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UNITED STATES DISTRICT COURT

for the

Central District of California

FILED  
CLERK, U.S. DISTRICT COURT  
FEB 13 2019  
CENTRAL DISTRICT OF CALIFORNIA  
BY

United States of America

v.

MONICA ANN BERLIN,

Defendant.

Case No.

19MJ00494

CRIMINAL COMPLAINT

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

Between on or about the dates of April 1, 2015 through on or about January 23, 2019, in the county of Los Angeles in the Central District of California, and elsewhere, the defendant violated:

Code Section

Offense Description

21 U.S.C. § 841(a)(1)

Distribution and Possession with Intent to Distribute a Controlled Substance

This criminal complaint is based on these facts:

Please see attached affidavit.

Continued on the attached sheet.

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U.S. DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA  
LOS ANGELES

/s/  
Complainant's signature

Tommy Fung, DEA Special Agent

Printed name and title

Sworn to before me and signed in my presence.

Date:

2/13/19

CHARLES F. EICK

Judge's signature

City and state: Los Angeles, California

Hon. Charles Eick, U.S. Magistrate Judge

Printed name and title

**AFFIDAVIT**

I, Tommy Fung, being duly sworn, declare and state as follows:

**I. PURPOSE OF AFFIDAVIT**

1. This affidavit is made in support of a criminal complaint and arrest warrant against MONICA ANN BERLIN ("BERLIN") for a violation of 21 U.S.C. § 841(a)(1): Distribution and Possession with Intent to Distribute a Controlled Substance.

2. The facts set forth in this affidavit are based upon my personal observations; my training and experience; and information obtained from various law enforcement personnel and witnesses. This affidavit is intended to show merely that there is sufficient probable cause for the requested complaint and arrest warrant and does not purport to set forth all of my knowledge of or investigation into this matter. Unless specifically indicated otherwise, all conversations and statements described in this affidavit are related in substance and part only.

**II. BACKGROUND OF TOMMY FUNG**

3. I am a Special Agent ("SA") with the United States Drug Enforcement Administration ("DEA") and an investigative or 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 to make arrests for, narcotics offenses. I am an SA in the DEA's Los Angeles Field Office and have served in this capacity since May 2012. I am

currently assigned to the High Intensity Drug Trafficking Area ("HIDTA") division, which is operated through the DEA, Los Angeles HIDTA Office. Additionally, I am a member of the HIDTA Opioid Response Team HIDTA Group 45, which is tasked with the investigation of suspected opioid-related overdose deaths in Los Angeles County.

4. As an SA, I have received sixteen weeks of specialized training in Quantico, Virginia, pertaining to drug trafficking, money laundering, undercover operations, and electronic and physical surveillance. Throughout my career as a federal agent, I have received numerous hours of formal and hands-on training in criminal investigations, investigative techniques, surveillance, and evidence collection. Notably, I have been the case agent and co-case agent for multiple investigations involving drug trafficking, drug trafficking conspiracies, firearms violations, gang investigations, and money laundering. Additionally, throughout my career I have routinely conferred with narcotics officers assigned to narcotics investigative teams on federal, local, and state levels. These discussions encompassed narcotics-related topics and current and past common behaviors of narcotics traffickers.

### **III. STATEMENT OF PROBABLE CAUSE**

#### **A. Search Warrants Issued for BERLIN's Residence, Car, Phone, and Person**

5. On February 11, 2019, the Honorable William V. Gallo, United States Magistrate Judge for the Southern District of California, issued warrants to search BERLIN's residence, car,

cellular telephone, and person. The search warrant applications and search warrants are attached hereto as Exhibit 1 and are incorporated herein by reference.

6. As provided further in Exhibit 1, BERLIN is a former employee at a medical office who wrote and distributed prescriptions for controlled substances using stolen prescriptions and a stolen signature stamp from her former employer, a physician. In January 2019, BERLIN met with John Doe ("J.D."), a person BERLIN thought was a social acquaintance, but who was, in fact, a confidential source working for the DEA. During the meeting, BERLIN supplied J.D. with Roxicodone, a Schedule II controlled substance, and admitted to J.D. that BERLIN had stolen her former employer's prescription pad and signature stamp to write and distribute prescriptions for other people using the physician's power of prescription without the physician's knowledge or consent. Also during the meeting, BERLIN acknowledged having supplied J.D. with numerous prescriptions for controlled substances in the past. Records of J.D.'s prescription history show that J.D. received approximately 44 unauthorized prescriptions for Schedule II controlled substances and Schedule IV benzodiazepines between April 2015 and April 2017.

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**IV. CONCLUSION**

7. For all of the reasons described above and in Exhibit 1, there is probable cause to believe that BERLIN has committed a violation of 21 U.S.C. § 841(a)(1): Distribution and Possession with Intent to Distribute a Controlled Substance.

*TSJ*

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Tommy Fung, Special Agent,  
Drug Enforcement  
Administration

Subscribed to and sworn before me  
this 13<sup>th</sup> day of February, 2019.

**CHARLES F. EICK**

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UNITED STATES MAGISTRATE JUDGE

# **EXHIBIT 1**

1 **AFFIDAVIT**

2 I, Rockwell Herron, being duly sworn, declare and state as follows:

3 **A. PURPOSE OF AFFIDAVIT**

4 1. This affidavit is made in support of an application for a warrant to search  
5 the following:

6 a. The residence located at 227 Stratford Park Circle, Del Mar, CA  
7 92014 (“**Subject Residence**”), as further described in Attachment A-1;

8 b. One Apple iPhone, IMEI number 356722084827020, IMSI number  
9 311480363040712 (“**Subject Telephone**”), as further described in Attachment A-2;

10 c. A 2014 Tesla, bearing license plate 7GPX332 (the “**Subject**  
11 **Vehicle**”), as further described in Attachment A-3; and

12 d. The person of Monica Ann Berlin (“Berlin”), as further described in  
13 Attachment A-4.

14 2. The requested search warrant seeks authorization to seize evidence, fruits,  
15 or instrumentalities of violations of 21 U.S.C. §§ 841(a)(1) (Distribution and Possession  
16 With Intent to Distribute Controlled Substances), 846 (Conspiracy and Attempt to  
17 Distribute Controlled Substances), 843(a)(2) (Use of a Registration Number in the  
18 Course of Distributing a Controlled Substance); 18 U.S.C. §§ 1028(a)(7) (Unlawful  
19 Possession, Use, and Transfer of Means of Identification), and 1028A(a)(1)  
20 (Aggravated Identity Theft) (collectively, the “Subject Offenses”), as described more  
21 fully in Attachment B. Attachments A-1, A-2, A-3, A-4, and B are incorporated herein  
22 by reference.

23 **B. TRAINING AND EXPERIENCE**

24 3. I am an investigative or law enforcement officer of the United States within  
25 the meaning of Section 2510(7) of Title 18 of the United States Code, who is  
26 empowered by law to conduct investigations of, and to make arrests for, the offenses  
27 enumerated in Section 2516 of Title 18 of the United States Code.  
28

1           4.     I am a Special Agent of the Drug Enforcement Administration (“DEA”),  
2 United States Department of Justice, currently assigned to the San Diego Field Division  
3 Office, San Diego, California. I have been employed continuously as a DEA Special  
4 Agent for over 28 years. During this time, I completed an intensive basic sixteen week  
5 training academy which provided me with a background and basis of knowledge  
6 relating to the investigation of controlled substance related crimes, including but not  
7 limited to the distribution of controlled substances and Scheduled pharmaceutical drugs  
8 (“SPDs”) in violation of Title 21 of the United States Code. I have participated in dozens  
9 of continuing education programs covering diverse drug law enforcement themes. I  
10 have directed and participated in hundreds of drug investigations during my years as a  
11 DEA agent. I have worked undercover, controlled informants, made controlled drug  
12 purchases, testified as an expert witness, written affidavits for numerous search  
13 warrants, and performed many other investigative activities.

14           5.     At present, I am assigned to the San Ysidro Field Division. I have been  
15 assigned to the DEA San Diego Field Division since 2004. Prior to that, I served 6 years  
16 with DEA in Bolivia, and prior to that I served my first 8 years with DEA in San Diego.  
17 From 2007 to 2018, I was been assigned to investigate crimes involving the diversion  
18 of SPDs through illegal prescribing, fraud, and theft, as well as the trafficking and sales  
19 of SPDs.

20           6.     Part of my duties included investigating the illegal diversion of controlled  
21 substances and listed chemicals from legitimate medical, scientific, and industrial  
22 channels. I investigated registered practitioners, including medical doctors,  
23 pharmacists, regulated persons, and others involved in a variety of violations, including  
24 health care fraud, bank fraud, money laundering, and drug-related offenses. I am  
25 familiar with patient charts, common components of patient charts, and standard  
26 operating practices that are common among medical entities. I am trained in the  
27 investigation of drug diversion cases, which involve individuals who divert legitimate  
28 prescription medications and Scheduled pharmaceutical drugs from legitimate medical



1 use. These types of drugs include OxyContin (oxycodone), Xanax (alprazolam), Valium  
2 (diazepam), Percocet (oxycodone), Norco (hydrocodone), and other highly addictive  
3 medications. During these investigations, I use various investigative techniques, such  
4 as physical surveillance, covert audio and video equipment, and search warrants. I am  
5 aware of techniques used by drug distributors that attempt to avoid detection by law  
6 enforcement, such as using multiple locations to send and receive illegal drugs and  
7 drug-related proceeds, multiple vehicles, multiple cellular telephones, computers, and  
8 the use of numerous co-conspirators to assist them.

