiracy to Commit a Crime. I further believe that the Target Device is being used  
15 by the Target Subject(s) and/or their known and unknown associates and co-conspirators to  
16 facilitate those offenses and that communications concerning their illegal activities will be  
17 obtained through this interception.

18          7.     Pursuant to Penal Code Section 629.50(a)(4)(C), following are particular  
19 descriptions of the device(s) from which the communications are to be intercepted and their  
20 locations:

21           a.     **Target Telephone #1** is a United States based T-Mobile telephone.  
22 **Target Telephone #1** is subscribed to KOANYOU LAY 3919 ROCK LANDING WAY, SEAL  
23 BEACH, CA, 90740. **Target Telephone #1** has a current telephone number of **562-353-0005**  
24 and is used primarily by **Koan you LAY and Howard TAN**.

25          8.     The actual interception and monitoring post will be in Los Angeles County.

26          9.     The communications to be intercepted are wire and electronic communications  
27 between the Target Subjects and other known and unknown associates and/or co-conspirators  
28 concerning the offenses set forth above, as set forth in Penal Code Section 629.52(a).

10          10.    I have been informed and believe that conventional investigation techniques have



1 been attempted without success or reasonably appear too dangerous or unlikely to succeed if  
2 attempted, as set forth in the Affidavit.

3 11. Due to the ongoing nature of the conspiracy related to the above offenses, and  
4 because there is probable cause to believe that multiple communications related to those offenses  
5 will occur during the course of interception and monitoring, I request that authority to maintain  
6 this intercept be granted for **thirty (30) days** and request that the authority not be deemed to  
7 automatically terminate upon interception of the first communication of the type described above.

8 12. I request that this Court order Sprint Nextel Corporation, Boost Mobile, Pacific  
9 Bell Company, Virgin Mobile, SBC, Verizon Communications, AT&T, AT&T Wireless, Verizon  
10 Wireless, Cellco Partnership doing business as Verizon Wireless, T-Page Plus Communications,  
11 Inc., Cingular Wireless, Nextel Communications, Sprint Spectrum, L.P., Sprint-Nextel, Metrocall,  
12 PageNet, Weblink Wireless, T-Mobile and any other telephone, long distance, calling card,  
13 paging, cellular, wireless or other telecommunications service providers, subsidiaries, or entities  
14 (the "Telecommunications Companies"), **upon request of law enforcement**, to provide the  
15 technical assistance necessary to accomplish the interception unobtrusively and with a minimum  
16 of interference with the services being provided to the people whose communications are to be  
17 intercepted and shall provide caller identification where possible. The Telecommunications  
18 Companies shall be compensated by the agency executing the Court Order for the reasonable  
19 costs of furnishing the facilities and technical assistance.

20 13. I request this Court to order the Telecommunications Companies not to disclose to  
21 the subscriber or any unauthorized person the fact that the Court has authorized this wiretap.

22 14. Applicant requests this Application, Review, Affidavit, Order and any/all  
23 incorporated documents, attachments, and/or exhibits be sealed and kept in the custody of the  
24 agency executing the Court Order or the District Attorney's Office and to be disclosed only upon  
25 a showing of good cause before a Judge of competent jurisdiction. (Penal Code Section 629.66)

26 15. I am unaware of any previous relevant wiretaps other than those set forth in the  
27 Affidavit within the meaning of Penal Code Section 629.50(a)(6).

28 16. Applicant designates any California Department of Justice certified person(s),  
selected and supervised by the investigative or law enforcement officer/agency, to provide

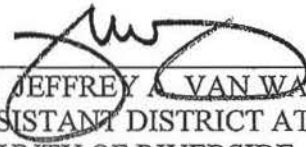
1 linguistic interpretation for interception of wire, electronic digital pager and electronic cellular  
2 telephone communications, pursuant to Penal Code Section 629.94.

3  
4 I declare under penalty of perjury under the laws of the State of California that the  
5 foregoing is true and correct, except as to those matters declared on information and belief,  
6 which matters I believe to be true, and that this Application was executed in Riverside, California.

7

8 DATED: 12.6.13

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By: JEFFREY A. VAN WAGENEN JR.  
ASSISTANT DISTRICT ATTORNEY  
COUNTY OF RIVERSIDE

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For: PAUL E. ZELLERBACH  
DISTRICT ATTORNEY  
COUNTY OF RIVERSIDE

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# **EXHIBIT B**

EXHIBIT B

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**SUPERIOR COURT OF THE STATE OF CALIFORNIA  
FOR THE COUNTY OF RIVERSIDE**

**IN THE MATTER OF THE APPLICATION  
OF THE DISTRICT ATTORNEY OF THE  
COUNTY OF RIVERSIDE FOR AN ORDER  
AUTHORIZING THE INTERCEPTION OF  
WIRE AND ELECTRONIC  
COMMUNICATIONS**

Target Telephone #1: 562-353-0005

**WIRETAP NO. 13-310**

**AFFIDAVIT IN SUPPORT OF  
INTERCEPT ORDER AND  
AN ORDER OBTAINING GLOBAL  
POSITIONING SYSTEM (GPS)  
TRACKING AND/OR CELLULAR  
SITE DATA**

**AFFIDAVIT IN SUPPORT OF APPLICATION  
FOR AN ORDER AUTHORIZING THE INTERCEPTION OF ELECTRONIC  
CELLULAR TELEPHONE COMMUNICATIONS  
AND  
AN ORDER OBTAINING GLOBAL POSITIONING SYSTEM (GPS) TRACKING  
AND/OR CELLULAR SITE DATA  
SUPERIOR COURT OF THE STATE OF CALIFORNIA  
FOR THE COUNTY OF RIVERSIDE**

**I.**  
**INTRODUCTION AND EXPERTISE**

I, Jesse E. Odum, being duly sworn, declare as follows:

1. I am a United States Drug Enforcement Administration (DEA) Special Agent (SA) and I am an investigative or law enforcement officer of the United States within the meaning of Section 2510(7) of Title 18 of the United States Code. I am empowered to conduct investigations and to make arrests for federal felony offenses.

2. I am assigned to the Los Angeles Field Division (LAFD), Southwest Border Group 4 (SWB-4). I have been appointed as a Special Agent by the DEA since July, 2012. Prior to attaining sworn status as a Special Agent, I was employed by DEA and received seventeen weeks of training in controlled substance trafficking investigations and related legal matters, at the DEA Quantico, Virginia Academy.

3. I have received several hundred hours of comprehensive and specialized training concerning violations of the Controlled Substances Act contained within Title 21 of the United States Code, while attending the DEA Training Academy in Quantico, Virginia. I have debriefed

1 defendants and witnesses who had personal knowledge of major narcotics trafficking  
2 organizations. Additionally, I have participated in many aspects of narcotics investigations  
3 including conducting physical surveillance and executing search warrants.

4 4. Based on my training, experience and discussions with several senior DEA Agents, I am  
5 familiar with narcotics traffickers' methods of operation including the distribution, storage, and  
6 transportation of narcotics and the collection of money proceeds of narcotics trafficking. I am  
7 also familiar with methods employed by large narcotics organizations to thwart detection by law  
8 enforcement, including the use of debit calling cards, public telephones, cellular telephone  
9 technology, counter surveillance, false or fictitious identities, and encoded communications. To  
10 successfully conduct these investigations, I have utilized a variety of investigative techniques and  
11 resources to include: database searches, physical surveillance and use of information obtained  
12 through cooperating sources. Through these investigations, and my training and experience, I  
13 have become familiar with the methods used by traffickers to smuggle and safeguard narcotics, to  
14 distribute narcotics, and to collect and launder related proceeds. My knowledge of these tactics,  
15 which include the utilization of cellular telephone technology, counter surveillance, elaborately  
16 planned smuggling schemes tied to legitimate businesses, false or fictitious identities, and coded  
17 communications and conversations, has been particularly useful and relevant to this investigation.

18 5. Based on this investigation, set forth in detail below, I assert that there is probable cause  
19 to believe that the **Target Subjects** (as defined below) have committed, are committing, and are  
20 about to commit H.S. 11370.6(a): Possession of Money or Instruments over \$100,000, H.S.  
21 11370.9(a): Proceeds Derived from Controlled Substance Offenses and P.C. 182(a)(1):  
22 Conspiracy to Commit a Crime, I further assert there is probable cause to believe that wire  
23 communications of the **Target Subjects** concerning the said offenses will be made over **Target**  
24 **Telephone #1 (562) 353-0005.**

25 II.  
26 **THE TARGET SUBJECTS AND TARGET DEVICE(S)**

27 6. This Affidavit is submitted in support of an Application for an Order authorizing the  
28 interception of wire and electronic communications of this Southern California-based narcotics  
proceeds courier organization (the Target Organization) including; Koan You LAY ("LAY"),

1 Howard TAN ("TAN"), Sophana LIM VAN BRUGEN ("LIM"), Phi Thi Nguyen ("NGUYEN"),  
2 Jennifer Ngoc Bich NGUEYEN-ITOW ("ITOW"), Xiubin Yu ("YU"), Marek Hyla ("HYLA"),  
3 Ting Lin ("TING"), and Jia Lin ("LIN") (collectively, the "Target Subjects"); and other  
4 unidentified co-conspirators, during the 30-day period of interception for which this application is  
5 submitted. It is believed that LAY and TAN are using and will be using Target Telephone #1-  
6 562-353-0005.

7 a. Target Telephone #1 is a T-Mobile cellular telephone, with assigned  
8 telephone number (562-353-0005), with International Mobile Subscriber Identity ("IMSI")  
9 310260250575874, subscribed to KOANYOU LAY 3919 ROCK LANDING WAY, SEAL  
10 BEACH, CA, 90740, (hereinafter referred to as "Target Telephone #1"). The service for Target  
11 Telephone #1 was initiated on October 6, 2009, Target Telephone #1 is believed to be used  
12 primarily by LAY and TAN.

13 b. The term "Target Telephone" also refers to any changed telephone number  
14 assigned to the same IMSI or Subscriber Identity Module (SIM) or Mobile Identification Number  
15 (MIN) or Electronic Serial Numbers (ESN), or Universal Fleet Member Identifier (UFMI) or  
16 MSID, and/or any changed IMSI or SIN or MIN or ESN, or UFMI or Mobile Station  
17 Identification Number (MSID) assigned to the same telephone number and/or any changed  
18 subscriber information with the same IMSI or SIN or MIN or ESN, or UFMI or MSID and the  
19 same telephone number during the effective period of this order.

20 7. I have attempted to obtain information concerning the Target Subjects from the  
21 following sources and criminal indices: California Department of Motor Vehicles (DMV),  
22 California Law Enforcement Telecommunications System (CLETS), National Crime Information  
23 Center (NCIC), DEA/FBI records, public databases, reports of physical surveillance,  
24 conversations with other agents and officers participating in this investigation and my own  
25 participation in the investigation. The following summarizes the information I have been able to  
26 collect regarding the known Target Subjects of this investigation:

27 a. Koan You LAY ("LAY") is an Asian male, believed to be the primary user  
28 of Target Telephone #1. Based on information learned during this investigation and information  
learned during an interview with an individual that picked up \$100,000 of narcotics proceeds

1 from KHMER SARMEY JEWELRY (KS JEWELRY STORE), LAY delivers laundered drug  
2 proceeds to couriers and runners, for eventual purchase of narcotics. LAY receives his directions  
3 from unknown co-conspirators. Based on surveillance and public database searches, LAY is  
4 believed to be residing at 3919 Rock Landing Way, Seal Beach, California. In public records,  
5 LAY is listed as the co-owner of KS JEWELRY STORE, 836 E. Anaheim Street, Long Beach,  
6 California.

7 b. Howard TAN ("TAN") is an Asian male. Based on information learned  
8 during this investigation and information learned during an interview with an individual that  
9 picked up \$100,000 of narcotics proceeds from KS JEWELRY STORE, TAN delivers  
10 laundered drug proceeds to couriers and runners, for eventual purchase of narcotics. Based on my  
11 knowledge of this investigation, TAN receives his directions from unknown co-conspirators.  
12 Based on surveillance and public database searches, TAN is believed to be residing at 3919 Rock  
13 Landing Way, Seal Beach, California. TAN works at KS JEWELRY STORE, 836 E. Anaheim  
14 Street, Long Beach, California.

15 c. Sophana LIM-VAN BRUGGEN ("LIM") is an Asian female who is believed  
16 to be involved in narcotics proceeds remittance activities through her company, RUBY  
17 JEWELRY. LIM has been identified as the CEO of RUBY JEWELRY in public databases. The  
18 business phone number for RUBY JEWELRY and the cell phone subscribed to LIM at the same  
19 address of RUBY JEWELRY has been in contact with Target Telephone #1. The business  
20 phone of LIM at RUBY JEWELRY was listed on a suspicious package seized by U.S. Postal  
21 Inspectors at the request of DEA on September 20, 2013. The package was addressed to NGOC  
22 BICH JEWELRY and contained \$40,650 of suspected narcotics proceeds. The business phone of  
23 RUBY JEWELRY and the cellular phone subscribed to LIM is in contact with Target Telephone  
24 #1 and the business phone for NGOC BICH JEWELRY. Based on past activities of RUBY  
25 JEWELRY, LIM and RUBY JEWELRY facilitate money transfers and deliveries, and  
26 coordinates such money transfer and laundering activities with LAY, TAN, NGUYEN and the  
27 other Target Subjects. Based on Georgia DMV database information, LIM resides at 1608  
28 Danbury Parac Place NE, Atlanta, Georgia 30319.

d. Phi Thi NGUYEN ("NGUYEN") is an Asian female who is believed to be



1 involved in narcotics proceeds remittance activities through her company, PRECIOUS JEWELS  
2 BY NGOC BICH (aka NEWPORT PRECIOUS JEWELS) ("NGOC BICH JEWELRY").  
3 NGUYEN is listed as the owner of NGOC BICH JEWELRY in public databases. The business  
4 phone number for NGOC BICH JEWELRY has been in contact with Target Telephone #1.  
5 Based on past activities of NGUYEN with NGOC BICH JEWELRY as well as suspicious  
6 financial activity by NGOC BICH JEWELRY, NGUYEN facilitates money transfers and  
7 deliveries, and coordinates such money transfer and laundering activities with LAY. On  
8 September 20, 2013, at the request of DEA, U.S. Postal Inspectors seized a package addressed to  
9 NGOC BICH JEWELRY containing \$40,650 of suspected narcotics proceeds. Based on law  
10 enforcement database searches, NGUYEN is believed to be residing at 6 Nerval Street, Newport  
11 Beach, California.

12 e. Jennifer Ngoc Bich Nguyen ITOW ("ITOW") is an Asian female who is believed  
13 to be involved in narcotics proceeds remittance activities through, PRECIOUS JEWELS BY  
14 NGOC BICH (aka NEWPORT PRECIOUS JEWELS) ("NGOC BICH JEWELRY"). ITOW is  
15 believed to be the daughter of NGUYEN and is listed as the co-signer on several NGOC-BICH  
16 JEWELRY bank accounts. The business phone number for NGOC BICH JEWELRY has been in  
17 contact with Target Telephone #1. Based on past activities of ITOW with NGOC BICH  
18 JEWELRY as well as suspicious financial activity by NGOC BICH JEWELRY, ITOW facilitates  
19 money transfers and deliveries, and coordinates such money transfer and laundering activities  
20 with LAY. On September 20, 2013, U.S. Postal Inspectors seized a package addressed to NGOC  
21 BICH JEWELRY containing \$40,650 of suspected narcotics proceeds. Based on law enforcement  
22 database searches, ITOW is believed to be residing at 8 Nerval Street, Newport Beach, California.

