IN THE MATTER OF APPLICATION OF THE STATE OF SOUTH CAROLINA FOR AN ORDER AUTHORIZING THE INTERCEPTION OF WIRE AND ELECTRONIC COMMUNICATIONS OVER TELEPHONE NUMBERS (773) 516-8023, IMSI 316010166998144, UFMI 111*435*10104 and (773)516-8027, IMSI 316010166998153, UFMI 111*435*10106.	**) IN THE CIRCUIT COURT FOR) RICHLAND COUNTY IN THE) STATE OF SOUTH CAROLINA)) SUBMITTED UNDER SEAL**

FILED
FEB - 4 2011
JAMES R. PARKS
CLERK, STATE GRAND JURY

APPLICATION FOR ORDER AUTHORIZING THE INTERCEPTION WIRE AND ELECTRONIC COMMUNICATIONS

Comes now Henry McMaster, Attorney General of South Carolina, being duly sworn, deposes and states:

I make this Application under the authority of and pursuant to the provision of Section 17-30-10 through 17-30-145 of the South Carolina Code of Laws. This application was initiated by Reginald Lloyd, Chief of the South Carolina Law Enforcement Division.

The allegations of fact which justify the issuance of an order are based upon the Affidavit of SA Jack Rushing, of SLED. The affidavit of this agent is attached to this Application and the contents of the Affidavit are incorporated herein. Your Applicant relies upon and affirmatively asserts all of the facts and circumstances recited in the Affidavit.

1. This Application seeks an order authorizing interception of wire, electronic, and oral communications of members of the Daniel Gonzalez Drug Trafficking Organization (DTO), including Juan Antoni Lopez; Clemente Juarez; Alicia Christine Blease; Joshua Lee Griffin; Lorne Dale Porter ; Francisco Javier

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Guerrero-Flores; Maria Perez; Ana P. Fritz; Alberto J. Andrade; Pedro Estrada; Sofia Juarez; Ramon A. Oseguera; Juan Mesa; "Pelon" (A.K.A. "Garcia"); and others yet to be identified, over telephone number (773) 516-8023, subscribed to in the name of Juan Antoni LOPEZ, PO Box 54988, Irvine, CA[1], and telephone number (773)516-8027, subscribed to in the name of Clemente JUAREZ, PO Box 54988, Irvine, CA. The above-described telephones are believed to have been used and are currently being used by members of the Daniel GONZALEZ Drug Trafficking Organization (DTO) in connection with the commission of violations of South Carolina Code Section 44-53-370 (drug trafficking);

2. There are grounds upon which an order could be entered under this chapter to authorize the interceptions, which a full and complete statement of the facts relied upon are set forth in the affidavit and incorporated herein by reference.
3. Based on the information detailed in the accompanying affidavit, there is probable cause to believe that members of the Daniel GONZALEZ Drug Trafficking Organization (DTO), yet to be identified, committed the offense, are committing the offense or will continue to commit the offense of drug trafficking as defined in §44-53-370, South Carolina Code of Laws.
4. Normal investigation procedures have been tried and have failed and appear unlikely to succeed if continued. There are no other investigative techniques available to SLED agents to effectively resolve and develop further evidence;
5. The communications sought to be intercepted are not otherwise legally privileged;

[1] According to information provided by Sprint Nextel, this address is a default address which is entered if a subscriber does not provide an address at the time of activating the service.

6. This is the first Application for an order authorizing the interception of wire, electronic or oral communication of telephones (773) 516-8023, subscribed to by Juan Antoni LOPEZ, PO Box 54988, Irvine, CA, and (773)516-8027, subscribed to by Clemente JUAREZ, PO Box 54988, Irvine, CA.

IT IS THEREFORE REQUESTED, that the court issue an order pursuant to §17-30-70 (A)(1) of the South Carolina Code authorizing the Applicant to intercept wire, electronic or oral communications to and from the target telephones (773) 516-8023, PTT 111*435*10104, IMSI 316010166998144, and (773)516-8027, PTT 111*435*10106, IMSI 316010166998153 and any other telephone number accessed through the IMSI numbers used by the target phones, and any other IMSI number accessed through the target cellular telephone number until communications are intercepted which fully reveal the manner in which the members of the Daniel GONZALEZ Drug Trafficking Organization (DTO) continue to commit the offenses of Section 44-53-370 (drug trafficking) or for a period of thirty (30) days, whichever occurs first. In addition, the Applicant also requests interceptions for any background conversations in the vicinity of the target telephone; and

IT IS FURTHER REQUESTED, pursuant to Title 18, United States Code 3123 and South Carolina Code of Laws §17-30-45, that the Court authorizes the installation and use of; (1) a pen register to register incoming and outgoing telephone numbers dialed or pulsed to and from the TARGET TELEPHONES; (2) to record the length of time the telephone receivers are "off the hook" from incoming or outgoing calls; and (3) a trap and trace and enhanced caller identification device on the TARGET

TELEPHONES to capture and identify originating telephone numbers which dial or pulse to the TARGET TELEPHONES;

IT IS FURTHER REQUESTED, that any Nextel Direct Connect two-way radio communications or any similar capability from any electronic communications service provider occurring on the TARGET TELEPHONES may likewise be intercepted and recorded;

IT IS FURTHER REQUESTED, that any electronic communications, including Short Message System (SMS) communications (known as text messaging) and electronic email occurring on the TARGET TELEPHONES may likewise be intercepted and recorded;

IT IS FURTHER REQUESTED, that the Order authorize interception of background conversations in the vicinity of TARGET TELEPHONES while the telephone is off the hook or otherwise in use;

IT IS FURTHER REQUESTED, that the Order require that interception shall be conducted in such a way as to minimize the interception of wire communications not otherwise subject to interception under Chapter 119 of Title 18, United States Code and §17-30-90 S.C. Code of Laws, communications not relevant to fulfilling the above stated goals of the investigation. If an interception is minimized, agents may spot check to insure that the conversation has not turned to criminal matters;

IT IS FURTHER REQUESTED, that interception shall be conducted at the secure regional facility maintained by the Drug Enforcement Agency (DEA) in Atlanta, Georgia, then routed to a secure listening post at the DEA Columbia, South Carolina office (which is networked to the Atlanta, Georgia facility). I find that specification of the exact address is not practicable as specified in the application and under §17-30-115, South Carolina Code of Laws (1976 as amended).

IT IS FURTHER REQUESTED, pursuant to South Carolina Code of Laws, §17-30-90, that in the event the intercepted communications are in a code or foreign language, and an expert in the code or foreign language is not reasonably available during the interception period, that minimization may be accomplished as soon as practicable after such interception;

IT IS FURTHER REQUESTED, that Sprint/Nextel Inc., the service provider for the TARGET TELEPHONES, Sprint LP, Cellco Partnership dba Verizon Wireless, Sprint Spectrum LP, Cingular Wireless, Nextel Communications, Nextel Communications, Tracfone, US Cellular, T-Mobile USA, Sprint Communications, BellSouth Communications, Verizon South Inc., Verizon North Inc., Sprint Carolina Telephone and Telegraph and/or any other wireless or hardline telecommunication company, and any other Electronic Communications Service Provider, shall furnish the applicant forthwith all information, facilities and technical assistance necessary to accomplish the interception unobtrusively and with a minimum of interference with the services that such provider is according the person whose communications are to be intercepted, the furnishing of such facilities or technical assistance by Sprint/Nextel Inc., and any other Electronic Communications Service Provider, to be compensated by SLED and/or DEA for reasonable expenses incurred;

IT IS FURTHER REQUESTED, that if requested by a law enforcement agency executing this investigation warrant, Sprint/Nextel Inc., Sprint LP, Cellco Partnership dba Verizon Wireless, Sprint Spectrum LP, Cingular Wireless, Nextel Communications, Nextel Communications, Tracfone, US Cellular, T-Mobile USA, Sprint Communications, BellSouth Communications, Verizon South Inc., Verizon North Inc., Sprint Carolina Telephone and Telegraph and/or any other wireless or hardline telecommunication company, and any other Electronic Communications Service Provider, shall provide originating and terminating cell site information for the intercepted wire communications. Further, if requested by a law enforcement agency executing this investigation warrant, Sprint/Nextel Inc., Sprint LP, Cellco Partnership dba Verizon Wireless, Sprint Spectrum LP, Cingular Wireless, Nextel Communications, Nextel Communications, Tracfone, US Cellular, T-Mobile USA, Sprint Communications, BellSouth Communications, Verizon South Inc., Verizon North Inc., Sprint Carolina Telephone and Telegraph and/or any other wireless or hardline telecommunication company, and any other Electronic Communications Service Provider, shall provide cell phone positioning information through use of Real Time Global Positioning System location information data and or through all call data such as cell tower data which provides positioning information. Such information shall be provided for the TARGET TELEPHONES as well as any other telephone calling to a TARGET TELEPHONE or any telephone called from a TARGET TELEPHONE (sometimes referred to as third party telephone). This information is requested to be provided to SLED and DEA in real time, if possible and if requested. It is respectfully submitted that such locating information is an important element in meeting the goals of this criminal investigation;

IT IS FURTHER REQUESTED, that the tracing operation and the use of caller ID service be without geographical limits;