9       7. For example, I know that drugs/SPD traffickers often require the use of  
10 one or more telephone facilities to negotiate times, places, schemes, and manner for  
11 importing, possessing, concealing, manufacturing, and distributing controlled  
12 substances/SPDs, and to arrange the disposition of proceeds from the sale of controlled  
13 substances/SPDs. Multiple telephone facilities are often used in an effort to keep their  
14 identities secret or to otherwise frustrate the investigative efforts of law enforcement.  
15 Further, I am familiar with how drug/SPD traffickers speak to each other, generally  
16 conduct business and, that drug/SPD traffickers who discuss criminal matters over the  
17 telephone often speak in code or vaguely. I am aware that drug/SPD traffickers use text  
18 messaging as another means of communication and coordinating drug/SPD trafficking  
19 activities amongst themselves.

20       8. I have also participated in the service of approximately six search warrants  
21 upon the residences of individuals who were involved in the use of stolen or forged  
22 medical prescriptions to acquire and distribute drugs/SPDs. During the course of these  
23 search warrants, evidence of SPD acquisition and distribution activities (e.g. stolen  
24 medical prescriptions, forged medical prescriptions, pieces of stolen and forged medical  
25 prescriptions, carbon copies of said medical prescriptions) were discovered within the  
26 searched residences.

27       9. In addition, I am also familiar with Title 21 of the United States Code under  
28 which such crimes are prosecuted. From my experience and my extensive discussions

1 with other law enforcement officers who are experienced in controlled substance and  
2 money laundering investigations, I am familiar with the ways in which SPD/drug  
3 traffickers conduct their business, including money laundering and the structuring of  
4 currency deposits.

5 10. Moreover, I am familiar with the facts and circumstances described herein.  
6 This affidavit is based upon my, my training and experience, and information obtained  
7 from various law enforcement personnel and witnesses, including information that has  
8 been reported to me either directly or indirectly. Because this affidavit is being  
9 submitted for the limited purpose of securing search warrants, I have not necessarily  
10 included each and every fact known to me concerning this investigation; rather those  
11 facts which I believe are necessary to establish probable cause for a search warrant.

12 11. Through both formal and on-the-job training, I have become familiar with  
13 patient charts, the common components of a patient chart, the standard operating  
14 practices that are common among medical entities that dispense SPDs, as well as the  
15 regulations governing the use of DEA registration numbers and the purpose and manner  
16 of issuance of prescriptions for controlled substances. I am also familiar with the  
17 California State Department of Justice's Controlled Substance Utilization Review and  
18 Evaluation System ("CURES") database, which tracks Schedule II, III and IV  
19 controlled substance prescriptions. In addition, I am familiar with the United States  
20 Code of Federal Regulations 21, Part 1300 to End, Food and Drugs, and Title 21 federal  
21 criminal statutes pursuant to which such crimes are prosecuted.

22 **C. PROBABLE CAUSE**

23 12. The following facts are based upon my review of law enforcement reports,  
24 my conversations with other law enforcement agents trained in controlled substances  
25 diversion and identity theft crimes, and my own knowledge of this investigation.

26 *Summary*

27 13. Between April 2015 and April 2017, Berlin, the former employee of M.D.,  
28 a licensed physician practicing in the Central District of California, wrote prescriptions

1 for controlled substances using M.D.'s prescription pad and M.D.'s signature stamp.  
2 Berlin then admitted, during a video and audio recorded meeting, that she had taken  
3 M.D.'s prescription pad, issued prescriptions using M.D.'s power of prescription, and  
4 stole M.D.'s signature stamp, which Berlin kept inside of the **Subject Residence**. Berlin  
5 did not have permission to possess, use, or attempt to use M.D.'s name, signature, or  
6 M.D.'s controlled substances registration number.

7 14. Investigating agents confirmed that Berlin lives at the **Subject Residence**  
8 and that the **Subject Vehicle** belong to Berlin based in part on: (1) recent physical  
9 surveillance of Berlin using the **Subject Vehicle** at the **Subject Residence** (last  
10 February 7, 2019); (2) DMV records showing that the **Subject Vehicle** is registered to  
11 Berlin at the **Subject Residence**; and (3) subscriber records for Berlin's telephone [the  
12 **Subject Telephone**], which show that Berlin's address of record is the **Subject**  
13 **Residence**.

#### 14 *Pertinent Legal Background*

15 15. 21 U.S.C. § 812 establishes schedules for controlled substances, which  
16 substances present a potential for abuse and likelihood that abuse of the drug could lead  
17 to physical or psychological dependence on that drug. Such controlled substances are  
18 listed in Schedule I through Schedule V depending on the level of potential for abuse,  
19 the current medical use, and the level of possible physical dependence. Controlled  
20 Substance Pharmaceuticals are listed as controlled substances, from Schedule II through  
21 V because they are considered dangerous. There are other drugs that are available only  
22 by prescription but are not classified as controlled substances. Title 21 of the Code of  
23 Federal Regulations, Part 1308, provides further listings of scheduled drugs.

24 16. 21 U.S.C. § 822 provides that controlled substances may only be  
25 prescribed, dispensed, or distributed by those persons who are registered with the  
26 Attorney General of the United States to do so (with some exceptions, such as delivery  
27 persons). The authority to register persons has been delegated to the DEA by the  
28 attorney general.

1 17. 21 C.F.R. § 1306.04 sets forth the requirements for a valid prescription. It  
2 provides that for a “prescription for a controlled substance to be effective [it] must be  
3 issued for a legitimate medical purpose by an individual practitioner acting in the usual  
4 course of his professional practice. The responsibility for the proper prescribing and  
5 dispensing of controlled substances is upon the prescribing practitioner, but a  
6 corresponding responsibility rests with the pharmacist who fills the prescription.”  
7 (emphasis added).

8 ***DEA Diversion Investigates Suspicious CURES Data for M.D.***

9 18. On or about February 14, 2017, M.D., a licensed medical doctor practicing  
10 medicine in Los Angeles County, within Central District of California, reported his  
11 suspicion to law enforcement that his former employee, Berlin, had misappropriated  
12 money, controlled substance prescriptions, narcotic pills, and M.D.’s signature stamp  
13 from M.D.’s medical office.

14 19. From reviewing a DEA database called the Registrant Information  
15 Consolidated System (“RICS”)<sup>1</sup> agents learned that, as of at least October 1993 to  
16 present, M.D. has maintained an active DEA Certificate of Registration that allows  
17 M.D. to prescribe and handle Schedule II-V controlled substances.

18 20. M.D. stated to agents that Berlin worked for M.D. as M.D.’s surgical  
19 technician and office manager for approximately 14 years until her employment was  
20 terminated in February 2017.

21 a. Based on a search of RICS, agents learned that Berlin is not a  
22 licensed prescriber within the meaning of Title 21, United States Code, Section 822.

23 b. Based on a search of the California Department of Consumer Affairs  
24 License Search website, which provides license verification for the California State  
25 Board of Medicine, the California Physician Assistant Board and related agencies,  
26

27 <sup>1</sup> From my training and experience, I know that RICS is a DEA database that  
28 manages registrant information and activities such as registration details, historic  
registration records, and new/pending DEA Certificate of Registration applications.

1 agents do not believe that Berlin holds any degrees or licenses in the fields of medicine,  
2 nursing, pharmacology, or any other medical field.

3 21. From interviews of M.D. and M.D.'s Director of Nursing, agents learned  
4 that M.D. maintained a signature stamp that M.D. intended for use only to make  
5 payments to vendors when M.D. was out of town. M.D. denied using or allowing others  
6 to use the signature stamp to authorize prescriptions or to complete DEA Forms 222.<sup>2</sup>

7 22. From interviewing M.D. and M.D.'s current office manager, agents  
8 learned that since at least time of Berlin's termination of employment, M.D.'s signature  
9 stamp has been missing from M.D.'s office.

10 23. To further investigate whether and to what extent M.D.'s power of  
11 prescription had been misused by Berlin or by anyone else, agents reviewed M.D.'s  
12 prescription practices in the CURES database. From CURES, agents learned that  
13 M.D.'s prescription practices followed a generally uniform pattern by which a patient  
14 would receive multiple prescriptions on around the same date for a Schedule II  
15 controlled substance such as Percocet (oxycodone and acetaminophen), a Schedule IV  
16 benzodiazepine such as Valium (diazepam) and the Schedule IV sleeping medication  
17 Ambien (zolpidem tartrate). Based on my training and experience, I believe this pattern  
18 is consistent with a patient undergoing a surgical procedure and then being prescribed  
19 controlled substances in preparation for and for recovery after the procedures.

20 24. One exception to M.D.'s general prescription pattern involved John Doe  
21 ("J.D."), who appeared to have been prescribed approximately 44 prescriptions for  
22 drugs containing oxycodone and acetaminophen, commonly known by brand names  
23 Percocet or Endocet, a Schedule II controlled substance, and Schedule IV  
24 benzodiazepines such as diazepam and alprazolam, commonly known by their brand  
25 names Valium and Xanax. CURES also showed that J.D. filled these 44 prescriptions  
26

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27 <sup>2</sup> Based on my training and experience, I know that DEA Forms 222 are DEA controlled  
28 substance order forms for schedule I and II controlled substances. A DEA Form 222 is  
required for each distribution, purchase, or transfer of a schedule II controlled substance  
from a distributor to a practitioner.

