

1 **AFFIDAVIT IN SUPPORT OF SEARCH WARRANT**

2

3 I, Charles Turner, being duly sworn upon penalty of perjury, depose and state that:

4 1. I have been employed since February 2001 as a Special Agent by the United States Department  
5 of Interior, Bureau of Indian Affairs, Office of Justice Services, Division of Drug Enforcement. Within  
6 the meaning of 25 U.S.C. § 2803, I am an officer who is empowered by law to conduct investigations,  
7 make arrests, and seize property for violations of Title 18, United States Code and Title 21, United  
8 States Code. I am assigned to the Western Nevada Agency Office and have been so assigned since  
9 March of 2014. I am currently assigned to investigate drug trafficking organizations as they affect  
10 Indian Country in the northern Nevada and California areas.

11 **I. PREMISES TO BE SEARCHED**

12 2. This affidavit is submitted in support of a request under F.R.Crim.P. 41 for the issuance of three  
13 search warrants against the following: (1) the premises within the enclosed fenced area surrounding the  
14 Alturas Rancheria Event Center and workshop building located at 901 County Road 56, Alturas,  
15 California. This marijuana growing facility is located at Latitude 41° 28.642' North and Longitude 120°  
16 31.513' West. An aerial photograph of the premises within the enclosed fence area to be searched is  
17 attached hereto as part of Attachment A-1. This first site to be searched will sometimes be referred to  
18 herein as the "Alturas Rancheria Event Center Site"; (2) the premises within the enclosed fenced area  
19 surrounding the long tan building and white greenhouses, and other facilities used to manufacture  
20 marijuana plants at the Pit River XL Ranch Reservation located on the west side of the highway near  
21 29310 U.S. Highway 395, approximately 7.4 miles northeast of the City of Alturas, California. This  
22 marijuana growing facility is located at Latitude 41° 33.471' North and Longitude 120° 26.897' West.  
23 An aerial photograph of the premises within the enclosed fence area to be searched is attached hereto as  
24 part of Attachment A-2. This second site to be searched will sometimes be referred to herein as the  
25 "XL Ranch Site"; and (3) a white colored toy hauler type trailer bearing California License Plate  
26 1LJ7737 currently registered to Jason Gassaway, who your affiant believes is the owner of the security  
27 firm used at the XL Ranch Site. The trailer has the word "Skin" printed on the rear side of it. On July  
28 6, 2015, the trailer was parked outside, and to the east of perimeter fence, of the XL Ranch Site. The

1 trailer to be searched will sometimes be referred to herein as the "Gassaway Trailer". A photograph of  
2 the Gassaway Trailer is attached as part of Attachment A-3.

3 3. My statements and conclusions in this Affidavit are based on my training and experience, on my  
4 personal involvement in this investigation, and on information relayed to me by other federal, state, and  
5 local law enforcement officers and other persons with knowledge. As this Affidavit is being submitted  
6 for the limited purpose of securing the three requested search warrants, I have not included each and  
7 every fact known to me concerning this investigation. I have set forth only the facts that I believe are  
8 necessary to establish probable cause to obtain the requested search warrants. As demonstrated below,  
9 probable cause exists that the search warrant sites and trailer are currently being used by multiple  
10 conspirators to manufacture marijuana plants on a large commercial scale, in violation of 21 U.S.C.  
11 §§ 841(a)(1) and 846, and that evidence, fruits, and instrumentalities of these crimes, as more  
12 particularly described in Attachment B, will be found on the premises/trailer to be searched.

## 13 **II. TRAINING AND EXPERIENCE**

14 4. My employment background includes over nineteen years of state and federal law enforcement  
15 experience. In this time, I have acquired training and experience working in multiple assignments  
16 within the agency, including the Operations Division as a general crimes investigator; First-line  
17 supervisor; Contracted Program Subordinate Technical Representative; and Task Force Agent with the  
18 Drug Enforcement Administration's Tacoma Resident Agent Office. In my current position as a Special  
19 Agent within the Division of Drug Enforcement (DDE) of the Bureau of Indian Affairs (BIA), I have  
20 received specialized training into the detection and investigation of drug trafficking organizations. My  
21 training includes all aspects of drug investigations, such as identifying controlled substances, conducting  
22 physical and electronic surveillance, using confidential sources, interviewing suspects and witnesses,  
23 employing undercover operations, conducting financial investigations, and investigating drug trafficking  
24 organizations.

25 5. I have served as a DDE Special Agent with the BIA since December of 2009. During that time, I  
26 have worked with agents and task force officers on multiple investigations into the distribution and  
27 trafficking of various controlled substances in Indian Country within the District of Nevada, the Western  
28 District of Washington, and elsewhere. In these investigations in which I have participated and led, I

1 have gained experience on using confidential informants, conducting surveillance of drug distributors  
2 and traffickers, monitoring communications intercepted of members of drug trafficking organizations  
3 pursuant to court order, or communications monitored with the consent of a participant in that  
4 communication, and coordinating a takedown of a drug trafficking organization. Thus, while working  
5 as a DDE Special Agent, I have been involved in and led investigations of several individuals and  
6 organizations involved in the manufacture, distribution, and use of controlled substances. I have led and  
7 participated in the preparation of various affidavits and the execution of search and arrest warrants for  
8 violations of federal and state drug laws. I have conducted surveillance operations and have become  
9 familiar with the methods and practices used by individuals engaged in the manufacture, trafficking,  
10 possession, and use of controlled substances. I have directed the actions of confidential sources during  
11 drug investigations. I have spoken on numerous occasions with informants, suspects, experienced drug  
12 traffickers, and more experienced investigators regarding the methods and practices of drug traffickers  
13 and drug trafficking organizations. In light of the foregoing, I am familiar with the manner in which  
14 illegal drugs are manufactured, transported, stored, and distributed; the methods of payment for such  
15 drugs; the methods of laundering and concealing drug proceeds; and the methods of communication  
16 between drug traffickers. My training and experience form the basis for the opinions expressed below.

17 a. I know that it is common for persons involved in organized drug trafficking activities to  
18 manufacture, distribute or sell illegal drugs to only persons that they are familiar with. I also know,  
19 based on my training and experience, that drug traffickers routinely keep their supply of drugs an  
20 material/equipment for conducting business on their person or in an area(s) directly under their control,  
21 which could be a motor vehicle, apartment, residence, land or structure that they occupy including out  
22 structures on the properties curtilage. I know that these violators often use firearms to protect  
23 themselves, their drugs and drug proceeds, and their drug operations from law enforcement and ripoffs  
24 by other criminals. I know that these violators will often use surveillance and/or counter-surveillance  
25 equipment, such as cameras, radio scanners, police radios, night vision and/or infrared thermal imaging  
26 equipment, monitors, video recording devices, anti-bugging devices, and/or literature describing the  
27 same for the same protection purposes.

28

1           b.       I know that marijuana manufacturers and/or traffickers keep and maintain the evidence  
2 and items described in Attachment B used in connection with their drug operations: on their persons; in  
3 their residences, "stash" or "safe" houses, locations under their control, motor vehicles, recreational  
4 vehicles, trailers, vessels, storage lockers, and outbuildings; on and/or buried under property under their  
5 control, whether such places and/or such items are registered in their names, the names of their friends,  
6 family and associates, and/or under fictitious names.