23 f. Xiubin YU ("YU") is an Asian female who has previously been identified  
24 as the head of an a narcotics proceeds courier cell in Monterey Park, YU is believed to take  
25 direction from the same individuals who direct LAY, to launder narcotics proceeds and provide  
26 funds for the purchase of narcotics by HYL and others. Based on surveillance, YU is believed  
27 to be residing at 123 Roselyn Lane, Monterey Park, California ("ROSELYN LOCATION"). In  
28 public records, YU is listed as the President of JERSON TRADE. JERSON TRADE is a money  
exchange business located at 127 S. Garfield Avenue, Suite A, Monterey Park, California.

1 g. Marek HYLA ("HYLA"), a White Canadian male, has been identified by a DEA  
2 Tucson Confidential Source (CI-1 as described herein) as an individual who transports what are  
3 believed to be laundered narcotics proceeds from Los Angeles to Tucson, Arizona for the further  
4 purchase of narcotics. HYLA is further directly associated with a seizure of approximately 40  
5 kilograms of simulated cocaine in Tucson, Arizona in November 2012. On April 17, 2013, DEA  
6 Tucson seized \$330,265 of narcotics proceeds from HYLA, which was concealed in the trunk of  
7 his rental car. HYLA has been observed picking up funds from an unidentified Asian female,  
8 possibly TING, and therefore is believed to take direction from the same individuals who direct  
9 LAY, YU, and TING. HYLA is believed to be residing in Santa Monica, California.

10 h. TING Lin ("TING") is an Asian female who is believed to be a likely money  
11 courier. She is one of the registered owners of a black 2012 Dodge Challenger ("The  
12 Challenger") observed by DEA Agents during surveillance of a money pick-up by HYLA from  
13 an unidentified Asian female on February 1, 2013. Based on surveillance, TING is believed to  
14 reside at the ROSELYN LOCATION (YU's address) and TING is also associated with the  
15 address for JERSON TRADE (YU's business). She was also intercepted by law enforcement  
16 during a trip to/from Morongo Casino in Cabazon, California with LIN, which was likely related  
17 to laundering or delivering narcotics-related proceeds. During an interview with law enforcement  
18 resulting from that interception, TING stated that she was LIN's sister. During an interview with  
19 DEA Agents, TING admitted to delivering packages with LIN to unknown individuals at the  
20 Hong Kong Supermarket. TING stated she did so at the direction of YU, but claimed to not know  
21 what she was delivering. Based on her residence with YU, her association with JERSON  
22 TRADE, and her participation in likely narcotics proceeds remittance activities, TING is believe  
23 to take direction from the same individuals who direct LAY, YU, and HYLA. Based on  
24 surveillance, TING is believed to be residing at the ROSELYN LOCATION.

25 i. Jia LIN ("LIN") is an Asian male who is the brother of TING and believed also to  
26 participate in narcotics proceeds remittance activities. LIN is another registered owner of the  
27 Challenger, a vehicle which has been seen during money delivery operations, and was the driver  
28 for a trip with TING to/from Morongo Casino in Cabazon, California. Based on my knowledge of  
this investigation, the trip was likely related to laundering or delivering narcotics-related

1 proceeds. Based on surveillance, LIN is believed to be residing at the ROSELYN LOCATION  
2 (address of YU and TING) and was a past subscriber of utilities for JERSON TRADE (also  
3 associated with YU and TING). Based on his apparent relationship with YU, TING, JERSON  
4 TRADE, and his participation in likely narcotics proceeds remittance activities, LIN is believed  
5 to take direction from the same individuals who direct LAY, YU, TING, and HYLEA.

6 j. Arturo RIVAS ("RIVAS") is a Hispanic male money courier who picked up a  
7 white U.S. Postal Box containing \$189,780.00 of U.S. currency and a \$100 counterfeit bill from  
8 KHMER SARMEY JEWELRY STORE on November 7, 2013. Based on my knowledge of this  
9 investigation RIVAS is a courier for a yet to be identified drug trafficking organization.

10  
11 **III.**  
**COURT'S JURISDICTION**  
12 (Penal Code section 629.52)

13 8. California Penal Code section 629.52, in part, states "The judge may enter an ex parte  
14 order authorizing interception of wire, electronic page, or electronic cellular telephone  
15 communications initially intercepted within the territorial jurisdiction of the court in which the  
16 judge is sitting." Section 629.52 does not define the phrase "initially intercepted." However,  
17 federal courts have ruled on similar language found in 18 USC 2518(3), which, at the time of the  
18 rulings, stated, "the judge may enter an ex parte order ... authorizing or approving interception of  
19 wire, oral, or electronic communications within the territorial jurisdiction of the court in which  
20 the judge is sitting." In *United States v. Rodriguez* (2nd Cir. 1992) 968 F.2d 130, cert. denied 506  
21 U.S. 847, 113 S.Ct. 140, 1212 L.Ed.2d 92, a federal magistrate of Southern District of New York  
22 issued an intercept order for the telephones of a cafe located in New Jersey. The defendants  
23 contended that the intercept order was improperly issued and argued that only a New Jersey  
24 magistrate could issue an intercept order for a telephone located in New Jersey. The court  
25 rejected the defendants' contention and explained the jurisdiction issue as it pertains to intercept  
26 orders. The court held "for the purposes of [the] jurisdictional requirement, a communication is  
27 intercepted not only where the tapped telephone is located, but also where the contents of the  
28 redirected communication are first to be heard." (*Id.* at p. 136.) In *United States v. Denman* (5th  
Cir. 1996) 100 F.3d 399, cert. denied 520 U.S. 1121, 117 S.Ct. 1256, 137 L.Ed.2d 336, the

1 defendants contended that the wiretap was jurisdictionally defective because it was authorized by  
2 a judge outside the judicial district in which the defendants' telephones were located. The  
3 wiretap order was issued by a judge in the Eastern District of Texas where the calls were  
4 monitored and recorded; the tapped telephones were located in Houston within the Southern  
5 District of Texas. The court rejected the defendants' contention and explained the jurisdiction  
6 issue as it pertains to intercept orders. The court held, "We agree with the reasoning of the  
7 Second Circuit and now hold that the interception included both the location of a tapped  
8 telephone and the original listening post, and that judges in either jurisdiction have authority  
9 under Title III to issue wiretap order. As the *Rodriguez* court noted, this interpretation aids an  
10 important goal of Title III, to protect privacy interests, by enabling one judge to supervise an  
11 investigation that spans more than one judicial district." (*Id.* at pp. 4043-404.) (*See also United*  
12 *States v. Ramirez* (7th Cir. 1997) 112 F.3d 849, cert. denied 522 U.S. 892, 118 S.Ct. 232, 139  
13 L.Ed.2d 163 [Holding that a judge, sitting in the jurisdiction where the target subject lived and  
14 where the criminal conduct was occurring, could issue a wiretap order for a cellular telephone  
15 which was thought to be used by the target subject regardless of where the phone or the listening  
16 post was.])

17 9. The following facts establish jurisdiction in this matter as it pertains to **Target**  
18 **Telephone #1** which is a United States based T-Mobile electronic cellular telephone. The  
19 primary users of **Target Telephone #1** are **LAY** and **TAN**:

20 10. DEA is investigating a drug trafficking and money laundering organization operating  
21 in Mexico and throughout Southern California to include Los Angeles, San Bernardino, Riverside  
22 and Orange Counties, among other locations. Specifically, the investigation targets narcotic drug  
23 trafficking cells operating in the United States and Mexico whom are believed to be responsible  
24 for criminal activities, including but not limited to: (1) the transportation of narcotics from  
25 countries of supply in Central and South America to Mexico; (2) the transportation of narcotics  
26 through Mexico and into the United States; (3) the distribution of narcotics to the DTO's  
27 wholesale customers in the United States; and (4) the collection and transportation of narcotics  
28 proceeds. During this narcotics investigation several phone numbers were identified as being  
associated with narcotics trafficking in the Southern California area. Further investigation of

1 these telephone numbers have led to the identification of Target Telephone #1. The DTO is  
2 believed to be operating in Riverside County and throughout Southern California for an  
3 unidentified Mexico based DTO.

4 11. In February 2013, LAFD SWB-4 initiated an investigation into the narcotics  
5 proceeds laundering activities of multiple Asian organizations in the Los Angeles metropolitan  
6 area. DEA Agents have identified Koan You LAY, the owner of KS JEWELRY STORE, and  
7 Howard TAN. LAY and TAN, who also works at KS JEWELRY STORE, have used KS  
8 JEWELRY STORE to deliver narcotics proceeds to several members of drug trafficking  
9 organizations. On September 23, 2013, DEA agents seized \$100,000 from a Hispanic male after  
10 he picked up the money from KS JEWELRY STORE. On November 7, 2013, DEA agents  
11 seized \$189,780 and a \$100 counterfeit bill from Arturo RIVAS after he picked up the money  
12 from KS JEWELRY STORE. RIVAS was in possession of two cellular telephones.

13 12. On November 25, 2013, I reviewed telephone tolls from RIVAS' telephone number  
14 (909-684-4622). According to toll data, RIVAS' telephone was in contact with phone number  
15 562-755-2462 on eight occasions between October 15, 2013 and October 18, 2013. DEA  
16 Intelligence Analyst (IA) Daniel Lodevico stated that this phone number is in contact with two  
17 suspected drug traffickers in an active DEA investigation. This investigation is being worked  
18 with Riverside Police Department. The two suspects in contact with 562-755-2462 are Manuel  
19 PALAMINO and Favio RANGEL. RANGEL is a promoter for EL RODEO nightclub, with  
20 several locations; one location is in Moreno Valley, California. EL RODEO in Moreno Valley,  
21 California is known to be frequented by members of the Sinoloa drug cartel, when they visit the  
22 Los Angeles area from Mexico. IA Lodevico stated that RANGEL is a poly-drug trafficker and in  
23 addition to trafficking narcotics, he also launders money.

24 13. Based on my knowledge of this investigation, since RIVAS is in contact with the same  
25 phone number as two other drug traffickers, he may likely be linked to EL RODEO in Moreno  
26 Valley, California. RIVAS resides in Fontana. Due to the close proximity of RIVAS' residence,  
27 investigators concluded that he is conducting illegal activities in Riverside County.

28 14. Even though LAY and TAN deliver money from their business in Long Beach,  
California, it appears that the money is eventually used to purchase narcotics in Riverside County.

1 15. As described in detail below, using GPS tracker data, DEA agents tracked TING and  
2 LIN in their vehicle to trips from Monterey Park to the Morongo Casino in Riverside County.  
3 Based on my knowledge of this investigation it appears that the Morongo Casino is one of the  
4 locations used to launder narcotics proceeds.

5 16. Based on my training and experience, and factors described below, Riverside County  
6 can be characterized as a central transportation hub, and corridor, for narcotics traffickers  
7 departing from, or arriving to, Mexico from other areas of California. Riverside County stretches  
8 from Orange County to the Colorado River, which forms the state border with Arizona.  
9 Furthermore, Riverside County lies inland of Los Angeles County and is bordered by Orange  
10 County to the west, San Bernardino County to the north and San Diego County and Imperial  
11 County to the south. Major Highways that operate thru Riverside County include Interstates 10,  
12 15, 215 and State Routes 60, 91 and 111. The above referenced highways will lead to the other,  
13 major counties of California previously mentioned. Because of these factors, Riverside County  
14 can be characterized as a centralized transportation hub that provides a corridor between  
15 California and Mexico.

16 17. The Listening post will be in Los Angeles County

17  
18 **IV.**  
**PRIOR APPLICATIONS**

19 18. On or about November 26, 2013, the DEA Electronic Surveillance Unit checked the  
20 oral, wire, and electronic surveillance indices of DEA, FBI and ICE, which revealed that no other  
21 applications have been made to intercept oral, wire, or electronic communications involving the  
22 **Target Subjects and Target Telephone #1**. Other than the prior applications mentioned below, I  
23 know of no other applications that have been made to any court for authorization to intercept  
24 wire, oral, or electronic communications involving any of the same persons, facilities, or places  
25 specified in this application.

26 a. LIN, TING, not further identified, was named in a previous application authorizing  
27 the intercepts of communications signed by United States District Court Judge of  
28 the New York Southern District Court, 12/03/2004.

b. LIN, TING, not further identified, was named in a previous application authorizing

1 the intercepts of communications signed by United States District Court Judge of  
2 the New York Southern District Court, 04/07/2005.

3 c. LIN, TING, not further identified, was named in a previous application authorizing  
4 the intercepts of communications signed by United States District Court Judge  
5 RICHARD OWEN of the New York Southern District Court, 04/07/2005.

6 d. Nguyen, Phi, not further identified, was named in a previous application  
7 authorizing the intercepts of communications signed by United States District  
8 Court Judge Whelan, Thomas J, of the California Southern District Court,  
9 12/19/2008.

10 e. Nguyen, Phi, not further identified, was named in a previous application  
11 authorizing the intercepts of communications signed by United States District  
12 Court Judge Whelan, Thomas J, of the California Southern District Court,  
13 11/19/2008 .

14 f. Nguyen, Phi, not further identified, was named in a previous application  
15 authorizing the intercepts of communications signed by United States District  
16 Court Judge Whelan, Thomas J, of the California Southern District Court,  
17 01 /27/2009.

18 g. NGUYEN, PHI, not further identified, was named in a previous application  
19 authorizing the intercepts of communications signed by United States District  
20 Court Judge THOMAS J. WHELAN, of the California Southern District Court,  
21 11/19/2008.

22 h. NGUYEN, PHI, not further identified, was named in a previous application  
23 authorizing the intercepts of communications signed by United States District  
24 Court Judge JOHN L. KANE, of the Colorado District Court, 03/07/2007.

25 19. On December 2, 2013, I checked the California Department of Justice wiretap  
26 database to determine if other applications have been made to initiate a California State  
27 authorized wiretap intercept of the Target Telephone or the Target Subject(s) and learned other  
28 than those applications listed hereafter, no other applications have been made to initiate a  
California State authorized wiretap intercept of Target Telephone #1.

V.

**FACTS ESTABLISHING PROBABLE CAUSE<sup>1</sup>**

20. In November 2012, DEA Tucson initiated an investigation into a Canadian drug trafficking organization ("DTO"). During that investigation, DEA Tucson was able to develop a confidential source ("CI-1") who provided information about the activities of the organization and specifically discussed HYLEA's connection to the organization. CI-1 indicated that HYLEA was a courier who picked up money from Los Angeles. In February 2013, DEA Los Angeles initiated an investigation into Asian narcotics proceeds couriers operating in the Los Angeles area.

