UNITED STATES DISTRICT COURT

for the

Eastern District of California

FILED
Dec 08, 2020
CLERK, U.S. DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

United States of America
v.

Marques Julius Johnson

Defendant

Case No. 2:20-mj-0185-AC

SEALED

CRIMINAL COMPLAINT

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

On or about the dates of September 28, October 22, and December 1, 2020 in the counties of Sacramento and Solano in the Eastern District of California, the defendant(s) violated:

Code Section	*Offense Description*
21 U.S.C. §§ 846 and 841(a)(1)	Distribution and conspiracy to distribute and possess with intent to distribute methamphetamine and at least 50 grams of a mixture and substance containing methamphetamine

This criminal complaint is based on these facts:

(see attachment)

☒ Continued on the attached sheet.

/s/ Brian Nehring
Complainant's signature

Brian Nehring, DEA Special Agent
Printed name and title

Sworn to before me and signed telephonically.

Date: December 8, 2020

City and state: Sacramento, California

Allison Claire
ALLISON CLAIRE
UNITED STATES MAGISTRATE JUDGE

AFFIDAVIT IN SUPPORT OF SEARCH WARRANT, ARREST WARRANT, AND CRIMINAL COMPLAINT

I, Special Agent Brian Nehring of the DEA, being duly sworn, depose and state as follows:

Background and Expertise

1. I am a Special Agent of the Drug Enforcement Administration (DEA), San Francisco Field Division, and have been so employed since 1991. I have had numerous assignments since beginning with DEA, including being assigned to the Clandestine Laboratory Enforcement Team from 1997 to 1999, the Oakland Resident Office between 1999 and 2002, and the Mobile Enforcement Team (MET) between 2002 and 2004. I have been assigned to the Sacramento Division Office since September of 2004.

2. I have received specialized training in narcotic investigation matters including, but not limited to, drug interdiction, drug detection, money laundering techniques and schemes, drug identification, and asset identification and removal, from the Drug Enforcement Administration (DEA). In addition, I graduated from the DEA Basic Agents Academy at the FBI Academy at Quantico, Virginia. In total, I have received in excess of 500 hours of comprehensive formalized classroom instruction in those areas outlined above.

3. I have assisted in the execution of more than four hundred (400) warrants to search particular places or premises for controlled substances and/or related paraphernalia, indicia and other evidence of violations of federal drug narcotics statutes. As a result, I have encountered and become familiar with various tools, methods, trends, and paraphernalia and related articles utilized by traffickers in their efforts to import, conceal, manufacture and distribute controlled substances. Central to all trafficking efforts, regardless of the drug, is the traffickers' effort to make a profit from those dealings or transactions, either for the purchase of additional substances or material gain. I have been actively involved as case agent in excess of two hundred (200) investigations and have talked with confidential informants involved in the trafficking of narcotics, and this has formed the basis of my opinions.

4. I have been qualified and have testified as an expert witness in both federal and state court in the Northern and Eastern Districts of California and in counties including Alameda, Contra Costa, Solano, Sacramento and others. These areas of qualification have included possession for sale, possession with intent to distribute, manufacturing of a controlled substance and cultivation.

5. The facts set forth in this Affidavit are known to me as a result of my personal participation in this investigation, through conversations with other agents and detectives who have participated in this investigation, and from reviewing official reports, documents, and other evidence obtained as a result of this investigation. This Affidavit is not an exhaustive enumeration of the facts that I have learned during the

course of this investigation but, instead, are facts that I believe support a finding of probable cause to search the requested locations.

Scope of Requested Criminal Complaint and Search Warrant

6. This Affidavit is submitted in support of a Criminal Complaint charging **Marques Julius JOHNSON** with distribution and conspiracy to distribute and possess with intent to distribute at least 50 grams of methamphetamine, a Schedule II Controlled Substance, in violation of 21 U.S.C. § 846 and 841(a)(1).

7. This Affidavit is also submitted in support of a search warrant to search the following locations:

    A. The current residence of Marques Julius JOHNSON located at **2202 Sandcastle Way, Sacramento, California** (pictured in Attachment A);

    B. The current residence of Omar Eugene BELTON located at **3925 Clay Street, Sacramento, California** (pictured in Attachment A);

    C. The person of **Marques Julius JOHNSON**;

    D. The person of **Omar Eugene BELTON**;

    E. The Sprint cellular telephone with call number **916-370-0592** utilized by JOHNSON;

    F. The cellular telephone with call number **916-256-8165** currently utilized by BELTON;

    G. The silver 2006 Pontiac Vibe, California License Plate **#DP854XT**; and

    H. All other vehicles over which Marques Julius JOHNSON and Omar Eugene BELTON have dominion and control, as determined by an agent's observation of such person(s) operating or accessing the vehicle; DMV records showing ownership or use of the vehicle; witness statements establishing ownership or use of the vehicle; or car keys to operate the vehicle found in the actual or constructive possession of such person(s).