IT IS FURTHER REQUESTED, that Sprint/Nextel Inc., Sprint LP, Cellco Partnership dba Verizon Wireless, Sprint Spectrum LP, Cingular Wireless, Nextel Communications, Nextel Communications, Tracfone, US Cellular, T-Mobile USA, Sprint Communications, BellSouth Communications, Verizon South Inc., Verizon North Inc., Sprint Carolina Telephone and Telegraph and/or any other wireless or hardline telecommunication company, and any other Electronic Communications Service Provider, and its agents and employees shall not disclose or cause the disclosure of this Order or the interception that it authorizes to any person other than those of its agents and employees who require said information to accomplish the interception of communications hereby ordered, and that, in particular, Sprint/Nextel Inc., Sprint LP, Cellco Partnership dba Verizon Wireless, Sprint Spectrum LP, Cingular Wireless, Nextel Communications, Nextel Communications, Tracfone, US Cellular, T-Mobile USA, Sprint Communications, BellSouth Communications, Verizon South Inc., Verizon North Inc., Sprint Carolina Telephone and Telegraph and/or any other wireless or hardline telecommunication company, and any other Electronic Communications Service Provider, and its agents and employees shall in no event make such disclosure to the telephone user involved, or to any actual or potential interceptee;

IT IS FURTHER REQUESTED, that law enforcement officers may refer to communications intercepted pursuant to this Investigation Warrant as a reliable confidential source for all relevant law enforcement purposes, including but not limited to search warrant, affidavits and arrest warrant affidavits;

IT IS FURTHER REQUESTED, that after reading this application and its supporting papers, the Court Seal this application, the supporting affidavit of Special Agent Jack Rushing and the Court's Order Authorizing the Interception of Wire Communications, and those documents be maintained by the South Carolina Attorney's Office until they are ordered unsealed by the Court or by another Superior Court Judge of competent jurisdiction, except that copies of this Order shall be retained by SLED and DEA and other participants in the investigation as necessary to effectuate this Order.

Henry McMaster

Henry McMaster,
Attorney General of South Carolina

Columbia, SC

SWORN to and subscribed before me
this 5th day of March, 2010,

John W. McIntosh
Notary Public for South Carolina

My Commision Expires: 1/26/2011

March 5, 2010.

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IN THE CIRCUIT COURT FOR RICHLAND COUNTY
IN THE STATE OF SOUTH CAROLINA

IN RE: IN THE MATTER OF THE APPLICATION OF THE STATE OF SOURTH CAROLINA FOR AN ORDER AUTHROIZING THE INTERCEPTION OF WIRE AND ELECTRONIC COMMUNICATIONS OVER SPRINT-NEXTEL WIRELESS CELLULAR TELEPHONE NUMBER 773-516-8023, DIRECT CONNECT 111*435*10104 AND INTERNATIONAL MOBILE SUBSCRIBER IDENTIFIER (IMSI) 316010166998144, SUBSCRIBED TO BY JUAN ANTONI LOPEZ, P.O. BOX 54988 IRVINE, CALIFORNIA, 92619 **(TARGET PHONE #1)** AND WIRE AND ELECTRONIC COMMUNICATIONS OVER SPRINT-NEXTEL WIRELESS CELLULAR TELEPHONE 773-516-8027 DIRECT CONNECT 111*435*10106 AND INTERNATIONAL MOBILE SUBSCRIBER IDENTIFIER (IMSI) 316010166998153 SUBSCRIBED TO BY CLEMENTE JUAREZ P.O. BOX 54988 IRVINE, CALIFORNIA, 92619 **(TARGET PHONE #2)**	)	FILED FEB - 4 2011 JAMES R. PARKS CLERK, STATE GRAND JURY **SUBMITTED UNDER SEAL**

AFFIDAVIT IN SUPPORT OF APPLICATION FOR THE INTERCEPT OF WIRE AND ELECTRONIC COMMUNICATIONS

Comes now Jack Y. Rushing III, Special Agent with the South Carolina Law Enforcement Division, being duly sworn, depose and states as follows:

1. This affidavit is in support of an application that has been initiated and authorized under the authority and requirements of §17-30-10 through §17-30-145 South Carolina Code of Laws, (1976 as amended) by the Chief of SLED, Reginald Lloyd (see attached).

2. Your Affiant is a Special Agent for the South Carolina Law Enforcement Division, (SLED) and has been employed in such capacity since October 1999. From October 2005 until

the present your Affiant has been assigned to the Columbia. South Carolina District Office of the Drug Enforcement Administration (DEA) as a Task Force Officer. In the Affiant's law enforcement career, Affiant has conducted or participated in the investigation of crimes relating to the illegal sale and distribution of controlled substances, written and executed search warrants, debriefed or otherwise interviewed numerous individuals directly involved in the storage, sale, trafficking in and distribution of controlled substances. Through these conversations, Affiant's training, education, and experience, your Affiant has become familiar with the method in which drug distribution networks are established and maintained, the efforts of persons involved in such activity to avoid detection by law enforcement, and has also learned the manner in which the controlled substances are stored, sold, or otherwise distributed. Your Affiant has received training, both formal and informal, regarding narcotics enforcement, financial investigative techniques, wiretap investigations, as well as training in the investigation of documentary evidence as it relates to narcotic activities. Your Affiant has learned that a number of the Target Subjects and other co-conspirators, unidentified as of yet, frequently utilize prepaid and disposable cellular telephones. Your Affiant knows that it is common for drug traffickers to utilize multiple cellular telephones due to the affordability and diminished need for service providers to collect personal information of potential service subscribers. Furthermore, it is advantageous for many traffickers to purchase cellular telephones in various states in order to conceal their identity and use those cellular telephones in the areas in which they are conducting their illegal activity. In addition, your Affiant knows that Mexico-based drug trafficking organizations (DTO) commonly compartmentalize members of their organization into discrete cells, with specific members' responsibilities, and/or geographical territories assigned to each cell. In this regard, your Affiant knows that members of one cell are commonly provided with information only about their specific cell's criminal activities, thus limiting the information about the overall organization. The illegal narcotics distribution activities of the individuals associated with this DTO are centered in the Richland, Lexington and Horry counties of South Carolina with ties to Nashville, Tennessee and the country of Mexico.

3. This affidavit is being submitted in support of an application which seeks an order authorizing the interception of wire communications occurring to and from cellular telephone numbers 773-516-8023, PTT 111*435*10104, IMSI 316010166998144, subscribed to by Juan Antoni LOPEZ, P.O Box 54988, Irvine California, 92619 (hereinafter referred to as **TARGET PHONE # 1**); as well as an order authorizing the interception of wire communications occurring over cellular telephone number 773-516-8027, PTT 111*435*10106, IMSI 316010166998153 subscribed to by Clemente JUAREZ, P.O Box 54988, Irvine California, 92619 (hereinafter referred to as **TARGET PHONE # 2**). This affidavit is being submitted based on probable cause that the above referenced **TARGET PHONES** have been used, are being used, and will continue to be used in connection with the commission of the below referenced offenses and that particular wire communications of the below referenced offenses and that particular wire communications of the target subjects and others as yet unknown, concerning the below-referenced offenses, will be obtained through the interception of such communications to and from **TARGET PHONE # 1** and **TARGET PHONE # 2**. In particular, these communications are expected to concern the specifics of the offenses listed below, including: (1) the nature, extent, and methods of the illegal activities of the subjects and others as yet unknown; (2) the nature, extent, and method of the drug distribution operation run by the subjects, and others, that is, the extent and methods of collecting, transporting, delivering, and financing of the drug

distribution operation; (3) the roles of accomplices, aiders and abettors, co-conspirators, and participants in their illegal activities; and (4) the locations and items used in furtherance of those activities. In addition, these wire communications are expected to constitute admissible evidence of the commission of drug trafficking offenses as defined in Title 44-53-370(e). The information contained in this application is submitted for the sole purpose of establishing probable cause for an order granting authorization for the interception of certain wire communications occurring over the TARGET TELEPHONES. The term "agent" as used throughout this affidavit includes not only Special Agents from the South Carolina Law Enforcement Division (SLED) and the Drug Enforcement Administration (DEA), but other law enforcement officers involved in this investigation as well.

4. Based on the facts relied upon and set forth below, your Affiant believes there is probable cause to establish that these offenses have been committed, are being committed, and will continue to be committed by the subjects listed below (hereinafter referred to as TARGET SUBJECTS), and that communications concerning these offenses have been, are being, and will be made over the subjects respective telephones.

a) There is probable cause to believe that Juan Antoni Lopez; Clemente Juarez; Alicia Christine Blease; Joshua Lee Griffin; Lorne Dale Porter ; Francisco Javier Guerrero-Flores; Maria Perez; Ana P. Fritz; Alberto J. Andrade; Pedro Estrada; Sofia Juarez; Ramon A. Oseguera; Juan Mesa; "Pelon" (A.K.A. "Garcia"); Leslie Brooks; Randall Cox; Amber Childress; Gray Jeremy; Lance Hill; Lindsey Hobgood; Jim Ross; Alicia Knott, Megan Livingston; Michael Byrd and others yet unknown (hereinafter referred to as **TARGET SUBJECTS**) , have committed, are committing and will continue to commit drug trafficking offenses as defined in Title 44-53-370(e) (3).

b) There is probable cause to believe that particular wire communications of Juan Antoni Lopez; Clemente Juarez; Alicia Christine Blease; Joshua Lee Griffin; Lorne Dale Porter ; Francisco Javier Guerrero-Flores; Maria Perez; Ana P. Fritz; Alberto J. Andrade; Pedro Estrada; Sofia Juarez; Ramon A. Oseguera; Juan Mesa; "Pelon" (A.K.A. "Garcia"), (hereinafter referred to as **TARGET INTERCEPTEES**) and others as yet unknown, concerning the above offenses will be obtained through the interception of such communications occurring over the **TARGET TELEPHONES.**

c) In particular, these communications are expected to concern the specifics of the above offenses, including (i) the nature, extent and methods of the narcotic distribution business of the target subjects and others; (ii) the identities and roles of accomplices, aiders and abettors, co-conspirators and participants in their illegal activities, including sources of supply for the narcotics; (iii) the distribution and transfer of the contraband and money involved in those activities; (iv) the existence and location of records; (v) the location and source of resources used to finance their illegal activities; (vi) the location and disposition of the proceeds from those activities; and (vii) the locations and items used in furtherance of those activities. In addition, these wire communications are expected to constitute admissible evidence of the commission of the above-described offenses.