21. The Federal Bureau of Investigation (FBI) Orange County Office provided information regarding the use of Target Telephone #1 and KS JEWELRY STORE. The FBI intercepted Target Telephone #1 during a 2010 wiretap investigation, in which a money pick up was discussed.

22. Based on information learned during this investigation, DEA Agents have learned that several Asian narcotics proceeds couriers are working together to distribute narcotics proceeds to members of DTOs throughout the Los Angeles area. The money is then sent to Mexico or South America, where it is used to purchase cocaine, which is then sent back to Los Angeles and is distributed throughout Southern California and the United States. DEA Agents have also learned that the Asian narcotics proceeds couriers are linked to Asian DTOs that use the currency to purchase cocaine in the Los Angeles area, which is then sent back to Canada. The cocaine is then sold in Canada. The proceeds from the cocaine in Canada are then sent back to the Los Angeles area to purchase more cocaine and other narcotics. DEA Agents also believe that the same Asian organization in Canada smuggles high grade marijuana to the United States and then send the cash proceeds to Asian narcotics proceeds couriers in the Los Angeles area.

**Significant Events / Seizures**

23. On September 20, 2013, at the request of DEA, a U.S. Postal interdiction team seized

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<sup>1</sup> Additional information related to Probable Cause may or may not be contained in the confidential *Hobbs* Attachment of this affidavit.



1 a U.S. Express Mail package containing \$40,650. An Orange County Sheriff's Department  
2 narcotics detection K-9 indicated that the money had an odor of narcotics. The package was  
3 addressed to NGOC BICH JEWELRY, 9200 Bolsa Avenue, 113, Westminster, California 92683,  
4 sent from RUBY JEWELRY, 5145 Buford Highway, Doraville, Georgia 30340. The Express  
5 Mail label listed the telephone number for RUBY JEWELRY and the telephone number for  
6 NGOC BICH JEWELRY. According to public databases, Sophana LIM is listed as the Chief  
7 Executive Office (CEO) of RUBY JEWELRY. DEA agents have found through toll analysis that  
8 several phone numbers subscribed to LIM have also been in contact with **Target Telephone #1**.

9 24. On September 24, 2013, DEA agents and Long Beach Police Officers seized \$100,000  
10 in drug proceeds from an individual who picked up the money from **KS JEWELRY STORE**.  
11 The delivery of the currency was coordinated using **Target Telephone #1**. A Long Beach Police  
12 K-9 dog conducted a search of the currency and detected a distinct narcotics odor. On November  
13 7, 2013, DEA agents and Long Beach Police Officers seized \$189,780 and a \$100 counterfeit bill  
14 in drug proceeds from an individual who picked up the money from **KS JEWELRY STORE**.  
15 The delivery of the currency was coordinated using **Target Telephone #1**. A Long Beach Police  
16 K-9 dog conducted a search of the currency and detected a distinct narcotics odor.

#### 17 Cell Site Analysis

18 25. I have received subscriber information and call detail records from T-Mobile for  
19 **Target Telephone #1**. I ordered cell site data, which shows that **Target Telephone #1** is mostly  
20 used near LAY and TAN's business in Long Beach, California. The money is delivered in Long  
21 Beach; however, the members of drug trafficking organizations picking up the money are located  
22 throughout Southern California to include Riverside County.

#### 23 Use of Target Telephone #1

#### 24 Toll Analysis for Target Telephone #1

25 26. I have reviewed the telephone call records for **Target Telephone #1** for the time  
26 period from November 20, 2013 through November 28, 2013 (the "toll time period"). During the  
27 toll time period, approximately 126 telephone calls were made to/from approximately 32 different  
28 telephone numbers from **Target Telephone #1**.

1           27. During the toll time period, Target Telephone #1 had approximately 2 contacts with  
2 770-936-8500, with the most recent contact on November 23, 2013. Phone number 770-936-  
3 8500 is the business phone for RUBY JEWELRY. Subscriber information for the 770-936-8500  
4 lists the subscriber as Ruby Jewelry, 5145 Buford Hwy NE STE D Atlanta, GA 30340. Target  
5 Telephone #1 was also in contact with 770-336-8510, subscribed to Sophana LIM, the CEO of  
6 RUBY JEWELRY.

7           28. Based on my knowledge of this investigation , RUBY JEWELRY was in contact with  
8 Target Telephone #1 to coordinate the delivery of narcotics proceeds. This is based on RUBY  
9 JEWELRY's history of sending narcotics proceeds in the U.S. mail.

10           29. On September 19, 2013, a Parcel Interdiction Task Force composed of U.S. Postal  
11 Inspectors, Santa Ana Police Department (SAPD) and Orange County Sheriff's Department  
12 (OCSD) seized a package sent from RUBY JEWELRY addressed to NGOC BICH JEWELRY.  
13 An OCSD K-9 dog detected an odor of narcotics on the package. The package was found to  
14 contain \$40,650 of U.S. currency in the mail to NGOC BICH JEWELRY. U.S. Postal Inspectors  
15 stated that they had seen similar packages sent from RUBY JEWELRY that they suspected to be  
16 narcotics proceeds; however did not intercept the packages due to internal regulations.

17           30. The package was addressed to NGOC BICH JEWELRY, 9200 Bolsa Avenue, 113,  
18 Westminster, California 92683, sent from Ruby Jewelry, 5145 Buford Highway, Doraville,  
19 Georgia 30340. The Express Mail label listed the telephone number for the sender RUBY  
20 JEWELRY (770-936-8500) and the telephone number for the recipient NGOC BICH JEWELRY  
21 (714-890-9527). According to public databases, Sophana LIM is listed as the Chief Executive  
22 Officer (CEO) of RUBY JEWELRY. According to Tolls analysis, I have found that three  
23 additional cell phone numbers (in addition to RUBY JEWELRY business phone) subscribed to  
24 LIM, (the CEO of RUBY JEWELRY) that have been in frequent contact with Target Telephone  
25 #1. In my experience it is common for narcotics and narcotics proceeds couriers to have multiple  
26 phone numbers.

27           31. On September 20, 2013, Postal Inspectors obtained a Federal search warrant and  
28 opened the Express Mail package and found \$40,650 of U.S. currency. The currency was  
packaged inside a tin box that was placed within multiple layers of bubble mailers and boxes. No

1 invoices were present. The package was then seized by Postal Inspector Rofe and maintained in  
2 the custody of the U.S. Postal Inspection Service. On September 25, 2013, U.S. Postal Inspector  
3 Rofe turned over the currency to DEA Los Angeles agents. The lack of invoice and the multiple  
4 layers of packaging lead me to believe that this is not a legitimate transaction. If the money was  
5 for a legitimate transaction, it would contain an invoice. I also believe the multiple layers of  
6 packaging were intended to mask the odor of narcotics in hopes that the narcotics K-9 dog would  
7 not detect it.

8 32. I further believe that RUBY JEWELRY is involved sending narcotics proceeds  
9 because of the history of NGOC BICH JEWELRY. Based on my knowledge of this  
10 investigation, the money that RUBY JEWELRY sent to NGOC BICH JEWELRY is narcotics  
11 proceeds or is money that will be delivered to purchase additional narcotics. Based on my  
12 knowledge learned in this investigation and in conversations with other law enforcement  
13 personnel, NGOC BICH JEWELRY has been identified as transmitting narcotics proceeds for  
14 DTOs. NGOC BICH JEWELRY was specifically identified as a narcotics proceeds courier  
15 during a 2007 DEA Proffer with a member of a Vietnamese DTO, who was sentenced to prison  
16 for trafficking narcotics from Canada to California and then using NGOC BICH JEWELRY to  
17 transmit the narcotics proceeds back to Canada. NGOC BICH JEWELRY also has been  
18 identified as being involved in what appears to be a trade based money laundering scheme  
19 according to suspicious financial records. NGOC BICH JEWELRY has been involved in these  
20 illegal activities for decades. Below is a summary of what I have learned about the activities of  
21 NGOC BICH JEWELRY. I have also identified through past tolls analysis that business  
22 telephone number for NGOC BICH JEWELRY is in regular contact with Target Telephone #1.  
23 Based on tolls from RUBY JEWELRY (770-936-8500), RUBY JEWELRY was in contact with  
24 NGOC BICH JEWELRY approximately 25 times during the toll period (August 24, 2013 to  
25 September 22, 2013).

26 33. On May 2, 2013, SA Bedford and I called Vice President Assistant BSA Manager  
27 A.B. at East West Bank in Los Angeles, California. A.B confirmed that NGOC BICH  
28 JEWELRY had an account at East West Bank and that the business phone number listed was 714-  
890-9527. A.B. also stated that he found records of 14 bank accounts linked to NGOC BICH

1 JEWELRY. He explained that their financial investigation unit had found "a great deal of  
2 suspicious activity" linked to NGOC BICH JEWELRY and that the company was deemed too  
3 risky for the East West Bank. Consequently, East West Bank made the decision to close all bank  
4 accounts linked to NGOC BICH JEWELRY. [From my training and experience as well as  
5 discussions with other more experienced agents, I know that in this context, the risk the banks  
6 fear is that illegal activity will lead to law enforcement seizure.] Several accounts linked to  
7 NGOC BICH JEWELRY have been closed and the remaining accounts are in the process of  
8 being closed.

9 34. On May 28, 2013, I called Chief Compliance Officer J.C. at Manhattan Beach Trading  
10 Inc. in El Segundo, California. J.C. stated that Phi Thi NGUYEN is the authorized signator of an  
11 account for PRECIOUS JEWELS. J.C. stated that NGUYEN provided the phone number 714-  
12 890-9527 as a business phone number for one of her accounts (this account is now closed). J.C.  
13 stated that Manhattan Beach Trading Inc. has noticed suspicious financial activity from  
14 NGUYEN's accounts for several years and that they have attempted to report the suspicious  
15 activity. J.C. stated that NGUYEN wired unusually large amounts of currency into the trading  
16 accounts. J.C. stated that these amounts were particularly suspicious for a small retail jewelry  
17 business and they could not confirm the source of the money. J.C. stated that NGUYEN  
18 continued to buy large amounts of gold at a time that others were not buying, as if she were trying  
19 to mask some kind of other activity.

20 32. In addition, NGOC BICH JEWELRY was previously identified during a DEA San  
21 Jose, California investigation in 2007. During an interview with a narcotics courier named Khanh  
22 Trieu LE, subsequent to his arrest for cultivation and sale of marijuana,<sup>2</sup> LE stated that on two  
23 occasions, he was told by his narcotics source of supply to take narcotics proceeds to NGOC  
24 BICH JEWELRY in the Los Angeles area and pay money that was owed. LE was told that his  
25 source of supply would contact a Ngoc Bich Jewelry Store in Vancouver, Canada, and advise  
26 them that a person would be delivering money to the Los Angeles based Ngoc Bich Jewelry. LE  
27 stated that upon arrival to the business, he would hand the money to an unknown Vietnamese

28 <sup>2</sup> This interview was conducted as part of a pre-sentence proffer. This individual was not a cooperating source and I have no basis to make a credibility determination.

1 female, who then counted it on an electronic money counter. Once counted, LE would receive a  
2 receipt and leave the store. This money, minus some commission, would then be available to his  
3 source of supply at the Ngoc Bich Jewelry Store in Vancouver. This was the method used to  
4 transport drug proceeds for marijuana sold in California back to the marijuana supplies in Canada.

5 a. Based on database searches, NGOC BICH JEWELRY was the only jewelry  
6 store in the Los Angeles area with "Ngoc Bich" in its name in the 2007 period.

7 b. On June 18, 2013, I spoke to DEA Special Agent (SA) Matt Rammes, who was  
8 the case agent for the 2007 DEA San Jose investigation. SA Rammes verified that LE delivered  
9 narcotics proceeds to Ngoc Bich Jewelry Store at 9200 Bolsa Avenue, Westminster, California to  
10 be sent to LE's marijuana suppliers in Canada. SA Rammes stated that the LE was receiving high  
11 grade marijuana from Vancouver, Canada and selling the majority of it in Northern California and  
12 selling lesser quantities in Southern California. SA Rammes stated LE sold the marijuana for  
13 approximately \$5000-\$6000 per pound. According to the 2007 proffer, LE would arrange for the  
14 marijuana proceeds to be delivered to his suppliers in Canada through Ngoc Bich Jewelry in  
15 Westminster, California. LE would do this by talking to somebody in Canada who would arrange  
16 for the narcotics proceeds to be brought to Ngoc Bich Jewelry, located in the Asian Garden Mall  
17 at 9200 Bolsa Avenue, Westminster, California. There is another identically named jewelry store  
18 (Ngoc Bich Jewelry) in Vancouver, Canada. Ngoc Bich Jewelry in Westminster, California  
19 would send the money to Ngoc Bich Jewelry in Canada, where the narcotics proceeds would be  
20 picked up by the marijuana source of supply in Canada. SA Rammes further stated that in 2006,  
21 a California Bureau of Narcotics (BNE) team conducted surveillance of LE on behalf of DEA San  
22 Jose. During the surveillance, BNE agents observed LE enter Ngoc Bich Jewelry in the Asian  
23 Garden Mall, 9200 Bolsa Avenue, Westminster, California. SA Rammes stated that DEA San  
24 Jose later learned during a proffer with LE that the purpose of his visit to Ngoc Bich Jewelry  
25 Store was to send the narcotics proceeds to Canada, where the money would be picked up by his  
26 narcotics suppliers.

27 35. Furthermore, in 2011, United States Postal Inspectors working in conjunction with the  
28 Los Angeles Police Department (LAPD) conducted an operation to intercept narcotics related  
currency sent through the U.S. mail. LAPD Detective George Beshay intercepted a box

1 addressed to PRECIOUS JEWELS BY NGOC BICH INC, 9200 Bolsa Avenue #131,  
2 Westminster, California, which he suspected contained U.S. currency. Investigators and officers  
3 took the box to NGOC BICH JEWELRY and approached NGUYEN. In an interview during  
4 which NGUYEN's daughter acted as a translator, NGUYEN provided consent for law  
5 enforcement to open the box. Inside the box was bulk currency wrapped in foil. NGUYEN  
6 stated the box contained approximately \$50,000, which she claimed was proceeds from jewelry  
7 sales. Law enforcement did not see an invoice or receipt in the box. During the following week,  
8 Detective Beshay identified approximately three more boxes addressed to NGOC BICH  
9 JEWELRY with the same general appearance. Due to internal regulations, these additional boxes  
10 were not intercepted. However, USPS issued a warning to PRECIOUS JEWELS BY NGOC  
11 BICH JEWELRY for sending bulk currency in the mail.

12 36. According to financial records, during the fourth quarter of 2012, NGOC BICH  
13 JEWELRY issued numerous checks and conducted multiple wire transfers ranging from  
14 approximately \$3,000 to \$300,000, totaling in excess of \$40 million dollars. In addition, account  
15 records reflect large cash withdrawals from the account.