1 on dates between April 2015 and April 2017, mostly on a monthly basis, at pharmacies  
2 in the Beverly Hills and Rancho Santa Fe areas of California.

3 a. According to M.D., M.D. did not recognize J.D. as M.D.'s patient.  
4 M.D. also stated that M.D. did not authorize any of the 44 prescriptions to J.D.

5 25. Of the approximately 44 prescriptions J.D. filled, agents have obtained and  
6 reviewed 27 of the original hard copy prescriptions that J.D. submitted to pharmacies.  
7 All 27 of those hard copy prescriptions appear to be authentic prescriptions that bear  
8 M.D.'s true name, business address, phone number, and DEA registration number.  
9 Twenty-six of those 27 prescriptions were handwritten either for maximum strength  
10 Percocet or Valium, and each sheet appears to bear an identical signature stamp, rather  
11 than a handwritten signature.

12 ***Investigation of Berlin Shows Berlin Used M.D.'s Stamp on Prescriptions***

13 26. Agents learned from visiting M.D.'s office that M.D. maintains a video  
14 security system. Agents reviewed video footage from M.D.'s office and saw the  
15 following, in substance and in part:

16 a. In a video recording bearing a date stamp of "05-24-16," agents saw  
17 a person they recognized to be Berlin<sup>3</sup> at the front desk of what agents also recognized  
18 to be M.D.'s office.<sup>4</sup> The recording further shows Berlin using a stamp on multiple  
19 sheets of paper that resemble prescriptions.

20 b. In a video recording bearing a date stamp of "06-30-2016," agents  
21 saw a person they again recognized to be Berlin at the front desk of M.D.'s office. The  
22 recording further shows Berlin applying a stamp on what agents recognize to be a DEA  
23 Form 222.

24 ///

25 ///

26 \_\_\_\_\_  
27 <sup>3</sup> Agents are familiar with Berlin's appearance in part because of Berlin's California  
28 Department of Motor Vehicle ("DMV") records, which show Berlin's color driver's  
license photograph.

<sup>4</sup> Agents are familiar with the appearance of M.D.'s office because agents have visited  
the office.

1            *Interviews of J.D.*

2            27. Between August 2018 and November 2018, agents interviewed J.D., who  
3 told agents the following information, in substance and in part:

4            a. J.D. is a social acquaintance of Berlin.

5            b. Approximately once per month between 2015 and 2017, Berlin  
6 supplied J.D. with approximately two fraudulent controlled substance prescriptions,  
7 including for Percocet, bearing the name of M.D.

8            c. J.D. did not pay Berlin in cash for the prescriptions and drugs Berlin  
9 gave to J.D. Rather, J.D. would treat Berlin to lavish dinners and gave gifts to Berlin.

10           d. J.D. and Berlin would communicate by text message, over the  
11 telephone, and in person about Percocet using coded language such as "tick tacs" or  
12 "candy."

13           e. When J.D. once went to a grocery store pharmacy to fill a  
14 prescription for Percocet and a prescription for Valium that Berlin had given to J.D.,  
15 the pharmacist contacted M.D.'s office to verify that the prescription was valid and  
16 authorized. J.D. believes that Berlin, who was still working at M.D.'s office, was  
17 present at M.D.'s office at the time and authorized J.D.'s prescription to go through.

18           i. During the course of the investigation, agents interviewed a  
19 member of M.D.'s medical staff, who recalled that the grocery store pharmacy faxed a  
20 copy of J.D.'s prescriptions to inquire if they were valid. The staff member texted a  
21 photograph of the fax to Berlin and asked how to respond. Berlin responded by text and  
22 told the staff member to authorize the prescription. Agents have reviewed a screenshot  
23 of the text message exchange from the staff member's cellular telephone, which  
24 appeared to be between the staff member and (818) 419-0482 ("0482 Number"). The  
25 staff member identified the 0482 Number as Berlin's telephone number.

26           f. In or around September 2016, Berlin gave to J.D. three bottles of  
27 what Berlin told J.D. was pharmaceutical grade liquid cocaine, a Schedule II controlled  
28 substance, which J.D. stated that J.D. later discarded.

1 g. Just before Berlin's employment with M.D. was terminated in  
2 February 2017, Berlin gave to J.D. a pre-filled prescription pad bearing M.D.'s name,  
3 address, DEA registration number, in which each page of the prescription pad had been  
4 pre-stamped with M.D.'s signature stamp.

5 i. Although J.D. attempted to destroy the prescription pad, J.D.  
6 was able to provide remnants of the pad to agents and those remnants are believed to be  
7 the prescription pad Berlin gave to J.D. At least one of the remnants bears seven digits  
8 which agents recognized to be M.D.'s office telephone number.

9 28. J.D. also stated that J.D. would often communicate with Berlin by  
10 telephone, and J.D. identified (818) 419-0482 [the 0482 Number] as Berlin's cellular  
11 telephone number.

12 a. A review of subscriber information for the 0482 Number and  
13 learned that the account is registered to Berlin at the **Subject Residence** and was  
14 activated in March 2004.

15 b. Based upon a review of telephone toll records for the 0482 Number  
16 between March 2018 and December 2018, agents learned that the 0482 Number is the  
17 number for the **Subject Telephone**.

18 29. Based upon saved text message communications between April 2018 and  
19 January 2019 between J.D. and Berlin, agents learned the following, in substance and  
20 in part:

21 a. On May 1, 2018, Berlin sent J.D. a text message containing a  
22 photograph depicting the person agents recognize to be Berlin.

23 b. On May 1, 2018, Berlin sent J.D. a text message which stated, "I'll  
24 bring you a tick tac.... so you can come!"

25 c. On January 22, 2019, Berlin sent J.D. a text message which stated,  
26 "Because of this Opioid Crisis I don't [sic] we'll ever have it easy again!"

27 d. On January 23, 2019, Berlin sent J.D. a text message which stated,  
28 "I found a few candies to share ☺"



1            ***J.D. Begins Working as a Confidential Source and Meets with Berlin***

2            30. On or about November 13, 2018, J.D. agreed to begin working as a DEA  
3 confidential source in the investigation of Berlin.<sup>5</sup>

4            31. At the direction of the DEA, J.D. arranged a social meeting with Berlin to  
5 take place on or about January 23, 2019 at a restaurant in Rancho Santa Fe, California  
6 (the "Restaurant"). In planning the meeting time, date, and place, J.D. contacted Berlin  
7 on the **Subject Telephone**.

8            32. On or about January 23, 2019, law enforcement agents performing  
9 surveillance near the **Subject Residence** saw Berlin depart the **Subject Residence** in  
10 the **Subject Vehicle** and drive to the Restaurant. Agents also saw Berlin get out of the  
11 **Subject Vehicle** and arrive at the Restaurant, where Berlin then met J.D.

12            33. Prior to the planned January 23, 2019 meeting between J.D. and Berlin,  
13 agents searched J.D.'s person and found that J.D. did not possess SPDs or any other  
14 contraband. Agents also provided J.D. with a hidden audio-video recording device.

15            34. J.D. later reported to agents that, when Berlin arrived at the Restaurant and  
16 greeted J.D., Berlin gave J.D. three tablets of what Berlin told J.D. were "roxies."

17            a. Based on my training and experience, I know that the terms "roxy"  
18 or "roxies" are common street names for Roxicodone, the brand name of a Schedule II  
19 controlled substance that contains oxycodone.

20            b. Following J.D.'s meeting with Berlin, J.D. provided agents with  
21 three white tablets which Berlin had provided to J.D. These tablets bore the imprint, "48  
22 10," which I know from my training and experience correspond to the Schedule II  
23 controlled substance whose brand name is Roxicodone. I also know, based on my  
24  
25

26 <sup>5</sup> The information that J.D. has given to law enforcement officers has thus far proved to  
27 be both truthful and reliable. J.D. in this case is not currently facing any criminal  
28 charges. From a review of law enforcement records, Agents do not believe J.D. has any  
felony convictions. J.D. has not been paid any money in exchange for work done on  
behalf of the DEA. From speaking with J.D., agents learned that, until approximately  
August 2018, J.D. abused prescription drugs.

1 training and experience, that Roxicodone contains oxycodone, a Schedule II controlled  
2 substance.

3 c. Because J.D. did not possess the tablets prior to meeting with Berlin,  
4 but did possess the tablets immediately after meeting with Berlin, agents believe that  
5 Berlin provided the tablets to J.D. at the Restaurant meeting.

6 d. I believe Berlin possessed the aforementioned three tablets while  
7 Berlin was at the **Subject Residence** because, as described above, surveillance agents  
8 observed Berlin travel from the **Subject Residence** to the Restaurant in the **Subject**  
9 **Vehicle**. Based upon my training and experience, I know that SPD traffickers and other  
10 drug traffickers who travel from their homes or businesses carrying SPDs or drugs often  
11 possess a greater quantity of those SPDs or drugs inside of the home or business the  
12 trafficker traveled from.

13 35. J.D. also told agents after the meeting that Berlin is currently in possession  
14 of a quantity of injectable drugs, which J.D. believed to be Dilaudid, also known as  
15 hydromorphone, a Schedule II controlled substance.