TARGET INTERCEPTEES

The following is a description of the TARGET INTERCEPTEES:

a. **Juan Antoni LOPEZ**: Listed as subscriber to **TARGET TELEPHONE # 1**. Subscriber information shows an address of PO Box 54988, Irvine, CA[1]. SCDMV records show a Juan Antoni LOPEZ, SCDL #100595761, with an address of 8560 Old Percival Road. Columbia, SC. DMV records further show LOPEZ as 5'04" tall, 184 lbs., with a date of birth 12/10/1980 and SSN 667-18-1257. Per a criminal history review, LOPEZ may also be known as Eujenio LUNA, with a date of birth 11/09/1980, showing as a Mexican male, 4'09" tall, 145 lbs., brown eyes, black hair. Alias information for LUNA included the names Juan A. LOPEZ and Juan Antonio LOPEZ with an alternate date of birth 12/10/1980 and SSN 667-18-1257. LUNA shows a charge for Criminal Trespass with no disposition from Roswell, GA.

b. **Clemente JUAREZ**: Listed as subscriber to **TARGET TELEPHONE # 2**. Subscriber information shows an address of PO Box 54988, Irvine, CA. **TARGET TELEPHONE # 2** is currently active. Unknown criminal history.

c. **Alicia Christine BLEASE**: White female, 5'05", 135 lbs., brown eyes, brown hair, date of birth 01/28/1980, SSN 251-65-6977; SCDL #7796116; associated address: 3500 Fernandina Road, Apt. K6, Columbia, SC. Registered owner of 2001 Honda Accord bearing SC tag 3916EM and 2000 Ford Focus bearing SC tag 7994EM which are currently being used as heroin "Courier" vehicles. Per a criminal history review, BLEASE shows prior charges of Motor Vehicle Theft with no disposition, Simple Assault with no disposition, and conviction for Forgery.

d. **Joshua Lee GRIFFIN**: White male, 6'03", 200 lbs., brown hair, brown eyes, date of birth 11/16/1980, SSN 251-49-5389, SCDL #7906034; associated address: 1909 Anne Avenue, West Columbia, SC. Registered owner of a 1998 Honda Accord bearing SC tag FTK705 which has been identified as a heroin "Courier" vehicle. Per a criminal history review, GRIFFIN shows a non-conviction for Disturbing School.

e. **Lorne Dale PORTER**: White male, 6'01", 150 lbs., brown eyes, brown hair, date of birth 03/26/1985, SSN 249-83-7730; SCDL #90586787; associated address: 1033 Benton Street, Columbia, SC. Registered owner of 1995 Honda Accord bearing SC tag 3130EM which is currently being used as a heroin "Courier" vehicle. Per a criminal history review, PORTER shows a non-conviction for Simple Assault and Battery and charge for Public Disorderly Conduct with no disposition.

f. **Francisco Javier GUERRERO-FLORES**: Hispanic male, 5'05", 160 lbs., black hair, brown eyes, date of birth 09/05/1979, Washington DL #4166447; associated address: possibly living at 1909 Anne Avenue, West Columbia, SC. Identified as a heroin "Courier" and arrested with 10 bindles of heroin on 11/05/2009, was driving a 1998 Honda Accord bearing SC tag FTK705 which is registered to Joshua Lee GRIFFIN at 1909 Anne Avenue. Per a criminal history review, GUERRERO-FLORES shows a charge for Possession with Intent to Distribute Heroin with no disposition.

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[1] According to information provided by Sprint Nextel, this address is a default address which is entered if a subscriber does not provide an address at the time of activating the service.

g. **Maria PEREZ**: Listed as subscriber to Sprint/Nextel Push-to-talk number 150*974*11582, UFMI number associated with telephone number (803)223-1712, which has been in contact with **TARGET TELEPHONE # 2.** Subscriber information shows an address of PO Box 54988, Irvine CA. Unknown criminal history.

h. **Ana P. FRITZ**: Listed as account holder for SCE&G power at 133 Dixiana Drive, Gaston, SC (Lexington County TMS #007922-07-039). This address has been identified through GPS location information for **TARGET TELEPHONE # 1** as well as an observation of an identified "Courier" vehicle present at this location. FRITZ is also listed as a mobile home and land owner at 2006 Glenn Road, Lots 3A & 3B, Gaston, SC (Lexington County TMS #009000-05-058). It is noted in DMV records that FRITZ has made address changes between 2006 Glenn Road, Lot 1B and 133 Dixiana Drive. FRITZ shows no criminal history.

i. **Alberto J. ANDRADE**: Associated with 133 Dixiana Drive, Gaston, SC (Lexington County TMS #007922-07-039). This address has been identified through GPS location information for **TARGET TELEPHONE # 1** as well as an observation of an identified "Courier" vehicle present at this location. ANDRADE is also listed as an owner of a mobile home at 2006 Glenn Road, Lot 2B, Gaston, SC. Agents have observed all identified "Courier" vehicles at a mobile home on this parcel of land (Lexington County TMS #009000-05-057). SCDMV records show an Alberto J ANDRADE, SCDL #11355685, with an address of 2006 Glenn Road, Lot 1B, Gaston, SC. DMV records further show ANDRADE as 5'06" tall, 140 lbs., with a date of birth 08/18/1982 and SSN 654-07-2824. It is noted in DMV records that ANDRADE has made address changes between 2006 Glenn Road, Lot 1B and 133 Dixiana Drive. Per a criminal history review, ANDRADE shows a conviction for Possession of Marijuana 1st Offense, a conviction for Possession of Cocaine 1st Offense, Driving Under the Influence with no disposition, as well as other convictions for assorted traffic violations.

j. **Pedro ESTRADA**: Listed as the subscriber to Sprint/Nextel telephone number (803)234-0477, UFMI 150*903*3078. Subscriber information shows an address of PO Box 54988, Irvine, CA. This telephone number was utilized as a previous heroin "Dispatch" number and is currently still active. Unknown criminal history.

k. **Sofia JUAREZ**: Listed as the subscriber to Sprint/Nextel telephone number (803)309-2197 which was identified as a heroin dispatch phone in September 2009. Subscriber information shows an address of PO Box 54988, Irvine, CA. Unknown criminal history.

l. **Ramon A. OSEGUERA**: Listed as a property owner of 2006 Glenn Road (Lexington County TMS #009000-05-058) with the owner address listed as 133 Dixiana Drive, Gaston, SC. Address 133 Dixiana Drive has been identified through GPS location information for **TARGET TELEPHONE # 1** as well as an observation of an identified "Courier" vehicle present at this location. SCDMV records show a Ramon A. OSEGUERA-ARCHAGA. SCDL #11330575, with an address of 1110 Pine Street, Cayce, SC. DMV records further show OSEGUERA-ARCHAGA as 5'09" tall, 185 lbs., with a date of birth 06/26/1980 and SSN 654-07-4301. It is noted in DMV records that OSEGUERA-ARCHAGA has made several address changes between 1110 Pine Street and 133 Dixiana Drive. Per a criminal history review, OSEGUERA shows a charge for Criminal Domestic Violence with no disposition.

m. **Juan MESA**: Listed as the subscriber to Sprint/Nextel telephone number (803)705-0445 which was identified as a previous heroin dispatch phone in September 2009. Subscriber information shows an address of PO Box 54988, Irvine, CA. Unknown criminal history.

n. **"PELON" (a.k.a. "GARCIA")**: User of Telephone Number (843) 877-4559 which has been identified by the DEA Nashville, Tennessee District Office as a number for a heroin source of supply in Myrtle Beach, South Carolina. A review of toll information revealed that Telephone Number (843)877-4559 had been in contact with **TARGET TELEPHONE # 1** on sixteen occasions and **Target Telephone # 2** on twenty-five occasions. "PELON" (a.k.a. "GARCIA") has since dropped this number due to an enforcement action taken by the DEA Nashville DO.

5. The requested authorization will extend to any subsequently identified telephone number or numbers associated with the respective IMSI and also any changed IMSI assigned to the **TARGET PHONE # 1** and **TARGET PHONE # 2** as well as any background conversations occurring in the vicinity of the telephone while the telephone is in use. The requested order is sought for a period of time until the interception fully reveals the manner in which the above named individuals and their confederates participate in the above described offenses or, for period of (30) days, whichever is earlier. It is further requested that the time set forth in the order run from the day on which the investigative or law enforcement officers first begin to conduct the interception pursuant to the Court's Order, or ten days from the date the Order was entered, whichever is earlier.