16 37. A DEA senior financial analyst analyzed three bank accounts of NGOC BICH  
17 JEWELRY, for which NGUYEN is an authorized signer. These accounts reflect suspicious  
18 financial activity. The first bank account showed approximately \$681,353,625.58 of deposits and  
19 \$681,348,932.22 of withdrawals from January 2011 to June 2012. The second bank account  
20 showed approximately \$283,135,259.55 of deposits and \$283,135,259.35 of withdrawals from  
21 April 2012 to April 2013. The third bank account showed approximately \$173,563,448.73 of  
22 deposits and \$174,013,041.11 of withdrawals from January 2010 to April 2013. These three  
23 accounts show a similar pattern of withdrawals being closely equivalent to deposits. According  
24 to the senior financial analyst, such a pattern is extremely suspicious and abnormal financial  
25 activity because the cash flow streams of legitimate business are not usually able to so precisely  
26 match in deposits and withdrawals. In addition, based on the pattern of transfers and the nature of  
27 the recipients, the senior financial analyst believes that the business could be engaged in  
28 unlicensed money transmitting and/or is part of a trade based money laundering scheme in which

1 funds received for purchases come from others who did not make the purchases but needed to  
2 launder funds.

3  
4 **VI.**  
**NECESSITY<sup>3</sup>**

5 38. Interception of wire communications over the **Target Telephone #1** is  
6 necessary for the government to fully achieve the objectives of this investigation, which include:

- 7 a. identifying and developing sufficient evidence to identify, locate, indict, and prosecute  
8 beyond a reasonable doubt, the **Target Subjects**;
- 9 b. identifying and developing sufficient evidence to identify, locate, indict, and  
10 prosecute beyond a reasonable doubt, co-conspirators who are working with the  
11 **Target Subjects** (including suppliers, transporters, guards, brokers, customers,  
12 and money launderers) and therefore, in as large a way as possible, disrupt the  
13 drug trafficking and narcotics money distributor activities of **Target Subjects**;
- 14 c. discovering the full scope of the conspiracy, including the manner and means of  
15 the procurement, receipt, transportation, storage, and eventual distribution of  
16 controlled substances. This includes discovering the roles of the **Target Subjects**  
17 and others as well as the methods of operation used by the **Target Subjects** and  
18 other co-conspirators;
- 19 d. discovering specific occasions on which the **Target Subjects** and co-conspirators  
20 are conducting drug transactions so that the transactions can be observed and  
21 seizures can potentially be made;
- 22 e. locating any storage location or locations for controlled substances that the **Target**  
23 **Subjects**, or their unknown associates, currently use so that seizures of controlled  
24 substances can be made;
- 25 f. gathering information about where the targets, brokers, and customers keep the  
26 cash they use to purchase the controlled substances and proceeds earned from the  
27 sale of the controlled substances;
- 28

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<sup>3</sup> Additional information related to Necessity may or may not be contained in the confidential Hobbs attachment of this affidavit.

- 1 g. locating the assets of the targets and their co-conspirators and developing a case  
2 that will allow for the forfeiture of the assets they have amassed through the illegal  
3 sale of controlled substances;
- 4 h. obtaining different types of evidence that will assist the government in proving  
5 beyond a reasonable doubt (i.e., that will support a conviction) the alleged  
6 violations set forth herein against the **Target Subjects**, and any later identified  
7 targets, including: controlled substances; documents; recordings of illegal activity  
8 that furthers the conspiracy; and surveillance observations (collectively, "the goals  
9 of the investigation").

10 39. I also believe that interception of wire communications over the **Target Telephone #1**  
11 is necessary because, as explained below, normal investigative techniques have been tried and  
12 have failed to fully achieve the objectives of this investigation, or appear reasonably likely to fail  
13 if attempted, or are too dangerous to employ. Based on my knowledge of this investigation, this  
14 is true because the goals of this investigation include: fully identifying the **Target Subjects**  
15 and/or any locations they use in the United States in furtherance of the **Target Offenses**;  
16 identifying other narcotics money distributors; identifying other narcotics organizations, such as  
17 those in Asia, Canada, Mexico and others are working with those narcotics organization;  
18 determining the manner in which this organization launders money and smuggles controlled  
19 substances into the United States and overseas; identifying other unknown co-conspirators who  
20 are assisting the **Target Subjects** and others in their efforts to import and distribute controlled  
21 substances; obtaining information about other narcotics money distributors; identifying controlled  
22 substance stash locations used by this organization and others; identifying any assets generated by  
23 the sale of narcotics and narcotics money distributor activities by **Target Subjects** and others;  
24 and dismantling the drug trafficking and narcotics proceeds remittance organization(s).  
25 Moreover, because the goals of this investigation go far beyond the activities of the **Target**  
26 **Subjects**, the requested wiretaps are necessary to achieve the broad goals of this investigation.

27 40. To date, agents have utilized multiple traditional investigative techniques in this  
28 investigation. These techniques include, but are not limited to: physical surveillance,  
confidential informants, attempted interviews, vehicle trackers, pole cameras, financial



1 investigations and consensual recordings. These techniques have assisted investigators in  
2 developing a preliminary blueprint of the **Target Subjects** activities and the seizure of \$140,650  
3 during the past month. However, as described in detail herein, these techniques have failed in  
4 satisfying the goals of the investigation, as, for example, law enforcement has not uncovered the  
5 identities of the organizers, the sources of the cocaine, locations of stash houses, or the methods  
6 of laundering the proceeds.

7 41. The following is a list of the investigative techniques that have been used or that I  
8 have considered using to date in this investigation, and an explanation of why these techniques  
9 (without a wiretap on the **Target Telephone #1**) are not reasonably likely to succeed in allowing  
10 the government to fully achieve the goals of this investigation.

11 Confidential Sources

12 42. As discussed in further detail below, CI-1 is a confidential source working for DEA  
13 Tucson. Although CI-1 has been helpful in this investigation, CI-1's use is limited based on  
14 his/her role as a low-level money courier. CI-1's information has primarily been limited to  
15 his/her knowledge about the activities of HYL A. He/she does not know any of the other **Target**  
16 **Subjects**. CI-1 also has no knowledge about the inner workings of the Asian Narcotics Courier  
17 Organization or direct access to the funding of narcotics within this organization as he/she has  
18 historically picked up money from HYL A.

19 43. As discussed in further detail below, CI-2 was a confidential source working for DEA  
20 Chicago. Although CI-2 has been helpful in this investigation, CI-2's use is limited based on  
21 his/her role as a low-level money courier. CI-2's information has primarily been limited to  
22 his/her knowledge about the activities of HYL A. He/she does not know any of the other **Target**  
23 **Subjects**. CI-2 also has no knowledge about the inner workings of the Asian Narcotics Courier  
24 Organization or direct access to the funding of narcotics within this organization.

25 44. Although CI-1 and CI-2 have been successfully utilized in this investigation, I still  
26 know of no confidential informant that is in a position to provide information or assistance that  
27 will result in law enforcement satisfying the goals of this investigation. CI-1 and CI-2 are low  
28 level couriers who have been unable to provide information about the managers or organizers of

1 the Los Angeles based DTO and are unable to do more than provide law enforcement with  
2 information about their direct contacts.

3 45. If the opportunity presents itself, we will continue to develop other confidential  
4 informants. Our ability to do so is limited, since we need to find someone who has access to the  
5 organization and is willing to cooperate, which is typically difficult, since members of drug  
6 trafficking organizations have been trained to fear violent reprisal if they cooperate with the  
7 authorities.

#### 8 Undercover Agents

9 46. DEA has been unable to infiltrate the organization using an undercover agent (UC).  
10 The organization involving the **Target Subjects** is very particular about whom they do business  
11 with and so it is highly unlikely that an undercover officer/agent would be able to initiate a drug  
12 dealing relationship with anyone within the organization on his/her own.

13 47. Due to the low level of the confidential sources involved in the investigation, and the low  
14 likelihood that any higher level sources could be developed, it is unlikely that any undercover  
15 officer/agent would be able to achieve any further penetration of the organization. Even if a face  
16 to face meeting with an undercover could be conducted, the undercover would not be able to  
17 determine the extent of the entire enterprise and would not be able to fully identify a source of  
18 supply or the leadership of the Canadian and Mexican narcotics purchasers and the Asian  
19 narcotics money distributor network. It is unlikely that any undercover would be able to obtain  
20 any more information than has already been provided by CI-1 or that law enforcement has been  
21 able to develop. Any undercover agent would be "new" to the organization, and would not be  
22 permitted to learn significant information about other members of the organization.

23 48. Specifically in this case, it appears that the **Target Subjects** are close friends or family  
24 members that share personal and cultural ties. The investigation has suggested that co-  
25 conspirators live together or nearby and share a bond of trust based on lifetime relationships. For  
26 example, this investigation has showed that YU, TING, and LIN are related and share a residence.  
27 It also shows that YU, TING, LIN are linked to JERSON TRADE, making it likely a family run  
28 business. The same is true with the relationship between LAY and TAN, who share a residence  
and also work together. NGUYEN and ITOW are a mother and daughter team. It would be nearly

1 impossible for an undercover officer/agent to access the Asian narcotics money distributor  
2 networks. Therefore, it is highly unlikely the undercover officer/agent would be able to gain the  
3 type of information sought to achieve the goals of this investigation.

#### 4 Consensual Recordings

5 46. To date consensual recordings have been a helpful investigative tool, and have been  
6 exploited by law enforcement. On February 15, 2013 A LA IMPACT UC was in contact with YU  
7 to coordinate a money pickup in Monterey Park, California. The UC contacted YU. This contact  
8 resulted in two recorded conversations between the UC and YU. It should be noted, that although  
9 this recording is concrete evidence against YU, this is a small window into this money  
10 distribution organization. YU was extremely vague in her communications with the UC during  
11 the recorded telephone call.

12 47. Based on my knowledge of this investigation, only through the interception of Target  
13 Telephone #1 will agents be able to begin to identify the individuals involved in the Asian  
14 narcotics money distributor network and the Canadian narcotics sources of supply network. Only  
15 through wiretaps will agents be able to hold these high-ranking members accountable for their  
16 actions. I can say with almost absolute certainty that the Target Subjects are only a small part in  
17 what appears to be an international conspiracy. As this investigation progresses, DEA has  
18 continued to identify new Asian money couriers. Additional consensual recordings may be made  
19 as the investigation progresses. However, even if I discover an opportunity to make additional  
20 consensual recordings with the Target Subjects, these recordings will face limitations. As  
21 described above in the sections regarding CSs and UCs, those able to conduct consensual  
22 recordings will likely only be given access to limited pieces of information regarding the target  
23 organization. The information obtained will likely pertain only to discrete drug and/or money  
24 delivery transactions between the CS and a member of the Target Organization and not satisfy the  
25 goals of the investigation.

#### 26 Physical Surveillance

27 48. Physical surveillance is an investigative tool often used to verify suspected  
28 associations between alleged conspirators, but often leads to speculation regarding the  
significance of the observations. This is due in part to the very nature of physical surveillance, as

1 it cannot extend into a drug dealer's home, business, or other discreet locations where drug  
2 transactions commonly take place. Physical surveillance, if not used in conjunction with other  
3 techniques, including wire surveillance, is of limited value.

4 49. Below, I will list some of the surveillance observations that have been made in relation  
5 to the investigation into the Target Subjects. These are just examples of observations made by  
6 law enforcement during the course of this investigation and do not encompass all of the  
7 operations conducted by law enforcement. These surveillances have been conducted on  
8 individuals inside the United States.

9 50. On December 5, 2012, agents from DEA Los Angeles and DEA Tucson conducted  
10 surveillance of CI-1 and two unknown truck drivers. During the surveillance, CI-1 delivered  
11 approximately 40 kilograms of simulated narcotics to the two truck drivers. HYL A had provided  
12 CI-1 with the money that was intended to purchase the narcotics. Following the transaction, a  
13 traffic stop of the truck drivers was conducted by the California Highway Patrol (CHP), at the  
14 request of the DEA, and the two truck drivers were arrested. The two truck drivers cooperated  
15 with DEA Tucson and revealed that they were supposed to transport narcotics to Canada using  
16 their semi-truck.

17 51. On February 1, 2013, DEA Agents conducted surveillance of a money drop at the  
18 HONG KONG SUPER MARKET. CI-1 informed DEA Agents that HYL A would be picking up  
19 money. During surveillance, agents observed HYL A pickup currency from an Asian female.  
20 Agents then observed Asian female enter the CHALLENGER. Agents followed CHALLENGER  
21 to 513 W. Ralph Street, San Gabriel, California, where the Asian female exited the vehicle and  
22 entered the residence.

23 52. On February 15, 2013, DEA Agents conducted surveillance at JERSON TRADE, the  
24 ROSELYN LOCATION, and 513 W. Ralph Street, San Gabriel, California. During surveillance,  
25 agents evaluated the possibility of a trash search at YU's residence and business. Agents  
26 observed the ODYSSEY parked in the driveway of the residence.

27 53. On February 15, 2013, LA IMPACT and DEA conducted surveillance at the HONG  
28 KONG SUPER MARKET. The surveillance was part of an operation in which a LA IMPACT  
UC picked up approximately \$300,000 of U.S. currency from YU. This surveillance was useful,

1 since the UC was able to positively identify YU.

2 54. On February 27, 2013, DEA Agents conducted surveillance at the ROSELYN  
3 LOCATION and 513 W. Ralph Street, San Gabriel, California. During surveillance, agents  
4 installed a GPS tracking device on the CHALLENGER, which was parked in the driveway of 123  
5 Roselyn Lane. Agents were not able to install a GPS tracking device on the ODYSSEY because  
6 the vehicle was not located during the installation. I will consider installing a GPS tracking device  
7 on the ODYSSEY in the future if feasible.

8 55. On March 13, 2013, DEA Agents conducted surveillance at the ROSELYN  
9 LOCATION, JERSON TRADE, and the HONG KONG SUPER MARKET. During surveillance,  
10 agents observed the CHALLENGER parked in the driveway of the ROSELYN LOCATION and  
11 saw a maroon minivan, which appeared to be YU's ODYSSEY parked behind the fence at the  
12 same location.

13 56. On March 15, 2013, surveillance was conducted at HYL A's residence, 404 San  
14 Vicente Boulevard, Santa Monica, California. During surveillance, I observed an orange  
15 Mitsubishi parked in the parking garage below the residence. Upon further investigation, I  
16 discovered that the vehicle was a rental vehicle rented by HYL A. HYL A had been renting the  
17 vehicle since January 16, 2013 and was scheduled to return the vehicle on March 19, 2013. It  
18 appears that this vehicle is the same vehicle DEA Agents observed HYL A driving on February 1,  
19 2013, when he picked up money from an Asian female at the Hong Kong Supermarket in  
20 Monterey Park, California.

21 57. On April 3, 2013, DEA Agents conducted surveillance at 14738 Rick Lane, Corona,  
22 California. During surveillance agents observed the CHALLENGER parked in the driveway of  
23 the residence. The front door of the residence was open and I observed two males inside the entry  
24 way of the residence. According to GPS tracker data, the CHALLENGER has been located at this  
25 residence on multiple occasions.

26 58. On April 5, 2013, DEA Agents conducted surveillance at the ROSELYN LOCATION  
27 and JERSON TRADE. During surveillance agents observed the ODYSSEY parked in the  
28 driveway of the ROSELYN LOCATION and the CHALLENGER parked behind the fence at the  
ROSELYN LOCATION. I observed YU move the ODYSSEY to the rear of JERSON TRADE

1 and inside the back of the vehicle for approximately 20 minutes. I also observed TING and LIN  
2 helping YU at JERSON TRADE.