7           c.       I know that marijuana manufacturing and/or trafficking are often continuing activities  
8 that last over months and years. Repeated drug activity over lengthy periods of time generates greater  
9 amounts of evidence. Many items of evidentiary value, particularly documentary evidence, are not  
10 illegal to possess and, therefore, not overtly incriminating in the criminal's view.

11           d.       I know that it is common to find and seize evidence from suspects even though they  
12 know that they are under investigation. It is a common practice for drug manufacturers and traffickers  
13 to maintain personal property used or obtained in their criminal activities and which constitute evidence  
14 of their crimes for extended periods of time. The evidence may be innocuous at first glance (e.g.,  
15 financial, credit card, and banking documents; travel documents; passports, and lodging, transportation,  
16 and fuel receipts; documents reflecting purchases of assets with drug proceeds or assets used to facilitate  
17 the drug operation; personal calendars; personal phone and address books; checkbooks; photographs;  
18 utility records; ownership documents; letters and notes; telephones and pagers and bills for these  
19 services; keys to safe deposit boxes; computer equipment and electronic information storage devices),  
20 but have significance and relevance when considered in a light of other evidence. The evidence may be  
21 highly valuable to the offender or have high utility for legal applications, such as valuable investments  
22 (e.g., art, jewelry, precious metals and stones, real estate, securities), large sums of currency, drug  
23 ledgers, safes, supplier and customer lists, firearms, communication equipment, vehicles, airplanes,  
24 boats, computer equipment, money counters, counter-surveillance equipment, scales, and packaging  
25 equipment. The offender may not realize that the items are evidence. The offender may not be able to  
26 easily remove the evidence, such as in the case where the evidence is buried underground. The offender  
27 may not realize that he/she still possesses the items that constitute evidence. The offender may not  
28 believe that law enforcement will obtain a search warrant to seize the evidence.

1 e. I know that marijuana manufacturers and traffickers sometimes maintain assets such as  
2 real estate, bank and financial accounts, businesses, and financial assets in names other than their own in  
3 order to avoid the detection and seizure of such assets by law enforcement. However, even though such  
4 assets may be in other people's names, the marijuana criminal violator continues to utilize these assets  
5 and exercise dominion and control over them.

6 f. I know that the number of drug manufacturers and traffickers using computers and  
7 electronic information storage devices, like the general population as a whole, is steadily increasing, and  
8 such computer hardware, software, documentation, passwords, and electronic information storage  
9 devices may be instrumentalities, fruits, or evidence of crime and/or transmit information about crimes.  
10 Moreover, such computers and electronic information storage devices offer marijuana cultivators and  
11 distributors excellent and convenient devices for recording information concerning their product,  
12 including marijuana seed, plants, marijuana sources, co-conspirators and customers, marijuana plant  
13 yields and harvest information, plant and processed marijuana prices, marijuana plant maintenance and  
14 growing schedules, marijuana plant identification and reference codes, and any other information  
15 deemed pertinent by the marijuana cultivator and distributor. Much of the electronic media storage  
16 devices, such as floppy disks, zip disks, thumb drives, CD-ROMs, SD memory cards, are very small,  
17 detachable, portable, and can be secreted in small containers, such as safes and clothing pockets. I know  
18 that drug manufacturers and traffickers often communicate with their criminal associates through the use  
19 of electronic mail, instant messaging, text messaging, telephone answering machines, voicemail, pagers,  
20 and telephones (cellular and land line). To the drug trafficker, these communication devices are part of  
21 his normal business equipment.

22 g. I know that the manufacture, use, and sales of controlled substances is so pervasive in the  
23 lives of those who engage in these activities that evidence of the manufacture, use, and sales of  
24 controlled substances is so intermingled in the minutia of daily living that even when the manufacturers,  
25 users, and sellers of drugs know, or suspect, that law enforcement is inquiring into their activities, they  
26 cannot completely rid themselves of all evidence of the production, use, and sales of controlled  
27 substances. I know that, in previous law enforcement searches, manufacturers of marijuana have had  
28 receipts for equipment and supplies used for the manufacture of marijuana in their homes, places of

1 work, and vehicles many months after the purchases, and after members of their conspiracy have been  
2 arrested by law enforcement for those activities.

3 **III. FACTS ESTABLISHING PROBABLE CAUSE TO SEARCH THE**  
4 **ALTURAS RANCHERIA EVENT CENTER SITE**

5 6. The Alturas Rancheria Event Center Site is described as a large property, which is enclosed by a  
6 chain link hurricane fence with barbed wire on top, and owned by a Native American Tribe called the  
7 Alturas Indian Rancheria. According to the 2015 Directory of Tribal Governments (which was  
8 compiled by the State of California and Bureau of Indian Affairs, April 2015), the Alturas Indian  
9 Rancheria has an enrolled population of 5 members; although different factions of this tribe dispute the  
10 number and identity of legitimate members. The main building within the site to be searched is referred  
11 to as the Alturas Rancheria Event Center and is a metal frame building with a light green fabric cover,  
12 which resembles a large oblong-shaped tent-like structure. The Alturas Rancheria Event Center has a  
13 large roll up type door on the north end and man sized doors around its perimeter. The second large  
14 building within the site appears to be a rectangular workshop building, medium green exterior walls, and  
15 with a tan roof. The workshop building has large roll up type doors on the west and south ends. The  
16 workshop also has several man-sized doors on its perimeter. There are several smaller outbuildings and  
17 two large blue metal portable Conex type shipping containers on the site. The Alturas Rancheria Event  
18 Center Site to be searched is adjacent to, and is approximately 313 feet away from, the Desert Rose  
19 Casino, a gambling casino operated by the Alturas Indian Rancheria and open to the public. The Desert  
20 Rose Casino is approximately 128 feet away from, but not within the enclosed fenced premises to be  
21 searched. Security for the Alturas Rancheria Event Center Site facility is provided by the hurricane and  
22 barbed wire fence, and locked gate which restricts access to the site.

23 **A. Admissions By Purported Representatives That The Alturas Rancheria Event**  
24 **Center Would Be Used To Manufacture Marijuana**

25 7. On March 20, 2015, pursuant to a request by certain individuals claiming to represent the Alturas  
26 Indian Rancheria tribe, a meeting was held at the Modoc County Sheriff's Office Annex, Conference  
27 Room. The meeting was attended by Modoc County Sheriff Mike Poindexter, Modoc County  
28 Undersheriff Ken Richardson, purported Alturas Indian Rancheria Tribal Chairman Phillip Del Rosa,

1 purported Alturas Indian Rancheria Vice Chairman Darren Rose, and Fredericks, Peebles & Morgan,  
2 LLC, law firm partners John Peebles and Patrick Bergin. The meeting was audio/video recorded by  
3 Modoc County Undersheriff Ken Richardson. During the meeting, Peebles advised the Sheriff and  
4 Undersheriff that the Alturas Indian Rancheria tribe was in the process of establishing a medical  
5 marijuana collective, under California law, in the tribe's event center tent adjacent to the Desert Rose  
6 Casino. Peebles said there will be an indoor marijuana grow facility, but no dispensary and no retail  
7 sales of marijuana at that location. Peebles stated the tribe would be working with other marijuana  
8 collectives in other parts of California. Peebles mentioned that they have spoken with the Central Office  
9 and had meetings in Washington DC on the issue. He also mentioned that they met with the United  
10 States Attorney's Office in the Eastern District of California, and on two occasions with the California  
11 Department of Justice regarding the cultivation of marijuana on tribal lands. Peebles went on to claim  
12 that they will be compliant with California Law.

