

AO 91 (Rev. 11/11) Criminal Complaint

FILED

UNITED STATES DISTRICT COURT
ALBUQUERQUE, NEW MEXICO

UNITED STATES DISTRICT COURT

MAY 8 2014

for the
District of New Mexico

United States of America
v.

MATTHEW J. DYKMAN
CLERK

Case No. 14mj 1554

Sajey BEIRAT

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of 3/6/2014 in the county of Bernalillo in the
District of New Mexico, the defendant(s) violated:

Code Section

Offense Description

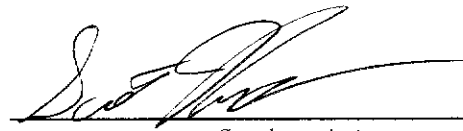
21 USC 841 (a) (1) (b) (1) (C)

Distribution of a Controlled Substance

This criminal complaint is based on these facts:

See Attached

Continued on the attached sheet.



Complainant's signature

Scott Hartz, Special Agent

Printed name and title

Sworn to before me and signed in my presence.

Date: 5/8/2014



Judge's signature

City and state: Albuquerque, NM

Chief Magistrate Karen B. Molzen

Printed name and title

AFFIDAVIT

I, Scott Hartz, Special Agent of the Drug Enforcement Administration (DEA), being duly sworn, depose and state:

I am a Special Agent (SA) of the Drug Enforcement Administration and have been so employed since January 2011. I am currently assigned to the DEA Albuquerque District Office, specifically assigned to investigate federal narcotics offenses. I am a law enforcement officer of the United States within the meaning of Title 18, United States Code Section 2510(7), who is empowered to conduct investigations of, and make arrests for, narcotic offenses enumerated in Title 18, United States Code Section 2516. I have successfully completed the DEA Basic Agent Training Academy at the DEA Academy in Quantico, Virginia. This training included instruction in the investigation of federal drug crimes including, but not limited to Title 21, United States Code Sections 841, 846, 959, and Title 18 United States Code Sections 2, 1956, and 1957. I have discussed with numerous law enforcement officers, defendants, and informants, the methods and practices used by narcotic distributors. I have acted in an undercover capacity and have been the affiant on numerous federal and state search warrants, complaints, and have testified in court in the area of narcotics on numerous occasions.

The facts set forth in this affidavit are known to me as a result of my investigation and interviews with other agents and law enforcement officers. These are not all the facts known to me throughout the course of this investigation, but rather only those that are essential to establish probable cause for charging a complaint against Sajey BEIRAT for a violation of 21 U.S.C. §§ 841(a)(1) and (b)(1)(C), that being Distribution of a Controlled Substance.

PROBABLE CAUSE

On March 6, 2014, Albuquerque Police Department (APD) Detective Jimmie Jones was working in an undercover capacity. At approximately 2:00 p.m., Detective Jones went into C JAY'S SMOKE SHOP located at 5832 Osuna NE, Albuquerque, NM. Upon entering the store, Detective Jones observed a male subject identified as Sajey BEIRAT. Detective Jones recognized BEIRAT from a New Mexico driver's license photo I had shown him prior. BEIRAT came into the main part of the store from a back room. Detective Jones asked BEIRAT if they had "Bizarro" which is the advertised name for a popular synthetic cannabinoid. BEIRAT looked Detective Jones up and down and smirked while shaking his head side to side. Detective Jones asked BEIRAT if he knew where Detective Jones could get some. BEIRAT told Detective Jones to try "Curly and Moe's."

Detective Jones told BEIRAT that "they" told him to go to BEIRAT's shop. BEIRAT asked Detective Jones who had told Detective Jones that and Detective Jones then told BEIRAT, "the old man." BEIRAT asked Detective Jones for "the old man's" name and Detective Jones told BEIRAT that he

did not know it. BEIRAT asked where "the old man" was from and Detective Jones told him, "Curly and Moe's." Detective Jones told Mr. BEIRAT, "They said to hit the shop on that that side because they said they were out right now." BEIRAT laughed and said "alright man come on."

Detective Jones asked BEIRAT if he had "it." Mr. BEIRAT nodded his head and said, "I got it." Detective Jones asked BEIRAT how much it was and BEIRAT told Detective Jones that he had "ten, twenty, and forty five." Detective Jones told BEIRAT that he wanted a "twenty." BEIRAT retrieved a small black package labeled "Bizarro," from the area out of sight and behind the cash register. Detective Jones handed BEIRAT \$20.00 Official Advanced Funds, and BEIRAT handed him the package of "Bizarro."

At the conclusion of this operation, Detective Jones checked the suspected synthetic cannabinoid package of "Bizarro" into APD evidence. A request for a chemical analysis was submitted. On March 12, 2014, Detective Jones was advised by Albuquerque Police Forensic Scientist S. Schleman #4831, that the substance tested conclusively positive for XLR-11 and UR-144, both schedule I controlled substances. Both XLR-11 and UR-144 were emergency scheduled as Schedule I controlled substances on May 16, 2013.

Based on the aforementioned information, Sajey BEIRAT knowingly and intentionally distributed a Schedule I controlled substance XLR-11 and UR-144, contrary to 21 U.S.C. §§ 841(a)(1) and 841(b)(1)(C).

I declare under the penalty of perjury that the foregoing is true and correct to the best of my knowledge.



Scott Hartz
Special Agent
U.S. Drug Enforcement Administration
Albuquerque District Office

Sworn before me on this the 8th day of May, 2014



Karen B. Molzen
Chief United States Magistrate Judge
New Mexico Judicial District
Albuquerque, New Mexico