BASIS FOR FACTS CONTAINED IN AFFIDAVIT

6. Your Affiant became involved in this investigation in September 2009. The information contained in this affidavit is based in part on personal knowledge derived from your Affiant's

participation in this investigation and in part, upon information and belief provided by other federal and local law enforcement agencies; information provided by cooperating defendants; public source documents, such as police reports and commercial database checks; telephone toll analysis, as well as your Affiant's involvement in this investigation. Additionally, information was obtained by the court authorized wire interception from the United States District Court for the Middle District of Tennessee involving the criminal investigation of Roberto SANCHEZ-VILLA, aka THOMAS, and the utilization by SANCHEZ-VILLA of the cellular telephone 615-390-3663.

7. In this affidavit, your Affiant refers to intercepted communications obtained by the use of a Federal court authorize Title III wiretap by Special Agents from the Drug Enforcement Administration located in Nashville, Tennessee. It should be noted that the calls referred to in the affidavit were intercepted in Spanish. Your Affiant is basing the description and content of these calls on summaries and transcripts prepared by monitoring personnel who are fluent in Spanish and who are contracted by DEA to prepare initial summaries of intercepted conversations. Additionally, these summaries and transcripts are drafts only and are subject to revision as the case progresses. Consequently, the descriptions of conversations are not intended to be verbatim accounts. Moreover, the participants in the criminal conspiracy often speak in code about their criminal activities. Based on your Affiant's experience in investigating drug trafficking and smuggling organizations, your Affiant is familiar with coded terms/words used in the drug business. Accordingly, these coded terms/words are subject to interpretation by monitors and law enforcement officers based on their understanding of events and, therefore, are not intended as a definitive description of any particular statement.

FACTS AND CIRCUMSTANCES

8. The facts outlined in this investigation indicate that the structure of this Drug Trafficking Organization (DTO) is multifaceted. The operational activities of the overall organization extend throughout the states of South Carolina, Tennessee, North Carolina and the country of Mexico. The sources of supply for this organization are based in Mexico with the source of supply for Columbia, South Carolina, Nashville, Tennessee and Charlotte, North Carolina based in the Myrtle Beach area of South Carolina. The facts set forth herein only apply to a specific facet or cell of this organization. The facts and circumstances outlined below have, in part, been developed through the prior and current investigative activities, the analysis of telephone toll information obtained from the Target Telephones and other associated telephones. The connection between various facts and circumstances outlined below and the Target Telephones and subjects are further summarized in the Pen Register and Toll Analysis section of this affidavit.

The source of my information and the grounds for my assertions are as follows:

9. In September 2009, Federal, State and Local law enforcement agents began investigating a heroin Drug Trafficking Organization (DTO) operating in the West Columbia area of Lexington County, South Carolina. During the initial course of this investigation, Agents attempted to identify persons, vehicles, and residences associated with the organization. Subsequently, agents have identified four vehicles utilized by the organization in order to deliver heroin to purchasers, as well as four separate residences. Agents have identified a white 1995 Honda Accord EX, bearing **SC tag 3130EM**; a burgundy 2000 Ford Focus SE, bearing **SC tag**

7994EM; a silver 2001 Honda Accord EX, bearing **SC tag 3916EM**; and a 1998 Honda Accord LX, bearing **SC tag FTK705** as being heroin "Courier" vehicles[2].

10. From September 21, 2009 until January 26, 2010, agents have conducted physical surveillance in Lexington and Richland Counties on numerous occasions. Through the use of physical surveillance, agents have observed Hispanic males driving the courier vehicles, which display the above referenced South Carolina tags and meet with purchasers in the Lexington and Richland counties for the purpose of selling heroin. Per the South Carolina Department of Motor Vehicles (DMV), the vehicles identified by agents show registered to persons other than those observed operating the vehicles. Agents have further observed the vehicles housed at residences in Lexington County other than addresses listed on the DMV registrations.

11. From September 21, 2009 to January 26, 2010, agents have conducted controlled purchases of heroin from multiple couriers working for the heroin DTO, which have tested positive for heroin. Through the use of controlled purchases by confidential informants, agents have identified four (4) previous "Dispatch" telephone numbers as being (803)309-2197, (803)705-9258, (803)705-0445, and (803)234-0477. On January 19, 2010, agents of the Lexington County Sheriffs Department (LCSD), under the direction of SLED and DEA, conducted a controlled purchase for a quantity of heroin from the DTO. A confidential informant of law enforcement contacted telephone number (803)234-0477 and arranged the transaction with a Hispanic male. This call was electronically monitored and recorded by law enforcement.

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[2] Per the South Carolina Department of Motor Vehicles (DMV), the aforementioned vehicles show registered as such: **SC tag 3130EM** shows registered on a 1995 Honda Accord EX to Lorne Dale PORTER at 1033 Benton Street, Columbia, **SC; SC tag 7994EM** shows registered on a 2000 Ford Focus SE to Alicia Christine BLEASE at 3500 Fernandina Road, Apt. K-6, Columbia, SC; **SC tag 3916EM** shows registered on a 2001 Honda Accord EX to Alicia Christine BLEASE at 3500 Fernandina Road, Apt. K-6, Columbia, SC; **SC tag FTK705** shows registered on a 1998 Honda Accord LX to Joshua Lee GRIFFIN at 1909 Anne Avenue, West Columbia, SC

The purchase was facilitated through the use of documented Lexington County funds issued to the confidential informant by agents. The informant was met by a Hispanic male, yet to be identified, who was driving a vehicle previously identified by law enforcement as being associated with the DTO. Pursuant to a Federal subpoena, Applicant learned that telephone number (803) 234-0477 became active on November 5, 2009.

PROBABLE CAUSE/CONTROLLED PURCHASES

12. On September 21, 2009, WCPD Narcotics agents conducted a controlled purchase for a quantity of heroin from a Hispanic male answering to the name of "Angel." A WCPD confidential informant (CS1) was used in order to make the purchase. After making a controlled phone call to phone number (803)309-2197, which was monitored and recorded electronically by law enforcement, the CI traveled to the "CVS" located at 2401 Sunset Blvd., West Columbia, SC, where he awaited the arrival of the heroin courier. "Angel" arrived driving a white Honda Accord, bearing SC tag 3130EM, and conducted the transaction with the CI. Evidence was processed by WCPD agents in accordance with WCPD protocol. Upon a DMV records check of SC tag 3130EM, agents found the tag to be registered on a 1995 Honda Accord EX, 4-door, to Lorne Dale PORTER at 1033 Benton Street, Columbia, SC.

13. On September 22, 2009, WCPD Narcotics agents, along with DEATFO/NET Agent M. Burke, conducted a controlled purchase for a quantity of heroin from a Hispanic male answering to the name of "Angel." A WCPD confidential informant (CS1) was used in order to make the purchase. The CI placed a controlled and recorded phone call to telephone number (803)309-2197. During the call, the CI was told to meet at the "CVS" located at 2401 Sunset Blvd. Shortly

after arriving, the CI identified the delivery vehicle traveling along Kleckley Drive toward Sunset Blvd. The CI followed a white Honda Accord to Blalock Road in the West Columbia area where the transaction was conducted. The CI identified the white Honda Accord as bearing SC tag 3130EM.

14. On September 24, 2009, WCPD Narcotics agents conducted a controlled purchase for a quantity of heroin from a Hispanic male answering to the name of "Angel." A WCPD confidential informant (CS1) was used in order to make the purchase and conducted a controlled and recorded phone call to phone number (803)309-2197 prior to the purchase. The CI met "Angel" at the "CVS" located at 2401 Sunset Blvd., who was driving a white Honda Accord bearing SC tag 3130EM. The CI followed the white Honda Accord to the 1300 block of Kleckley Drive where the transaction was conducted.

15. On September 29, 2009, WCPD Narcotics agents, along with agents of LCSD NET and RCSD, conducted a controlled purchase for a quantity of heroin from a Hispanic male answering to the name of "Oscar." A WCPD confidential informant (CS1), along with a WCPD undercover agent (UC), was used in order to make the purchase and the CI conducted a controlled and recorded phone call to phone number (803)309-2197 prior to the purchase. The CI and UC met "Oscar" at the "Walgreen's" located at 2224 Augusta Road, who was driving a red/burgundy Ford Focus bearing SC tag 7994EM. The CI and UC followed the Ford Focus to Klapman Road, near Leaphart Road, where the transaction was conducted. During this transaction, "Oscar" gave the CI a piece of paper with a handwritten number of 705-0445 which the CI stated would become the new "dispatch" number. Upon a DMV records check of SC tag 7994EM, agents

found the tag to be registered on a 2000 Ford Focus SE, 4-door, to Alicia Christine BLEASE at 3500 Fernandina Road, Apt. K6, Columbia, SC.

16. On September 30, 2009, WCPD Narcotics agents, along with agents of LCSD NET and RCSD, conducted a controlled purchase for a quantity of heroin from a Hispanic male answering to the name of "Oscar." A WCPD confidential informant (CS1), along with a WCPD undercover agent (UC), was used in order to make the purchase and the CI conducted a controlled and recorded phone call prior to the purchase. The CI attempted to call phone number (803)705-0445 with numerous failed attempts. The CI then called the previous "dispatch" number of (803)309-2197 and made contact with a Hispanic male who arranged the transaction. The CI and UC met "Oscar" at the "CVS" located at 2401 Sunset Blvd., who was driving a red/burgundy Ford Focus bearing SC tag 7994EM. The CI and UC followed "Oscar" to the 1300 block of Kleckley Drive where the transaction was conducted.