13 8. On May 14, 2015, Executive Assistant United States Attorney Phillip Ferrari from the United  
14 States Attorney's Office for the Eastern District of California, sent via electronic mail a letter to Peebles  
15 advising him, inter alia, that the plan by the Alturas Indian Rancheria and Pit River Tribe to  
16 manufacture, transport, and distribute marijuana on the scale contemplated by the two tribes "is a  
17 violation of federal law" and "subject to possible federal enforcement action, including criminal  
18 prosecution".

19 9. The effort by Phillip Del Rosa, Rose, Peebles, and Bergin to establish a marijuana manufacturing  
20 facility at the Alturas Rancheria Event Center Site is controversial and opposed by other members and  
21 purported members of the tribe. By letter dated June 29, 2015, to Executive Assistant United States  
22 Attorney Ferrari, Wendy Del Rosa (sister of Phillip Del Rosa) claiming to be the tribe's Chairperson &  
23 Secretary/Treasurer, informed Ferrari that: (1) the actions by Phillip Del Rosa and Rose to establish a  
24 marijuana manufacturing facility on tribal lands were not authorized, but, in fact, a private endeavor by  
25 Phillip Del Rosa and Rose, designed by attorney Peebles, and financed internationally through Jerry  
26 Montour of Canada. Wendy Del Rosa affirmed that the marijuana manufacturing operation on tribal  
27 lands was opposed by the tribe and illegal under state and federal law; and (2) the tribe desired that the  
28 federal government "take all appropriate law enforcement action to close this illegal drug operation and

1 bring those responsible to justice" . The letter enclosed two purported tribal resolutions: (1) declaring  
2 the "Medical Marijuana Program Ordinance" adopted by Phillip Del Rosa and Rose purported on behalf  
3 of the tribe as "null and void"; and (2) revoking any authority of Phillip Del Rosa and Rose to act on  
4 behalf of the tribe.

5 10. In a June 9, 2015, meeting between Wendy Del Rosa and the Modoc County Board of  
6 Supervisors, she opposed the use of tribal lands for the manufacture of marijuana and claimed she was  
7 wrongfully being excluded access to the Alturas Rancheria Event Center by persons using the event  
8 center to manufacture marijuana. At the same meeting, attorneys Peebles and Bergin gave a  
9 presentation to the Modoc County Board of Supervisors regarding the Alturas Indian Rancheria's plans  
10 to manufacture marijuana in Modoc County. The attorneys informed the county supervisors that there  
11 were marijuana plants being grown at that time at the Alturas Rancheria Event Center.

12 **B. Information From Reliable CI-1**

13 11. In or about mid-April 2015, Modoc County Deputy Sheriff Christopher Lowell interviewed a  
14 confidential citizen informant (herein referred to as "CI-1"). CI-1 has provided reliable information to  
15 law enforcement in past and is merely providing to law enforcement information of criminal  
16 wrongdoing purely through a sense of good citizenship, without expecting any benefit or reward in  
17 return. CI-1 has no criminal record. I am not disclosing CI-1's identity to help protect CI-1 from  
18 retribution by persons who may be investigated and/or prosecuted in this case. CI-1 reported that CI-1  
19 had been inside the Alturas Rancheria Event Center in mid-April 2015 and observed numerous potted  
20 marijuana plants, each approximately 12-16" tall being cultivated in the event center tent. A person  
21 working inside the event center told CI-1 that there were 4,000 marijuana plants inside the center.

22 12. In or about the third week in May 2015, CI-1 informed Modoc County Sheriff Deputies Lowell  
23 and William Dowdy that CI-I had discussions with other persons who worked inside the Alturas  
24 Rancheria Event Center marijuana manufacturing site. Based on these discussions, CI-1 reported that:  
25 Rami Reda had seemed to be the supervisor of the day to day marijuana manufacturing operations at the  
26 event center; CI-1 believed that Jerry Montour was the investor and financier for both marijuana  
27 manufacturing operations at the Alturas Rancheria Event Center Site and XL Ranch Site; Rami has since  
28 been fired from the Alturas Rancheria Event Center Site because Rami had removed marijuana plants

1 from that site and transported them to the XL Ranch Site without authorization; Rami was still involved  
2 in the XL Ranch Site; Shawn Normington was currently running the day to day operations at the event  
3 center site; marijuana plants at the event center were all bar coded and tracked in a computer system;  
4 there was a safe at the event center that contained medical marijuana recommendations; and some of the  
5 marijuana in the event center was ultimately going to be shipped to a undisclosed location  
6 approximately 750 miles away from the event center. CI-1 added CI-1 had only seen Jerry Montour one  
7 time in the Alturas area when Montour showed up for a meeting at the Desert Rose Casino sometime in  
8 2015. Subsequently, in or about the end of May 2015, Deputy Lowell showed to CI-1 two images  
9 downloaded from the Internet of Jerry Montour. CI-1 identified the person shown in the two images as  
10 the man who CI-1 saw in the open area between the event center and the Desert Rose Casino sometime  
11 after March 1, 2015, and identified himself as Jerry Montour. Montour then spoke to the workers who  
12 had constructed the infrastructure for the marijuana manufacturing operation at the Alturas Rancheria  
13 Event Center and thanked them for their work.

14 13. In or about the end of June/beginning of July 2015, CI-1 reported in several different discussions  
15 to Modoc County Deputy Sheriff William Dowdy that, in or about mid-June 2015, CI-1 observed  
16 numerous marijuana plants approximately 2-3' tall cultivated in two rooms inside the event center tent.  
17 CI-1 saw a document on the doors to several rooms that described or listed the number of marijuana  
18 plants in each room as 500. CI-1 stated the event center's interior structure had been renovated and  
19 reconstructed to cultivate marijuana so that the sole purpose of the structure now is to cultivate and  
20 process marijuana. In other words, the interior of the structure was reconstructed in such a way that it  
21 can no longer be used for its first intended purpose, such as hosting public or private events. CI-1  
22 described the reconstruction inside the structure as a building within a building. CI-1 advised four  
23 people work inside the structure daily, tending to marijuana plants that are in various stages of growth.  
24 The workers are supervised by a man known only to CI-1 as "JR". CI-1 estimated CI-1 saw  
25 approximately 1,000 marijuana plants in various stages of growth contained inside the structure,  
26 including mother plants (from which clone plants are taken), clone plants, and maturing plants. CI-1  
27 also stated that CI-1 had been in the large medium green metal workshop with tan roof in or about mid-

1 June 2015 and observed large quantities of potting soil. CI-1 reported that potting soil from the  
2 workshop was moved from time to time to the event center for use in manufacturing marijuana therein.

