

# United States District Court

FOR THE  
NORTHERN DISTRICT OF CALIFORNIA

VENUE: OAKLAND

**FILED**

Aug 16 2023

Mark B. Busby  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO

UNITED STATES OF AMERICA,

V.

DANIEL JAMES HARRIS and  
DEVON CHRISTOPHER WENGER

DEFENDANT(S).

## INDICTMENT

21 U.S.C. §§ 846, 841(a)(1), and (b)(1)(E)(i) – Conspiracy to Distribute and Possess with Intent to Distribute Anabolic Steroids;  
21 U.S.C. §§ 846, 841(a)(1), and (b)(1)(E)(i) – Attempted Possession with Intent to Distribute Anabolic Steroids;  
21 U.S.C. §§ 841(a)(1) and (b)(1)(E)(i) – Possession with Intent to Distribute Anabolic Steroids;  
18 U.S.C. § 1519 – Destruction, Alteration, and Falsification of Records in Federal Investigations  
21 U.S.C. § 853 – Forfeiture Allegation

A true bill.

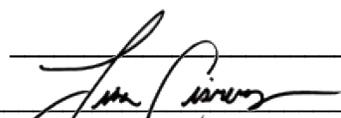
/s/ Foreperson of the Grand Jury

Foreman

Filed in open court this 16th day of

August

  
Brittany Sims, Clerk

 Bail, \$ NO BAIL

Hon. Magistrate Judge Lisa J. Cisneros

**FILED**

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Mark B. Busby  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO

1 ISMAIL J. RAMSEY (CABN 189820)  
United States Attorney

8 UNITED STATES DISTRICT COURT  
9 NORTHERN DISTRICT OF CALIFORNIA  
10 OAKLAND DIVISION

11 UNITED STATES OF AMERICA,	)	CASE NO. 4:23-cr-00268 HSG
12 Plaintiff,	)	<u>VIOLATIONS:</u>
13 v.	)	21 U.S.C. §§ 846, 841(a)(1), and (b)(1)(E)(i) –
14 DANIEL JAMES HARRIS and	)	Conspiracy to Distribute and Possess with Intent to
DEVON CHRISTOPHER WENGER,	)	Distribute Anabolic Steroids;
15 Defendants.	)	21 U.S.C. §§ 846, 841(a)(1), and (b)(1)(E)(i) –
	)	Attempted Possession with Intent to Distribute
	)	Anabolic Steroids;
	)	21 U.S.C. §§ 841(a)(1) and (b)(1)(E)(i) – Possession
	)	with Intent to Distribute Anabolic Steroids;
	)	18 U.S.C. § 1519 – Destruction, Alteration, and
	)	Falsification of Records in Federal Investigations;
	)	21 U.S.C. § 853 – Forfeiture Allegation
	)	

19  
20 INDICTMENT

21 Introductory Allegations

22 At all times relevant to this Indictment:

23 1. The Antioch Police Department (“APD”) was the police department for the city of  
24 Antioch, located in the Northern District of California.

25 2. Daniel James HARRIS was a police officer with the APD in the city of Antioch,  
26 California.

27 3. Devon Christopher WENGER was a police officer with the APD in the city of Antioch,  
28 California.

INDICTMENT

1 4. HARRIS and WENGER communicated by text message about the delivery of anabolic  
2 steroids, including on or about March 2, 2022 and March 9, 2022, to coordinate such an expected  
3 delivery to customer B.M. WENGER also communicated with B.M. by text message about this  
4 expected delivery on or about March 2, 2022.

5 5. At around 8:03 a.m. on March 23, 2022, local law enforcement and special agents with  
6 the Federal Bureau of Investigation notified WENGER that they were outside his residence in order to  
7 execute a search warrant. At around 9:00 a.m., law enforcement seized an Apple iPhone 12 from  
8 WENGER pursuant to a search warrant issued by the Superior Court for Contra Costa County, State of  
9 California.

10 6. As revealed by a subsequent electronic forensic review of the Apple iPhone 12,  
11 WENGER's text messaging conversations with HARRIS and with B.M. were selectively deleted prior  
12 to the seizure of WENGER's phone.

13 COUNT ONE: (21 U.S.C. §§ 846, 841(a)(1) and (b)(1)(E)(i) – Conspiracy to Distribute and  
14 Possess with Intent to Distribute Anabolic Steroids)

15 7. Paragraphs 1 through 6 of this Indictment are re-alleged and incorporated as if fully set  
16 forth here.

17 8. Beginning on a date unknown, but no later than in or about November 2019, and  
18 continuing through in or about March 2022, in the Northern District of California and elsewhere, the  
19 defendants,

20 DANIEL JAMES HARRIS and  
21 DEVON CHRISTOPHER WENGER,

22 and others known and unknown to the Grand Jury, did knowingly and intentionally conspire to distribute  
23 and possess with intent to distribute anabolic steroids, Schedule III controlled substances, in violation of  
24 Title 21, United States Code, Sections 846, 841(a)(1), and (b)(1)(E)(i).

25 COUNT TWO: (21 U.S.C. §§ 846, 841(a)(1) and (b)(1)(E)(i) – Attempted Possession with Intent  
26 to Distribute Anabolic Steroids)

27 9. Paragraphs 1 through 4 of this Indictment are re-alleged and incorporated as if fully set  
28 forth here.



1 FORFEITURE ALLEGATION: (21 U.S.C. § 853(a))

2 15. The allegations contained above are hereby re-alleged and incorporated by reference for  
3 the purpose of alleging forfeiture pursuant to Title 21, United States Code, Section 853(a).

4 16. Upon conviction of any of the offenses alleged in Counts One through Three above, the  
5 defendant,

6 DANIEL JAMES HARRIS and  
7 DEVON CHRISTOPHER WENGER

8 shall forfeit to the United States all right, title, and interest in any property constituting and derived from  
9 any proceeds defendant obtained, directly or indirectly, as a result of such violations, and any property  
10 used, or intended to be used, in any manner or part, to commit or to facilitate the commission of such  
11 violations, including but not limited to a forfeiture money judgment. If any of the property described  
12 above, as a result of any act or omission of the defendant:

- 13 a. cannot be located upon exercise of due diligence;
- 14 b. has been transferred or sold to, or deposited with, a third party;
- 15 c. has been placed beyond the jurisdiction of the court;
- 16 d. has been substantially diminished in value; or
- 17 e. has been commingled with other property which cannot be divided without  
18 difficulty,

19 the United States of America shall be entitled to forfeiture of substitute property pursuant to Title 21,  
20 United States Code, Section 853(p).

21 All pursuant to Title 21, United States Code, Section 853, and Federal Rule of Criminal  
22 Procedure 32.2.

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