8. I believe that Marques Julius JOHNSON is a large-scale counterfeit MDMA/methamphetamine tablet trafficker currently operating within the Eastern District of California. Based upon the ongoing federal investigation detailed below, I believe that JOHNSON has been distributing large amounts of methamphetamine tablets in the Eastern District of California throughout 2020. I also believe that JOHNSON's source of supply for these tablets is Omar Eugene BELTON and that the recorded calls, toll analysis, controlled buys and subsequent surveillance detailed below confirm this, in addition to JOHNSON indicating that BELTON is

manufacturing these tablets at his (BELTON's) residence. I believe that JOHNSON resides at 2202 Sandcastle Way, Sacramento, California, and it is highly likely that he is storing methamphetamine tablets at the residence. I also believe that BELTON lives at 3925 Clay Street, Sacramento, California, and that he too is storing these methamphetamine tablets at his residence, as well as the items associated with the manufacture of these tablets, e.g. pill pressing equipment, pill binder material, methamphetamine, etc. This Affidavit therefore requests authority to search the locations described in Attachment A in order to locate and seize the items described in Attachment B as evidence and instrumentalities of violations of 21 U.S.C. §§ 846 and 841(a)(1) (distribution, possession with intent to distribute, and conspiracy to distribute and possess with intent to distribute methamphetamine).

Probable Cause

Background

9. Beginning in 2020, I spoke with a Confidential Source (CS) regarding the methamphetamine trafficking activities of an individual subsequently identified as Marques Julius JOHNSON.

10. It should be noted that the CS was and is cooperating with law enforcement solely in hopes of receiving monetary compensation. The CS has a criminal history of felony drug and firearms convictions. The CS has provided me with information with regards to other investigations which I have been able to corroborate through other confidential sources, data base checks, and my own inquiries, which I believe have corroborated the CS's veracity. The CS has also provided me, as well as other federal and state law enforcement officers, with information and assistance in the past that has been incorporated in prior search warrant affidavits authorized by federal and state courts. These warrants have led to the seizure of drugs, including counterfeit opioid tablets and marijuana, firearms, and to the arrest and federal prosecution of individuals for drug and firearms violations. The CS's descriptions of drug dealing are entirely consistent with my training and experience in this area, and I have not found the CS's information to be false or misleading. For these reasons, I consider the CS to be truthful, trustworthy, and reliable in this matter.

11. The CS related that in approximately August of 2020, he/she spoke with an individual in Vallejo, California, who displayed large amounts of "E Pills" and/or "Smacker Pills" which were in various colors and shapes to include Batman and Transformer shaped tablets. I know from my training and experience in years past that these types of tablets routinely contain MDMA (3-4 Methylenedioxymethamphetamine) and were commonly referred to as "Ecstasy" or "E," hence the term "E Pills." However, I know from numerous investigations I have personally conducted in recent years that while these type of multi-colored and shaped traditional "E Pills" are still extremely prevalent, they very rarely contain MDMA and most commonly currently contain methamphetamine.

12. In September of 2020, the CS telephonically contacted the individual in Vallejo who had previously displayed these tablets to the CS and the CS told this individual that he/she was interested in obtaining very large amounts of these tablets. This individual told the CS that if the CS wanted large amounts of these tablets he would refer the CS directly to the main "connect." This individual subsequently sent the CS a text message: **1-916-370-0592 hit my folks he already know;** and then: **He got Greenteddy bars right now.**

13. I subsequently verified through Sprint that the subscriber of 916-370-0592 was listed as "Dre Hicks" at 2202 Sandcastle Way, Sacramento, California. I noted that Andre "MacDre" Hicks was a well-known music artist from Vallejo who had specifically popularized the use of MDMA tablets in his music and art before his murder in 2004 and that Hicks is still celebrated yearly in Vallejo with a "Dre-Day" Festival.

14. I subsequently verified through inquiries with the Sacramento Sheriff's Department that Marques Julius JOHNSON had provided 916-370-0592 as his contact number in recent years as well as providing a resident address of 2202 Sandcastle Way, Sacramento, California. Inquiries with the Thomas and Reuters CLEAR database revealed that JOHNSON had previously provided resident addresses in Vallejo, California; however, he had most recently (2020) provided a resident address of 2202 Sandcastle Way, Sacramento, California.

15. Inquiries with the California Department of Motor Vehicles (DMV) revealed that Marques Julius JOHNSON (California Driver's License #B****439, DOB: **-**-1981) had in recent years provided a resident address of 2202 Sandcastle Way, Sacramento, California. DMV records further revealed that JOHNSON currently had two vehicles registered in his name with this same address to include a silver 2006 Pontiac Vibe, California License Plate #DP854XT.

September 28th, 2020 transaction for approximately 500 suspected Methamphetamine Tablets (334 gross grams)

16. In late September of 2020, I monitored and recorded the CS telephonically contacting JOHNSON at 916-370-0592 and arranging, during a series of telephone calls and text messages, to purchase an initial 500 tablets on September 28th, 2020, in Sacramento. JOHNSON confirmed that the current tablets were red and green Teddy Bear shaped and that he could provide 500 of the tablets for $2000.00. During subsequent calls, JOHNSON agreed to meet the CS at the shopping center at the Truxel Road exit of Highway 80.