3 **C. The Investigatory Stop Of Rami Reda**

4 14. On or about May 5, 2015, Modoc County Sheriff's Sergeant Klassen stopped a rental vehicle,  
5 bearing Washington license plate AMT5251 at the Alturas Agriculture Inspection Station on U.S.  
6 Highway 395. Moments earlier, Klassen had observed the vehicle leaving the XL Ranch Site, which  
7 Klassen had been informed was intended as a marijuana cultivation site. The driver of the vehicle  
8 identified himself as Rami Mohamad Reda and stated to Klassen that he (Reda) had marijuana in the  
9 vehicle. Reda was not in possession of any form of identification or a California Medical Marijuana  
10 Recommendation Card. Deputy Dowdy also joined in the investigation as a backup to Klassen. Reda  
11 told the two officers: Reda was working for Two Bro's Investment Company out of Omaha, Nebraska  
12 and that he was taking care of the construction at both the Alturas Rancheria Event Center Site and the  
13 XL Ranch Site; and Reda's job was to coordinate with the lawyer and the two tribes. Because Reda  
14 illegally possessed marijuana in his car, Klassen searched Reda's vehicle and found hundreds of dollars  
15 in cash. Upon questioning Reda about the cash, Reda relayed to the officers that he was to turn the cash  
16 over to the tribe for payroll (not clear as to which tribe) and the payroll was coming through attorney,  
17 John Peebles at NDN Law. [An internet search of "NDN Law" (Indian law) yielded among other results  
18 "Native American Law Firm - Fredericks Peebles & Morgan LLP [www.ndnlaw.com](http://www.ndnlaw.com)".] Reda informed  
19 that his contact person for the Pit River tribe was Steve Rhoades, and Darren Rose was his contact for  
20 the Alturas Rancheria Event Center Site. Reda said that construction at the XL Ranch Site was to be  
21 completed by June 12, 2015. As Klassen searched the trunk of Reda's vehicle, Klassen located several  
22 packages that were addressed to High Desert Farms. Reda admitted that marijuana plants were currently  
23 being cultivated inside the event center adjacent to the Desert Rose Casino and confirmed the Pit River  
24 Tribe was involved in a marijuana growing operation on the XL Ranch Site. The officers cited Reda for  
25 possession of less than an ounce of marijuana, in violation of California Health & Safety Code  
26 § 11357(b), and released. An Internet search for "Rami Reda" revealed that the person stopped and cited  
27 by the officers is from Ontario, Canada.

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1           **D.     The Plant Transfer Manifests**

2 15.     On May 8, 2015, Modoc County Sheriff's Sergeant Mike Klassen and Deputy Dowdy observed a  
3 bright yellow Penske Cargo rental truck parked on the west side of the event center. While conducting  
4 surveillance at that location, the officers observed the Penske truck being backed into a large green  
5 workshop structure through a white roll up door on the northwest side of the building. The workshop  
6 structure is located within the enclosed security fencing within which the event center is located. The  
7 door was pulled down immediately after the truck backed in, which prevented the officers from seeing  
8 what was taking place inside. Approximately 15-20 minutes later, the white rollup door was opened and  
9 the truck pulled out. The door was immediately shut behind the truck. The truck then drove around the  
10 back side of the event center, departed the property, and headed westbound on County Road 54. The  
11 officers followed the truck northbound on Main Street and observed the truck make several lane changes  
12 for no apparent reason causing the officers to opine, based on their training and experience, that the  
13 truck's driver wanted to see with the truck's side mirrors if the truck was being followed. The truck then  
14 headed northbound on U.S. Highway 395 in the direction of the XL Ranch. Based on the facts known to  
15 the officers from their investigation that marijuana plants were grown at the Alturas Rancheria Event  
16 Center Site, they believed the truck likely contained evidence or contraband related to the cultivation of  
17 marijuana at the Alturas Rancheria Event Center Site. Sergeant Klassen performed an investigative stop  
18 on the vehicle on U.S. Highway 395 at Bowman Road in rural Modoc County.

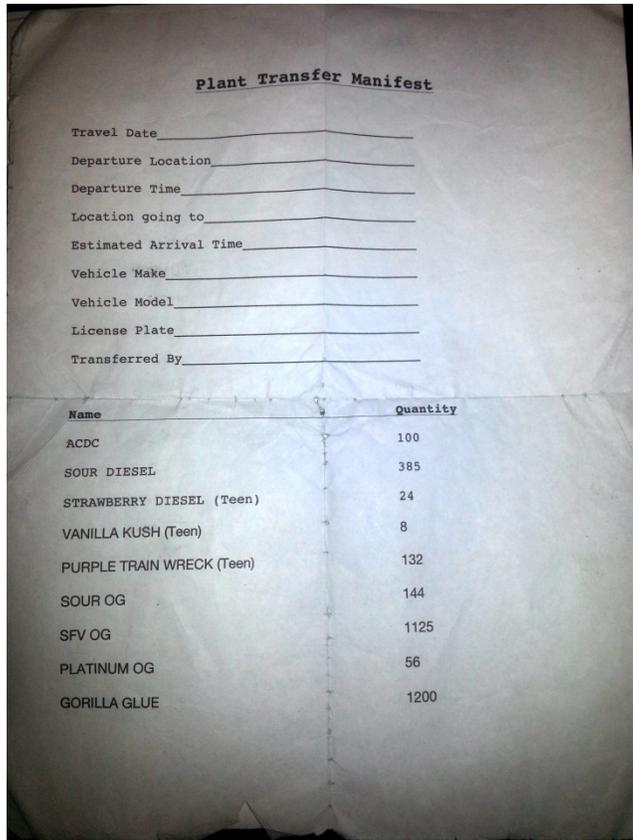
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16. Klassen contacted the driver of the truck who was identified by a valid California driver's license as John Robert Zonneveld. Zonneveld refused to give the officers any statements or inform them what was in the truck, or provide registration information for the truck. Klassen entered the cab of the truck and obtained the registration and rental agreement. Zonneveld was detained on suspicion of transporting marijuana. Upon searching Zonneveld's left rear pant pocket, before transporting him to the Modoc County Jail, Klassen located a "Plant Transfer Manifest" listing many names consistent with or similar to the names of different strains of marijuana plants, such as "Bay 11", "Platinum Kush", "Super Sour OG", and "Star Dawg", along with quantities of each plant. The document listed a quantity in excess of 3000 presumed marijuana plants. A photograph of a Plant Transfer Manifest taken from Zonneveld's pant pocket is shown below.



1 Klassen transported Zonneveld to the Modoc County Sheriff's Office where he was detained for further  
2 investigation. The truck was seized and driven back to the Modoc County Sheriff's Office and parked in  
3 a secure locked parking area behind the Sheriff's Office, pending obtaining a search warrant to search  
4 the vehicle. While the truck was secured in the back parking lot Bureau of Land Management Law  
5 Enforcement Ranger and Canine Handler Calvin Albright caused his assigned canine "Eric" to conduct a  
6 free air sniff of the exterior of the vehicle. Eric is a federally certified drug detection canine through the  
7 Bureau of Land Management and the North American Police Working Dog Association. Ranger  
8 Albright's canine indicated to the presence of the odor of illegal drugs in the vehicle on the driver's side  
9 cargo area of the truck.