16 36. From my review of the audio-video recording of J.D.'s meeting with Berlin  
17 at the Restaurant on or about January 23, 2019, agents learned the following, in  
18 substance and in part:

19 a. When J.D. referenced the prescription pad that Berlin had  
20 previously given to J.D., asking Berlin if "he" had any way of knowing that Berlin had  
21 given J.D. an "entire pad of prescriptions or that you wrote it for other people?" Berlin  
22 responded, "no," later adding, in part, "so our little thing is literally, 'ok whatever.'"

23 i. Agents believe that J.D. and Berlin were referring to M.D.  
24 and the prescription pad that Berlin took from M.D. because, in the same conversation  
25 as the quoted comments listed above, Berlin referenced her involvement in a lawsuit  
26 involving a male who she does not directly name early during the meeting. During the  
27 course of the investigation, agents learned that Berlin was party to at least one lawsuit  
28 and countersuit in which M.D. was also a principal party.

1           b. Berlin told J.D., "You weren't the only person I wrote prescriptions  
2 out for, I was doing it for years. I had a trainer, he likes his Percocet too, every month I  
3 was giving him prescriptions for Percocet. I didn't care. It's like, ok, if that's what you  
4 like."

5           *i.* Based on Berlin's statement that she was giving prescriptions  
6 for Percocet to her trainer, I believe Berlin was distributing controlled substance  
7 prescriptions and controlled substances to other people aside from J.D.

8           c. Berlin also instructed J.D. on how to use the prescriptions in the  
9 prescription pad without setting off "red flags" that would raise the suspicions of the  
10 pharmacist filling the prescription.

11           d. Berlin offered to give J.D. two prescriptions that have what Berlin  
12 called "actual signatures."

13           e. Berlin also said to J.D., "I have his stamp, I stole his stamp before I  
14 left. Because I was pissed at him." At a different point in the recorded conversation,  
15 Berlin said, "I have his signature stamp." Agents believe that Berlin was referring to  
16 M.D. and M.D.'s signature stamp based on the following:

17           *i.* Berlin made the above-quoted comment about the signature  
18 stamp in this context after discussing her involvement in the lawsuit, referenced above.  
19 The comments also came in the context of acknowledging that "he had me on video,"  
20 and "any prescriptions that I wrote for you or anybody else that I knew of, I would  
21 never, I never did it there in the office." Berlin further stated in the conversation that  
22 she removed files from "his" office before "he got rid of me," which agents believe is  
23 consistent with Berlin's employment being terminated by M.D.

24           *ii.* As described above, agents learned from interviewing M.D.  
25 and M.D.'s current office manager that since at least the time of Berlin's termination of  
26 employment, M.D.'s signature stamp has been missing from M.D.'s office.

27           f. When, at DEA's direction, J.D. told Berlin that J.D. still had the  
28 bottles of liquid cocaine that Berlin gave to J.D., Berlin clarified that the bottles

1 contained "4% topical cocaine" that are worth "thousands of dollars per bottle, easy."  
2 Berlin also confirmed that Berlin gave the bottles of cocaine to J.D. in or around  
3 September 2016.

4 g. Berlin offered to help J.D. trade the bottles of cocaine for large  
5 quantities of "Percocets." In response to Berlin's offer, J.D. commented that Berlin  
6 would be "like my broker," to which Berlin replied, "Yeah, oh hell yes, I'm all about  
7 selling."

8 h. Berlin referenced the large quantities of controlled substances that  
9 "he" maintained in "his" office when Berlin worked there, and said, "I took advantage,  
10 because he didn't care."

11 i. Agents believe that Berlin was referring to M.D. and M.D.'s  
12 office because Berlin stated M.D.'s name during this part of the conversation.

13 i. Berlin further stated to J.D., "I was giving you bottles of a  
14 hundred . . . every month."

15 i. Agents believe that Berlin was referring to bottles containing  
16 one hundred Percocet based on J.D.'s statements to me that Berlin provided J.D. with  
17 bottles of Percocet tablets along with my review of M.D.'s DEA Forms 222, which  
18 contained numerous orders for 100-count bottles of Percocet during the time which  
19 Berlin was employed by M.D. The DEA Forms 222 are all signed with what appears to  
20 be identical signature stamps bearing M.D.'s signature.

#### 21 **D. BERLIN RESIDES AT THE SUBJECT RESIDENCE**

22 37. Agents believe Berlin resides at the **Subject Residence** based in part on  
23 the following:

24 a. As discussed above, the **Subject Vehicle** is registered to Berlin at  
25 the **Subject Residence**.

26 b. Also as discussed above, subscriber information for the 0482  
27 Number [the **Subject Telephone**] lists Berlin as the subscriber and the **Subject**  
28 **Residence** as the subscriber's address of record.

1 38. On or about January 23, 2019, DEA investigators saw a person matching  
2 Berlin's description get into the **Subject Vehicle**, depart the **Subject Residence**, and  
3 drive to the Restaurant to meet J.D.

4 39. On or about February 7, 2019, agents approached the door to the **Subject**  
5 **Residence** and a female who introduced herself as "Monica" answered. The person  
6 matched Berlin's appearance, as seen in Berlin's DMV photograph.

7 **E. TRAINING AND EXPERIENCE RELATIVE TO DRUG OFFENSES**

8 40. Based on my training, experience, and knowledge of drug and SPD  
9 traffickers' practices, as well as from speaking with other law enforcement agents, I  
10 know the following:

11 a. SPD and drug trafficking is a business that frequently involves  
12 numerous co-conspirators, from lower-level dealers to higher-level suppliers, as well as  
13 associates to process, package, and deliver the drugs and launder the drug proceeds.  
14 SPD traffickers often travel by car, bus, train, or airplane, both domestically and to  
15 foreign countries, in connection with their illegal activities in order to meet with co-  
16 conspirators, conduct drug transactions, and transport drugs or drug proceeds.

17 b. SPD and drug traffickers often keep drugs in places where they have  
18 ready access and control, such as at their residence, their vehicles, or in safes. They also  
19 often keep other items related to their SPD trafficking activities at their residence, such  
20 as pill bottles and packaging, receipts for purchased prescriptions, pill counters,  
21 prescription pads, individual prescription sheets, and signature stamps. These items are  
22 often small enough to be easily hidden and thus may be kept inside a SPD trafficker's  
23 residence and inside cars even if the SPD trafficker lives with others who may be  
24 unaware of her criminal activity.

25 c. SPD and drug traffickers often maintain books, receipts, notes,  
26 ledgers, bank records, and other records relating to the manufacture, transportation,  
27 ordering, sale and distribution of SPDs and illegal drugs. The aforementioned records  
28 are often maintained: 1) for long periods of time (e.g. in excess of one year) to

1 memorialize past transactions, the status of accounts receivable and accounts payable,  
2 and the names and telephone numbers of suppliers, customers and coconspirators, and  
3 2) where SPD and drug traffickers have ready access to them, such as on their cellular  
4 telephones and other digital devices, and in their residences and vehicles.

5           d.     Communications between people buying and selling SPDs/drugs  
6 take place by telephone calls and messages, such as e-mail, text messages, and social  
7 media messaging applications, sent to and from cellular telephones and other digital  
8 devices. This includes sending photos or videos of the drugs between the seller and the  
9 buyer, the negotiation of price, and discussion of whether or not participants will bring  
10 weapons to a deal. In addition, it is common for people engaged in SPD and drug  
11 trafficking to have photos and videos on their cellular telephones of drugs they or others  
12 working with them possess, as they frequently send these photos to each other and  
13 others to boast about the drugs or facilitate drug sales.

14           e.     SPD and drug traffickers often keep the names, addresses, and  
15 telephone numbers of their SPD trafficking associates on their digital devices, inside  
16 their car, and in their residence. SPD and drug traffickers often keep records of meetings  
17 with associates, customers, and suppliers on their digital devices, in their car, and in  
18 their residence, including in the form of calendar entries and location data.

19           f.     SPD and drug traffickers often use vehicles to transport their  
20 controlled substances (as Berlin did immediately prior to the January 23, 2019 meeting  
21 with J.D.) and may keep stashes of controlled substances in their vehicles in the event  
22 of an unexpected opportunity to sell controlled substances arises.

23           g.     SPD and drug traffickers often maintain on hand large amounts of  
24 United States currency in order to maintain and finance their ongoing SPD trafficking  
25 businesses, which operate on a cash basis. Such currency is often stored in their  
26 residences and vehicles.

27           h.     It is common for SPD and drug traffickers to own multiple  
28 telephones of varying sophistication and cost as a method to diversify communications

1 between various customers and suppliers. These telephones range from sophisticated  
2 smart telephones using digital communications applications such as Blackberry  
3 Messenger, WhatsApp, and the like, to cheap, simple, and often prepaid flip telephones,  
4 known colloquially as “drop telephones,” for actual voice communications.