17. On October 2, 2009, WCPD Narcotics agents, along with agents of LCSD NET and RCSD, conducted a controlled purchase for a quantity of heroin from a Hispanic male answering to the name of "Oscar." A WCPD confidential informant (CS1), along with a WCPD undercover agent (UC), was used in order to make the purchase and the CI conducted a controlled and recorded phone call to a new phone number (803)705-9258, which the CI was given by a Hispanic male member of the organization, prior to the purchase. (After a failed attempt to call (803)705-9258, attempts were made to call the two previous numbers of (803)309-2197 and (803)705-0445 with no answers.) The CI and UC met "Oscar" at the "Lowe's" located at 2829 Augusta Road, who was driving a red/burgundy Ford Focus bearing SC tag 7994EM. The CI and

UC followed "Oscar" to Pella Road where the transaction was conducted.

18. On October 6, 2009, the West Columbia Police Department Narcotics Unit conducted a controlled purchase operation for a quantity of heroin from a Hispanic male answering to the name of "Oscar." A WCPD confidential informant (CS1) was used in order to make the purchase and the CI conducted a controlled and recorded phone call to (803)705-9258 prior to the purchase. The CI met "Oscar" at the "McDonald's" located at 2425 Sunset Blvd., who was driving a red/burgundy Ford Focus bearing SC tag 3130EM. The Ford Focus was recognized as the previously observed Ford Focus, however; on this date, the Ford Focus was bearing the tag registered to the previously observed white Honda Accord.

19. On October 8, 2009, WCPD Narcotics agents, along with agents of LCSD NET and RCSD, conducted a controlled purchase for a quantity of heroin from a Hispanic male answering to the name of "Oscar." A WCPD confidential informant (CS1) was used in order to make the purchase and the CI conducted a controlled and recorded phone call to (803)705-9258 prior to the purchase. The CI met "Oscar" at the "Lowe's" located at 2829 Augusta Road, who was driving a silver Honda Accord bearing SC tag 3916EM. The CI followed "Oscar" behind the "Applebee's" restaurant located at 2815 Augusta Road where the transaction was conducted. Upon a DMV records check of SC tag 3916EM, agents found the tag to be registered on a 2001 Honda Accord EX, 4-door, to Alicia Christine BLEASE at 3500 Fernandina Road, Apt. K6, Columbia, SC.

20. On October 15, 2009, the West Columbia Police Department Narcotics Unit conducted a

controlled purchase operation for a quantity of heroin from a Hispanic male answering to the name of "Oscar." A WCPD confidential informant (CS1), along with a WCPD undercover agent (UC), was used in order to make the purchase and the CI conducted a controlled and recorded phone call to (803)705-9258 prior to the purchase. The CI and UC met "Oscar" at the "CVS" located at 2401 Sunset Blvd., who was driving a white Honda Accord bearing SC tag 3130EM. The CI and UC followed "Oscar" to Kleckley Drive where the transaction was conducted.

21. On October 19, 2009, the West Columbia Police Department Narcotics Unit conducted a controlled purchase operation for a quantity of heroin from a Hispanic male answering to the name of "Oscar." A WCPD confidential informant (CS1), along with a WCPD undercover agent (UC), was used in order to make the purchase and the CI conducted a controlled and recorded phone call to (803)705-9258 prior to the purchase. The CI and UC met "Oscar" at the "Aldi" grocery store located at Augusta Road and Methodist Park Road, who was driving a red/burgundy Ford Focus bearing SC tag 7994EM. The CI and UC followed "Oscar" to Merchant Lake Road where the transaction was conducted.

22. On October 20, 2009, the West Columbia Police Department Narcotics Unit conducted a controlled purchase operation for a quantity of heroin from an unknown Hispanic male. A WCPD confidential informant (CS1), along with a WCPD undercover agent (UC), was used in order to make the purchase and the CI conducted a controlled and recorded phone call to (803)705-9258 prior to the purchase. The CI and UC met "Oscar" at the "Aldi" grocery store located at Augusta Road and Methodist Park Road, who was driving a red/burgundy Ford Focus bearing SC tag 7994EM. The CI and UC followed "Oscar" to Pella Avenue where the

transaction was conducted. During the transaction with the unknown Hispanic male, "Oscar" was observed in the passenger seat of the Ford Focus.

23. On October 22, 2009, the West Columbia Police Department Narcotics Unit conducted a controlled purchase operation for a quantity of heroin from an unknown Hispanic male. A WCPD undercover agent (UC) was used in order to make the purchase and conduct a controlled and recorded phone call to (803)705-9258 prior to the purchase. The UC met the unknown Hispanic male at the "Aldi" grocery store located at Augusta Road and Methodist Park Road, who was driving a red/burgundy Ford Focus bearing SC tag 7994EM. The UC followed "Oscar" to Pella Avenue where the transaction was conducted.

24. On October 26, 2009, a WCPD undercover agent (UC) was used in order to conduct a controlled and recorded phone call to (803)705-9258 in order to arrange a purchase for heroin. During a series of calls, the UC spoke with a Hispanic male who told the UC that he (unknown Hispanic male) did not know the phone number calling and did not know what he (UC) wanted. Approximately 30 minutes later, a WCPD confidential informant (CS1), along with a WCPD undercover agent (UC), was used in order to make the purchase and the CI conducted a controlled and recorded phone call to (803)705-9258 prior to the purchase. The CI and UC met two unknown Hispanic males at the "Sonic" located at 2424 Augusta Road, who were in a silver Honda Accord bearing SC tag 3916EM. The UC and CI followed the silver Honda Accord to Hook Lawn Drive where the transaction was completed. The UC conducted the transaction with the passenger who was described as the driver of the "courier" vehicle on October 22, 2009.

25. On November 3, 2009, agents from the South Carolina Law Enforcement Division (SLED), the Lexington County Multi-Agency Narcotics Enforcement Team (NET), West Columbia PD, Richland County SD, and the DEA Columbia DO conducted a controlled purchase operation for a quantity of heroin from an unknown Hispanic male. A SLED/WCPD confidential informant (CS1), along with a WCPD undercover agent (UC), was used in order to make the purchase and the CI conducted a controlled and recorded phone call to (803)705-9258 prior to the purchase. The CI and UC met an unknown Hispanic male at the "CVS" located at 2401 Sunset Blvd., who was driving a red/burgundy Ford Focus. The CI and UC followed the unknown Hispanic male to the 1300 block of Kleckley Drive where the transaction was conducted.

26. On January 19, 2010, agents from the Lexington County Multi-Agency Narcotics Enforcement Team (NET), West Columbia PD, Richland County SD, and the DEA Columbia DO conducted a controlled purchase operation for a quantity of heroin from an unknown Hispanic male. A Lexington County confidential informant (CS2) was used in order to make the purchase and made a controlled and recorded phone call to (803)234-0477 prior to the purchase. The CI met the unknown Hispanic male at "Hardee's" located at 2499 Augusta Road, who was driving a silver Honda Accord bearing SC tag 3916EM. The CI followed the silver Honda Accord along Lesley Drive where the transaction was completed. The unknown Hispanic male had to return in order to fulfill the requested quantity of heroin. This second transaction was completed along Meadow Lane off of Lesley Drive approximately 15 minutes later.

27. On January 26, 2010, agents of the DEA Columbia DO, the Lexington County Multi-

Agency Narcotics Enforcement Team (NET), and the West Columbia Police Department (WCPD) conducted a controlled purchase operation for a quantity of heroin from an unknown Hispanic male. A Lexington County confidential informant (CS2) was used in order to make the purchase and made a controlled and recorded phone call to (773)516-8023 prior to the purchase. The CI met the unknown Hispanic male at the "Sonic" located at 287 Harbison Blvd., Columbia, SC, who was driving a silver Honda Accord bearing SC tag 3916EM. The CI followed the silver Honda Accord to Raintree Drive at Country Squire Drive in the Quail Valley subdivision where the transaction was completed.

28. On January 25, 2010, Agent/TFO Michael Burke received a call from a confidential informant who stated that he/she received a call from a Hispanic male associated with the heroin DTO. The informant told Agent/TFO Burke that he/she was advised by the Hispanic male that the "dispatch" number was going to change and that he/she (the informant) needed to meet with the DTO in order to get the new telephone number. Agent/TFO Burke arranged with the informant to meet on January 26, 2010, and conduct a controlled purchase from the DTO and receive the new telephone number. On January 26, 2010, at approximately 8:45 a.m., Agent/TFO Burke received a call from the informant who stated that he/she (the informant) received a call from a Hispanic male associated with the DTO utilizing **TARGET TELEPHONE # 1**. The Hispanic male advised the informant that **TARGET TELEPHONE # 1** [3] was the new "Dispatch" number. Additionally, on January 25, 2010, Richland County Sheriffs Deputy (RCSD) Agent/TFO Marcus Brown received information from RCSD Mike Poole who advised that he was contacted by a separate Richland County Source of Information

[3] On January 26, 2010, TARGET PHONE # 1 (773) 516-8023, was identified through the controlled purchase of heroin conducted by law enforcement as the current Dispatch number for the heroin group operating in the West Columbia and Columbia, SC.