17. Based upon these calls, I searched the CS's person for contraband with negative results. I outfitted the CS with a concealed transmitter which allowed me to monitor the ensuing conversation with JOHNSON, and I provided the CS with $2000.00 United States Currency ("USC") to purchase the suspected methamphetamine tablets. I then transported the CS directly to the agreed location, where I dropped the CS off in front of a Starbucks Coffee Shop in the shopping center and where agents

maintained continuous surveillance as the CS took up position at a table in front of this business. The CS then telephonically advised JOHNSON he/she had arrived.

18. Shortly thereafter, I observed JOHNSON arrive in the **silver 2006 Pontiac Vibe, California License Plate #DP854XT** ("silver Pontiac Vibe"), which he parked in front of the Starbucks, then telephonically contacted the CS and told him/her which vehicle he was in. Agents observed the CS enter the silver Pontiac Vibe through the passenger door, at which time the CS purchased the tablets (334 gross grams) from JOHNSON. Following this transaction, the CS exited the vehicle and I immediately picked him/her up in my vehicle. The CS immediately turned over the suspected methamphetamine tablets to me and was once again searched for additional contraband and funds with negative results. JOHNSON was followed away in the silver Pontiac Vibe as he proceeded east bound on Highway 80. I noted that this was not the direction of JOHNSON's residence. I also noted that these tablets were entirely consistent with similar tablets I have routinely seized in recent years which were subsequently analyzed as containing methamphetamine.

October 22nd, 2020 transaction for approximately 1000 suspected Methamphetamine Tablets (603 gross grams)

19. During October of 2020, I again monitored and recorded the CS contacting JOHNSON through a series of telephone calls and text messages to purchase 1000 of these tablets. JOHNSON related that he could obtain the tablets from his source of supply and sell them to the CS for $3500.00. JOHNSON indicated he had to go to Vallejo on October 22nd, 2020, and would be meeting an individual at a music studio on Solano Avenue.

20. On the morning of October 22nd, 2020, agents established surveillance at **2202 Sandcastle Way, Sacramento, California**, and observed the silver Pontiac Vibe parked at the residence. Agents subsequently observed JOHNSON exit the residence, enter the silver Pontiac Vibe, then proceed east bound on Highway 80 before exiting at Marysville Road, where agents lost sight of him and the vehicle on Grand Avenue just east of Marysville Road. Within 10 minutes or so, agents observed JOHNSON come back east on Grand Avenue, then north onto Marysville Road and then back onto Highway 80 west bound. At this same approximate time, the CS spoke telephonically with JOHNSON, who indicated he had obtained the tablets and was just leaving Sacramento in route to Vallejo to meet the CS to deliver the tablets; agents followed JOHNSON directly to Vallejo without stopping. JOHNSON ultimately arrived at the agreed location, a music studio parking lot on Solano Avenue in Vallejo where he parked the silver Pontiac Vibe.

21. Based upon these calls, I searched the CS's person for contraband with negative results. I outfitted the CS with a concealed transmitter, which allowed me to monitor the ensuing conversation with JOHNSON, and I provided the CS with $3500.00 USC to purchase the suspected methamphetamine tablets. I then transported the CS directly to the agreed location, where I dropped the CS off in the parking lot and agents

maintained continuous surveillance of the CS as he/she walked on foot directly to the silver Pontiac Vibe and he/she entered through the passenger door. At this time, the CS purchased the tablets (603 gross grams) from JOHNSON. Following this transaction, the CS exited the vehicle and I immediately picked him/her up in my vehicle; the CS then immediately turned over the suspected methamphetamine tablets to me and was once again searched for additional contraband and funds with negative results. JOHNSON was followed throughout Vallejo in the silver Pontiac Vibe following the transaction.

December 1st, 2020, transaction for sample Methamphetamine Tablets JOHNSON claimed to have just obtained from Source of Supply identified as Omar Eugene BELTON

22. During late November of 2020, the CS engaged in recorded calls and texts with JOHNSON discussing the possibility of purchasing multiple 1000 count quantities of the suspected methamphetamine tablets. JOHNSON solicited the CS several times to purchase larger amounts of these tablets. On November 29th and 30th, 2020, JOHNSON advised the CS that he was in contact with his source of supply who was in the process of "pressing" these tablets. JOHNSON related that these tablets would be ready by the morning of December 1st, 2020. The CS told JOHNSON during these recorded calls that the person for whom the CS was purchasing these tablets wanted to purchase a 1000 count quantity of the current, new tablets in order to determine how good they were before buying multiple 1000 count quantities in the immediate future. The CS and JOHNSON agreed to meet on December 1st, 2020, to conduct this transaction.

23. On December 1st, 2020, the CS telephonically contacted JOHNSON to arrange to meet that afternoon and conduct the transaction. JOHNSON stated he was about to call the source of supply and go to that person's residence, which he stated was off of Marysville Road in Sacramento, to obtain the tablets. Shortly after this call, agents conducting surveillance at 2202 Sandcastle Way, Sacramento, California, observed JOHNSON exit the residence and depart in the silver Pontiac Vibe. Agents followed JOHNSON east on Highway 80 to the Marysville Road exit and then south on Marysville Road to Grand Avenue, where he proceeded west bound to Clay Street. I noted that this was the same location JOHNSON had been followed to on October 22, 2020, when he indicated he had just obtained the tablets and immediately before he was followed directly to Vallejo that day for that transaction.