10 17. Dowdy obtained a search warrant for the truck (003-SW-2015). Upon searching the truck,  
11 Dowdy located another, but more detailed, Plant Transfer Manifest clipped to the visor, above the  
12 driver's seat, two cellular phones, a minimal amount of plant material in the cargo area of the truck that  
13 was consistent with marijuana, and a GoPro camera. The Plant Transfer Manifest collected from the cab  
14 of the truck that was seized under the state search warrant, showed that "John Zonneveld", who was the  
15 driver of the "Penske Truck Rental", transported 1436 marijuana plants, consisting of 11 mother plants  
16 and the 1425 clones of various strains of marijuana plants from the Alturas Rancheria Event Center at  
17 "901 Co Rd 56 Alturas CA 96101" to the XL Reservation at "29310 US 395 Alturas CA 96101"  
18 the day earlier, on May 7, 2015.

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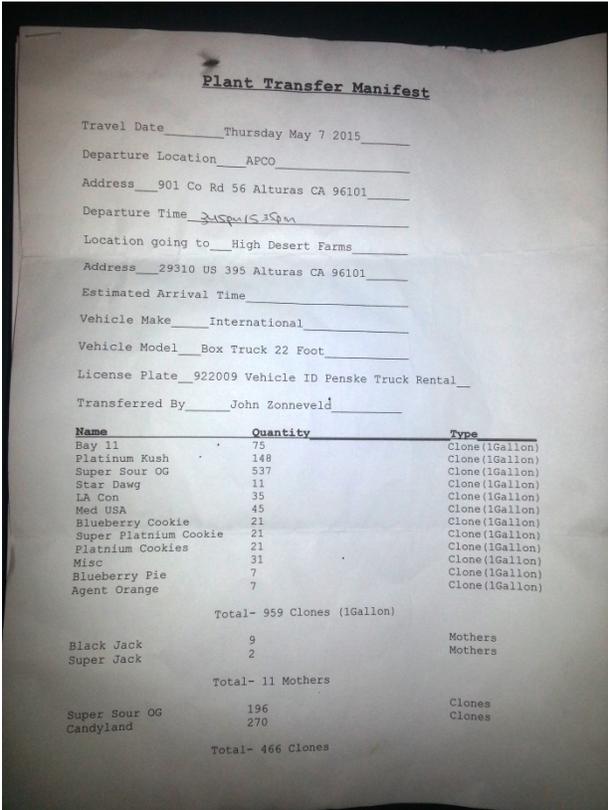
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Subsequently, the GoPro audio/video device was also downloaded and several videos and photographs which appeared to be taken of the building construction activities, but no marijuana plants, at the XL Ranch Site were discovered.

18. The state criminal case against Zonneveld for transporting marijuana is pending the filing of formal charges, if any.

**E. Information From CI-2**

19. Near the end of May 2015, Modoc County Sheriff Deputy Lowell interviewed a confidential citizen informant (herein referred to as "CI-2"). CI-2 is merely providing to law enforcement information purely through a sense of good citizenship, without expecting any benefit or reward in return. CI-2 has several misdemeanor convictions, but none pertaining to dishonesty or false statements. I am not disclosing CI-2's identity to help protect CI-2 from retribution by persons who may be investigated and/or prosecuted in this case. Deputy Lowell showed to CI-2 two images downloaded from the Internet of Jerry Montour. CI-2 identified the person shown in the two images as the man who

1 CI-2 heard was Jerry Montour and who CI-2 had seen in the open area between the event center and the  
2 Desert Rose Casino in 2015.

3 **IV. FACTS ESTABLISHING PROBABLE CAUSE TO SEARCH THE**  
4 **XL RANCH MARIJUANA MANUFACTURING SITE**

5 **A. Observations By Officers**

6 20. The XL Ranch Site contains a large marijuana grow operation being operated on Pit River Indian  
7 land in Modoc County, California. In checking with Google Earth during June 2015, I confirmed that  
8 the XL Ranch Site is located approximately 7.4 miles northeast of Alturas, California and adjacent to the  
9 west side of U.S. Highway 395 and near the North Fork of the Pit River. The site appears to be mostly  
10 completed, but parts of the site are still under construction. The growing facility is described as  
11 including a very long continuous tan structure covered with 20 adjacent gable roofs perpendicular to the  
12 length of the building located at the rear western side of the premises, and two rows of approximately 19  
13 and 21 white greenhouses to the eastern side of the premises. There are new greenhouse type structures  
14 being built at the western edge of the premises. The greenhouses and long gable roofed building are  
15 surrounded by a chain link fence topped by barbed wire with a gate at the northeastern side of the  
16 property. Also at the northeastern end of the property is a large silver colored liquid petroleum tank.  
17 There is an unpaved parking area on the east side of the property which is outside the fenced area.  
18 Located on this unpaved parking area is a white colored toy hauler type trailer bearing California  
19 License Plate #1LJ7737. It has the word "Skin" printed on the rear side of it. At certain times in the  
20 past, there was a network of what appears to be surveillance cameras set up around the XL Ranch Site.  
21 There appears to be a security guard shack and private security force providing protection and  
22 presumably restricting access to the XL Ranch Site. An photograph taken during an earlier stage of  
23 construction is shown below. There are now more greenhouses than are shown in the photograph.

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21. In the last half of May or early June 2015, Sergeant Klassen was making observations of the developing XL Ranch Site from U.S. Highway 395. On two separate occasions, Klassen observed what appeared to be a Native American male adult driving a light colored SUV (similar to a Jeep) conducting activity as if he were maintaining a standalone camera system. On the first occasion, Klassen observed the vehicle pull into the site from U.S. Highway 395 and park just inside the double gates near the northeast corner of the fenced site near the guard shack. The subject removed a ladder from the vehicle he was driving and took it to a fencepost a short distance south of the double gates and guard shack. The subject extended the ladder and climbed to the top of the ladder and removed an object similar in size and shape to a "GoPro" type camera. Klassen was observing the subject with a monocular. The subject took the object to the rear of his car for a few minutes and then returned the object to the top of the fencepost. The subject collapsed the ladder and placed it in the vehicle he was driving and then drove to the northwest corner of the fence line where he again deployed the ladder at the fence, climbed up

1 removed a small object and took it to the back of the vehicle and a few minutes later, returned a small  
2 object to the top of the fence post. About a few days to a week later, Klassen observed what appeared to  
3 be the same vehicle and subject with the ladder extended at approximately the same fencepost south of  
4 the double gates and guard shack near the NE corner of the site, climbing down from the top of the fence  
5 post. Altogether, Klassen observed three objects similar in size and shape with a GoPro camera  
6 mounted on extended support poles on three of the four corners -- northeast, northwest, and southeast --  
7 of fence surrounding the XL Ranch Site.

8 22. On June 18, 2015, I drove by the XL Ranch Site and found a large greenhouse facility that was  
9 mostly completed with continuing construction in progress. The site was not marked by any signs that I  
10 could see. I parked on the southbound shoulder of U.S. Highway 395 (out of the way of traffic) and  
11 took several pictures of the facility. As I photographed the facility, I noticed that several of the  
12 greenhouses had the side walls rolled up or removed. Inside several of the greenhouses, I saw and  
13 photographed numerous leafy green plants that I recognized through my training and experience as  
14 marijuana plants. The plants were organized neatly and ranged in height of approximately two to three  
15 feet.