(SOI) stating that the telephone number identified as **TARGET TELEPHONE # 1** was the new number for the heroin DTO. At approximately 10:15 a.m., agents completed a controlled purchase for heroin from the DTO utilizing a confidential informant. A controlled and recorded phone call to **TARGET TELEPHONE # 1** was conducted prior to the purchase. Pursuant to a Federal subpoena, Applicant learned that **TARGET TELEPHONE # 1** also became active on November 5, 2009.

29. On February 2, 2010, a PEN Register, Trap and Trace Device, and Global Positioning System location information services were installed and activated on **TARGET TELEPHONE # 1**. Pursuant to these services, Agents observed a high volume of incoming calls to **TARGET TELEPHONE # 1**. Telephone numbers calling to **TARGET TELEPHONE # 1** are consistent with telephone numbers observed on previous "Dispatch" numbers. Agents further observed via GPS location information that **TARGET TELEPHONE # 1** was located at a residence on Dixiana Drive in the Gaston area of Lexington County, South Carolina. On this date, DEA/TFO Michael Burke received a telephone call from a Lexington Police Department narcotics agent, Cameron Mortensen, who stated that he was conducting a controlled purchase operation for a quantity of heroin utilizing a confidential informant. Agent Mortensen advised that the informant had to contact an intermediary who would then meet with a Hispanic in order to purchase the heroin. At approximately 4:58 p.m., Agent Mortensen again contacted DEATFO Burke advising that the telephone number of the intermediary was (803)600-0916. At the time DEATFO Burke and Agent Mortensen were speaking, DEATFO Burke observed an incoming call to **TARGET TELEPHONE # 1** from telephone number (803)600-0916 via the PEN Register. Agent Mortensen further stated that the intermediary was parked in the Fred's store parking lot, across

from the Food Lion grocery store on Sunset Boulevard in West Columbia, awaiting contact from the Hispanic. At approximately 6:00 p.m., DEATFO Burke received a telephone call from Agent Ray Hill, of the Lexington County Multi-Agency Narcotics Enforcement Team, who stated that he participated in surveillance of the controlled purchase conducted by Agent Mortensen. Agent Hill stated that he observed the intermediary vehicle depart from the parking lot and follow a silver Honda Accord onto Sunset Boulevard. During previous surveillance and controlled purchase operations, agents have observed and purchased heroin from a Hispanic male driving a silver 2001 Honda Accord EX, bearing SC tag 3916EM.

30. During the course of the investigation, agents have identified and interviewed five (5) heroin purchasers after being observed meeting with members of the DTO. During the interviews, the identified purchasers independently gave similar information as to the method of operation of the DTO. The similarities of the accounts of the method of operation consists of the following: (1) the purchaser contacts a "Dispatcher" via a predetermined cell phone number given by a member of the DTO; (2) the purchaser advises the "Dispatcher" how much heroin they require and asks where to meet, (3) the "Dispatcher" then advises the purchaser where to meet (typically a parking lot); (4) once the purchaser arrives at the meeting location, it is the purchaser's responsibility to recognize the "Courier" vehicle and follow the vehicle out of the parking lot; (5) the purchaser will follow the "Courier" along a non-specific route until they arrive at an isolated location (i.e. neighborhood, dirt road, dead-end road, etc.) where conventional surveillance efforts would be easily recognized; (6) once at the isolated location, the purchaser typically pulls along side of the "Courier" vehicle and the heroin transaction is completed.

31. Agents have observed through surveillance and controlled purchase operations that the transactions take only seconds to complete and there is little to no conversation between the purchaser and "Courier" during the transaction. Members of the DTO have further been difficult to identify as purchasers who have been interviewed only know first names or "street names" of the "Couriers."

32. Agents further believe that the "Dispatch" number is the primary controlling telephone of the local organization and not possessed by the "Couriers" who are delivering the heroin. Purchasers have stated that the voice on the telephone is a different voice than that of "Couriers" from whom they have purchased heroin. (As per purchasers identified and interviewed, the more money spent with the DTO and the more heroin purchased from the DTO, it is likely that the "Couriers" will engage in limited conversation with the purchaser.) A further limiting factor regarding conversation between purchasers and "Couriers" is language barrier. Purchasers who have been identified and interviewed have consistently stated that the "Couriers" speak very little English and the English that is spoken by the "Couriers" is very difficult to understand due to dialect and "Couriers" speaking in incomplete sentences.

33. In furtherance of this belief, on November 5, 2009, Agents conducted surveillance of a "Courier" and affected a "walled off" traffic stop of the "Courier" vehicle. At the time of this surveillance operation and traffic stop, the "Dispatch" number was 803-705-9258. Prior to the stop of the vehicle, agents observed the "Courier" vehicle execute numerous counter-surveillance driving maneuvers and observed a number of suspected purchasers follow the "Courier" vehicle

into isolated areas. During the stop, the "Courier" was identified as Francisco Javier GUERRERO-FLORES via a State of Washington driver's license. Pursuant to a consent search of the "Courier" vehicle, officers/agents located tally sheets, bindles of heroin, and a cell phone inside the vehicle. Upon a search of the cell phone, agents learned that the telephone number of the cell phone located inside the vehicle was a different number from the "Dispatch" number.

34. On January 27, 2010, Intelligence Analyst Shelly Hall, of the DEA Nashville, Tennessee District Office, relayed information to agents at DEA Columbia, regarding a heroin distribution organization operating in Tennessee. I/A Hall stated that the Nashville District Office had been operating a Federal Title-III intercept on a target known as Roberto SANCHEZ-VILLA, aka "Thomas", who was identified as the head of a heroin DTO operating in the Nashville, Tennessee area. Hall relayed that SANCHEZ-VILLA was operating an organization which was distributing heroin and utilizing methods consistent with methods utilized by the GONZALEZ DTO. Hall further stated that the target of their investigation, "Thomas", was utilizing telephone number (615) 390-3663 to coordinate shipments of heroin to the Nashville area from the Myrtle Beach, South Carolina area with a subject known only as "Pelon", utilizing telephone number (843) 877-4559.

35. The following is a series of recorded telephone communications obtained by the court authorized wire intercept for the United States District court for the Middle District of Tennessee, between "Thomas" utilizing 615-390-3663; "Pelon" utilizing 843-877-4559 and a third party by the name of "John", utilizing telephone number (843)205-1360, in the date range of November 16^{th}, 17^{th}, 18^{th}, and 19^{th}, 2009:

A. On November 16, 2009, "Thomas", utilizing telephone number (615)390-3663, made an outgoing call to "Pelon", utilizing telephone number (843)877-4559, (Call #15) asking when "Pelon" would be sending him [those boys]. "Pelon" told "Thomas" that they would be leaving the next day. "Thomas" acknowledged and asked if [those boys] were heading his way the next day and "Pelon" confirmed. "Thomas" further stated to "Pelon" that [the guys] he had were only enough for two days. Based on training and experience, drug sources of supply and drug distributors often use covert terms when engaged in conversations regarding illegal drugs. It is believed that "Thomas" was coordinating a shipment of drugs from "Pelon" to "Thomas."

B. On November 17, 2009, "Thomas", utilizing telephone number (615)390-3663, made an outgoing call to "Pelon", utilizing telephone number (843)877-4559, (Call #21) that was not answered and went to voicemail. No message was left to "Pelon" by "Thomas"; however, a third party could be heard talking on a Push-to-talk (PTT) phone in the background in close proximity to "Thomas." The third party could be overheard saying that he counted on "Thomas" and then stated, "10-4, make sure you take care of that." "Thomas" could then be heard telling the third party that "Pelon" did not answer and another sound of a PTT could be heard in the background. Based on training and experience, it is believed that the third party was expecting to be supplied with drugs by "Thomas" and "Thomas" was attempting to contact "Pelon" to inquire as to the arrival of the shipment of drugs discussed on November 16th.

C. On November 18, 2009, "Thomas", utilizing telephone number (615) 390-3663, made an outgoing call to "Pelon", utilizing telephone number (843)877-4559, (Call #30) asking what was going on with that guy [possibly "John" per Session #23] and stated that he ("Thomas") had tried to reach him on his [possibly "John's"] phone number and radio [PTT] but was unable. "Pelon" stated that ["John"] possibly had his phone turned off because he ("Pelon") was also unable to reach him. "Thomas" also asked if "John" left the night before or in the morning and "Pelon" stated that he left in the morning. "Pelon" confirmed that ["John"] would arrive around 4:00 p.m. and "Thomas" stated that he would wait until about 5:00 or 6:00. Based on training and experience, it is believed that "Thomas" was further coordinating the shipment of drugs from "Pelon" and that "Pelon" had enlisted a third party, "John", to transport and deliver the drugs to "Thomas."

D. On November 18, 2009, "Thomas", utilizing telephone number (615)390-3663, made an outgoing call to "John", utilizing telephone number (843)205-1360 (Call #44). During this communication, "Thomas" inquired as to how long it would be before "John" arrived. "John" explained that he had to travel a different route because the road was closed due to a rock slide in the mountains. "John" advised that it would take him six more hours to arrive and that he would arrive around 12:30 a.m. "Thomas" advised "John" to call him whenever he arrived because he ("Thomas") was out [possibly of drugs]. "Thomas" further advised "John" of where to go in order to expedite the meeting. Based on training and experience, it is believed that "John" was transporting a shipment of illegal drugs from the Myrtle Beach area of South

Carolina to the Nashville area of Tennessee. It is further believed that "Pelon" was the sender of the shipment from Myrtle Beach and that "Thomas" was the recipient of the shipment in Nashville.