5 **F. CELLULAR TELEPHONE SEARCH WARRANT METHODOLOGY**

6 ***Procedures for Electronically Stored Information***

7 41. It is not possible to determine, merely by knowing the cellular telephone’s  
8 make, model and serial number, the nature and types of services to which the device is  
9 subscribed and the nature of the data stored on the device. Cellular devices today can  
10 be simple cellular telephones and text message devices, can include cameras, can serve  
11 as personal digital assistants and have functions such as calendars and full address books  
12 and can be mini-computers allowing for electronic mail services, web services and  
13 rudimentary word processing. An increasing number of cellular service providers now  
14 allow for their subscribers to access their device over the internet and remotely destroy  
15 all of the data contained on the device. For that reason, the device may only be powered  
16 in a secure environment or, if possible, started in “flight mode” which disables access  
17 to the network. Unlike typical computers, many cellular telephones do not have hard  
18 drives or hard drive equivalents and store information in volatile memory within the  
19 device or in memory cards inserted into the device. Current technology provides some  
20 solutions for acquiring some of the data stored in some cellular telephone models using  
21 forensic hardware and software. Even if some of the stored information on the device  
22 may be acquired forensically, not all of the data subject to seizure may be so acquired.  
23 For devices that are not subject to forensic data acquisition or that have potentially  
24 relevant data stored that is not subject to such acquisition, the examiner must inspect  
25 the device manually and record the process and the results using digital photography.  
26 This process is time and labor intensive and may take weeks or longer.

27 42. Following the issuance of this requested warrant, agents will collect the  
28 **Subject Telephone** along with any and all cellular telephones, determined to be used

1 by Berlin, that are present at the **Subject Residence**, the **Subject Vehicle**, or on Berlin's  
2 person, and subject them to analysis. All forensic analysis of the data contained within  
3 the telephone and its memory cards will employ search protocols directed exclusively  
4 to the identification and extraction of data within the scope of this warrant.

5 43. Based upon the foregoing, identifying and extracting data subject to  
6 seizure pursuant to this warrant may require a range of data analysis techniques,  
7 including manual review, and, consequently, may take weeks or months. The personnel  
8 conducting the identification and extraction of data will complete the analysis within  
9 ninety (90) days of the date the warrant is signed, absent further application to this court.

10 44. Other than what has been described herein, to my knowledge, the United  
11 States has not attempted to obtain this data by other means.

12 ***Request for Order to Use Biometric Unlock Features***

13 45. The search warrant requests authorization to use the biometric unlock  
14 features of a cellular telephone, based on the following, which I know from my training,  
15 experience, and review of publicly available materials:

16 a. Users may enable a biometric unlock function on some cellular  
17 telephones. To use this function, a user generally displays a physical feature, such as a  
18 fingerprint, face, or eye, and the device will automatically unlock if that physical feature  
19 matches one the user has stored on the cellular telephone. To unlock a cellular telephone  
20 enabled with a fingerprint unlock function, a user places one or more of the user's  
21 fingers on a cellular telephone's fingerprint scanner for approximately one second. To  
22 unlock a cellular telephone enabled with a facial, retina, or iris recognition function, the  
23 user holds the device in front of the user's face with the user's eyes open for  
24 approximately one second.

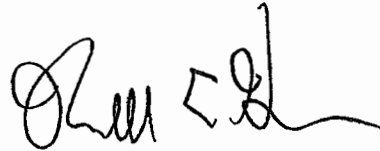
25 b. In some circumstances, a biometric unlock function will not unlock  
26 a cellular telephone even if enabled, such as when a cellular telephone has been restarted  
27 or inactive, has not been unlocked for a certain period of time (often 48 hours or less),  
28 or after a certain number of unsuccessful unlock attempts. Thus, the opportunity to use



1 a biometric unlock function even on an enabled cellular telephone may exist for only a  
2 short time. I do not know the passcodes of the devices likely to be found in the search.  
3 c. Thus, the warrant I am applying for would permit law enforcement  
4 personnel to, with respect to any cellular telephone that appears to have a biometric  
5 sensor and falls within the scope of the warrant: (1) depress Berlin's thumb- and/or  
6 fingers on the cellular telephone; and (2) hold the devices in front of Berlin's face with  
7 her eyes open to activate the facial-, iris-, and/or retina-recognition feature.

8 **G. CONCLUSION**

9 46. For all of the reasons described above, there is probable cause to believe  
10 that the items to be seized described in Attachment B will be found in a search of the  
11 **Subject Residence** described in Attachment A-1, the **Subject Telephone** described in  
12 Attachment A-2, the **Subject Vehicle** described in Attachment A-3, and the person of  
13 Berlin, described in Attachment A-4.

14 

15 \_\_\_\_\_  
16 Rockwell Herron,  
17 Special Agent,  
18 Drug Enforcement Administration

19 Subscribed to and sworn before me  
20 This 11th day of February, 2019.

21 

22 \_\_\_\_\_  
23 HON. WILLIAM V. GALLO  
24 UNITED STATES MAGISTRATE JUDGE

NOT FOR PUBLIC VIEW

AO 93 (Rev. 11/13) Search and Seizure Warrant

UNITED STATES DISTRICT COURT

for the

Southern District of California

SEALED

In the Matter of the Search of
(Briefly describe the property to be searched
or identify the person by name and address)

A 2014 Tesla, bearing license plate 7GPX332.

)
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Case No. 19MJ0555

SEARCH AND SEIZURE WARRANT

To: Any authorized law enforcement officer

An application by a federal law enforcement officer or an attorney for the government requests the search
of the following person or property located in the District of
(identify the person or describe the property to be searched and give its location):

Please see Attachment A-1

I find that the affidavit(s), or any recorded testimony, establish probable cause to search and seize the person or property
described above, and that such search will reveal (identify the person or describe the property to be seized):

Please see Attachment B

YOU ARE COMMANDED to execute this warrant on or before 2/25/19 (not to exceed 14 days)
in the daytime 6:00 a.m. to 10:00 p.m. at any time in the day or night because good cause has been established.

Unless delayed notice is authorized below, you must give a copy of the warrant and a receipt for the property taken to the
person from whom, or from whose premises, the property was taken, or leave the copy and receipt at the place where the
property was taken.

The officer executing this warrant, or an officer present during the execution of the warrant, must prepare an inventory
as required by law and promptly return this warrant and inventory to HON. WILLIAM V. GALLO
(United States Magistrate Judge)

Pursuant to 18 U.S.C. § 3103a(b), I find that immediate notification may have an adverse result listed in 18 U.S.C.
§ 2705 (except for delay of trial), and authorize the officer executing this warrant to delay notice to the person who, or whose
property, will be searched or seized (check the appropriate box)

for days (not to exceed 30) until, the facts justifying, the later specific date of

Date and time issued: 2/11/19 0612

Judge's signature

City and state: San Diego, CA

HON. WILLIAM V. GALLO, U.S. MAGISTRATE JUDGE
Printed name and title

**Return**

Case No.:

Date and time warrant executed:

Copy of warrant and inventory left with:

Inventory made in the presence of :

Inventory of the property taken and name of any person(s) seized:

**Certification**

I declare under penalty of perjury that this inventory is correct and was returned along with the original warrant to the designated judge.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Executing officer's signature*

\_\_\_\_\_  
*Printed name and title*

1 ATTACHMENT A-3

2 A. VEHICLE TO BE SEARCHED

3 A 2014 Tesla, bearing license plate 7GPX332, registered to Berlin at the **Subject**  
4 **Residence** address (the “**Subject Vehicle**”).

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1 **ATTACHMENT B**

2 **A. ITEMS TO BE SEIZED**

3 1. The items to be seized are evidence, contraband, fruits, or instrumentalities  
4 of violations of 21 U.S.C. §§ 841(a)(1) (Distribution and Possession With Intent to  
5 Distribute Controlled Substances), 846 (Conspiracy and Attempt to Distribute  
6 Controlled Substances), 843(a)(2) (Use of a Registration Number in the Course of  
7 Distributing a Controlled Substance); 18 U.S.C. §§ 1028(a)(7) (Unlawful Possession,  
8 Use, and Transfer of Means of Identification), and 1028A(a)(1) (Aggravated Identity  
9 Theft) (the "Subject Offenses"), namely:

10 a. Any controlled substance, controlled substance analogue, or listed  
11 chemical, including any Schedule I, II, III, or IV substances;

12 b. Items and paraphernalia for the distributing, packaging, or sale of  
13 controlled substances, including pill bottles, pill packages, prescriptions, prescription  
14 pads, and signature stamps;

15 c. United States currency over \$1,000 or bearer instruments worth over  
16 \$1,000 (including cashier's checks, traveler's checks, certificates of deposit, stock  
17 certificates, and bonds) (including the first \$1,000), and data, records, documents, or  
18 information (including electronic mail, messages over applications and social media,  
19 and photographs) pertaining to, obtaining, possessing, using, applications for, or  
20 transferring money over \$1,000, such as bank account records, cryptocurrency records  
21 and accounts;

22 d. Documents and records reflecting the identity of, contact  
23 information for, communications with, or times, dates or locations of meetings with co-  
24 conspirators, sources of supply of controlled substances, or drug customers, including  
25 calendars, address books, telephone or other contact lists, pay/owe records, distribution  
26 or customer lists, correspondence, receipts, records, and documents noting price,  
27 quantities, and/or times when drugs were bought, sold, or otherwise distributed, whether  
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1 contained in hard copy correspondence, notes, emails, text messages, photographs,  
2 videos (including items stored on digital devices), or otherwise;

3 e. Records, documents, programs, applications and materials, or  
4 evidence of the absence of same, sufficient to show call log information, including all  
5 telephone numbers dialed from any of the digital devices and all telephone numbers  
6 accessed through any push-to-talk functions, as well as all received or missed incoming  
7 calls;

8 f. Records, documents, programs, applications or materials, or  
9 evidence of the absence of same, sufficient to show SMS text, email communications  
10 or other text or written communications sent to or received from any of the digital  
11 devices and which relate to the Subject Offenses;

12 g. Records, documents, programs, applications or materials, or  
13 evidence of the absence of same, sufficient to show instant and social media messages  
14 (such as Facebook, Facebook Messenger, Snapchat, FaceTime, Skype, and WhatsApp),  
15 SMS text, email communications, or other text or written communications sent to or  
16 received from any digital device and which relate to the Subject Offenses;

17 h. Audio recordings, pictures, video recordings, or still captured  
18 images related to the purchase, sale, transportation, or distribution of drugs;

19 i. Contents of any calendar or date book; and

20 j. Any Cellular telephones determined to be possessed or used by  
21 Berlin, including, but not limited to the **Subject Telephone**, which is itself or which  
22 contains evidence, contraband, fruits, or instrumentalities of the Subject Offenses, and  
23 forensic copies thereof.