24. Agents followed JOHNSON south on Clay Street to the residence at **3925 Clay Street, Sacramento, California**, where he parked and appeared to enter the residence. Agents observed a white Chevrolet truck, California license plate #6KNN713 parked in front of the residence. Inquiries with the DMV revealed that this vehicle was registered to Omar Eugene BELTON at 3925 Clay Street, Sacramento, California. Upon arriving at this residence, JOHNSON called the CS, said he was at the source of supply's house, and requested to meet the CS at the nearby Connie's Drive-Inn on Marysville Road near the Highway 80 exit. I

subsequently outfitted the CS with a concealed transmitter and recorder, which allowed the ensuing meeting to be recorded. I transported the CS to this location and let him/her out on foot. Agents observed JOHNSON depart 3925 Clay Street in the silver Pontiac Vibe and then proceed directly to the Connie's Drive-Inn, where he met with the CS. JOHNSON advised the CS that the source was still in the process of finishing manufacturing the tablets but that they would be ready within a few hours. The CS told JOHNSON that the buyer had come in from out of town and would not wait for several hours. JOHNSON apologized but related that the source was still "pressing" the tablets at his nearby residence and they would be ready shortly. The CS told JOHNSON to call him/her when they were ready. The CS subsequently returned to my vehicle and we departed. JOHNSON was subsequently followed back to his own residence at 2202 Sandcastle Way in Sacramento.

25. A short time later, I monitored and recorded the CS telephonically speaking with JOHNSON, who stated that he was trying to find out how much longer the manufacturing process would be but the source had assured him they would be done that evening. JOHNSON stated he had over 100 samples of the current tablets from the source of supply, which he stated were red and yellow Teddy Bear shaped. The CS told JOHNSON that he/she would purchase them from JOHNSON to assure the buyer that they would be quality pills. JOHNSON agreed to meet the CS at the same shopping center at the Truxell Road exit off of Highway 80 in Sacramento where they had met during the September 28, 2020, transaction in order to deliver these sample tablets. I provided the CS with $420.00 USC to purchase the suspected methamphetamine tablets, and I searched the CS's person for contraband with negative results.

26. While I was transporting the CS to this location and a few minutes before arriving, JOHNSON called the CS and stated that he had just been contacted by the source of supply. JOHNSON related the source of supply told him the tablets would be done being manufactured at 6:30 p.m. (within two hours) but that he would be there within a few minutes to deliver the samples. We arrived a few minutes later; agents subsequently observed JOHNSON arrive in the silver Pontiac Vibe and park in the same location as September 28, between the Starbucks and the Walmart in this shopping center. The CS walked on foot from my vehicle to JOHNSON's vehicle, entered the silver Pontiac Vibe and met with JOHNSON. At this time, JOHNSON sold the CS the sample tablets of red and yellow Teddy Bear tablets (89 gross grams) for which the CS paid him $420.00. I subsequently performed a presumptive field test on these tablets, which tested positive for the presence of methamphetamine.

27. JOHNSON told the CS that if the buyer wished to purchase 4000 tablets or more at a time, he would be able to sell them for $3000 per 1000-count ("boat") quantity. The CS assured JOHNSON that the buyer would obtain at least 4000 tablets during the next transaction. JOHNSON indicated that he would be going to speak to the source following this transaction and would relay this. Following this transaction, the CS immediately returned to my vehicle and turned over the tablets. The CS was once again searched for additional contraband and funds with negative results. JOHNSON

was followed by agents as he departed the shopping center in the silver Pontiac Vibe and drove east bound on Highway 80 to the Marysville Road exit, where he then exited, drove directly to the residence at 3925 Clay Street, parked, and entered the residence.

28. The CS stated that on December 2nd, 2020, JOHNSON telephonically contacted the CS repeatedly to advise that the pills were done being "pressed" and that they were ready. I subsequently monitored and recorded the CS speaking with JOHNSON where JOHNSON again repeated that the pills were now ready and he would tell the source to set aside several thousand for the CS.

Toll Analysis of JOHNSON's telephone and contacts with identified phone for Omar Eugene BELTON at pertinent times further confirming BELTON's status as JOHNSON's source of supply

29. I verified through inquiries with DMV that Omar Eugene BELTON (California Driver's License #B7445226) had most recently (2019) provided a resident address of 3925 Clay Street, Sacramento, California, for his driver's license renewal and that he had also provided this address for registering the above described white Chevrolet truck (observed at 3925 Clay Street on December 1, 2020) in August of 2020.

30. Inquiries with NCIC revealed that BELTON had a criminal history including misdemeanor convictions for theft, battery, carrying a concealed loaded firearm in public, failure to appear, driving on a suspended license, driving under the influence and reckless driving.

31. Inquiries with the Thomas and Reuters CLEAR database revealed that BELTON had most recently (2020) self-provided a contact cellular telephone number of **916-256-8165**, in addition to having listed a resident address of 3925 Clay Street, Sacramento, California, in the last few years and most currently in 2020.