E. On November 18, 2009, "Thomas", utilizing telephone number (615)390-3663, made an outgoing call to "Pelon", utilizing telephone number (843)877-4559, (Call #46) advising "Pelon" that he had spoken with "John." During the communication, "Thomas" relayed information to "Pelon" regarding when "John" would arrive. "Thomas" further asked "Pelon" if "something" [money] had to be given to him ["John"]. "Pelon" told "Thomas" just for the trip. "Thomas" acknowledged that ["John"] was charging per trip. "Thomas" also stated that since he didn't have anything [possibly drugs] and he was going to arrive late so he would be ready. Based on training and experience, it is believed that "Thomas" and "Pelon" were discussing the arrival of a shipment of drugs and payment to "John", to be paid by "Thomas", for transporting the drugs.

F. On November 19, 2009, "Thomas", utilizing telephone number (615)390-3663, received an incoming call from "Pelon", utilizing telephone number (843)877-4559, (Call #76) during which "Thomas" and "Pelon" discussed that ["John"] arrived at 4:00 a.m. and that he ("John") was going to sleep all day. "Thomas" further stated that ["John"] was coming back so they could take care of the ride [possible payment for transportation of drugs]. "Pelon" asked "Thomas" how the muchachonas [possibly drugs] looked and "Thomas" said it looked very good. "Pelon" said to "Thomas" hopefully [possibly they would sell] because things were tough. "Thomas" then asked "Pelon" if they [possibly ordered] a lot of muchachos [possibly drugs]. "Pelon" told "Thomas" no, only 5-0. "Pelon" then stated that almost half of it [possibly drugs] was gone and there were only 5 left and everyone was impatiently waiting. Based on training and experience, it is believed that "Pelon" was checking with "Thomas" inquiring as to the quality of drugs that "Thomas" received from "Pelon." It is further believed that "Pelon" also discussed with "Thomas" the amount of drugs that he ("Pelon") has left to ship to other drug distributors.

G. On November 19, 2009, "Thomas", utilizing telephone number (615)390-3663, made an outgoing call to "John", utilizing telephone number (843)205-1360, (Call #80) during which "Thomas" asked what "John" wanted him to bring and asked if he ("John") wanted a couple of white ones. "John" said yes, two big white ones. "Thomas" said okay and confirmed two big white ones. Based on training and experience, it is believed that "Thomas" was going to pay "John" with drugs, possibly cocaine or heroin, for transporting the shipment of drugs to "Thomas" from "Pelon" in Myrtle Beach, South Carolina.

H. On or about January 22, 2010, a DEA Nashville, Tennessee District Office cooperating source placed a consensually monitored telephone call to "Pelon" utilizing telephone number (843)877-4559 to discuss the purchase of a quantity of heroin. On January 24, 2010, pursuant to the monitored call on January 22, agents of the DEA Nashville, Tennessee District Office arrested two subjects, one male and one female, transporting approximately ten (10) ounces of heroin from Myrtle Beach, South Carolina to Nashville, Tennessee from "Pelon."

36. Pursuant to an analysis of tolls from **TARGET TELEPHONE # 1**, obtained via a Federal Administrative subpoena, agents learned that **TARGET TELEPHONE # 1** had been in contact with telephone number (843) 877-4559, utilized by "Pelon", on sixteen occasions during the time period of December 29, 2009 to January 15, 2010. In addition, a review of toll information for telephone number (803)234-0477, a previously identified "Dispatch" number for the DTO, revealed a commonality of incoming calls between telephone number (803)234-0477 and **TARGET TELEPHONE # 1**.

PEN REGISTER AND TOLL RECORD ANALYSIS

37. Pen registers and telephone toll analysis of **TARGET PHONE # 1** and **TARGET PHONE # 2** have been conducted. The telephone toll analysis has verified frequent telephone communications between **TARGET PHONE # 1** (773-516-8023 / 111*435*10104), **TARGET PHONE # 2** (773-516-8027 / 111*435*10106), and other telephones of significant interest.

TARGET PHONE # 1

38. **TARGET PHONE # 1,** telephone number 773-516-8023, PTT 111*435*10104, is a cellular telephone issued by Sprint/Nextel and accessed by International Mobile Subscriber Identifier (IMSI) 316010166998144, subscribed to by JUAN ANTONI LOPEZ. From December 26, 2009 to February 3, 2010, **TARGET PHONE # 1** has been used to make 3,910

contacts with other telephones, including the ones outlined above. This is an average of 97 calls a day. Your affiant believes that the high frequency of calls along with the numerous subscribers is significant in that this affidavit has shown a pattern of the targeted subjects using the targeted telephones in their drug trafficking activities. Even though the subscriber information provided by the telephone companies for the various subscribers has been obtained, many of the subscribers are believed to be nominee subscribers and unknown persons are using the telephones to communicate with **TARGET TELEPHONE # 1** and other associated telephones. This high number of subscribers is significant because a false subscriber is often used or not provided in an attempt to mask illegal activities of the actual user. Based on the number calling patterns provided by an active Pen Register on the cellular telephone number 773-516-8023 and information obtained via the use of a CS, it is known by your Affiant that 773-516-8023 is currently being utilized as the dispatch number for the Columbia, South Carolina based heroin DTO and that the majority of calls to 773-516-8023 are incoming from buyers.

TARGET PHONE # 2

39. **TARGET PHONE # 2,** telephone number 773-516-8027, PTT 111*435*10106, is a cellular telephone issued by Sprint/Nextel and accessed by International Mobile Subscriber Identifier (IMSI) 316010166998144, subscribed to by CLEMENTE JUAREZ. From December 29, 2009 to January 28, 2010 **TARGET PHONE # 2** has been used to make 1,197 contacts with other telephones, including the ones outlined above. This is an average of 39 calls a day.

40. Based on a variety of sources including information provided by DEA Intelligence Analyst Shelly Hall of the Nashville, Tennessee District Office, "Pelon" LNU, a heroin source of

supply operating in the Myrtle Beach, South Carolina area, utilized 843-877-4559, to supply heroin to organizations located in the Columbia, South Carolina and Nashville, Tennessee areas. An analysis of telephone tolls for 843-877-4559 linked to "Pelon", found contacts with the identified Columbia, South Carolina dispatch number of 773-516-8023 (**TARGET PHONE # 1**) and 773-516-8027 (**TARGET PHONE # 2**). From December 29, 2009 until January 15, 2010, telephone number 843-877-4559 utilized by "Pelon" contacted 773-516-8023 (**TARGET PHONE # 1**) on 16 occasions. Furthermore, from December 29, 2009 to January 28, 2010, telephone number 843-877-4559 contacted 773-516-8027 (**TARGET PHONE # 2**) on 25 separate occasions.

41. It should be noted that the telephone numbers 773-516-8023 and 773-516-8027 are in close series. Based on this, the Columbia DO issued a subpoena to Sprint Nextel for telephone tolls covering the month of January 2010 for 773-516-8027, and compared this to telephone tolls provided by Sprint for 773-516-8023. The resulting data was cross examined for commonalities. Relationships observed indicate that the telephone numbers 773-516-8027, 773-516-8023 and 843-877-4559 are all linked.

42. Further analysis of PTT numbers connected to 773-516-8027/111*435*10106 and 773-516-8023/111*435*10104 indicate that there are significant joint contacts between the numbers. Of significant note is the common number 803-223-1712/150*974*11582 subscribed to by Maria Perez and 112*843*3405 (Subscriber and Telephone unknown)

43. Your Affiant knows that the dispatcher must have a way of communicating with runners therefore, there is likely another telephone being utilized exclusively for this purpose. Your Affiant believes probable cause exists to believe that due to the low commonality of calls between 773-516-8023 and 773-516-8027 yet high commonality of mutually contacted numbers, indicate that 773-516-8027 may be utilized by the same person using 773-516-8023. Your Affiant believes this is further supported by the fact that both numbers have been in contact with 843-877-4559 (Heroin SOS "Pelon"). PTT communication between the PTT for 773-516-8023 / 111*435*10104 and 773-516-8027 / 111*435*10106 is minimal. Therefore, it is likely that the user of both phones is the same person. There is however a large number of PTT calls placed to a common number 803-223-1712/150*974*11582 subscribed to by Maria Perez, and 773-516-8027 / 111*435*10106 subscribed to by Juan Antoni LOPEZ. It is also interesting to note that the probable courier number 803-223-1712/150*974*11582 has been active since August of 2009. Therefore even though dispatch numbers are constantly changing, the telephone numbers by the courier remain constant.

44. The last contact between 773-516-8023 (Columbia, SC Dispatch) and 843-877-4559 ("Pelon" SOS) was on 1-15-2010 at almost the exact time this number was thought to become an exclusive dispatch number. After that date all communication between "Pelon" and Columbia was done using 773-516-8027.