24 **B. EVIDENCE TO BE SEIZED FROM CELLULAR TELEPHONES**

25 2. The following evidence to be searched for and seized pertains to violations  
26 of 21 U.S.C. §§ 841(a)(1) (Distribution and Possession With Intent to Distribute  
27 Controlled Substances), 846 (Conspiracy and Attempt to Distribute Controlled  
28 Substances), 843(a)(2) (Use of a Registration Number in the Course of Distributing a

1 Controlled Substance); 18 U.S.C. §§ 1028(a)(7) (Unlawful Possession, Use, and  
2 Transfer of Means of Identification), and 1028A(a)(1) (Aggravated Identity Theft);

3 a. Communications, records, or data including but not limited to  
4 emails, text messages, photographs, audio files, videos, or location data:

5 i. tending to indicate efforts to acquire and distribute controlled  
6 substances/Scheduled Pharmaceutical Drugs (“SPDs”) via the use of stolen or  
7 fraudulent medical prescriptions;

8 ii. tending to identify other facilities, storage devices, or  
9 services - such as email addresses, IP addresses, telephone numbers - that may contain  
10 electronic evidence tending to indicate efforts to acquire and distribute controlled  
11 substances/SPDs via the use of stolen or fraudulent medical prescriptions;

12 iii. tending to identify co-conspirators, criminal associates, or  
13 others involved efforts to acquire and distribute controlled substances/SPDs via the use  
14 of stolen or fraudulent medical prescriptions;

15 iv. tending to identify travel to or presence at locations involved  
16 in efforts to acquire and distribute controlled substances/SPDs via the use of stolen or  
17 fraudulent medical prescriptions;

18 v. tending to identify the user of, or persons with control over or  
19 access to, the **Subject Telephone** or any other cellular telephones seized pursuant to  
20 this warrant; or

21 vi. tending to place in context, identify the creator or recipient  
22 of, or establish the time of creation or receipt of communications, records, or data  
23 above.

UNITED STATES DISTRICT COURT

for the
Southern District of California

In the Matter of the Search of
(Briefly describe the property to be searched
or identify the person by name and address)
One Apple iPhone, IMEI number 356722084827020,
IMSI number 311480363040712.

Case No. 19MJ0587

SEARCH AND SEIZURE WARRANT

To: Any authorized law enforcement officer

An application by a federal law enforcement officer or an attorney for the government requests the search
of the following person or property located in the District of
(identify the person or describe the property to be searched and give its location):

Please see Attachment A-1

I find that the affidavit(s), or any recorded testimony, establish probable cause to search and seize the person or property
described above, and that such search will reveal (identify the person or describe the property to be seized):

Please see Attachment B

YOU ARE COMMANDED to execute this warrant on or before 2/25/19 (not to exceed 14 days)
in the daytime 6:00 a.m. to 10:00 p.m. at any time in the day or night because good cause has been established.

Unless delayed notice is authorized below, you must give a copy of the warrant and a receipt for the property taken to the
person from whom, or from whose premises, the property was taken, or leave the copy and receipt at the place where the
property was taken.

The officer executing this warrant, or an officer present during the execution of the warrant, must prepare an inventory
as required by law and promptly return this warrant and inventory to HON. WILLIAM V. GALLO
(United States Magistrate Judge)

Pursuant to 18 U.S.C. § 3103a(b), I find that immediate notification may have an adverse result listed in 18 U.S.C.
§ 2705 (except for delay of trial), and authorize the officer executing this warrant to delay notice to the person who, or whose
property, will be searched or seized (check the appropriate box)
for days (not to exceed 30) until, the facts justifying, the later specific date of

Date and time issued: 2/11/19 0615

Judge's signature

City and state: San Diego, CA

HON. WILLIAM V. GALLO, U.S. MAGISTRATE JUDGE
Printed name and title



**Return**

Case No.:

Date and time warrant executed:

Copy of warrant and inventory left with:

Inventory made in the presence of :

Inventory of the property taken and name of any person(s) seized:

**Certification**

I declare under penalty of perjury that this inventory is correct and was returned along with the original warrant to the designated judge.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Executing officer's signature*

\_\_\_\_\_  
*Printed name and title*

1 ATTACHMENT A-2

2 A. CELLULAR TELEPHONE TO BE SEARCHED

3 An Apple iPhone, IMEI number 356722084827020, IMSI number  
4 311480363040712 (the "Subject Telephone").  
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1 **ATTACHMENT B**

2 **A. ITEMS TO BE SEIZED**

3 1. The items to be seized are evidence, contraband, fruits, or instrumentalities  
4 of violations of 21 U.S.C. §§ 841(a)(1) (Distribution and Possession With Intent to  
5 Distribute Controlled Substances), 846 (Conspiracy and Attempt to Distribute  
6 Controlled Substances), 843(a)(2) (Use of a Registration Number in the Course of  
7 Distributing a Controlled Substance); 18 U.S.C. §§ 1028(a)(7) (Unlawful Possession,  
8 Use, and Transfer of Means of Identification), and 1028A(a)(1) (Aggravated Identity  
9 Theft) (the "Subject Offenses"), namely:

10 a. Any controlled substance, controlled substance analogue, or listed  
11 chemical, including any Schedule I, II, III, or IV substances;

12 b. Items and paraphernalia for the distributing, packaging, or sale of  
13 controlled substances, including pill bottles, pill packages, prescriptions, prescription  
14 pads, and signature stamps;

15 c. United States currency over \$1,000 or bearer instruments worth over  
16 \$1,000 (including cashier's checks, traveler's checks, certificates of deposit, stock  
17 certificates, and bonds) (including the first \$1,000), and data, records, documents, or  
18 information (including electronic mail, messages over applications and social media,  
19 and photographs) pertaining to, obtaining, possessing, using, applications for, or  
20 transferring money over \$1,000, such as bank account records, cryptocurrency records  
21 and accounts;

22 d. Documents and records reflecting the identity of, contact  
23 information for, communications with, or times, dates or locations of meetings with co-  
24 conspirators, sources of supply of controlled substances, or drug customers, including  
25 calendars, address books, telephone or other contact lists, pay/owe records, distribution  
26 or customer lists, correspondence, receipts, records, and documents noting price,  
27 quantities, and/or times when drugs were bought, sold, or otherwise distributed, whether  
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1 contained in hard copy correspondence, notes, emails, text messages, photographs,  
2 videos (including items stored on digital devices), or otherwise;

3 e. Records, documents, programs, applications and materials, or  
4 evidence of the absence of same, sufficient to show call log information, including all  
5 telephone numbers dialed from any of the digital devices and all telephone numbers  
6 accessed through any push-to-talk functions, as well as all received or missed incoming  
7 calls;

8 f. Records, documents, programs, applications or materials, or  
9 evidence of the absence of same, sufficient to show SMS text, email communications  
10 or other text or written communications sent to or received from any of the digital  
11 devices and which relate to the Subject Offenses;

12 g. Records, documents, programs, applications or materials, or  
13 evidence of the absence of same, sufficient to show instant and social media messages  
14 (such as Facebook, Facebook Messenger, Snapchat, FaceTime, Skype, and WhatsApp),  
15 SMS text, email communications, or other text or written communications sent to or  
16 received from any digital device and which relate to the Subject Offenses;

17 h. Audio recordings, pictures, video recordings, or still captured  
18 images related to the purchase, sale, transportation, or distribution of drugs;

19 i. Contents of any calendar or date book; and

20 j. Any Cellular telephones determined to be possessed or used by  
21 Berlin, including, but not limited to the **Subject Telephone**, which is itself or which  
22 contains evidence, contraband, fruits, or instrumentalities of the Subject Offenses, and  
23 forensic copies thereof.

24 **B. EVIDENCE TO BE SEIZED FROM CELLULAR TELEPHONES**

25 2. The following evidence to be searched for and seized pertains to violations  
26 of 21 U.S.C. §§ 841(a)(1) (Distribution and Possession With Intent to Distribute  
27 Controlled Substances), 846 (Conspiracy and Attempt to Distribute Controlled  
28 Substances), 843(a)(2) (Use of a Registration Number in the Course of Distributing a

1 Controlled Substance); 18 U.S.C. §§ 1028(a)(7) (Unlawful Possession, Use, and  
2 Transfer of Means of Identification), and 1028A(a)(1) (Aggravated Identity Theft);

3 a. Communications, records, or data including but not limited to  
4 emails, text messages, photographs, audio files, videos, or location data:

5 i. tending to indicate efforts to acquire and distribute controlled  
6 substances/Scheduled Pharmaceutical Drugs (“SPDs”) via the use of stolen or  
7 fraudulent medical prescriptions;

8 ii. tending to identify other facilities, storage devices, or  
9 services - such as email addresses, IP addresses, telephone numbers - that may contain  
10 electronic evidence tending to indicate efforts to acquire and distribute controlled  
11 substances/SPDs via the use of stolen or fraudulent medical prescriptions;

12 iii. tending to identify co-conspirators, criminal associates, or  
13 others involved efforts to acquire and distribute controlled substances/SPDs via the use  
14 of stolen or fraudulent medical prescriptions;

15 iv. tending to identify travel to or presence at locations involved  
16 in efforts to acquire and distribute controlled substances/SPDs via the use of stolen or  
17 fraudulent medical prescriptions;

18 v. tending to identify the user of, or persons with control over or  
19 access to, the **Subject Telephone** or any other cellular telephones seized pursuant to  
20 this warrant; or

21 vi. tending to place in context, identify the creator or recipient  
22 of, or establish the time of creation or receipt of communications, records, or data  
23 above.