32. I examined the tolls and contacts between JOHNSON's telephone, BELTON's identified telephone and the CS between October 20th and December 2nd, 2020. I noted a distinct pattern of calls which led me to believe BELTON was in fact the source of supply for the tablets to JOHNSON, and in turn to the CS, based upon the dates and times of the calls between the three telephones.

33. I noted that between October 20th, 2020, and the transaction for the 1000 tablets on October 22nd, 2020, there were several instances wherein calls from BELTON's telephone to JOHNSON resulted in immediate calls to the CS's telephone. During these calls, JOHNSON indicated he had spoken to the source of supply and was checking on the status of the CS and the anticipated transaction. I also noted that calls from the CS to JOHNSON's telephone immediately precipitated calls from JOHNSON's telephone to BELTON's identified telephone when JOHNSON stated he was about to call the source of supply. I also noted that on the morning of October 22nd, 2020, BELTON's identified telephone had called JOHNSON's telephone

immediately prior to agents observing JOHNSON leaving his residence and proceeding to the immediate area of BELTON's residence, then telling the CS he had obtained the pills and was in route to Vallejo for the subsequent transaction. I noted additional instances in November of 2020 when this pattern continued, e.g. calls from BELTON's telephone to JOHNSON's telephone precipitated immediate calls or texts to the CS's telephone relating that pills were available.

34. I further noted that on November 29th, November 30th, and December 1st, 2020, calls from the CS to JOHNSON to inquire about the availability of tablets and JOHNSON indicating he would contact the source to check on the status immediately precipitated calls to BELTON's identified telephone. I also noted that JOHNSON's telephone was documented in contact with BELTON's identified telephone when he stated he was contacting the source, when he indicated he was going to meet the source, and immediately before JOHNSON was surveilled by agents travelling twice to BELTON's identified residence at 3925 Clay Street, Sacramento, California. I also noted that on December 1st, 2020, at approximately 4:14 p.m., BELTON's identified telephone had contacted JOHNSON's telephone and one minute later, JOHNSON had called the CS–while we were in route to meet him to obtain the pill samples–and stated he had just been called by the source, who had assured him the pills would be done by 6:30 p.m. I noted that this same pattern continued through December 2nd, 2020, e.g. BELTON's identified telephone called JOHNSON's telephone and then the very next call was from JOHNSON to the CS a minute later, relating that the source had contacted him and the pills were available.

Training and Experience Regarding Drug Trafficking and Drug Traffickers

35. As a result of my experience and training, I have learned that traffickers who deal in various quantities of controlled substances, or those that assist in that venture, maintain and tend to retain accounts or records of those transactions. Such records detail amounts outstanding, owed, or expended, along with records tending to indicate the identity of co-conspirators. These records may be kept on paper or contained in memory calculators or computers. It is also my experience that these traffickers tend to keep these accounts and records in their residence and in the areas under their control. It is my training and experience, that in the case of drug dealers, evidence is likely to be found where the dealers live. It is also my training and experience that where criminal activity is long-term or ongoing, equipment and records of the crime will be kept for some period of time.

36. Based upon my experience and training, I have learned that drug traffickers often place their assets in names other than their own to avoid detection of those assets by law enforcement and the Internal Revenue Service (IRS); that those persons are commonly family members, friends, and associates who accept title of assets to avoid discovery and detection; that traffickers also often place assets in the ownership of corporate entities to avoid detection by law enforcement agencies and although these assets are in other individual(s) or corporate names, the traffickers continue to use

these assets and exercise dominion and control over them. Typically traffickers keep records of those registrations and transactions in their residence.

37. I have learned that large-scale drug traffickers often have on hand large amounts of United States currency in order to maintain and finance their ongoing business. It has been my experience that drug traffickers often keep large sums of currency, caches of drugs, financial instruments, precious metals, jewelry, automobiles and other items of value and/or proceeds of drug transactions, including evidence of financial transactions related to obtaining, transferring, secreting or spending large sums of money acquired from engaging in the acquisition and distribution of controlled substances in their residence or in the areas under their control.

38. In my experience, traffickers commonly have in their possession, that is, on their person, at their residence and in the areas under their control, firearms, including but not limited to handguns, pistols, revolvers, rifles, shotguns, machine guns and other weapons. Such firearms are used by drug violators to protect their illicit drug trafficking operations, and themselves against law enforcement and other drug violators because the illicit drug trade is an inherently dangerous illegal activity involving large amounts of valuable contraband and drug proceeds. Such property may include, but is not limited to, narcotics and other dangerous drugs, jewelry, narcotic paraphernalia, books, records, ledgers and quantities of currency.

39. In my experience, traffickers commonly have in their possession, that is on their person, at their residences, and their vehicles, and in the areas under their control and which they have free and ready access to, drugs, including but not limited to in this case, methamphetamine, which they intend to distribute. It is my experience that these drug traffickers commonly utilize these areas (vehicles, residences, properties, etc.) as locations to conceal their narcotics from law enforcement.

40. In my experience, drug traffickers may take or cause to be taken photographs or videotapes of themselves, their associates, their property, and their product. Such traffickers often maintain photographs and/or videotapes at their residence or in the areas under their control.