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27 23. On June 19, 2015 I returned to the XL Ranch Site and took more photographs from the  
28 northbound shoulder of U.S. Highway 395. The facility was still under construction with numerous

1 workers conducting this construction. Several of the greenhouses closest to U.S. Highway 395 had the  
2 side walls rolled up and I could see into them. I again saw neatly organized rows of marijuana plants. I  
3 photographed them. I also observed and photographed a work truck marked with "True Telecom and  
4 Surveillance" parked at the northern end of the site. I also noticed a "GoPro" or similar type camera  
5 mounted on a pole near the main gate of the site which I believe is a field-expedient security camera.  
6 Based on these observations, I believe that there is a field-expedient surveillance camera system used at  
7 the XL Ranch Site, but that the surveillance system will be replaced by a more permanent and  
8 sophisticated surveillance camera system in the future.

9 24. As I was leaving the area I noticed a large female at the main gate of the site pointing and  
10 appearing to take photographs of my vehicle. Based on my training and experience, I believe that this  
11 female was serving as security for the XL Ranch Site.

12 25. On or about June 22-25, 2015, BIA Special Agents Shawn Sheridan and Craig Janis conducted  
13 surveillance of the XL Ranch Site from the area of U.S. Highway 395. Both agents observed numerous  
14 marijuana plants being grown in the greenhouses during their three days of surveillance.

15 26. On July 6, 2015, Sergeant Klassen conducted surveillance with the aid of a monocular of the XL  
16 Ranch Site from U.S. Highway 395 to determine if the GoPro type surveillance camera system was still  
17 in place. Klassen could not see any of the three cameras that he observed in the last half of May or early  
18 June 2015, however, he noted that the three support pole mounts for the cameras were still mounted on  
19 the fence posts.

## 20 **B. Information From CI-3**

21 27. In or about the first half of May 2015, Deputy Dowdy interviewed a confidential citizen  
22 informant (herein referred to as "CI-3"). CI-3 is merely providing to law enforcement information of  
23 criminal wrongdoing purely through a sense of good citizenship, without expecting any benefit or  
24 reward in return. CI-3 has no criminal record. I am not disclosing CI-3's identity to help protect CI-3  
25 from retribution by persons who may be investigated and/or prosecuted in this case. CI-3 stated against  
26 CI-3's penal interest that CI-3 was working at the XL Ranch Site. CI-3 relayed to Dowdy, based on  
27 what CI-3 observed and learned while working at the site, that the Pit River Tribe had plans on growing  
28 50-60 thousand marijuana plants at the XL Ranch Site. CI-3 was under the impression that Seneca

1 Tobacco Company was involved in the marijuana manufacturing operation, the company had performed  
2 research, and the company's marijuana manufacturing activities were legal.

3 **C. Information From CI-4**

4 28. In or about the first half of May 2015, Deputy Dowdy received information from a confidential  
5 citizen informant (herein referred to as "CI-4"). CI-4 is merely providing to law enforcement  
6 information of criminal wrongdoing purely through a sense of good citizenship, without expecting any  
7 benefit or reward in return. CI-4 has a misdemeanor conviction not pertaining to dishonesty or false  
8 statements. I am not disclosing CI-4's identity to help protect CI-4 from retribution by persons who  
9 may be investigated and/or prosecuted in this case. CI-4 is closely associated with persons who work at  
10 the XL Ranch Site and CI-4's discussions with those individuals are the bases for CI-4's knowledge.  
11 CI-4 reported that the investor involved in the marijuana cultivation operation on the XL Ranch Site was  
12 a man named Jerry Montour. CI-4 further informed the Pit River Tribe planned on growing 1,000  
13 marijuana plants in each greenhouse on the XL Ranch Site. [Currently erected on the XL Ranch Site are  
14 approximately 40 greenhouses and a very long tan structure with the multi-gabled roof. There appears  
15 to be another very large greenhouse under construction on the west side of the premises. ]

16 **D. Information From The Electric Utility Company**

17 29. On or about May 23, 2015, Deputy Dowdy contacted three responsible employees with the  
18 Surprise Valley Electric Corporation in Alturas based on information Dowdy had previously heard that  
19 Surprise Valley Electric was in talks with the Pit River Tribe to provide power for their marijuana  
20 manufacturing operation on the XL Ranch Site. Dowdy learned from his discussions with the three  
21 employees there were potential plans to build an electric power substation across the U.S. Highway 395  
22 from the XL Ranch Site at a cost of 1.5 to 2 million dollars. The substation would be able to produce  
23 approximately 10 megawatts of power at any given time. The power company personnel told Dowdy  
24 that the projected annual power bill for the site was between 5-8 million dollars. At that time of  
25 Dowdy's discussions with three employees, the power company had not signed a contract with the tribe.  
26 When Dowdy asked for the name of the Pit River Tribe representative for the power substation project,  
27 they advised that they understood Rami Reda was the head contractor and seemed to be making the  
28 arrangements for the project on behalf of the tribe. Based on my training and experience, I know that

1 the large scale commercial manufacture of marijuana can use large amounts of electric power to run  
2 water pumps, grow lights, fans, water filters, mechanical marijuana processors, and other equipment.

3 **E. Information About Jerry Montour**

4 30. An Internet search of Jerry Montour shows that he is a 58-year old Canadian and Chief  
5 Executive Officer of Grand River Enterprises (GRE). GRE is a cigarette manufacturer based in Six  
6 Nations, Ontario, Canada. GRE sells cigarettes under the brand names Sago, Putters, DK's and Golden  
7 Leaf in Canada and Seneca in the United States. In Germany, GRE markets shag tobacco (loose tobacco  
8 for cigarette self-rollers) under the discount brand "De Moriaan". GRE's annual cigarette sales are in the  
9 hundreds of millions of dollars. GRE is the target of several lawsuits by various state governments in  
10 the United States for failure to pay proper taxes on its products.

11 31. A review of Montour's criminal history shows that he suffered the following criminal convictions  
12 and other criminal proceedings in Canada: 1978 - possession of an unregistered restricted weapon;  
13 1983 - breaking and entering and theft; 1984 - failure to comply with conditions of undertaking; 1985 -  
14 possession of a narcotic; 1988 - conspiracy to import a narcotic; and 1991 - cultivation of a narcotic.  
15 In regard to Montour's 1988 conviction for conspiracy to import a narcotic, I have read an article posted  
16 on October 3, 2006, by The Hamilton Spectator, Tobacco's billion-dollar empire at  
17 <http://www.thespec.com/news-story/2253794-tobacco-s-billion-dollar-empire/>, that stated "In 1988,  
18 Peter and Jerry Montour were convicted of conspiracy to import marijuana and sentenced to jail in  
19 Canada. The father and son were described as the key players in a drug-smuggling operation that  
20 arranged to have 37 kilograms of marijuana transported from Mexico to Canada." The article states:  
21 "Grand River Enterprises has become a cigarette manufacturer with worldwide reach, now doing  
22 hundreds of millions of dollars in business a year." The article describes GRE's sales to United States  
23 and Germany.

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1           **V.     FACTS ESTABLISHING PROBABLE CAUSE TO SEARCH GASSAWAY'S**  
2           **TRAILER**

3 32.     On May 8, 2015, Deputy Dowdy first observed and then photographed the white trailer with the  
4 word "Skin" on the XL Ranch Site, parked inside the security fence within 8-10 feet of the guard shack,  
5 in close proximity to the main gate entrance of the site. Depicted in the same photograph attached to the  
6 fifth fence post to the left of the main gate is an item mounted on a dark pole that Sergeant Klassen has  
7 opined based on his observation is GoPro type camera. As stated above in Paragraph No. 23, on June  
8 19, 2015, I also saw the GoPro or similar type camera mounted in the same area near the main gate of  
9 the site. As depicted in the photograph, the trailer is parked adjacent to the mounted camera.



