

FILED

AO 91 (Rev. 11/11) Criminal Complaint

UNITED STATES DISTRICT COURT
ALBUQUERQUE, NEW MEXICO

UNITED STATES DISTRICT COURT 2014

for the
District of New Mexico

MATTHEW J. DYKMAN
CLERK

United States of America)

v.)

Sabah AL-WASHAH)

Case No. 14mj1558

Defendant(s)

CRIMINAL COMPLAINT

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

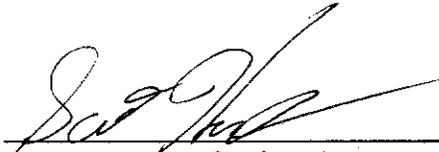
On or about the date(s) of 1/7/2014 in the county of Bernalillo in the
District of New Mexico, the defendant(s) violated:

<i>Code Section</i>	<i>Offense Description</i>
21 USC 846	Conspiracy
21 USC 841 (a) (1) (b) (1) (C)	Distribution of a controlled substance
21 USC 2	Aiding and abetting
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 Sabah Al-Washah and Iman Al-Washah for the federal violations listed herein.

This Affidavit is made in support of the issuance of a Criminal Complaint charging Sabah Al-Washah with violations of 21 U.S.C. §§ 846, 841(a)(1), (b)(1)(C), 856, and 18 U.S.C. § 2, those being Conspiracy to Distribute a Controlled Substance, Distribution of a Controlled Substance (Aiding and Abetting), and Maintaining a Drug-Involved Premises. In addition, the Affidavit is being made in support of the issuance of a Criminal Complaint charging Iman AL-WASHAH with violations of 21 U.S.C. §§ 841(a)(1), 841(b)(1)(C) and 846, and 18 U.S.C. § 2, that being Distribution of a Controlled Substance and Conspiracy to Distribute a Controlled Substance.

PROBABLE CAUSE

A review of City of Albuquerque Business License information lists Sabah AL-WASHAH as the owner of CARLOS SMOKE SHOP since 2012, a business located at 806 Old Coors Drive SW, Suite D, Albuquerque, NM 87105. Agents know through surveillance conducted through April 22, 2014, that Sabah AL-WASHAH maintains ownership and actively works at CARLOS SMOKE SHOP.

On October 22, 2013, at approximately 6:45 a.m., SA Rey Rodriguez, Task Force Officer (TFO) Danny Joseph, and I established surveillance at 609 Amherst Drive NE, Albuquerque, NM. That address was the known residence for Sabah AL-WASHAH. As I established surveillance, I observed two parked vehicles at the residence that were previously identified as being registered to AL-WASHAH. A black BMW bearing New Mexico (NM) license plate UNM14069 was parked directly in front of the residence, and a silver Dodge Viper bearing NM 13450UNM was parked on the edge of a driveway leading on the north side of the residence. At approximately 6:57 a.m., I observed two Middle-Eastern males exit the front door of the residence. I recognized one of the males to be Sabah AL-WASHAH based on a comparison with AL-WASHAH's driver's license photo. I did not recognize the other male subject but believed him to be middle-eastern, with dark hair, dark eyes, approximately 5'7"-5'9", and weighing approximately 190-200 pounds. I observed the two subjects enter the BMW, sit in it for a minute, and then leave southbound on Amherst. Agents followed the two subjects from there to CARLOS SMOKE SHOP at 806 Old Coors SW, Albuquerque, NM. At approximately 6:57 a.m., SA Rodriguez observed the BMW enter the CARLOS SMOKE SHOP lot. SA Rodriguez then observed AL-WASHAH and the second subject from the BMW exit the vehicle and enter CARLOS SMOKE SHOP.

On January 7, 2014, SA Brian Bridgeford working as an undercover agent purchased suspected cannabinoids at CARLOS SMOKE SHOP at 806 Old Coors in Albuquerque, New Mexico.