41. In my experience, large scale traffickers often maintain in their possession and at their residence fictitious identification, including but not limited to, driver's licenses, employment cards, insurance cards, social security cards, certificates of birth and passports which are obtained by the traffickers and utilized in an effort to prevent law enforcement identification of the traffickers and their drug trafficking activities.

42. In my experience, drug traffickers often use vehicles to transport and distribute controlled substances in facilitation of their trafficking activities. It has also been my experience that traffickers will also utilize vehicles as locations in which to store controlled substances prior to distribution. During prior investigations, I have observed that drug traffickers will often utilize vehicles registered in the names of individuals other than themselves in an effort to avoid detection by law enforcement.

43. In addition, these traffickers tend to attempt to legitimize their assets by establishing domestic and foreign businesses, by creating shell corporations, by utilizing bank haven countries and attorneys specializing in drafting and establishing such entities employed to "launder" the proceeds derived from the distribution of controlled substances.

44. In establishing these entities, the traffickers often must travel to meetings in foreign countries as well as domestically. As a result of that travel, records are generated reflecting travel by commercial and private aircraft, Commercial Ocean and private vessels as well as common carrier(s).

45. Individuals involved in the distribution of methamphetamine often make, or cause to be made, pictures, videos, movies, compact discs, floppy discs, or other such items which are or contain photographic or digital images in order to memorialize their methamphetamine distribution, use, possession, or any other activities surrounding their methamphetamine trafficking activities, and that such items often identify co-conspirators in their methamphetamine trafficking activities.

46. It has been my experience in the past, and particularly in this case, that when suspects use mobile telephones to communicate with cooperating individuals or undercover agents to set up the methamphetamine deals, records relating to these activities will be found stored in the cellular telephone. And, as relevant to this case, the drug traffickers in this case have made extensive use of text messaging to communicate about his ongoing drug trafficking. I noted that there were numerous apparent "Short Message System," or "SMS," 0 second calls recorded per telephone records between JOHNSON and BELTON, indicative of text message communication, and that CS and JOHNSON engaged in narcotics related text messages as well.

47. I know that narcotics traffickers use mobile telephones to communicate with one another, either by voice or text message. Mobile telephones preserve in their memory a history of incoming, outgoing, and missed calls, which can lead to evidence of the telephone numbers of other narcotics traffickers and the dates and times that they and/or the mobile telephone user dialed one another's telephones. Mobile telephones also contain in their memory a telephone book. This allows the user to store telephone numbers and other contact information; the information stored in a telephone used by a narcotics trafficker is evidence of the associations of the narcotics trafficker, some of which are related to his or her illegal business. Mobile telephones also contain in their memory text messages sent, received, and drafted by the mobile telephone user. The text message history of a narcotics trafficker's mobile telephone can contain evidence of narcotics trafficking because it shows the communications or planned communications of a narcotics trafficker and the telephone numbers of those with whom the narcotics trafficker communicated or intended to communicate. Mobile telephones also have a voicemail function that allows callers to leave messages when the telephone user does not answer. Narcotics traffickers sometimes leave voice messages for each other and this is evidence both of

their mutual association and possibly their joint criminal activity. Mobile telephones can also contain other user-entered data files such as "to-do" lists, which can provide evidence of crime when used by a narcotics trafficker. Mobile telephones can also contain photographic data files, which can be evidence of criminal activity when the user was a narcotics trafficker who took pictures of evidence of crime. Mobile telephone companies also store the data described in this paragraph on their own servers and associate the data with particular users' mobile telephones.

48. As described above and in **Attachment A**, this Affidavit seeks permission to search and seize things that are related to the ongoing methamphetamine conspiracy between JOHNSON and BELTON, in whatever form such things are stored. Based on my knowledge, training, and experience, I know that electronic devices can store information for long periods of time. Even when a user deletes information from a device, it can sometimes be recovered with forensics tools. Similarly, things that have been viewed via the Internet are typically stored for some period of time on the device. This information can sometimes be recovered with forensics tools.

49. It is my opinion, based on my training and experience, and the training and experience of other law enforcement investigators to whom I have spoken, that the items listed in **Attachment B** are items most often associated with the distribution of controlled substances, including methamphetamine as well as the proceeds from such illegal operations.

50. The facts set forth in this Affidavit are known to me as a result of my personal participation in this investigation, through conversations with other agents and detectives who have participated in this investigation, and from reviewing official reports, documents, and other evidence obtained as a result of this investigation. This Affidavit is not an exhaustive enumeration of the facts that I have learned during the course of this investigation but, instead, are facts that I believe support a finding of probable cause to search the requested locations.

51. Based on my experience and training, and after consulting with other law enforcement officers experienced in drug investigations, I know that individuals involved in drug dealing often maintain at their residences, vehicles, and on their persons the items described in **Attachment B**. Individuals involved in drug dealing also often maintain paraphernalia for packaging, weighing, cutting, testing, distributing, and identifying controlled substances. Therefore, I am requesting authority to seize all the items listed in **Attachment B** to this Affidavit and incorporated here by reference.