25 33.     Also pictured in the photograph is a black pickup parked near the trailer, just outside the fence.  
26 Deputy Dowdy knows from his prior contacts that the black pickup truck belongs to Robert Spickard  
27 based on a traffic stop of Spickard on June 2, 2015, for a vehicle registration violation for which he had  
28

1 been previously warned. During that traffic stop, Robert Spickard admitted to Dowdy that he is a field  
2 security supervisor for the XL Ranch Site. Spickard told Dowdy that Jason Gassaway owns a security  
3 services business and that Gassaway hired Spickard to work at the XL Ranch Site. Spickard could not  
4 or would not tell Dowdy the name of Gassaway's security business. Spickard denied that the security  
5 force at the site was armed with firearms.

6 34. Previously, on or before May 29, 2015, a local realtor had reported to the Modoc County  
7 Undersheriff Richardson that Spickard inquired of the realtor how Spickard could obtain a concealed  
8 weapons permit. The realtor also informed that Spickard told the realtor that he was receiving \$4,400 a  
9 month for his work as a field security supervisor at the XL Ranch Site.

10 35. On June 20, 2015, DUI suspect Lisa Craig engaged in a discussion with Modoc County Sheriff's  
11 Correctional Officer David Toaetolu during the booking process at the county jail. When Officer  
12 Toaetolu asked Craig where she was employed, she replied she was employed as a security officer for  
13 the Pit River Tribe. Toaetolu asked Craig if her employment was for the marijuana growing operation at  
14 the XL Indian Reservation to which she replied "yes". Craig stated that she gets paid \$15.00 an hour.  
15 Craig went on to say that some of the security officers get to carry guns to protect the land. Craig  
16 advised that those same security guards received training to carry firearms during the course of their  
17 employment. Craig reported one security officer worked 132 hours of overtime scouting the perimeter  
18 of the marijuana grow site looking for unauthorized persons in the area.

19 36. On June 30, 2015, Deputy Dowdy conducted surveillance at the XL Ranch Site and found the  
20 trailer outside and east of the security fence. Dowdy recorded the license plate for the trailer, to wit:  
21 California License Plate 1LJ7737. Dowdy determined through a license plate check the trailer is  
22 currently registered to Jason Gassaway to a residence over 140 miles, and approximately 2 hours, forty  
23 minutes' drive away from the XL Ranch Site according to a search on Google Maps. Dowdy learned  
24 that Gassaway was formerly employed as a sworn law enforcement officer with the Shasta County,  
25 California, Sheriff's Department. I am not disclosing the place of Gassaway's residence to help protect  
26 him and his family, if any, as he is a former law enforcement officer.

27 37. It appears that there is no office building at the XL Ranch Site. Based on the very long distance  
28 between Gassaway's residence according to state vehicle records, on the one hand, and the XL Ranch

1 Site, on the other hand, and the long-term presence of the Gassaway Trailer at the site, I believe that  
2 Gassaway is using his trailer as a temporary residence and office while his security firm is used to guard  
3 and protect the marijuana manufacturing operations at the site. I believe that Gassaway would maintain  
4 in his trailer employment and payroll records for members of his security force; lists of employees  
5 authorized to enter the site for manufacturing marijuana, firearms to protect the site; electronic  
6 equipment for the security force to communicate with each other; contact information for  
7 supervisory/managerial individuals to handle day-to-day affairs and in case of emergencies at the site;  
8 other records necessary to carry on the day-to day work of the security firm; and, if the surveillance  
9 system allowed for the transmission of visual images, surveillance monitors and video recording  
10 equipment. All of these items would be instrumentalities and evidence of the marijuana manufacturing  
11 activities at the site.

## 12 VI. COMPUTERS, ELECTRONIC STORAGE, AND FORENSIC ANALYSIS

13 38. As described above and in Attachment B, this application seeks permission to search for records  
14 that might be found on the PREMISES and/or in Gassaway's Trailer to be searched, in whatever form  
15 they are found. One form in which the records might be found is data stored on a computer's hard drive  
16 or other storage media. Thus, the warrant applied for would authorize the seizure of electronic storage  
17 media or, potentially, the copying of electronically stored information, all under Rule 41(e)(2)(B).

18 39. **Probable cause.** I submit that if a computer or storage medium is found on the PREMISES  
19 and/or in Gassaway's Trailer, there is probable cause to believe those records will be stored on that  
20 computer or storage medium, for at least the following reasons:

21 40. Based on my knowledge, training, and experience, I know that computer files or remnants of  
22 such files can be recovered months or even years after they have been downloaded onto a storage  
23 medium, deleted, or viewed via the Internet. Electronic files downloaded to a storage medium can be  
24 stored for years at little or no cost. Even when files have been deleted, they can be recovered months or  
25 years later using forensic tools. This is so because when a person "deletes" a file on a computer, the data  
26 contained in the file does not actually disappear; rather, that data remains on the storage medium until it  
27 is overwritten by new data.

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1 41. Therefore, deleted files, or remnants of deleted files, may reside in free space or slack space-that  
2 is, in space on the storage medium that is not currently being used by an active file-for long periods of  
3 time before they are overwritten. In addition, a computer's operating system may also keep a record of  
4 deleted data in a "swap" or "recovery" file.

5 42. Wholly apart from user-generated files, computer storage media-in particular, computers' internal  
6 hard drives-contain electronic evidence of how a computer has been used, what it has been used for, and  
7 who has used it. To give a few examples, this forensic evidence can take the form of operating system  
8 configurations, artifacts from operating system or application operation, file system data structures, and  
9 virtual memory "swap" or paging files. Computer users typically do not erase or delete this evidence,  
10 because special software is typically required for that task. However, it is technically possible to delete  
11 this information.

12 43. Similarly, files that have been viewed via the Internet are sometimes automatically downloaded  
13 into a temporary Internet directory or "cache."

14 44. **Forensic evidence.** As further described in Attachment B, this application seeks permission to  
15 locate not only computer files that might serve as direct evidence of the crimes described on the warrant,  
16 but also for forensic electronic evidence that establishes how computers were used, the purpose of their  
17 use, who used them, and when. There is probable cause to believe that this forensic electronic evidence  
18 will be on any storage medium in the PREMISES and/or in Gassaway's Trailer because:

19 45. Data on the storage medium can provide evidence of a file that was once on the storage medium  
20 but has since been deleted or edited, or of a deleted portion of a file (such as a paragraph that has been  
21 deleted from a word processing file). Virtual memory paging systems can leave traces of information on  
22 the storage medium that show what tasks and processes were recently active. Web browsers, e-mail  
23 programs, and chat programs store configuration information on the storage medium that can reveal  
24 information such as online nicknames and passwords. Operating systems can record additional  
25 information, such as the attachment of peripherals, the attachment of USB flash storage devices or other  
26 external storage media, and the times the computer was in use. Computer file systems can record  
27 information about the dates files were created and the sequence in which they were created, although  
28 this information can later be falsified.

