

FILED

UNITED STATES DISTRICT COURT
ALBUQUERQUE, NEW MEXICO

AO 91 (Rev. 11/11) Criminal Complaint

UNITED STATES DISTRICT COURT

MAY 8 2014

for the

MATTHEW J. DYKMAN

District of New Mexico

CLERK

United States of America)

v.)

Case No. 14mj1557

Ramzi KAHALAH)

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 856

Maintaining a drug-involved premises

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 Ramzi Kahalah for the federal violations listed herein.

This Affidavit is made in support of the issuance of a Criminal Complaint charging: Ramzi KAHALAH with a violation of Title 21 USC 856, that being Maintaining Drug-Involved Premises.

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 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."

While Detective Jones was in C JAY'S, SA Jeff McKinley and I drove behind the store and observed a red Nissan Armada bearing NM HKN372 parked at the open rear garage door entrance to C JAY'S. The registered owner of that vehicle was Shireen Hamid. A check of law enforcement indices revealed Hamid as Ramzi KAHALAH's spouse.

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.

On February 21, 2014, SA Jeff McKinley and I conducted drive-by surveillance at C JAY'S SMOKE SHOP at 5832 Osuna NE, Albuquerque, NM. We drove behind C JAY'S SMOKE SHOP and observed a white passenger car bearing IL R4636047. That vehicle was found registered through Illinois to Imad R AL QATTAWI. Agents then went to the Arroyo Del Oso Storage facility at 5880 Osuna Road NE, Albuquerque, NM 87109. That storage facility borders the same property where C JAY'S SMOKE SHOP is located and shares the common parking area. We went into the storage facility and spoke with the manager. The manager immediately asked us if we were there investigating the white car, AL QATTAWI, and Sajey BEIRAT. The manager then told agents that those two subjects were very suspicious. The manager told us that she had grown suspicious enough that she had intended to call law enforcement, but that they did not know who to call. The manager told us that both AL QATTAWI and Sajey BEIRAT rent internal storage spaces at Arroyo Del Oso Storage. The manager estimated that the two areas were initially rented two months ago. She said that when AL QATTAWI and Sajey BEIRAT go into the internal storage area that they have to pass her office door. The manager said that both subjects routinely appear to be attempting to hide items in their hands when they pass through her observed area. The manager also said that

the two subjects commonly carry large boxes in and out of the storage area. The manager went on to say that her husband had gone into the access area near the two rented storage areas when they were occupied by AL QATTAWI or Sajey BEIRAT, and that the subject inside had immediately closed the door from the inside. The manager provided agents with the rental paperwork from AL QATTAWI and Sajey BEIRAT.

On February 27, 2014, I sent an administrative subpoena to FedEx for records relating to C JAY'S SMOKE SHOP at 5832 Osuna Road NE, Albuquerque, NM. On March 4, 2014, I received an envelope from FedEx that contained the response for the administrative subpoena. Contained within the response were FedEx documents for two shipments shipped to C JAY'S SMOKE SHOP. The first shipping document was a shipment from ULINE on January 16, 2014. The shipment was addressed to Imad QATTAWI at CJ SMOKE SHOP and was signed for by "W. BEDIO" on January 17, 2014. The second shipping document was from a shipment from Sandra ADAM at A&A WHOLESALE at 7931 Magnolia Bend Street, Kissimmee, FL 34747 on January 2, 2014. Orlando DEA agents have confirmed that QATTAWI resides on Magnolia Bend Street in Kissimmee Florida. The shipment was addressed to "John ADAM" at "CJ STORE" and was signed for by "J. BEDA" on January 3, 2014. On March 4, 2014, I sent an administrative subpoena to ULINE for any and all purchase records related to QATTAWI. On March 5, 2014, I received an email from ULINE with subpoena return information. An invoice from January 16, 2014, showed "ADAM WHOLESALE" at 7928 Magnolia Bend Ct, Kissimmee, FL, purchased an "8" impulse poly bag sealer and shipped it to C JAY'S SMOKE SHOP. The invoice showed "Order placed by: Imad QATTAWI." I know through my investigative experience that the ULINE sealer purchased is commonly used in the packaging process for synthetic cannabinoids.

On April 2, 2014, a concerned citizen provided SA McKinley and GS Jeff Armijo with three empty mylar bags labeled as "Bizarro." The citizen said that he located the packages around the outside of C JAY'S SMOKE SHOP at the intersection of Osuna and Seagull Street NE in Albuquerque, New Mexico. The citizen stated that the smoke shop has constant foot traffic from customers who "walk like the walking dead" from smoking spice. The citizen also stated they he believed the "financier" of the business was a Middle Eastern male subject who drove a red or maroon Nissan Armada. I know that Ramzi KAHALAH drives and owns a Nissan Armada.