3 59. On April 9, 2013, GPS tracker data indicated that the CHALLENGER drove from  
4 Monterey Park to Morongo Casino in Cabazon, California. The CHALLENGER arrived at  
5 approximately 12:50 A.M. and departed at approximately 1:50 A.M. The CHALLENGER  
6 stopped at Morongo Casino for approximately one hour before driving to Pomona, California and  
7 then returning to the ROSELYN LOCATION. The fact that the CHALLENGER only stayed at  
8 the casino for approximately one hour seems suspicious, since the drive to the Morongo Casino is  
9 approximately an hour and a half drive in each direction.

10 60. On April 10, 2013, GPS tracker data indicated that the CHALLENGER drove from  
11 Monterey Park to Morongo Casino in Cabazon, California. The CHALLENGER arrived at  
12 approximately 12:00 A.M. and departed at approximately 1:00 A.M. I contacted Riverside  
13 County Sheriff's Department and requested that a patrol unit locate the CHALLENGER and  
14 conduct a traffic stop. A Riverside County Sheriff's Deputy located the CHALLENGER and  
15 conducted a traffic stop after it left the casino. The deputy identified LIN as the driver and TING  
16 as the passenger of the vehicle. The deputy received consent to search the CHALLENGER, but  
17 did not find any contraband. LIN stated that his residence is 513 Ralph Street and TING stated  
18 her residence is 127 S. Garfield Ave, Monterey Park, California. This is the address of JERSON  
19 TRADE. TING stated that she works at Fu Yi Store (aka JERSON TRADE). TING stated that  
20 she is LIN's sister.

21 61. On April 10, 2013, DEA Agents conducted surveillance at HYLEA's residence, 404  
22 San Vicente Boulevard, Santa Monica, California. During surveillance agents observed HYLEA's  
23 rental car, a black 2013 Chrysler 200 Touring, California license plate 6YMW133 parked in  
24 HYLEA's parking space in the parking garage.

25 62. On April 22, 2013, DEA Agents conducted surveillance at KS JEWELRY STORE,  
26 836 E. Anaheim Street, Long Beach, California. During surveillance agents observed that the  
27 business was closed and the gate to the business was locked. I observed several surveillance  
28 cameras attached to the exterior of the business. During this surveillance, agents evaluated the  
possibility of a trash pull.

1           63. On April 26, 2013, DEA Agents conducted surveillance at HYL A's residence, 404  
2 San Vicente Boulevard, Santa Monica, California. During surveillance agents observed HYL A's  
3 rental car, a red 2013 Nissan Altima, California license plate 6ZTJ356 parked in HYL A's parking  
4 space in the parking garage.

5           64. On May 23, 2013, I conducted surveillance at the JERSON TRADE. During  
6 surveillance I observed the CHALLENGER parked behind JERSON TRADE. I observed that  
7 JERSON TRADE was open and observed several unidentified Asian individuals enter and exit  
8 JERSON TRADE. I observed an unidentified Asian male enter JERSON TRADE with a  
9 cardboard box and later exit JERSON TRADE with a cardboard box. I also observed the same  
10 Asian male exit JERSON TRADE with a white plastic bag. The Asian male placed the plastic bag  
11 and cardboard box in the rear of his vehicle and departed JERSON TRADE.

12           65. On May 30, 2013, DEA Agents conducted surveillance of LAY and TAN at their  
13 residence in Seal Beach, California and then followed them to KS JEWELRY STORE. DEA  
14 Agents continued surveillance at KS JEWELRY STORE. During surveillance, agents observed  
15 several vehicles arrive and depart, but were unable to observe the activities that occurred inside  
16 the business.

17           66. On August 1, 2013, DEA Agents conducted surveillance at JERSON TRADE, 127 N.  
18 Garfield Avenue, Monterey Park, California. During surveillance I observed a delivery truck park  
19 to the rear of JERSON TRADE. After the delivery truck departed, several people began to enter  
20 and exit JERSON TRADE. I observed YU exit the rear of JERSON TRADE and place a black  
21 plastic bag inside the ODYSSEY. I requested for Monterey Park Police Department (MPPD) to  
22 conduct a traffic stop of YU. MPPD Officer Tony Ulrich conducted a traffic stop of the  
23 ODYSSEY after he observed it speeding in a school zone. YU consented to a search of the  
24 ODYSSEY and no contraband was found. YU had a large amount of cash in her purse; she stated  
25 it was money collected from tenants for rent. I conducted an interview of YU with MPPD  
26 Detective Bob Hung, who acted as a Mandarin Translator. YU was evasive to questions asked  
27 and changed her statement several times. YU claimed to have no knowledge of any money  
28 deliveries. TING claimed that she and LIN had been making deliveries for YU, but did not have  
knowledge of what the packages contained.

1           67. On October 8, 2013, DEA Agents conducted surveillance at **KS JEWELRY STORE**,  
2 836 E. Anaheim Street, Long Beach, California. During surveillance DEA Agents observed a few  
3 vehicles arrive at **KS JEWELRY STORE** and several Asian individuals would enter the  
4 business for a short period of time and then depart. Agents observed two Asian females in a black  
5 Acura arrive empty handed carrying purses. The Asian females exited **KS JEWELRY STORE**  
6 and returned to their car. I then observed one of the Asian females walk to the rear of the business  
7 and retrieve a bag, which she placed inside the back seat of the Acura. As DEA Agents were  
8 following the Acura, the vehicle engaged in counter-surveillance driving techniques, as it circled  
9 the block. DEA Agents continued to follow the Acura and requested Long Beach Police  
10 Department to conduct a traffic stop. A subsequent traffic stop of the Acura revealed no  
11 contraband in the vehicle. The bag only contained clothes and papers.

12           68. On October 24, 2013, DEA Agents conducted surveillance at 3919 Rock Landing  
13 Way, Seal Beach, California (**LAY** and **TAN**'s residence). DEA agents observed a Grey Toyota  
14 Camry, California License plate 6KUT742 (the **CAMRY**) parked on the left side of the driveway  
15 and a black Toyota Camry parked on the street in front of the residence. DEA agents observed the  
16 lights in the residence turned off. I then placed a GPS Tracking Device on the **CAMRY**.

17           69. On November 5, 2013, Long Beach Police Department (**LCPD**) detectives conducted  
18 surveillance at **KS JEWELRY STORE** on behalf of DEA. During surveillance **LCPD** followed  
19 **TAN**, driving the Camry. **LCPD** determined that **TAN** appeared to be running typical errands and  
20 then terminated surveillance.

21           70. On November 7, 2013, DEA agents and **LCPD** detectives established surveillance on  
22 **TAN** using a GPS Tracker. DEA agents and **LCPD** followed **TAN** to at **KS JEWELRY STORE**  
23 and observed him enter. I also observed **LAY** at **KS JEWELRY STORE**. During surveillance,  
24 DEA agents observed **RIVAS** arrive empty handed and depart with a white cardboard box.  
25 **LCPD** then conducted a traffic stop of **RIVAS** and seized the box, which contained \$189,780 of  
26 U.S. currency and a \$100 counterfeit bill.

27           71. On November 15, 2013, DEA agents and Simi Valley Police Department (**SVPD**)  
28 detectives conducted surveillance at **KS JEWELRY STORE**. During surveillance, DEA agents  
and **SVPD** detectives observed a white male and Asian male enter the front door. After the two



1 males departed, the white male dropped the Asian male off on the street. The white male, then  
2 drove to a bank and entered with a deposit bag.

3 72. On November 19, 2013, DEA agents and LBPD detectives conducted surveillance at  
4 **KS JEWELRY STORE**. During surveillance, agents observed both **LAY** and **TAN** at the  
5 business. DEA agents followed **TAN** to another jewelry store twice, where he only entered for  
6 approximately two minutes, before returning to **KS JEWELRY STORE**.

7 73. On November 26, 2013, DEA agents and LBPD detectives conducted surveillance at  
8 **KS JEWELRY STORE**. During surveillance, agents observed **TAN** at the business. DEA  
9 agents observed multiple vehicles arrive and depart **KS JEWELRY STORE**.

10 74. Physical surveillance, even in conjunction with other conventional methods of  
11 investigation, rarely provides enough information to link specific meetings with specific narcotics  
12 transactions. For several reasons, I do not believe that even round-the-clock surveillance will  
13 achieve the goals of this investigation without the assistance of wire interception. It is unlikely  
14 that the **Target Subjects** will commit criminal activity in open view of the surveillance agents.  
15 Drug traffickers usually conduct drug deliveries in enclosed locations, or in a discrete manner,  
16 thus thwarting the effectiveness of surveillance. Indeed, here, the only activity that is conducted  
17 in the open has been carrying a suitcase or a backpack in and out of structures; law enforcement  
18 does not know the exact details regarding the ultimate destination of the proceeds after their  
19 initial delivery.

20 75. Additionally, during the hours of darkness, physical surveillance is difficult to  
21 conduct. For example, we experienced this situation during surveillance on February 1, 2013.  
22 During this surveillance, we were unable to identify the money courier due to darkness. Due to  
23 reduced visibility, surveillance vehicles must sometimes be positioned closer to the **Target**  
24 **Subjects** in order to observe their actions adequately. Yet, surveillance vehicles are also more  
25 prone to stand out while following the **Target Subjects'** vehicles in areas surrounding their  
26 residences and stash locations. During hours of darkness, traffic congestion is greatly reduced,  
27 making the surveillance vehicles more vulnerable to detection.

28 76. More importantly, through my training and experience I know that there is virtually no

1 chance that physical surveillance will result in evidence that will satisfy the goals of the  
2 investigation. This is so because surveillance only allows us to observe physical actions and not  
3 the substance or meaning of the actions. During surveillance, law enforcement is typically only  
4 able to see that something is changing hands. For example, during this investigation, surveillance  
5 of the controlled operations would only, at most, be able to observe the exchange of a paper bag.  
6 Thus, surveillance is unable to see whether it is drugs or money or something else changing  
7 hands. Thus, we are unable to develop prosecutable cases against people who meet and simply  
8 have some physical contact. While this physical contact may be valuable as corroborative  
9 evidence of money or narcotics transaction which has been planned and disclosed on a wire call  
10 or text message, the physical activity will undoubtedly be left open to various innocent  
11 interpretations when viewed without the wire interceptions to flush-out the reason for the physical  
12 contact. For instance, people who are caught receiving or possessing large amounts of currency  
13 often claim that they proceeds came from a legitimate business transaction or that the money is  
14 their money. They often claim that they were simply paid to pick up a package and that they did  
15 not know the contents of the package. A wiretap call and/or a text message will allow the  
16 government to prove that the person knew what he/she was receiving because he/she discussed it  
17 on the phone with a target of the investigation. Content from a wiretap call or text message is  
18 also necessary to tie monetary proceeds to unlawful activity, such as drug trafficking. Especially  
19 in this case, given that most of the observed transactions have involved deliveries of money,  
20 which could theoretically have many uses, it will be particularly important to obtain evidence of  
21 the intent and/or knowledge of the individuals about the sources, origins, and destinations of the  
22 money.

23 77. Also, as mentioned previously, it is inconceivable that physical surveillance would be able  
24 to view every supplier and customer who is associated with the DTO. This is so because many  
25 people who are involved in the DTO will not make open and visible physical contact with each  
26 other. Many people associated with the DTO organization will participate by making telephone  
27 calls rather than taking the increased risk of physically associating themselves with the illegal  
28 activities of the organization.

78. Uncovering the entirety of the target organization is one of the goals of this investigation.

1 Limiting to the investigation people who physically conduct illegal activities in the open where  
2 surveillance may see them would mean that many of the higher ranking members of the  
3 organization would escape detection. From my training and experience, I know that it is often the  
4 case that higher ranking members of DTOs insulate themselves from potential law enforcement  
5 detention by sending lower level couriers to conduct the physical work. Surveillance will only  
6 supply a limited outline of the events that occur. It is the wire interceptions that will reveal the  
7 true nature of the events.

8 79. Further, wire interceptions allow DEA to direct its resources to the time and locations  
9 where surveillance will likely produce the most significant evidence and reduce the likelihood  
10 that surveillance will be detected and compromised. Wire interceptions allow DEA to understand  
11 when events of significance are going to take place and therefore direct its surveillance teams to  
12 those occasions in which it is likely that we will observe something of significant evidentiary  
13 value. For instance, the interception will allow DEA to determine when **Target Subjects** will be  
14 receiving deliveries of significant amounts of drugs or drug proceeds. This type of information  
15 will allow DEA to pinpoint when surveillance will produce the most substantial evidence and  
16 target those occasions, rather than running the risk of detection by simply sending out  
17 surveillance teams on random occasions. I do not want to jeopardize this investigation by  
18 watching the **Target Subjects** go to the grocery store, go to the bank, or do any of the other  
19 multitude possible daily tasks that would result in our conducting surveillance needlessly. Doing  
20 so will only increase the risk of being discovered by the **Target Subjects**. If we continue to  
21 conduct surveillance and traffic stops of suspect vehicles without the assistance of a wiretap, we  
22 will alert the **Target Subjects** and they will change their patters, making it even more difficult to  
23 detect.

#### 24 GPS Trackers

25 80. On February 21, 2013, Judge Gail Ruderman Feur, of the Superior Court of California,  
26 Central Judicial District signed a Search Warrant authorizing the installation of a GPS tracking  
27 device on the CHALLENGER and the ODYSSEY. On February 27, 2013, agents installed a  
28 GPS tracking device on the CHALLENGER, which was parked in the driveway of the  
ROSELYN LOCATION. Agents were unable to locate the ODYSSEY, therefore a GPS tracking

1 device was not installed on the ODYESSY.

2 81. On April 5, 2013, Judge Maral Injejikian, of the Superior Court of California, Central  
3 Judicial District signed a Search Warrant authorizing the installation of a GPS tracking device on  
4 the CHALLENGER, ODYSSEY and on HYLAs rental vehicle.

5 a. On April 5, 2013, agents installed a new GPS tracking device on the  
6 CHALLENGER, which was parked in parking lot of Walmart at 1827 Walnut Grove Avenue,  
7 Rosemead, California.

8 b. HYLAs known to only drive rental vehicles and switches vehicles on a regular  
9 basis. Agents have only recently been able to identify HYLAs rental pattern to identify his  
10 vehicle. On March 15, 2013, I observed an orange Mitsubishi rental vehicle parked at HYLAs  
11 residence. I discovered that HYLAs scheduled to return the rental vehicle on March 19, 2013.  
12 On March 20<sup>th</sup>, I submitted an administrative subpoena to Hertz Rental Car requesting vehicle  
13 rental records for HYLAs. Hertz corporate security stated that HYLAs rented a 2013 Chrysler  
14 sedan, California license plate 6YMW133 on March 19, 2013 and was scheduled to return the  
15 vehicle on May 18, 2013. On April 10, 2013, agents located HYLAs Chrysler rental vehicle  
16 parked in the parking garage of his residence. Agents entered the parking garage and placed a  
17 GPS tracking device on HYLAs Chrysler rental vehicle. On April 16, 2013, the GPS tracking  
18 device stopped working and agents were no longer able to monitor HYLAs vehicle. According to  
19 Hertz records, HYLAs returned the Chrysler to on April 22, 2013.