1 46. As explained herein, information stored within a computer and other electronic storage media  
2 may provide crucial evidence of the "who, what, why, when, where, and how" of the criminal conduct  
3 under investigation, thus enabling the United States to establish and prove each element or alternatively,  
4 to exclude the innocent from further suspicion. In my training and experience, information stored within  
5 a computer or storage media (e.g., registry information, communications, images and movies,  
6 transactional information, records of session times and durations, internet history, and anti-virus,  
7 spyware, and malware detection programs) can indicate who has used or controlled the computer or  
8 storage media. This "user attribution" evidence is analogous to the search for "indicia of occupancy"  
9 while executing a search warrant at a residence. The existence or absence of anti-virus, spyware, and  
10 malware detection programs may indicate whether the computer was remotely accessed, thus  
11 inculcating or exculpating the computer owner. Further, computer and storage media activity can  
12 indicate how and when the computer or storage media was accessed or used. For example, as described  
13 herein, computers typically contains information that log: computer user account session times and  
14 durations, computer activity associated with user accounts, electronic storage media that connected with  
15 the computer, and the IP addresses through which the computer accessed networks and the internet.  
16 Such information allows investigators to understand the chronological context of computer or electronic  
17 storage media access, use, and events relating to the crime under investigation. Additionally, some  
18 information stored within a computer or electronic storage media may provide crucial evidence relating  
19 to the physical location of other evidence and the suspect. For example, images stored on a computer  
20 may both show a particular location and have geolocation information incorporated into its file data.  
21 Such file data typically also contains information indicating when the file or image was created. The  
22 existence of such image files, along with external device connection logs, may also indicate the presence  
23 of additional electronic storage media (e.g., a digital camera or cellular phone with an incorporated  
24 camera). The geographic and timeline information described herein may either inculcate or exculpate  
25 the computer user. Last, information stored within a computer may provide relevant insight into the  
26 computer user's state of mind as it relates to the offense under investigation. For example, information  
27 within the computer may indicate the owner's motive and intent to commit a crime (e.g., internet  
28 searches indicating criminal planning), or consciousness of guilt (e.g., running a "wiping" program to

1 destroy evidence on the computer or password protecting/encrypting such evidence in an effort to  
2 conceal it from law enforcement).

3 47. A person with appropriate familiarity with how a computer works can, after examining this  
4 forensic evidence in its proper context, draw conclusions about how computers were used, the purpose  
5 of their use, who used them, and when.

6 48. The process of identifying the exact files, blocks, registry entries, logs, or other forms of forensic  
7 evidence on a storage medium that are necessary to draw an accurate conclusion is a dynamic process.  
8 While it is possible to specify in advance the records to be sought, computer evidence is not always data  
9 that can be merely reviewed by a review team and passed along to investigators. Whether data stored on  
10 a computer is evidence may depend on other information stored on the computer and the application of  
11 knowledge about how a computer behaves. Therefore, contextual information necessary to understand  
12 other evidence also falls within the scope of the warrant.

13 49. Further, in finding evidence of how a computer was used, the purpose of its use, who used it, and  
14 when, sometimes it is necessary to establish that a particular thing is not present on a storage medium.  
15 For example, the presence or absence of counter-forensic programs or anti-virus programs (and  
16 associated data) may be relevant to establishing the user's intent.

17 50. **Necessity of seizing or copying entire computers or storage media.** In most cases, a thorough  
18 search of a premises for information that might be stored on storage media often requires the seizure of  
19 the physical storage media and later off-site review consistent with the warrant. In lieu of removing  
20 storage media from the premises, it is sometimes possible to make an image copy of storage media.  
21 Generally speaking, imaging is the taking of a complete electronic picture of the computer's data,  
22 including all hidden sectors and deleted files. Either seizure or imaging is often necessary to ensure the  
23 accuracy and completeness of data recorded on the storage media, and to prevent the loss of the data  
24 either from accidental or intentional destruction. This is true because of the following:

25 The time required for an examination. As noted above, not all evidence takes the form of documents and  
26 files that can be easily viewed on site. Analyzing evidence of how a computer has been used, what it  
27 has been used for, and who has used it requires considerable time, and taking that much time on  
28 premises could be unreasonable. As explained above, because the warrant calls for forensic electronic

1 evidence, it is exceedingly likely that it will be necessary to thoroughly examine storage media to obtain  
2 evidence. Storage media can store a large volume of information. Reviewing that information for  
3 things described in the warrant can take weeks or months, depending on the volume of data stored, and  
4 would be impractical and invasive to attempt on-site.

5 **51. Technical requirements.** Computers can be configured in several different ways, featuring a  
6 variety of different operating systems, application software, and configurations. Therefore, searching  
7 them sometimes requires tools or knowledge that might not be present on the search site. The vast array  
8 of computer hardware and software available makes it difficult to know before a search what tools or  
9 knowledge will be required to analyze the system and its data on the Premises. However, taking the  
10 storage media off-site and reviewing it in a controlled environment will allow its examination with the  
11 proper tools and knowledge.

12 **52. Variety of forms of electronic media.** Records sought under this warrant could be stored in a  
13 variety of storage media formats that may require off-site reviewing with specialized forensic tools.

14 **53. Nature of examination.** Based on the foregoing, and consistent with Rule 41(e)(2)(B), the  
15 warrant I am applying for would permit seizing, imaging, or otherwise copying storage media that  
16 reasonably appear to contain some or all of the evidence described in the warrant, and would authorize a  
17 later review of the media or information consistent with the warrant. The later review may require  
18 techniques, including but not limited to computer-assisted scans of the entire medium, that might expose  
19 many parts of a hard drive to human inspection in order to determine whether it is evidence described by  
20 the warrant.

## 21 **VII. CONCLUSION**

22 54. I submit that this affidavit supports probable cause for a warrant to search the PREMISES and/or  
23 in Gassaway's Trailer as described in Attachments A-1, A-2, and A-3, and seize the items described in  
24 Attachment B.

## 25 **VIII. REQUEST FOR SEALING**

26 55. It is respectfully requested that this Court issue an order sealing, until further order of the Court,  
27 all papers submitted in support of this application, including the application and search warrant. I  
28 believe that sealing this document is necessary because the items and information to be seized are

1 relevant to an ongoing investigation into the criminal organization as not all of the targets of this  
2 investigation will be searched at this time. Based upon my training and experience, I have learned that  
3 online criminals actively search for criminal affidavits and search warrants via the Internet, and  
4 disseminate them to other online criminals as they deem appropriate, i.e., post them publicly online  
5 through the carding forums. Premature disclosure of the contents of this affidavit and related documents  
6 may have a significant and negative impact on the continuing investigation and may severely jeopardize  
7 its effectiveness; endanger law enforcement officers serving the warrant; and allow suspects to destroy  
8 and hide evidence, and flee.

9 */s/ Charles Turner*

10 \_\_\_\_\_  
11 CHARLES TURNER  
12 Special Agent, Bureau of Indian Affairs

13 Approved as to form by:

14 */s/ Samuel Wong*

15 \_\_\_\_\_  
16 Samuel Wong  
17 Assistant United States Attorney

18 Sworn and subscribed to me on July 7, 2015

19 */s/ Carolyn K. Delaney*

20 \_\_\_\_\_  
21 HON. CAROLYN K. DELANEY  
22 United States Magistrate Judge  
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