SA Bridgeford entered the store and observed Iman S. Al-Washah and a juvenile, Ahmed A. SA Bridgeford asked Iman Al-Washah what he had that was good and if there were any new products. Iman Al-Washah responded "Bizarro, High Life, and Head Rush." SA Bridgeford asked for a good deal and stated that he wanted to spend a large amount so that he could resell the products. After a brief conversation about prices, the juvenile male identified as Ahmed A. was called over to assist SA Bridgeford and Iman Al-Washah. Specifically, Iman Al-Washah called Ahmed A. over to help figure out discounts on a bulk purchase. From that point on Ahmed A. and Iman Al-Washah dealt with Agent Bridgeford together throughout the sale of the items.

SA Bridgeford, Iman Al-Washah, and the juvenile agreed on 10 Head Rush packets for \$20 dollars each, 10 High Life packets for \$20 dollars each, and 10 silver packets with no label for \$10 dollars each. All totaled, the purchase amounted to \$500 dollars. The packages were retrieved from under the cash register. SA Bridgeford provided \$500 dollars of DEA Official Advanced Funds to Iman Al-Washah and Ahmed A. SA Bridgeford was then provided rolling papers free of charge. All of the merchandise was placed in a grocery style plastic bag and no receipt was issued. SA Bridgeford then exited the store.

SA Bridgeford then transferred custody of the exhibits to the DEA South Central Laboratory. On April 11, 2014, SA Bridgeford received a report from the South Central Laboratory which showed the suspected synthetic cannabinoid (Silver packets with no label) purchased from

Ahmed A. and Iman Al-Washah on January 7, 2014, tested positive for XRL11. XRL11 was designated a Schedule I controlled substance on May 16, 2013.

On May 7, 2014, agents executed a federal search warrant signed by Chief Magistrate Karen B. Molzen at 501 Deschutes SE, Albuquerque, NM, which was the residence for Sabah Al-Washah. During a search of the residence, agents located a large amount of packages of suspected synthetic cannabinoids. Also on May 7, 2014, agents executed a federal seizure warrant signed by Chief Magistrate Karen B. Molzen. The seizure warrant was for a white Lamborghini bearing VIN: ZHWGU22T48LA05972. At the time of the seizure, Sabah Al-Washah was driving the vehicle and was subsequently detained. Sabah Al-Washah was then transported to the Albuquerque District Office. At approximately 9:16 a.m., I read a DEA-13 Advice of Rights form to Sabah Al-Washah, as witnessed by IA Daryle Biddle. Sabah Al-Washah verbally agreed to waive his rights, and also signed the DEA-13. During the subsequent interview, Sabah Al-Washah admitted to distributing "spice" from Carlos Smoke Shop. Sabah Al-Washah stated that, for approximately the last year, that his employees have distributed "spice" or "herbal incense" from within that location, and that he has profited from those sales. Sabah Al-Washah also admitted to distributing spice from two other locations that he owned, the Candelaria Mart and Amsterdam Smoke Shop, both located in Albuquerque, NM.

Based on the aforementioned information, Sabah Al-Washah knowingly and intentionally conspired to distribute a controlled substance, XLR11, contrary to 21 § USC 846. Sabah AL-Washah also aided and abetted the distribution of a controlled substance, XLR11, contrary to 21 U.S.C. §§ 841(a)(1), (b)(1)(C), and 18 U.S.C. § 2. Sabah AL-Washah also maintained a drug-involved premises, that is, Carlos Smoke Shop located at 806 Old Coors Drive SW, Suite D, Albuquerque, NM 87105, contrary to 21 U.S.C. § 856. In addition, Iman Al-Washah knowingly and intentionally distributed a Schedule I controlled substance, XLR11, contrary to 21 U.S.C. §§ 841(a)(1), 841(b)(1)(C), and 18 U.S.C. § 2, and conspired to do so contrary to 21 U.S.C. § 846.

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

A handwritten signature in black ink, reading "Karen B. Molzen". The signature is written in a cursive style and is positioned above a horizontal line.

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