20 82. I have also installed a tracking device on another rental vehicle of HYLAs.

21 a. On April 26, 2013, I identified a red 2013 Nissan Altima parked in  
22 HYLAs parking space in the parking garage of his residence. I went to Hertz Rental Vehicles  
23 and verified that HYLAs been renting the Nissan since March 18, 2013 and is scheduled to  
24 return the Nissan on May 18, 2013.

25 b. On April 26, 2013, Judge Craig E Veals, of the Superior Court of  
26 California, Central Judicial District signed a Search Warrant authorizing the installation of a GPS  
27 tracking device on HYLAs Nissan Altima rental vehicle. On the same day, I installed a GPS  
28 tracking device to HYLAs Nissan Rental Vehicle.

83. On October 24, 2013, Judge Lia Martin, of the Superior Court of California, Central

1 Judicial District signed a Search Warrant authorizing the installation of a GPS tracking device on  
2 the CAMRY driven by TAN. October 24, 2013, DEA agents installed a GPS tracking device on  
3 the CAMRY, which was parked on the left side of the driveway of LAY and TAN's residence at  
4 3919 Rock Landing Way, Seal Beach, California. On November 22, 2013, GPS data indicated  
5 that TAN's Camry travelled to NGOC BICH JEWELRY and then returned to KHMER  
6 SARMEY JEWELRY STORE. I observed TAN enter the Camry using a pole camera, before he  
7 went to NGOC BICH JEWELRY STORE.

8 84. Agents were not able to request a GPS data ping search warrant for Target Telephone #1.  
9 This is because Target Telephone #1 is a T-Mobile phone. T-Mobile does not allow effective  
10 GPS Ping monitoring for agents to utilize this feature in a cost effective manner. If this  
11 investigation leads to the identification of pertinent U.S based phone numbers that are capable of  
12 GPS monitoring, agents will attempt to acquire GPS orders/warrants in order to track these  
13 phones.

14 85. The GPS tracking device in use has been useful in identifying locations frequented by the  
15 Target Subjects; however, GPS tracking devices are limited in the information they provide, as  
16 they allow investigators to see only where a particular vehicle or device is traveling, but provide  
17 no information about who is using the vehicle or device, or what is happening or likely to happen  
18 at a particular location. At most, GPS tracking devices can provide law enforcement with  
19 locations of interest for further investigation, but do not provide the insight into the activities or  
20 higher-level actors of an organization sought by the investigation.

#### 21 Search Warrants

22 86. Some of the long term goals of this investigation are to execute search warrants at all  
23 known drug affiliated locations, there needs to be a great deal of careful planning prior to the  
24 service of these types of search warrants. For example, drug traffickers usually conduct their  
25 business without maintaining a daily journal of all of their suppliers and customers and stash  
26 houses and methods of operation. While drug traffickers do often keep drug ledgers at their  
27 homes, businesses, or other locations where they store things, the ledgers are typically cryptic and  
28 difficult to understand without other evidence (such as codes for drugs and individuals) obtained  
from a wire interception. On their own, ledgers will not supply the evidence needed to satisfy the

1 goals of the investigation. Drug traffickers also usually do not write down on ledgers the full  
2 names of their suppliers or customers with whom they conduct their drug trafficking activities.  
3 Even if other evidence could be found through the execution of a search warrant, it would not be  
4 the type of evidence that would likely satisfy the goals of the investigation. Also, a search  
5 warrant reveals the existence and nature of the investigation, limiting prospective investigation.

6 87. Conducting search warrants on stash houses (which have not yet been identified in this  
7 case) may lead to seizures of narcotics and narcotics proceeds, but they are unlikely to result in  
8 the arrest of critical members of the organization. Stash houses are often are handled by lower  
9 ranking members of the organization as part of an effort that is used to insulate the higher ranking  
10 members of the organization. Therefore, frequently, little information is kept at the stash house  
11 that would allow law enforcement to connect the evidence found at the stash house back to the  
12 higher ranking members of the organization.

13 88. More importantly, the goal of this investigation is not to charge a few actors with  
14 narcotics and narcotics proceeds remittance counts, but to dismantle the entire Target  
15 Organization. While the execution of search warrants may provide evidence of drug trafficking,  
16 if drugs and money are found, they would reveal all of the sources of supply for the organization,  
17 all of the customers and workers in the organization, the roles of the workers in the organization,  
18 or many other details necessary to achieve the goals of this investigation.

19 89. Additionally, even if items such as large amounts of currency, documents listing addresses  
20 and telephone numbers, and other papers are seized during the execution of search warrants, they  
21 generally have far less probative value by themselves than when they are introduced in  
22 conjunction with conversations between the conspirators which give full meaning to the  
23 documents. The seizure of such items without the aid of intercepted conversations among the  
24 Target Subjects will not be reasonably likely to enable the government to prove beyond a  
25 reasonable doubt the actual commission of specific narcotics trafficking acts by the Target  
26 Subjects, including drug conspiracy charges.

27 90. Search warrants conducted in conjunction with intercepted conversations in the future will  
28 facilitate timely, productive searches resulting in the seizure of evidence, narcotics, and/or  
narcotics proceeds. Having substance and context from intercepted conversations will also

1 reduce the risk that law enforcement compromise the investigation by revealing it during fruitless  
2 searches. However, as I identify locations utilized by the **Target Subjects**, I will consider the use  
3 of search warrants and will undoubtedly use search warrants at the end of the investigation when  
4 the risks associated with a search warrant are reduced.

5 Trash Searches

6 91. On February 8, 2013, I spoke with a customer service representative from Athens Services  
7 in regards to the trash collection services for 127 S. Garfield Avenue, Monterey Park, California,  
8 YU's business and 513 W. Ralph Street, San Gabriel, California, an address associated with YU.  
9 I was informed that waste management does the waste collection for 513 W. Ralph Street, San  
10 Gabriel, California every Friday between 6:00 am and 5:00 pm and that waste management does  
11 the waste collection for 127 S. Garfield Avenue, Monterey Park, California every Tuesday and  
12 Friday between 6:00 am and 5:00 pm.

13 92. On February 15, 2013, I went to 127 S. Garfield Avenue, Monterey Park, California to  
14 evaluate the possibility of a trash pull. At approximately 8:50 am, agents arrived at 127 S.  
15 Garfield Avenue and I observed a community dumpster behind the business that is used by  
16 multiple businesses. I determined that a trash pull to gather additional information regarding  
17 YU's activities would yield limited results. This is because it would be difficult to determine  
18 which trash came from YU's business due to the multiple businesses that use the same dumpster.  
19 Attempting a trash pull could also compromise the ongoing investigation of YU, as several people  
20 were present in the area. If circumstances change, I may consider conducting a trash search in the  
21 future, but believe it is too risky for little likely benefit at present.

22 93. On the same date, at approximately 9:05 am, I went to 513 W. Ralph Street, San Gabriel,  
23 California to evaluate the possibility of a trash pull. I observed one trash can full of trash placed  
24 on the street in front of the residence. I observed that the street in front of the residence is very  
25 narrow and several people were up early and walking around near the residence. If agents had  
26 attempted to pull the trash at this time, one of the neighbors might have seen agents and relayed  
27 that information back to YU. I determined that the benefit of conducting a trash pull to attempt to  
28 gather additional information regarding YU's activities would not outweigh the risks from doing  
so. I will consider conducting a trash search in the future, given better circumstances, even

1 though I have little confidence a trash search would further this investigation in a substantial  
2 manner.

3 94. On April 22, 2013, I accessed the City Of Long Beach Waste Management website to  
4 inquire about the trash collection date for 836 E. Anaheim Street, Long Beach, California. The  
5 website revealed that the trash for the business is collected every Friday.

6 95. On April 22, 2013, I went to **KS JEWELRY STORE** to conduct surveillance and to  
7 evaluate the possibility of a trash pull. At approximately 8:20 am, agents arrived at the street  
8 address for **KS JEWELRY STORE**. I observed that the business was closed and the doors and a  
9 gate were locked. I also observed several surveillance cameras attached to the outside of the  
10 building. I determined that a trash pull to gather additional information regarding **LAY's**  
11 activities could be too risky, as any activity would likely be recorded by the surveillance  
12 cameras affixed to the outside of the business. Attempting a trash pull could compromise the  
13 ongoing investigation of **LAY**. If circumstances change, I may consider conducting a trash  
14 search in the future, but believe it is too risky for little likely benefit at present.

15 96. Additionally, I will continue to explore the idea of conducting trash searches on locations  
16 associated with additional **Target Subjects** in the future. However, there are risks associated  
17 with trash searches which must be weighed when considering this investigative tool. Getting out  
18 of cars and pulling trash from the residence of the targets would arouse more suspicion than  
19 simply sitting in a surveillance vehicle. I have considered working with the trash collection  
20 service in an effort to obtain the trash of the **Target Subjects**. However, doing so creates a risk  
21 that the investigation will be disclosed to the targets. Trash services workers are not law  
22 enforcement officers and do not go through a vetting process in which assessments are made  
23 regarding their ability to maintain secrecy in ongoing criminal investigations. There is even a risk  
24 of employing the assistance of non-law enforcement government workers to obtain information  
25 for a criminal investigation. In general, the chance of disclosure of an investigation increases  
26 with the greater number of people who are aware of the investigation. As it relates to the trash  
27 pull, I am concerned that asking trash services workers to seize the trash of my **Target Subjects**  
28 will increase the risk that the **Target Subjects** will learn they are being investigated. This would  
result in seriously jeopardizing my investigation and potential place me, and other law



1 enforcement agents, at risk of harm as targets who are aware that they are under investigation  
2 may prepare to resist searches or arrests by arming themselves.

3 97. Additionally, even if I determine that a trash search can be done without arousing  
4 suspicion, I do not believe that a trash search will provide law enforcement with evidence that  
5 will satisfy the goals of the investigation. Even when trash is removed without detection, it is  
6 unlikely to yield significant evidence sufficient to achieve the goals of this investigation without  
7 the requested wiretap. I have found that drug traffickers go to great lengths to destroy possibly  
8 incriminating evidence and will rarely use their residence trash containers to dispose of  
9 information. From my training and experience, I know that it is not uncommon for traffickers to  
10 carry trash away from their residences and place it into commercial dumpsters to avoid having it  
11 examined by law enforcement. It is true that on occasion, evidence of drug trafficking may be  
12 obtained from a drug trafficker's trash. However, the type of evidence that is typically obtained  
13 will not satisfy the goals of the conspiracy.

#### 14 Stationary Video Surveillance Cameras<sup>4</sup>

15 98. A pole camera is a surveillance camera installed on a telephone pole or fixed object within  
16 close proximity to a target's home which law enforcement is able to monitor from a remote  
17 location.

18 99. Pole cameras are also only able to capture what is in its direct view and therefore are  
19 limited in their ability to capture what is happening, for example, inside a particular business or  
20 building. While pole cameras have proven useful in identifying individuals and patterns, it is  
21 difficult to know whether people are picking up contraband or just doing normal business. This  
22 has proven to be the case, when we stopped YU and did not find contraband in her vehicle.  
23 Furthermore, although I will continue to consider the use of a pole camera if a good opportunity  
24 presents itself, even many pole cameras will not enable law enforcement to achieve the goals of  
25 this investigation. For example, a pole camera will not allow investigators to determine the  
26 names and identifying information of subjects involved in this organization or the nature of their  
27 involvement in the organization. A pole camera is also unable to penetrate further into an

28 <sup>4</sup> Additional information related to Stationary Surveillance Cameras is contained in the confidential Hobbs  
Attachments of the affidavit.

1 organization and many important members of the conspiracy likely would not make personal  
2 appearances at, for example, a Target Subject's residence or a money drop location.

3 Pen Registers, Telephone Tolls, and Subscriber Information

4 100. On March 6, 2013, a Federal Pen Register and Trap and Trace device order (CR No.  
5 13-00705M) was signed by Judge Jay C. Gandhi for telephone numbers 917-250-5482 (used by  
6 YU), 323-793-4749 (used by HYLA), and 626-614-6457 (used by another unidentified money  
7 courier). On March 6, 2013, the installation was completed by Cellco dba Verizon, T-Mobile and  
8 the DEA Tech Ops Group. Subsequent to installation, it appears that all three phone numbers  
9 stopped being used and have provided no useful information. This expired sixty days from the  
10 date of activation.

11 101. On March 22, 2013, a Federal Pen Register and Trap and Trace device order (CR No.  
12 13-0892M) was signed by U.S. Magistrate Judge Ralph Zarefsky for **Target Telephone #1**. On  
13 March 22, 2013, the installation was completed by T-Mobile and the DEA Technical Operations  
14 Group. Agents had success in receiving incoming and outgoing messaging data from **Target**  
15 **Telephone #1**. The expired sixty days from the date of activation.

16 102. On April 23, 2013, a Federal Pen Register and Trap and Trace device order (CR No.  
17 13-1179M) was signed by Judge Jacqueline Chooljian for **Target Telephone #1**. On April 24,  
18 2013, the installation was completed by T-Mobile and the DEA Tech Ops Group.

19 103. On November 20, 2013, a Pen Register and Trap and Trace device order was signed  
20 by Los Angeles County Superior Court Judge The Honorable Henry Barela for **Target**  
21 **Telephone #1**. On November 21, 2013, the installation was completed by T-Mobile and the DEA  
22 Tech Ops Group.

23 04. Agents have used and will continue to use subscriber information and telephone toll  
24 records, which serve the same purpose of a pen register and trap and trace device, in that tolls  
25 provide identifying information regarding calls made to/from a particular telephone and at what  
26 frequency. As set forth above, the toll information for **Target Telephone #1** has been obtained  
27 and has provided identifying information regarding calls made from the phone and at what  
28 frequency. This technique, however, has only provided (and will only provide) agents with a list

1 of the numbers called and will not establish the identities of all the persons called or the content  
2 of the conversations. This is particularly so because I know that drug traffickers and narcotics  
3 proceeds couriers often utilize fictitious and/or unwitting subscriber information on the  
4 telephones they use in an attempt to thwart law enforcement investigation of their illegal  
5 activities. Further, toll information cannot identify the nature or substance of conversations, the  
6 identities of the participants, or their roles in the conspiracy. Nor can this information show the  
7 nature, methods, and scope of the conspiracies, the locations used, the time of the criminal  
8 activity, or the source of drugs.

9 105 Furthermore, I know that narcotics proceeds couriers (including Target Subjects)  
10 frequently change cell phones in an attempt to hinder law enforcement's ability to identify and  
11 target phones used to facilitate narcotics trafficking. As a result, by the time agents discern the  
12 identity of individuals using particular numbers (which is incredibly time consuming given the  
13 use of fictitious names and the inability to know the substance and participants of the  
14 conversations), individuals have often moved onto using other phone numbers. Accordingly, for  
15 all the reasons stated above, pen register, trap and trace, and subscriber information are all  
16 valuable investigative tools, but will not by themselves achieve the overall goals of the  
17 government's investigation.