On April 14, 2014, I received a package from FedEx containing a subpoena return for shipping records related to Ramzi KAHALAH's address at 7216 Deer Canyon NE, Albuquerque, NM 87113. Ramzi KAHALAH is a co-owner of C JAY'S SMOKE SHOP. I know that through banking records and New Mexico Incorporation information. The records within showed the following shipments to KAHALAH's home address at 7216 Deer Canyon Ave NE, Albuquerque, NM:

a) February 11, 2014, Shipper: Adam Daniiall, AA Inc, 7930 Magnolia Bend Ct, Cel 34747 US. Recipient: Sandra Daniiall, 7216 Deer Canyon Ave NE, NM 87113 US. Weight: 23 pounds. Customer Number: 059800000.

b) February 17, 2014, Shipper: Sandra Adam, 7931 Magnolia Bend Ct, Kis, 34747 US. Recipient: Nancy Adam, 7216 Deer Canyon Ave NE, NM 87113 US. Weight: 34 pounds. Customer Number: 059800000.

c) March 4, 2014, Shipper: Jack, 7931, Kissimmee, FL 34747 US. Recipient: Saudra Adam, 7216 Deer Canyon Ave NE, Albuquerque, NM 87113. Weight 42 pounds. Customer Number: 059800000.

d) March 5, 2014, Shipper: Linen Outlet, 1001 W Vine St, Kissimmee, FL 34741 US. Recipient: J&J Distribution, 7216 Deer Canyon Ave NE, Albuquerque, NM 87113 US. Weight: 24 pounds. Customer Number: 059800000.

e) March 13, 2014, Shipper: Linen Outlet, 1001 W. Vine St, Kissimmee, FL 34741 US. Recipient: G&G Factory, 7216 Deer Canyon Ave NE, Albuquerque, NM 87113 US. Weight: 35 pounds. Customer Number: 059800000.

f) March 14, 2014, Shipper: Snadra Adam, Sandra Inc, 7931 Magnolia Ave, Orlando, FL 32822. Recipient: 7216 Deer Canyon Ave NE, Albuquerque, NM 87113. Weight: 25 pounds. Customer Number: 059800000.

Based on the above listed shipment information, agents know that each package was sent from the same account number, and believe all were sent by QATTAWI or someone working at his direction. Based on my experience in other investigations of synthetic distribution, I believe that QATTAWI is shipping synthetic cannabinoids from a lab in Florida to Ramzi KAHALAH's home. I believe that KAHALAH then takes the packages to C JAY'S SMOKES SHOP for distribution. This shipping method is used in order to avoid law enforcement detection.

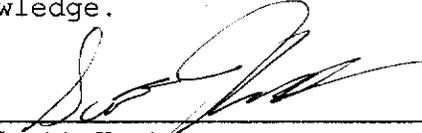
On April 21, 2014, I received an administrative subpoena response from the Bank of Albuquerque for an account listed as CJAY SMOKE SHOP LLC at 5832 Osuna NE, Albuquerque, NM. The two account holders for the business account were Raed BEIRAT and Ramzi KAHALAH.

Also on April 21, 2014, I received an administrative subpoena response from PNM of New Mexico for utilities at C JAY'S SMOKE SHOP. The response showed account information for C JAY'S SMOKE SHOP, and showed payments for February and March 2014. Both payments were paid for with checks signed by Raed BEIRAT on the Bank of Albuquerque account listed above.

On May 7, 2014, agents executed a search warrant at the home of Ramzi KAHALAH located at 7216 Deer Canyon Ave NE, Albuquerque, NM. During the search, agents located approximately 14.8 gross kilograms of mylar bags containing suspected synthetic cannabinoids which were labeled "Bizarro". Further, agents located a large, undetermined amount of United States currency. In close proximity to the currency, agents located a Springfield nine millimeter handgun.

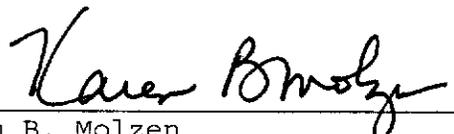
Based on the aforementioned information, Ramzi KAHALAH maintained a drug involved premises contrary to 21 USC 856, C JAY'S SMOKE SHOP located at 5832 Osuna NE, Albuquerque, NM.

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