Conclusion

52. The facts set forth in this Affidavit demonstrate probable cause to believe that the locations listed in **Attachment A** to this Affidavit contain evidence of a crime or crimes, contraband, fruits of a crime or crimes, and other items illegally possessed, property designed for use, intended for use, or used in committing a crime or crimes,

specifically, **Marques Julius JOHNSON, Omar Eugene BELTON and their co-conspirators** and their ongoing collective effort to distribute and possess with intent to distribute methamphetamine in violation of 21 U.S.C. §§ 846 and 841(a)(1).

53. Also, I respectfully request authority to search:

    A. The current residence of JOHNSON located at **2202 Sandcastle Way, Sacramento, California** (pictured in Attachment A);

    B. The current residence of Omar Eugene BELTON located at **3925 Clay Street, Sacramento, California** (pictured in Attachment A);

    C. The person of **Marques Julius JOHNSON**;

    D. The person of **Omar Eugene BELTON**;

    E. The Sprint cellular telephone with call number **916-370-0592** utilized by JOHNSON;

    F. The cellular telephone with call number **916-256-8165** currently utilized by BELTON;

    G. The silver 2006 Pontiac Vibe, California License Plate **#DP854XT**; and

    H. All other vehicles over which Marques Julius JOHNSON and Omar Eugene BELTON have dominion and control, as determined by an agent's observation of such person(s) operating or accessing the vehicle; DMV records showing ownership or use of the vehicle; witness statements establishing ownership or use of the vehicle; or car keys to operate the vehicle found in the actual or constructive possession of such person(s).

54. I further request that based upon this Affidavit, a Criminal Complaint and arrest warrant be issued for **JOHNSON**, charging him with distribution and conspiracy to distribute and possess with intent to distribute at least 50 grams of methamphetamine, a Schedule II Controlled Substance, in violation of 21 U.S.C. § 846 and 841(a)(1).

55. Finally, I respectfully request that this Court issue an order sealing, until further order of the Court, all papers submitted in support of this application, including the application, search warrant, arrest warrant, and Criminal Complaint. I believe that sealing these documents is necessary because the items and information to be seized are relevant to an ongoing investigation into criminal activities by the Defendant and his coconspirators. Based upon my training and experience, I have learned that criminals actively search for criminal affidavits and search warrants over the internet, and disseminate them to other criminals as they deem appropriate, *i.e.*, post them publicly online. Premature disclosure of the contents of this affidavit and related documents may have a significant and negative impact on the continuing

investigation and may severely jeopardize its effectiveness, as well as endanger the safety of agents serving the warrant requested.

I swear under penalty of perjury, that the foregoing information is true and correct to the best of my knowledge, information and belief.

/s/ Brian Nehring

Brian Nehring, Special Agent
Drug Enforcement Administration

Sworn to and subscribed before
me on the 8th day of December 2020

Allison Claire

ALLISON CLAIRE
UNITED STATES MAGISTRATE JUDGE

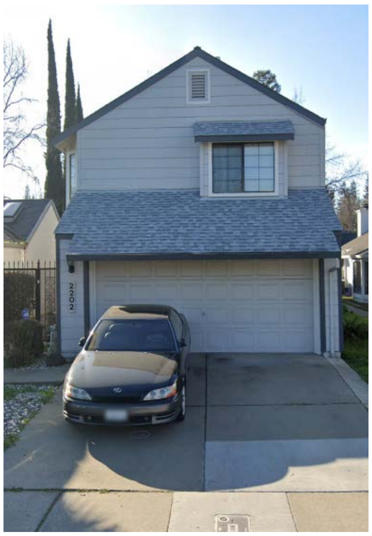
Approved as to form:

/s/ Alexis Nelsen

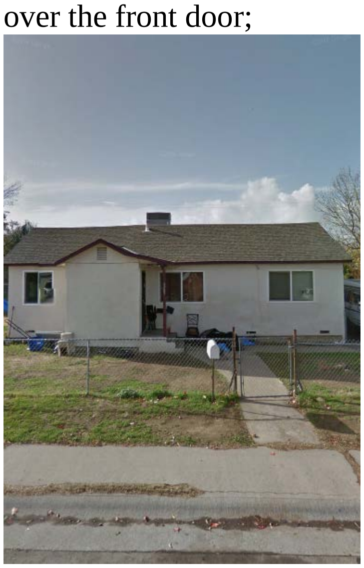
Alexis Nelsen
Assistant U.S. Attorney

<u>Attachment A</u>
Locations to be Searched

A. The current residence of JOHNSON located at **2202 Sandcastle Way, Sacramento, California** (pictured below), further described as a two-story, single family residence, white in color with gray trim, with the numerals 2202 in gray affixed to the front of the residence to the left of the garage door, located on the west side of Sandcastle Way facing east, with a metal security gate on the left (south) side of the residence;



B. The current residence of Omar Eugene BELTON located at **3925 Clay Street, Sacramento, California** (pictured below), further described as a single-family, single story residence, tan in color with white and red trim, with the numerals 3925 in white affixed to the porch support post next to the front door, with a chain link fence in front and a driveway on the right and a black metal security screen over the front door;



C. The person of **Marques Julius JOHNSON**;

D. The person of **Omar Eugene BELTON**;

E. The Sprint cellular telephone with call number **916-370-0592** utilized by JOHNSON;

F. The cellular telephone with call number **916-256-8165** currently utilized by BELTON;

G. The silver 2006 Pontiac Vibe, California License Plate **#DP854XT**; and

H. All other vehicles over which Marques Julius JOHNSON and Omar Eugene BELTON have dominion and control, as determined by an agent's observation of such person(s) operating or accessing the vehicle; DMV records showing ownership or use of the vehicle; witness statements establishing ownership or use of the vehicle; or car keys to operate the vehicle found in the actual or constructive possession of such person(s).