18 106. Finally, information gleaned from these tools only shows that two telephones  
19 contacted one another. Such information is always subject to a claim by the target that he was not  
20 the person using the telephone. More importantly, these investigative tools never show the  
21 substance of what was discussed at the time the two telephones were used to contact one another.  
22 So, the evidentiary value that can be derived from these tools is limited. These investigative tools  
23 will simply not, on their own, provide sufficient evidence to satisfy the goals of the investigation.

#### 24 Interviews, Subpoenas, and Grants of Immunity<sup>5</sup>

25 107. Law enforcement has conducted numerous interviews with CI-1. As detailed in the  
26 HOBBS section on the use of Confidential Informants, this confidential informant is limited in  
27

28 <sup>5</sup> Additional information related to Interviews, Subpoenas and Grants for Immunity are contained in the  
confidential Exhibit Attachment of this affidavit.

1 his/her role in the organization and thus are limited in the amount of information that they are  
2 able to provide that would allow agents to fully identify the activities of the Target Subjects and  
3 other co-conspirators. Interviews have yielded some valuable information, such as the  
4 identifications of Target Subjects, phone numbers, and locations for money drops. Law  
5 enforcement will continue to work with confidential sources and use interviews to obtain updated  
6 contact information for Target Subjects and additional money drop locations.

7 108. Interviews with suspects have also provided limited information, as the couriers have  
8 a limited role and information is compartmentalized. The information attained through interviews  
9 will not allow law enforcement to penetrate deeper into the organization or satisfy the goals of the  
10 investigation.

11 109. Based on my training and experience and knowledge of this investigation, I further  
12 believe that additional interviews of the Target Subjects and other members of the enterprise  
13 would not produce sufficient information to identify all of the persons involved in the conspiracy;  
14 the sources of controlled substances; the proceeds to be laundered; or the location of records,  
15 controlled substances, and other pertinent information regarding the aforementioned offenses.  
16 Even if I were able to ascertain the identities of all of the Target Subjects and approach them,  
17 they would likely provide only false exculpatory statements. I have already seen this in the case  
18 of interviews with YU and TING. Uncharged drug traffickers and narcotics money distributors  
19 are not going to be inclined to sit down with a DEA agent and lay out the details of their drug  
20 trafficking organization. Even if they did, large drug trafficking organizations like the one that is  
21 the subject of this investigation are so compartmentalized (as illustrated by the CSSs' involvement)  
22 that a single person or even a few people would be unlikely to have the global knowledge and  
23 evidence necessary to satisfy the goals of the investigation.

24 110. Further interviewing people who have active roles in a drug trafficking organization  
25 is a sure way of alerting the members of the organization that they are under investigation. Only  
26 persons close to the drug organization would have useful information. I have found that these  
27 types of people are very likely to tip off the targets of the investigation. I have also found that  
28 these types of people will usually lie to protect themselves and the targets of the investigation.  
This is particularly likely to be the case during the early stages of an investigation when no one

1 has yet been indicted.

2 111. In this case, no inquiry has yet been conducted by a federal grand jury in relation to  
3 the investigation into the **Target Subjects**. Based on my experience, and conversations with  
4 senior DEA agents, based upon information provided by Assistant United States Attorneys who  
5 have experience prosecuting violations of criminal law and the specific crimes set forth in this  
6 affidavit, subpoenaing persons believed to be involved in this conspiracy or their known  
7 associates before a federal grand jury would not be completely successful in achieving the stated  
8 goals of this investigation. If any of the principals of this conspiracy, their co-conspirators,  
9 associates, or other participants were called to testify before the grand jury or asked to provide  
10 interviews, they would most likely invoke their Fifth Amendment privilege to not testify. It  
11 would be unwise to seek any kind of immunity for those persons because the granting of such  
12 immunity might foreclose prosecution of the most culpable members of this conspiracy and could  
13 not ensure that such immunized witnesses would provide truthful testimony.

14 112. Additionally, agents have not yet identified any individuals, other than the CSs,  
15 whose limitations have been detailed, who are considered likely to provide information about the  
16 **Target Subjects** and their criminal activities without revealing the investigation to their criminal  
17 associates. It is probable that such individuals will eventually be identified, particularly through  
18 the interception of wire communications, but it would be detrimental to attempt to subpoena or  
19 interview witnesses at this stage of the investigation. The service of grand jury subpoenas on the  
20 principals of the conspiracy or their co-conspirators, or requesting that they submit to interviews  
21 by law enforcement agents, would only alert them to the existence of this investigation, causing  
22 them to become more cautious in their activities, to flee to avoid further investigation or  
23 prosecution, to threaten the safety of confidential sources or informants or undercover agents, or  
24 otherwise compromise the investigation. Moreover, a grand jury investigation, or interviews of  
25 the **Target Subjects** or their associates, would not be successful in exposing the full nature and  
26 scope of the criminal activity, or the identities of all the participants. It is reasonable to expect  
27 that any physical evidence, such as drugs, records, or drug proceeds, would be destroyed or  
28 hidden upon learning that the grand jury or law enforcement agents were seeking information.  
Additionally, the potential for violence associated with drug traffickers also acts as a significant

1 deterrent to securing not only testimony, but truthful testimony, from any potential grand jury  
2 witnesses or interview participants.

3 113. Based on my training and experience and in conversations with senior agents,  
4 interviews would not be effective. If we were to interview a member of the Asian money courier  
5 organization it is likely they would lie or distort the truth to minimize or cover up their own  
6 involvement as well as the involvement of other members. The suspects may lie or decline to  
7 speak to agents, for fear of retaliation against themselves or their families. In this investigation,  
8 the Target Subjects are linked by personal relationships as opposed to merely being linked by  
9 professional relationships. This leads me to believe that they are unlikely to disclose any  
10 information that would jeopardize their close friends or family members.

#### 11 Financial Investigation

12 114. Agents are currently coordinating with DEA Financial Analysts, who are attempting  
13 to gather evidence regarding the financial activity of the Target Subjects. On April 8, 2013, I  
14 submitted Grand Jury Bank Subpoenas to Bank of America, Citibank, East West Bank and Wells  
15 Fargo to request financial records for YU, JERSON TRADE, and other associates of the Target  
16 Subjects. On April 24, 2013, I submitted a Grand Jury Bank Subpoena to Cathay Bank to request  
17 financial records for LAY and his wife Heline Tan.

18 115. I have reviewed several financial reports from law enforcement databases, which  
19 have assisted in the identification of several bank accounts associated with Target Subjects, and  
20 brought to light more information related to LAY, YU, NGUYEN, JERSON TRADE, KS  
21 JEWELRY STORE and NGOC BICH JEWELRY. While these reports were helpful, they do  
22 not allow agents to understand the details of the activities. Investigators have been unable to fully  
23 identify assets used or owned by the Target Subjects, particularly given the fact that many of  
24 Target Subjects are not fully identified. In addition, drug traffickers often keep assets in the  
25 names of nominees to control their interest and control in those assets. Agents will continue to  
26 investigate the financial holdings of LAY, YU, NGUYEN, JERSON TRADE, KS JEWELRY  
27 STORE, NGOC BICH JEWELRY, and other co-conspirators during this investigation. These  
28 investigative leads will continue to be pursued for evidentiary value -- for example, cash deposits  
or withdrawals on certain dates might provide corroborative evidence of discussions obtained

1 from this wire interception -- but to date agents have found limited benefit from said information.

2 116. From my training and experience, more bank accounts exist that have not been fully  
3 identified. As the investigation progresses, I have continued to identify additional people  
4 associated to the Target Subjects, who have been linked to suspicious banking transactions.  
5 Also, as mentioned earlier, we continue to identify new couriers, which leads me to believe that  
6 these new couriers may have bank accounts linked to the activity, in which we have not yet  
7 identified. As detailed in the Brief Overview of Investigation, LAY, YU, NGUYEN and other  
8 unidentified co-conspirators have been observed dropping off large amounts of currency. The  
9 cash nature of these transactions has meant that law enforcement has had limited success in  
10 identifying actual bank accounts where this money has come from. I anticipate that with the court  
11 ordered wiretap, agents will be intercepting calls where specific banking information, such as  
12 account and routing numbers, names on accounts and also those responsible for depositing illegal  
13 funds.

14 117. However, even more detailed financial investigation will not fully satisfy the goals of  
15 the investigation because the financial records will not necessarily provide information about the  
16 narcotics side of the conspiracy, such as suppliers, customers, stash houses, and methods of  
17 operations. This is the case since drug trafficking is often conducted in cash and traffickers make  
18 concerted efforts to mask financial transactions and any connection to the drug trafficking.

19 118. As additional Target Subjects and their associates are identified, I will consider the  
20 use of financial investigation techniques, as long as those techniques will not disclose the  
21 presence of the larger investigation.

#### 22 Public Records Searches

23 119. During the course of this investigation, agents have used multiple public databases to  
24 further develop information regarding the Target Subjects and other co-conspirators involved in  
25 this investigation. The use of public databases has been useful in providing agents with  
26 information regarding the Target Subjects to include: occupants of residences, utility subscriber  
27 information, and family members and associates of the Target Subjects.

28 120. I used public databases to further identify associates of JERSON TRADE. Public  
record searches revealed that YU is the President of JERSON TRADE. The same public records

1 revealed that both TING and LIN are associated with JERSON TRADE. I also used public  
2 records searches to identify individuals associated with KS JEWELRY STORE and NGOC BICH  
3 JEWELRY STORE.

4 121. Looking at social media websites, I was able to find Facebook accounts for TING  
5 and LIN. By looking at their Facebook profiles, I was able to link TING and LIN as well as other  
6 associates. LIN posted a picture of himself and the CHALLENGER, which I identified as the  
7 same vehicle that we installed a GPS tracking device. Using a combination of GPS data gathered  
8 from addresses frequented by the CHALLENGER and comparing LIN's Facebook friends, I was  
9 able to identify another associate of LIN. I have not yet determined if this associate is involved in  
10 illegal activities. I was also able to locate a Facebook page for HYLE. HYLE posted several  
11 photos of himself on his Facebook page; these photos were useful in allowing agents to access to  
12 up-to-date photos that will aid in identifying HYLE as opposed to just using official photographs  
13 that are often dated and only capture the face of the target.

14 122. On April 2, 2013, Southern California Edison responded to utility records subpoenas  
15 regarding utility subscriber information for YU and JERSON TRADE. The utility records listed  
16 YU as the subscriber for 125 Roselyn Lane and 127 S. Garfield. The utility records also listed  
17 Sui Tak WAN and Pauline WAN as the utilities subscribers for 513 W. Ralph Street.

18 123. While the use of public records has been useful in identifying names of people  
19 associated to an address or associates of the Target Subjects, they only provide agents with basic  
20 details and do not allow agents to understand in-depth the activities conducted by the targets.  
21 They are unable to provide in-depth details about the narcotics proceeds remittance activities or  
22 narcotics trafficking activities of the Target Subjects or other co-conspirators. Although there  
23 are limitations to information available from public records, I expect to continue to use public  
24 databases in the future to identify new targets and to update information on existing targets such  
25 as their residence or automobile.

#### 26 Other Wiretap Evidence

27 124. I am currently unaware of any other wiretap investigations which can provide  
28 information regarding the Target Subjects. Although other wiretaps could be extremely useful,  
only through the respect for intercepted communications will agents begin to fully understand the



1 scope of this organization's activity and the connections with other investigations and  
2 organization. Moreover, wiretaps are the only way to hold the leaders and key  
3 participants of the organization accountable for their roles. I know of no investigative techniques,  
4 aside from wiretaps, which would allow agents to satisfy the goals of the investigation.

5 12. For these reasons, interception of **Target Telephone #1** will help investigators gain  
6 evidence against the **Target Subjects** and any other co-conspirators. Accordingly, interception  
7 of **Target Telephone #1** is a necessary step to fully accomplish the goals of this investigation.

8  
9 **VII.**  
**DURATION OF INTERCEPTION**

10 13. This Affidavit is in support of an Application to intercept wire and electronic  
11 communications for a period **not to exceed 30 (thirty) days commencing on the day of the**  
12 **initial interception or ten (10) days after the issuance of the Court's Order, whichever**  
13 **comes first.** The facts set forth in this Affidavit establish that the **Target Subject(s)** and their  
14 **associates** are engaged in a continuing criminal enterprise and that the evidence sought will be  
15 intercepted on a continuing basis following the first receipt of the particular communications that  
16 are the subject of this request. Further, the facts and circumstances set forth above establish  
17 probable cause to believe additional communications of the same type will occur until persons  
18 involved in these crimes become aware of the existence of this investigative technique. The goal  
19 of this investigation is to have the full scope, membership and methods of operation of the  
20 conspiracy. I request that the Court order that the interception not terminate when the  
21 communications described herein are first intercepted, but may continue until the full scope of the  
22 enterprise is developed, including the identities of all participants, their places and methods of  
23 operation and the various activities in which they are engaged in furtherance of the enterprise, or  
24 for the full period of 30 (thirty) days, whichever comes first. I further request that the SWB-4  
25 execute such Order, establishing an interception and listening post in Los Angeles County.

26  
27 **VIII.**  
**MINIMIZATION**

28 14. The requirements regarding the minimization of interception will be strictly followed.

1 Before interception begins a meeting will be held for all monitoring agents, wherein the  
2 requirements of minimization set out by the supervising case agent will be given. A  
3 memorandum regarding minimization will be provided to all monitoring agents, as well as a copy  
4 of the Application, Affidavit, and the Court Order authorizing interception. A copy of the  
5 Application, Affidavit, the Court Order and a minimization memorandum will be posted at the  
6 listening site. Before an agent or monitor begins to intercept communications, he/she will sign a  
7 form indicating that he/she has read the Application, Affidavit, the Court's Order authorizing  
8 interception, and the minimization memorandum, and he/she is familiar with the contents of these  
9 documents. All interception of communications will be in compliance with the Court's Order.

10 128. Wire communications will be minimized in accordance with California State Law  
11 (Section 629.80 of the Penal Code). DEA agents, state officers, and/or certified monitors will  
12 oversee the monitoring of all wire communications to determine if a party to a conversation is a  
13 conspirator or suspected conspirator. Monitoring will be discontinued if, while making this  
14 identification, the monitor determine the conversation does not involve the Target Subject(s) or  
15 the targeted criminal activity. If monitoring is discontinued, monitors will spot check the  
16 conversation in order to determine whether the conversation becomes pertinent to the Target  
17 subject(s) or the targeted criminal activity.

18 129. It is anticipated that some of the conversations to be intercepted will be in Khmer.  
19 I expect to use Khmer-speaking agents, officers, and monitors who are authorized to conduct the  
20 interception. All intercepted wire conversations will be recorded, and all recordings will be  
21 securely preserved. Logs will be prepared regarding the date and time of calls, the parties  
22 involved, the subjects of the calls, and if and when minimization occurred.

## 23 IX. 24 CONCLUSION

25 130. Based on my training and experience, the only viable means by which to  
26 build a prosecutable case against this Target Organization is through intercepted communications  
27 over the instruments that the Target Subject(s) use, including Target Telephone #1.