UNITED STATES DISTRICT COURT

SEALED

for the Southern District of California

In the Matter of the Search of (Briefly describe the property to be searched or identify the person by name and address)

Monica Ann Berlin

)
)
)
)
)
)

Case No.

19MJ0589

SEARCH AND SEIZURE WARRANT

To: Any authorized law enforcement officer

An application by a federal law enforcement officer or an attorney for the government requests the search of the following person or property located in the District of (identify the person or describe the property to be searched and give its location):

Please see Attachment A-1

I find that the affidavit(s), or any recorded testimony, establish probable cause to search and seize the person or property described above, and that such search will reveal (identify the person or describe the property to be seized):

Please see Attachment B

YOU ARE COMMANDED to execute this warrant on or before 2/25/19 (not to exceed 14 days) in the daytime 6:00 a.m. to 10:00 p.m. at any time in the day or night because good cause has been established.

Unless delayed notice is authorized below, you must give a copy of the warrant and a receipt for the property taken to the person from whom, or from whose premises, the property was taken, or leave the copy and receipt at the place where the property was taken.

The officer executing this warrant, or an officer present during the execution of the warrant, must prepare an inventory as required by law and promptly return this warrant and inventory to HON. WILLIAM V. GALLO (United States Magistrate Judge)

Pursuant to 18 U.S.C. § 3103a(b), I find that immediate notification may have an adverse result listed in 18 U.S.C. § 2705 (except for delay of trial), and authorize the officer executing this warrant to delay notice to the person who, or whose property, will be searched or seized (check the appropriate box)

for days (not to exceed 30) until, the facts justifying, the later specific date of

Date and time issued: 2/11/19 0618

Judge's signature

City and state: San Diego, CA

HON. WILLIAM V. GALLO, U.S. MAGISTRATE JUDGE Printed name and title

**Return**

Case No.:

Date and time warrant executed:

Copy of warrant and inventory left with:

Inventory made in the presence of :

Inventory of the property taken and name of any person(s) seized:

**Certification**

I declare under penalty of perjury that this inventory is correct and was returned along with the original warrant to the designated judge.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Executing officer's signature*

\_\_\_\_\_  
*Printed name and title*





1 **ATTACHMENT B**

2 **A. ITEMS TO BE SEIZED**

3 1. The items to be seized are evidence, contraband, fruits, or instrumentalities  
4 of violations of 21 U.S.C. §§ 841(a)(1) (Distribution and Possession With Intent to  
5 Distribute Controlled Substances), 846 (Conspiracy and Attempt to Distribute  
6 Controlled Substances), 843(a)(2) (Use of a Registration Number in the Course of  
7 Distributing a Controlled Substance); 18 U.S.C. §§ 1028(a)(7) (Unlawful Possession,  
8 Use, and Transfer of Means of Identification), and 1028A(a)(1) (Aggravated Identity  
9 Theft) (the "Subject Offenses"), namely:

10 a. Any controlled substance, controlled substance analogue, or listed  
11 chemical, including any Schedule I, II, III, or IV substances;

12 b. Items and paraphernalia for the distributing, packaging, or sale of  
13 controlled substances, including pill bottles, pill packages, prescriptions, prescription  
14 pads, and signature stamps;

15 c. United States currency over \$1,000 or bearer instruments worth over  
16 \$1,000 (including cashier's checks, traveler's checks, certificates of deposit, stock  
17 certificates, and bonds) (including the first \$1,000), and data, records, documents, or  
18 information (including electronic mail, messages over applications and social media,  
19 and photographs) pertaining to, obtaining, possessing, using, applications for, or  
20 transferring money over \$1,000, such as bank account records, cryptocurrency records  
21 and accounts;

22 d. Documents and records reflecting the identity of, contact  
23 information for, communications with, or times, dates or locations of meetings with co-  
24 conspirators, sources of supply of controlled substances, or drug customers, including  
25 calendars, address books, telephone or other contact lists, pay/owe records, distribution  
26 or customer lists, correspondence, receipts, records, and documents noting price,  
27 quantities, and/or times when drugs were bought, sold, or otherwise distributed, whether  
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1 contained in hard copy correspondence, notes, emails, text messages, photographs,  
2 videos (including items stored on digital devices), or otherwise;

3 e. Records, documents, programs, applications and materials, or  
4 evidence of the absence of same, sufficient to show call log information, including all  
5 telephone numbers dialed from any of the digital devices and all telephone numbers  
6 accessed through any push-to-talk functions, as well as all received or missed incoming  
7 calls;

8 f. Records, documents, programs, applications or materials, or  
9 evidence of the absence of same, sufficient to show SMS text, email communications  
10 or other text or written communications sent to or received from any of the digital  
11 devices and which relate to the Subject Offenses;

12 g. Records, documents, programs, applications or materials, or  
13 evidence of the absence of same, sufficient to show instant and social media messages  
14 (such as Facebook, Facebook Messenger, Snapchat, FaceTime, Skype, and WhatsApp),  
15 SMS text, email communications, or other text or written communications sent to or  
16 received from any digital device and which relate to the Subject Offenses;

17 h. Audio recordings, pictures, video recordings, or still captured  
18 images related to the purchase, sale, transportation, or distribution of drugs;

19 i. Contents of any calendar or date book; and

20 j. Any Cellular telephones determined to be possessed or used by  
21 Berlin, including, but not limited to the **Subject Telephone**, which is itself or which  
22 contains evidence, contraband, fruits, or instrumentalities of the Subject Offenses, and  
23 forensic copies thereof.

24 **B. EVIDENCE TO BE SEIZED FROM CELLULAR TELEPHONES**

25 2. The following evidence to be searched for and seized pertains to violations  
26 of 21 U.S.C. §§ 841(a)(1) (Distribution and Possession With Intent to Distribute  
27 Controlled Substances), 846 (Conspiracy and Attempt to Distribute Controlled  
28 Substances), 843(a)(2) (Use of a Registration Number in the Course of Distributing a

1 Controlled Substance); 18 U.S.C. §§ 1028(a)(7) (Unlawful Possession, Use, and  
2 Transfer of Means of Identification), and 1028A(a)(1) (Aggravated Identity Theft);

3 a. Communications, records, or data including but not limited to  
4 emails, text messages, photographs, audio files, videos, or location data:

5 i. tending to indicate efforts to acquire and distribute controlled  
6 substances/Scheduled Pharmaceutical Drugs (“SPDs”) via the use of stolen or  
7 fraudulent medical prescriptions;

8 ii. tending to identify other facilities, storage devices, or  
9 services - such as email addresses, IP addresses, telephone numbers - that may contain  
10 electronic evidence tending to indicate efforts to acquire and distribute controlled  
11 substances/SPDs via the use of stolen or fraudulent medical prescriptions;

12 iii. tending to identify co-conspirators, criminal associates, or  
13 others involved efforts to acquire and distribute controlled substances/SPDs via the use  
14 of stolen or fraudulent medical prescriptions;

15 iv. tending to identify travel to or presence at locations involved  
16 in efforts to acquire and distribute controlled substances/SPDs via the use of stolen or  
17 fraudulent medical prescriptions;

18 v. tending to identify the user of, or persons with control over or  
19 access to, the **Subject Telephone** or any other cellular telephones seized pursuant to  
20 this warrant; or

21 vi. tending to place in context, identify the creator or recipient  
22 of, or establish the time of creation or receipt of communications, records, or data  
23 above.

SEALED

UNITED STATES DISTRICT COURT

for the Southern District of California

In the Matter of the Search of (Briefly describe the property to be searched or identify the person by name and address)

The residence located at 227 Stratford Park Circle, Del Mar, CA 92014.

Case No.

19MJ0590

SEARCH AND SEIZURE WARRANT

To: Any authorized law enforcement officer

An application by a federal law enforcement officer or an attorney for the government requests the search of the following person or property located in the District of (identify the person or describe the property to be searched and give its location):

Please see Attachment A-1

I find that the affidavit(s), or any recorded testimony, establish probable cause to search and seize the person or property described above, and that such search will reveal (identify the person or describe the property to be seized):

Please see Attachment B

YOU ARE COMMANDED to execute this warrant on or before 2/25/19 (not to exceed 14 days) in the daytime 6:00 a.m. to 10:00 p.m. at any time in the day or night because good cause has been established.

Unless delayed notice is authorized below, you must give a copy of the warrant and a receipt for the property taken to the person from whom, or from whose premises, the property was taken, or leave the copy and receipt at the place where the property was taken.