Attachment B
Items to be Seized

Agents are authorized to search and seize property that constitutes evidence, fruits, and instrumentalities of violations of the following federal statutes (the "Target Offenses"), committed by JOHNSON, BELTON and their co-conspirators:

- Title 21 U.S.C. Sections 846 and 841(a)(1) – Conspiracy to Distribute and Possess with Intent to Distribute Methamphetamine.

- Title 21 U.S.C. Section 841(a)(1) – Distribution and Possession with Intent to Distribute Methamphetamine.

As further described in the Affidavit, the specific evidence, fruits, and instrumentalities of the Target Offenses for which agents may search includes:

1. Controlled substances, including methamphetamine, or items frequently used to distribute methamphetamine, or items containing residue from the distribution of methamphetamine; drug-trafficking paraphernalia, including scales, measuring devices, and weighing devices; narcotics diluting or cutting agents; narcotics packaging materials, including plastic, tin foil, cellophane, jars, plastic bags, and containers; and plastic surgical gloves;

2. United States and foreign currency linked to drug trafficking and/or the proceeds of drug trafficking, including the pre-recorded U.S. currency used to purchase methamphetamine, from JOHNSON during in this investigation;

3. Narcotics or money ledgers, narcotics distribution or customer lists, narcotics supplier lists, correspondence, notations, logs, receipts, journals, books, pay and owe sheets, records and other documents noting the price, quantity, date and/or times when narcotics were purchased, possessed, transferred, distributed, sold or concealed;

4. Telephone paging devices, beepers, mobile phones, car phones, answering machines and tapes, and other communication devices which could be used to participate in a conspiracy to distribute controlled substances in violation of 21 U.S.C. § 841(a)(1);

5. Bank account records, wire transfer records, bank statements, safety deposit keys and records, money wrappers, money containers, income tax returns, evidence of financial transfer, or movement of money generated from the sale of narcotics;

6. Personal telephone books, address books and other such address listings, letters, cables, telegrams, telephone bills, photographs, audio and video tapes connected to drug trafficking, personal notes and other items reflecting names, addresses,

telephone numbers, communications, and illegal activities of associates in drug trafficking activities;

7. Financial instruments purchased with large amounts of currency derived from the sale of controlled substances, including travelers checks, bonds, stock certificates, cashier's checks and certificates of deposit; money counting machines, money wrappers and bags used to carry controlled substances;

8. Records, documents and deeds reflecting the purchase or lease of real estate, vehicles, precious metals, jewelry, or other items obtained with the proceeds from the sale of controlled substances;

9. Records, items, and documents reflecting travel, including airline tickets, credit card receipts, travel vouchers, hotel and restaurant receipts, canceled checks, maps and written directions to location;

10. Handguns, shotguns, rifles, explosives, and other firearms/incendiary devices and ammunition that may be used to facilitate the distribution or possession of, with the intent to distribute controlled substances or discovered in the possession of a prohibited person, including JOHNSON;

11. Indicia of occupancy, residency, control or ownership of the premises and things described in this warrant, including utility bills, telephone bills, loan payment receipts, rent documents, canceled envelopes and keys, photographs, and bank records; and

12. All names, words, telephone numbers, email addresses, time/date information, messages or other electronic data in the memory of the mobile telephone or on a server and associated with mobile telephones that are associated with JOHNSON during execution of the warrant. This authority to search such mobile telephones includes the following within each mobile telephone:

    A. Incoming call history;
    B. Outgoing call history;
    C. Missed call history;
    D. Outgoing text messages;
    E. Incoming text messages;
    F. Draft text messages;
    G. Telephone book;
    H. Data screen or file identifying the telephone number associated with the mobile telephone searched;
    I. Data screen, file, or writing containing serial numbers or other information to identify the mobile telephone searched;
    J. Voicemail;
    K. User-entered messages (such as to-do lists);

L. Photographs; and

M. Any passwords used to access the electronic data described above.

United States v. Marques Julius JOHNSON
Penalties for Criminal Complaint

Defendants
Marques Julius JOHNSON

VIOLATION: 21 U.S.C. §§ 846, 841(a)(1) - Conspiracy to Distribute over 50 Grams of Methamphetamine (mixture and substance)

PENALTIES: Mandatory minimum of 5 years in prison and a maximum of up to 40 years in prison; or
Fine of up to $5,000,000; or both fine and imprisonment
Supervised release of at least 4 years up to life

SPECIAL ASSESSMENT: $100

FORFEITURE ALLEGATION:

VIOLATION: 21 U.S.C. § 853(a) - Criminal Forfeiture