28 131. Based on the information furnished to me and my training and experience in narcotics

1 investigations. I assert that there is probable cause to believe that the Target Subject(s) have  
2 committed, are committing, and are about to commit the crimes of H.S. 11370.6(a): Possession  
3 of Money or Instrument over \$100,000, H.S. 11370.9(a): Proceeds Derived from Controlled  
4 Substance Offenses and P.C. 182(a)(1): Conspiracy to Commit a Crime. The facts of this  
5 investigation show the existence of a conspiracy to distribute narcotics by delivering narcotics  
6 proceeds. Based on my knowledge of this investigation, the Target Subject(s) and other members  
7 of the Target Organization will continue this illegal activity until stopped by law enforcement.

8 132. I request that the portion of this affidavit designated as the "HOBBS ATTACHMENT"  
9 be sealed, sealed to implement the privilege under Evidence Code Sections 1040 to 1042, and to  
10 protect the identity of any confidential informants and/or official information, pursuant to the  
11 California Supreme Court decision in *People v. Hobbs* (1994) 7 Cal.4<sup>th</sup> 948, and *People v.*  
12 *Acavado* (2012 Cal.App.1 LEXIS 1038). If any of the information within the requested sealed  
13 portion of this affidavit is made public, it will reveal or tend to reveal the identity of any  
14 confidential informants, impede further related investigations, and endanger the life of any  
15 confidential informants. I further request that the sealed portion of the affidavit be kept in my  
16 custody and for the DEA pending further order of the court.

17 133. Permission is hereby requested to intercept wire and electronic communications  
18 and dialed number information on the Target Telephone(s) used by the individuals named herein  
19 and any co-conspirators who are later identified.

20 134. I request that Sprint Nextel Corporation, Nextel Communications, Pacific Bell  
21 Telephone Company, General Telephone Company, T-Mobile, Nextel Communications, Verizon  
22 Wireless, Mobilit Communications PCS, AT&T Wireless, Pac Bell Wireless, Pagenet, MetroCall,  
23 Q Link, MobilNet, and any other affected telecommunication entity (hereinafter referred to as the  
24 Telecommunications Company(s)) shall, upon request of law enforcement, authorize the  
25 installation and use of equipment known as pen registers or dialed number recorders to detect  
26 and record all numbers dialed or called by the telephones connected to the targeted numbers.  
27 Additionally, I request installation and/or use of equipment to trap and trace Direct  
28 Connect/Dispatch Services and identify the telephone numbers of persons placing calls to and  
from the Target telephone numbers. I additionally request the installation and/or use of trap

1 equipment to trace and identify the telephone numbers of persons placing calls to the Target  
2 Telephone(s) to include the activation of "caller ID" and any calling features such as "call  
3 forwarding" and "speed dialing" currently assigned to the Target Telephone(s).

4 135. I request this Court to order the Telecommunications Companies, upon request of  
5 law enforcement, to provide the technical assistance necessary to accomplish this interception  
6 unobtrusively and with a minimum of interference with the services said company provides the  
7 people whose communications are to be intercepted, and to provide records identifying  
8 subscribers and providing subscriber information on any and all telephone and pager numbers  
9 identified through this interception register, and any changed numbers whether published or not,  
10 including, but not limited to, past telephone bills and records. In addition, I request this Court to  
11 order the Telecommunications Companies to provide any and all information related to any  
12 telephone(s), pager(s), text messaging devices, cellular/wireless telephones, calling cards, and  
13 other communication devices contacting or being contacted by the Target Device(s) and, the  
14 subscriber(s) of any such communication devices(s). Such information shall include, but not be  
15 limited to, all numbers and accounts associated with the primary number/account, service and  
16 billing information (billed and unpaid), activation date, credit information, co-signer  
17 information, contact address(es) and telephone number(s), call identification information whether  
18 published or not published, Global Positioning System (GPS) data and all information  
19 identifying the communication device(s) such as electronic serial number (ESN), international  
20 mobile subscriber identity (IMSI), international mobile equipment identifier (IMEI), subscriber  
21 identity module (SIM) number, any and all encryption keys/codes or other identifier, including  
22 dialed information within the scope of the request. Finally, I request this Court to order the  
23 Telecommunications Companies to provide toll information, including any and all historical data  
24 for any period requested by law enforcement within 48 hours of the request, call detail, including  
25 direct connection, flash-to-fall information, call records, originating and terminating call detail,  
26 global positioning system (GPS) information, extended dialed digit information, dialed digit  
27 information, past and present redial digits from any and all telephones calling to or being called by  
28 such Target Telephone(s).


1 136. Your affiant requests the Court to order the Telecommunications Companies not to  
2 disclose to the subscriber or any unauthorized person, the fact that the Order has authorized this  
3 wire interception, or of its existence.

4 137. Your affiant also requests that this intercept be maintained for thirty days,  
5 commencing on the day of the initial interception or ten days after the issuance of the Court's  
6 Order, whichever comes first, and that the intercept not automatically terminate when the  
7 described type of communication has been first obtained. Your affiant requests that the intercept  
8 be allowed to continue until the full scope of the conspiracy, and the persons involved and their  
9 respective roles, is determined or for the full thirty days, whichever comes first.

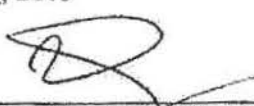
10 138. It is further requested that this Application, Affidavit, Review, Order(s), and  
11 any/all incorporated documents, attachments, and/or exhibits be ordered sealed and kept in the  
12 custody of the DEA, to be disclosed only upon a showing of good cause before a court of  
13 competent jurisdiction, pursuant to Penal Code Section 629.64 and 629.66.

14  
15 I declare under penalty of perjury under the laws of the State of California that the  
16 foregoing is true and correct and that this Affidavit was executed in Riverside County, California.

17  
18 Dated December 6, 2013

  
Special Agent Jesse E. Odum  
Drug Enforcement Administration  
Los Angeles Field Division

19  
20  
21 Sworn and subscribed before me on December 6, 2013

  
HONORABLE HELIOS J. HERNANDEZ  
Riverside County Superior Court

# **EXHIBIT C**

EXHIBIT C

WT-2 (Rev. 10/10)

cg/ODUM

13.310

ADMINISTRATIVE OFFICE OF THE UNITED STATES COURTS

PART I (JUDGE'S REPORT)
REPORT OF APPLICATION AND/OR ORDER
AUTHORIZING INTERCEPTION OF COMMUNICATIONS

Do be reported by January 31 for denied applications and for approved applications for orders that expired during the preceding year. (pursuant to 18 U.S.C. § 2519(1))

111V
792

I. JUDGE AUTHORIZING OR DENYING THE APPLICATION

Judge's Name: HELIOS J. HERNANDEZ County/Court/District/Jurisdiction: COUNTY OF RIVERSIDE State: CALIFORNIA Court Reference No.: 13-310

2. SOURCE - OFFICIAL MAKING APPLICATION

Official's Name: PAUL E. ZELLERBACH Title: DISTRICT ATTORNEY Jurisdiction/Agency: RIVERSIDE DA Telephone No.: (951) 955-5400

3. PROSECUTION OFFICIAL AUTHORIZING APPLICATION

DAAG Name: (If not Case Officer) JEFF VAN WAGENEN, ADA Prosecutor: DEENA M. BENNETT District Jurisdiction: RIVERSIDE Prosecutor Reference No.: 13-310 Telephone No.: (951) 955-5400

3A. LAW ENFORCEMENT AGENCY CONDUCTING THE WIRETAP

Agency's Name: (FBI, DEA, Sheriff, etc.) DEA Contact Person: Jesse E. Odum Telephone No.: (213) 621-6825 Agency Reference No.: 13-310

4. OFFENSE (MOST SERIOUS)

Description (e.g., Narcotics, Gambling) NARCOTICS

5. TYPE OF ORDER (Check Ordinary or Roving Order)

Ordinary (Residue) Specification Order [checked]
Roving - Roving Specification Order under 18 U.S.C. 2518(11) [unchecked]
ALSO CHECK "NO LOCATION SPECIFIED" IN ITEM 8, BELOW

6. DURATION OF INTERCEPT

Table with columns: Order or Extension, No. of Days, Date of Application, Check One (Period, Granted), Date Order (Denied or Granted), Was this Order/Extension Granted with Modification or Amendment? (check only if "yes")

7. TYPE OF INTERCEPT (Check all that apply to this order/authorization)

WIRE INTERCEPT OF PHONE COMMUNICATIONS - check device(s)
Cellular or mobile telephone [checked]
Standard telephone (landline) [unchecked]
Other type of telephone communication device (specify) [unchecked]
ORAL - check device(s)
Microphone (landline) [unchecked]
Other type (specify) [unchecked]
ELECTRONIC - check device(s)
Computer (including E-mail) [unchecked]
Digital pager [unchecked]
Fax machine [unchecked]
Text messaging [unchecked]
Other electronic device (specify) [unchecked]

8. LOCATION SHOWN IN INTERCEPT ORDER (Check all that apply to this order/authorization)

PERSONAL RESIDENCE (specify) [unchecked]
BUSINESS (specify) [unchecked]
PUBLIC AREA (specify) [unchecked]
PORTABLE DEVICE - CARRIED BY AN INDIVIDUAL (specify) cell phone [checked]
OTHER LOCATION (specify) [unchecked]
NO LOCATION SPECIFIED IN ORDER (specify) [unchecked]

Judge's signature: Telephone No.: Date:

INSTRUCTIONS

- When Part I (Judge's Report) is completed, do the following:
(1) Send a copy to one of the following: Mail - Administrative Office of the U.S. Courts, Antit. Jurisfed. Data and Analysis Office (WT), One Columbus Circle, NE, Washington, DC 20544
Fax - 202-502-1422
E-mail - SD-Wiretap@AOLSCOURTS.GOV
(2) Provide the Form WT-2 to the official making the application
(3) Retain a copy for the judge's files

Report Prepared By: Telephone No. (Area Code):





# ADMINISTRATIVE OFFICE OF THE UNITED STATES COURTS

## PART 2 (PROSECUTOR'S REPORT)

### REPORT OF APPLICATION AND/OR ORDER

#### AUTHORIZING INTERCEPTION OF COMMUNICATIONS

(To be reported by March 31 for terminated investigations, pursuant to 18 U.S.C. § 2519c(2))

RIV  
932

#### JUDGE AUTHORIZING OR DENYING THE APPLICATION LAW ENFORCEMENT AGENCY

Judge's Name: <b>HELIOS J. HERNANDEZ</b>	County/Court/District/Jurisdiction: <b>COUNTY OF RIVERSIDE</b>	State: <b>CALIFORNIA</b>	Agency Reference No.: <b>13-310</b>
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#### PROSECUTION OFFICIAL AUTHORIZING APPLICATION

DAAG Name: (Fed Cases Only) <b>JEFF VAN WAGENEN, ADA</b>	Prosecutor: <b>DEENA M. BENNETT</b>	Prosecutor Reference No.: <b>13-310</b>	Telephone No.: <b>(951) 955-5400</b>	Application Date: <b>12/06/2013</b>
---	--	--	---	--

NOTE: Items listed above should match information entered on Part 1 of Form WT-2.

#### 9. INSTALLATION

NEVER INSTALLED (Skip items 10 through 12)     INSTALLED BUT NOT USED (Skip to Item 11)     INSTALLED AND USED (Complete Form)

#### 10. DESCRIPTION OF INTERCEPTS

10A. Termination Date of Interception: <b>01/07/2014</b>	10B. No. of Days in Actual Use: <b>30</b>	10C. No. of Communications Intercepted: <b>1,056</b>	10D. No. of Persons Whose Communications were Intercepted: <b>105</b>	10E. No. of Incriminating Communications Intercepted: <b>88</b>
10F. Was Encryption Encountered in this Wiretap? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			10G. If Yes, Did Encryption prevent Law Enforcement from Obtaining the Plain Text of Communications Interception? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	

#### 11. COST

Check if Applicable:  Costs for this wiretap are not reported here, but are shown on Reference Number(s):

11A. Nature and Quantity of Personnel Used to Install, Monitor and Prepare Transcripts: <b>2 Admin monitors</b>	11B. Personnel Cost (Round to Nearest Dollar): <b>\$ 40,154</b>	11C. Resource Cost (installation, Res., supplies, equipment, etc. Round to Nearest Dollar): <b>\$ 1,700</b>	11D. Total Cost - Personnel - Resource (Round to Nearest Dollar): <b>\$ 41,854</b>
--	--	--	---

#### 12. RESULTS

Check here if there are no results to report at this time. (If any results should be reported on the WT-3 Supplementary Report)

Check if Applicable:  Arrests for this wiretap are not reported here, but are shown on Reference Number(s):

12A. No. of Persons Arrested:	12B. No. of Motions to Suppress Granted:	12B. No. of Motions to Suppress Denied:	12B. No. of Motions to Suppress Pending:	12C. No. of Persons Convicted:	12D. No. of Trials Completed:	12E. Conviction Offense:
-------------------------------	--	---	--	--------------------------------	-------------------------------	--------------------------

#### 13. COMMENTS AND ASSESSMENT

Describe importance of the interceptions, drugs and money seizure amounts, impact on crime or community etc. DO NOT include target's names, addresses, phone numbers, name of gangs, or other sensitive information.

December 17, 2013 - Seized \$200,850.00.

Signature of Authorizing Prosecutor: \_\_\_\_\_ Telephone No.: \_\_\_\_\_ Date: \_\_\_\_\_

#### INSTRUCTIONS

When Part 2 (Prosecutor's Report) is completed:

- Make copies for our files
- States Only - send completed originals of Part 1 and Part 2 to one of the following:
  - Mail - Administrative Office of the U.S. Courts, Attn: Judiciary Data and Analysis Office (W 2), One Columbus Circle, NE, Washington, DC 20544
  - Fax - 202-502-1422
  - E-mail - SD-Wiretap@AOJ.SCORUSA.GOV
- Federal Only - submit completed copy of Part 1 and Part 2 to Federal Law Enforcement Agency Contact Official
- Federal Law Enforcement Agency Contact Official - send completed Part 1 and Part 2 to Office of Enforcement Operations, DOJ, Washington DC

Report Prepared By: \_\_\_\_\_ Telephone No.: (Area Code) \_\_\_\_\_

PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF SAN BERNARDINO:

I am employed in the County of Los Angeles, over the age of eighteen and not a party to this action. My business address is One Wilshire Boulevard, Suite 2200, Los Angeles, California 90017.

On August 14, 2015, I served the foregoing document described as Defendant Koan You Lay's Motion to Suppress, etc., on the interested parties in this action as follows:

Deputy District Attorney Mallory Miller  
316 N. Mountain View  
San Bernardino, CA 92415  
[By causing hand delivery]

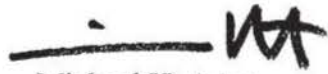
Law Firm of Jonas & Driscoll  
1108 Sartori Avenue, Suite 320  
Torrance, CA 90501  
[By FedEx]

Steven Graff Levine  
1112 Montana Avenue, Suite 309  
Santa Monica, CA 90403  
[By FedEx]

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8303 Haven Avenue, 3<sup>rd</sup> Floor  
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This Proof of Service is executed on August 14, 2015, at Los Angeles, California. I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

  
Michael H. Artan