The officer executing this warrant, or an officer present during the execution of the warrant, must prepare an inventory as required by law and promptly return this warrant and inventory to HON. WILLIAM V. GALLO (United States Magistrate Judge)

Pursuant to 18 U.S.C. § 3103a(b), I find that immediate notification may have an adverse result listed in 18 U.S.C. § 2705 (except for delay of trial), and authorize the officer executing this warrant to delay notice to the person who, or whose property, will be searched or seized (check the appropriate box)

for days (not to exceed 30) until, the facts justifying, the later specific date of

Date and time issued: 2/11/19 0616

Judge's signature

City and state: San Diego, CA

HON. WILLIAM V. GALLO, U.S. MAGISTRATE JUDGE Printed name and title

**Return**

Case No.:

Date and time warrant executed:

Copy of warrant and inventory left with:

Inventory made in the presence of :

Inventory of the property taken and name of any person(s) seized:

**Certification**

I declare under penalty of perjury that this inventory is correct and was returned along with the original warrant to the designated judge.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Executing officer's signature*

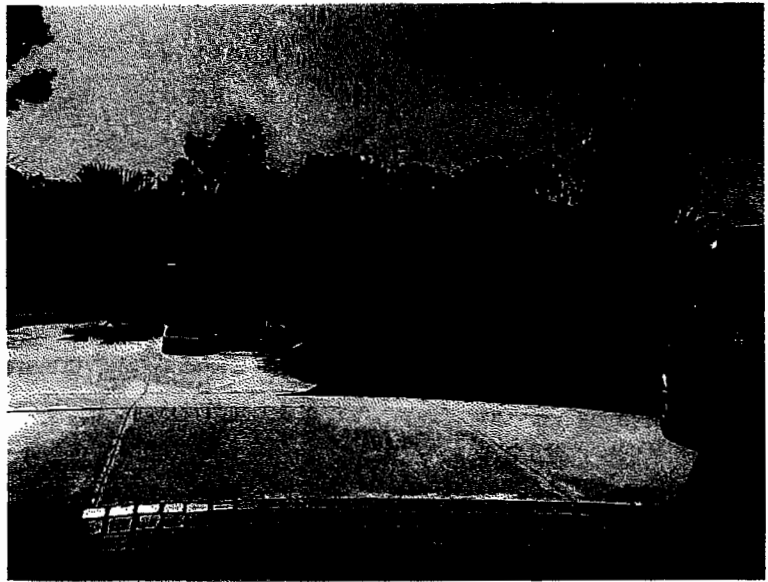
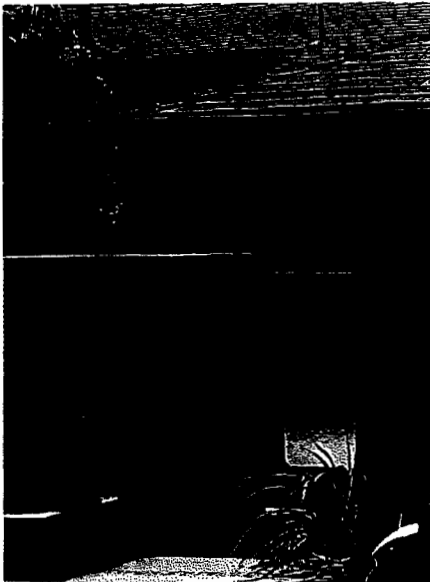
\_\_\_\_\_  
*Printed name and title*

1 ATTACHMENT A-1

2 A. RESIDENCE TO BE SEARCHED

3 The **Subject Residence**, located at 227 Stratford Park Circle, Del Mar, CA 92014  
4 is a two-story residence located within a gated community (depicted below). A cul-de-  
5 sac connects the driveway to a detached garage at the front exterior of the **Subject**  
6 **Residence**. The exterior of the **Subject Residence** has brown and beige siding and  
7 multiple windows. A fence appearing to be constructed of wood and stone separates the  
8 rear of the **Subject Residence** from the street behind the **Subject Residence**.

9 The **Subject Residence** to be searched includes: (a) all rooms, porches,  
10 containers, and safes in the **Subject Residence**; (b) the driveway, any vehicles parked  
11 upon the driveway, and any detached or attached garages, carports, storage spaces, or  
12 other outbuildings upon the curtilage of the **Subject Residence**.



1 ATTACHMENT B

2 A. ITEMS TO BE SEIZED

3 1. The items to be seized are evidence, contraband, fruits, or instrumentalities  
4 of violations of 21 U.S.C. §§ 841(a)(1) (Distribution and Possession With Intent to  
5 Distribute Controlled Substances), 846 (Conspiracy and Attempt to Distribute  
6 Controlled Substances), 843(a)(2) (Use of a Registration Number in the Course of  
7 Distributing a Controlled Substance); 18 U.S.C. §§ 1028(a)(7) (Unlawful Possession,  
8 Use, and Transfer of Means of Identification), and 1028A(a)(1) (Aggravated Identity  
9 Theft) (the "Subject Offenses"), namely:

10 a. Any controlled substance, controlled substance analogue, or listed  
11 chemical, including any Schedule I, II, III, or IV substances;

12 b. Items and paraphernalia for the distributing, packaging, or sale of  
13 controlled substances, including pill bottles, pill packages, prescriptions, prescription  
14 pads, and signature stamps;

15 c. United States currency over \$1,000 or bearer instruments worth over  
16 \$1,000 (including cashier's checks, traveler's checks, certificates of deposit, stock  
17 certificates, and bonds) (including the first \$1,000), and data, records, documents, or  
18 information (including electronic mail, messages over applications and social media,  
19 and photographs) pertaining to, obtaining, possessing, using, applications for, or  
20 transferring money over \$1,000, such as bank account records, cryptocurrency records  
21 and accounts;

22 d. Documents and records reflecting the identity of, contact  
23 information for, communications with, or times, dates or locations of meetings with co-  
24 conspirators, sources of supply of controlled substances, or drug customers, including  
25 calendars, address books, telephone or other contact lists, pay/owe records, distribution  
26 or customer lists, correspondence, receipts, records, and documents noting price,  
27 quantities, and/or times when drugs were bought, sold, or otherwise distributed, whether  
28

1 contained in hard copy correspondence, notes, emails, text messages, photographs,  
2 videos (including items stored on digital devices), or otherwise;

3 e. Records, documents, programs, applications and materials, or  
4 evidence of the absence of same, sufficient to show call log information, including all  
5 telephone numbers dialed from any of the digital devices and all telephone numbers  
6 accessed through any push-to-talk functions, as well as all received or missed incoming  
7 calls;

8 f. Records, documents, programs, applications or materials, or  
9 evidence of the absence of same, sufficient to show SMS text, email communications  
10 or other text or written communications sent to or received from any of the digital  
11 devices and which relate to the Subject Offenses;

12 g. Records, documents, programs, applications or materials, or  
13 evidence of the absence of same, sufficient to show instant and social media messages  
14 (such as Facebook, Facebook Messenger, Snapchat, FaceTime, Skype, and WhatsApp),  
15 SMS text, email communications, or other text or written communications sent to or  
16 received from any digital device and which relate to the Subject Offenses;

17 h. Audio recordings, pictures, video recordings, or still captured  
18 images related to the purchase, sale, transportation, or distribution of drugs;

19 i. Contents of any calendar or date book; and

20 j. Any Cellular telephones determined to be possessed or used by  
21 Berlin, including, but not limited to the **Subject Telephone**, which is itself or which  
22 contains evidence, contraband, fruits, or instrumentalities of the Subject Offenses, and  
23 forensic copies thereof.

24 **B. EVIDENCE TO BE SEIZED FROM CELLULAR TELEPHONES**

25 2. The following evidence to be searched for and seized pertains to violations  
26 of 21 U.S.C. §§ 841(a)(1) (Distribution and Possession With Intent to Distribute  
27 Controlled Substances), 846 (Conspiracy and Attempt to Distribute Controlled  
28 Substances), 843(a)(2) (Use of a Registration Number in the Course of Distributing a



1 Controlled Substance); 18 U.S.C. §§ 1028(a)(7) (Unlawful Possession, Use, and  
2 Transfer of Means of Identification), and 1028A(a)(1) (Aggravated Identity Theft);

3 a. Communications, records, or data including but not limited to  
4 emails, text messages, photographs, audio files, videos, or location data:

5 i. tending to indicate efforts to acquire and distribute controlled  
6 substances/Scheduled Pharmaceutical Drugs ("SPDs") via the use of stolen or  
7 fraudulent medical prescriptions;

8 ii. tending to identify other facilities, storage devices, or  
9 services - such as email addresses, IP addresses, telephone numbers - that may contain  
10 electronic evidence tending to indicate efforts to acquire and distribute controlled  
11 substances/SPDs via the use of stolen or fraudulent medical prescriptions;

12 iii. tending to identify co-conspirators, criminal associates, or  
13 others involved efforts to acquire and distribute controlled substances/SPDs via the use  
14 of stolen or fraudulent medical prescriptions;

15 iv. tending to identify travel to or presence at locations involved  
16 in efforts to acquire and distribute controlled substances/SPDs via the use of stolen or  
17 fraudulent medical prescriptions;

18 v. tending to identify the user of, or persons with control over or  
19 access to, the **Subject Telephone** or any other cellular telephones seized pursuant to  
20 this warrant; or

21 vi. tending to place in context, identify the creator or recipient  
22 of, or establish the time of creation or receipt of communications, records, or data  
23 above.