45. The toll data has been extremely beneficial in this investigation, however, the toll data does not record the identity of the parties to the conversation and can not identify the nature and substance of the conversation or differentiate between legitimate calls and calls for criminal purposes. Thus, toll data, in itself, cannot establish proof of the conspiracy, the methods of supply, the laundering of drug proceeds and other aspects of the Target Subjects' criminal

activities that are presently unknown. Furthermore, even if the pen register and toll information can be used to determine the identity of some of the persons with whom the "Target Subjects" are speaking, this information is of limited value given that the actual nature of the conversations cannot be determined. Identifying the subscribers of such numbers often leads to nominee names and the ever more prevalent prepaid cellular phones, which have no subscriber named to the account. This practice, based on training and experience, is used to insulate the Target Subjects and co-conspirators from identification through the telephone subscriber records and/or caller ID services. Additionally your Affiant knows through training and experiences that drug traffickers often utilize pre-paid and disposable telephones to further their ongoing narcotics trafficking operations as well as utilize multiple telecommunication devices in an attempt to deter, avoid, or thwart law enforcement investigative efforts. The advent of pre-paid and disposable telecommunication devices makes this practice much more likely due to affordability and the diminished need for service providers to collect the personal information of potential service subscribers.

46. Based on the facts set forth, it is evident that targeted subjects are utilizing **TARGET PHONE # 1** and associated telephones in the course of their drug trafficking activities. It is your affiant's opinion that the interception of wire communications occurring over the **TARGET PHONE # 1** and **TARGET PHONE # 2** are essential to this investigation and is the only investigative technique available that will accomplish the goals of this investigation.

47. The service providers for **TARGET PHONE # 1** and **TARGET PHONE # 2** were serviced with DEA administrative subpoenas for subscriber information and telephone toll

records. In addition, Circuit Court Judge G. Thomas Cooper Jr., granted an Order authorizing the installation and use of a Pen Register for 773-516-8023 / 111*435*10104 (**TARGET PHONE # 1**) and 773-516-8027 / 111*435*10106 (**TARGET PHONE # 2**).

NEED FOR INTERCEPTION

48. The requested authorization for wire interception is necessary because normal investigative techniques have been used and have not succeeded in achieving the goals of the investigation, or reasonably appear to be unlikely to succeed if tried, or they are too dangerous to employ. Based on your affiant's training and experience and consultation with other law enforcement officers involved in this investigation, and based upon all of the facts set forth herein, it is your Affiant's belief that the interception of wire communications is the only available technique with a reasonable likelihood of (1) identifying the full scope of this criminal organization and conspiracy, to include the identification of co-conspirators, narcotics smuggling methods and routes, locations used to conceal narcotics, and money laundering methods of this unlawful activity and (2) securing the evidence necessary to prove beyond a reasonable doubt that the above referenced subjects, as well as others not yet identified, are engaged in the above described offenses.

ALTERNATIVE INVESTIGATIVE TECHNIQUES

49. All normal avenues of investigation have been carefully evaluated for use or have been attempted with minimal results. The traditional investigative techniques used thus far have included the use of confidential sources, undercover agents, toll records for **TARGET PHONE**

 # 1 and **TARGET PHONE # 2**, the use of pen register and trap and trace devices, consensual recordings, controlled purchases of controlled substances and physical surveillance. Although. Agents have had success making controlled purchases of heroin. Agents have not been able to penetrate the organization beyond the dispatched courier. Agents have attempted to introduce an undercover agent during the controlled purchases on numerous occasions. On approximately six different occasions, an undercover agent of West Columbia Police Department traveled with the informant during the controlled purchases. During the purchases, the "couriers" would not engage the undercover agent in conversation. During one particular controlled purchase, the informant specifically asked the "courier" if the undercover agent could begin calling the dispatch number and the response from the "courier" was "No." It is also my belief that continued purchases from the courier(s) would be limited in effectiveness. During the meetings, the courier does not engage the CS in conversation other than brief conversation regarding the deal. The CS's ability to further the investigation beyond its current state is limited. Also considered, but not deemed likely to succeed for reasons set forth below, include the use of a grand jury, attempted interviews of subjects or associates, and the execution of search warrants. Further, agents have attempted proactive measures such as a vehicle traffic stop of a courier with minimal results.

-PHYSICAL SURVEILLANCE

50. Physical surveillance has been utilized on numerous occasions during this investigation however, because aspects of the controlled transactions have taken place is secure areas, law enforcement agents have not been able to observe most of the transactions themselves.

Agents have observed on several occasions, what appeared to be additional heroin exchanges from the courier. However, the true identities of the individuals engaged in the distribution, including the dispatcher, are still unknown. Physical surveillance of the couriers has been conducted on multiple occasions; however, the surveillance requires the use of aerial support due to the erratic driving conducted by the couriers. Surveillance by the agents from the ground alone is difficult and risks compromising the investigation. The couriers routinely conduct erratic driving and counter surveillance maneuvers to observe if they are being followed by law enforcement. For example, following the controlled purchase of heroin conducted by law enforcement on October 8, 2009, agents observed the courier vehicle (silver Accord) turn off of Sunset Blvd., located in West Columbia and turn onto Summer Place Drive, which is a dead end road. Agents then observed the silver Accord travel to the end of Summer Place Road, turned around and traveled along Summer Place Road, back toward Sunset Blvd. Agents then observed that the silver Accord made a right turn onto Sunset Blvd., and travel toward the city of West Columbia. The driving patterns of the couriers indicate that they are well versed in the navigation of the West Columbia and Columbia, South Carolina streets. The couriers use this knowledge to their advantage, by conducting what appear to be heroin transactions on side and dead end streets, as well as under the cover of trees. Even with aerial support, agents have lost sight of the target vehicle on multiple occasions due to the driving pattern of the couriers and ground cover such as trees. Agents have not been able to identify the actual user of **TARGET PHONE # 1** and **TARGET PHONE # 2** and obtain a physical location in order to conduct surveillance. Based on my training and experience, narcotics traffickers will conduct surveillance of law enforcement surveillance units in an attempt to gain intelligence and insight into which law enforcement entity is observing them and/or a location that is controlled by them.

51. Although physical surveillance has proven valuable, physical surveillance without the benefit of information from wire intercepts does not provide full insight into the scope of an organization's activities. Physical surveillance of those engaged in high-level narcotics trafficking is extremely difficult in that the handlers of drugs and/or drug money often utilize short and disguised meetings to exchange their drugs and drug money.

52. Physical surveillance, without the benefit of the information from the wire interceptions, is also unlikely to establish conclusively the roles of the named conspirators, to identify additional conspirators, or otherwise to provide admissible evidence in regard to this investigation because by the very nature of the drug distribution and money laundering conduct alleged herein, it is the content of the telephone communications which facilitate the crime.

-USE OF GRAND JURY SUBPOENAS

53. Your affiant believes that subpoenaing persons believed to be involved in this conspiracy and their associates before a Grand Jury would not accomplish the stated goals of this investigation. If any principals of this conspiracy, their co-conspirators, and other participants were called to testify before the Grand Jury, it is highly unlikely that they would appear, and if so, would most likely be uncooperative and invoke their Fifth Amendment privilege not to testify. It would be unwise to seek any kind of immunity for these persons, because the granting of such immunity might foreclose prosecution of the most culpable members of this conspiracy and could not ensure that such immunized witnesses would provide truthful testimony.

Additionally, the service of Grand Jury subpoenas upon the principals of the conspiracy or their co-conspirators would only alert them to the existence of this investigation, causing them to become more cautious in their activities, to flee to avoid further investigation or prosecution, to threaten physical harm to informants, or to otherwise compromise the investigation. Because of their strong ties to Mexico, the targeted subjects are able to arrange for various means of travel to Mexico for themselves and others, thereby enabling themselves to thwart any overt investigation of their illegal operation by placing themselves and others outside of the jurisdiction of the United States.

- CONFIDENTIAL INFORMANTS AND UNDERCOVER AGENTS

54. Agents have debriefed confidential sources (CS) and sources of information (SOI) which have provided valuable information concerning the conspirators. However, as detailed in the body of this affidavit, these sources who have agreed to cooperate generally have limited contact with members of the organization that are above the couriers. The CS's involvement with the couriers is generally limited to dealings with specific targets on a discrete transaction-specific basis. As a result, the confidential sources are not in a position to furnish information that fully identifies all members of the conspiracy and each of their respective roles. To dated, agents have utilized the cooperation of two separate confidential sources that have been or are currently providing valuable information related to the narcotics trafficking activities of various members of the organization. Agents believe that the information provided by CS 1 and CS 2 is creditable and reliable; as such information has been independently corroborated by a check of public records, controlled purchases of heroin, vehicle traffic stops and physical surveillance.

Furthermore, agents have attempted the introduction of an undercover agent / officer to the targets of an investigation. This method is often a viable method of investigation into a drug organization's criminal activity. However, in order for an undercover agent to gain the trust of the members of the organization, and thereby be in a position to acquire a sufficient amount of evidence about the organization's criminal activity, the undercover agent must be introduced by someone, generally an informant; who is already trusted by the organization. In this investigation, the introduction of an undercover agent was attempted, but failed because of the targets of this investigation only entrust persons they have dealt with on multiple occasions.

-SEARCH WARRANTS AND/OR CONSENT SEARCHES

55. The execution of search warrants in this matter has been considered, however, despite the number of locations identified in this case, it is unlikely that search warrants would relinquish enough evidence to fully document the illegal activities of all members of this Mexican DTO. The success of search warrants depends on a number of factors. Two of these factors are location and timing. Both of these factors could be more clearly defined with the benefit of communication intercept. The use of such warrants would, in all likelihood, not yield a considerable quantity of relevant documents nor would the searches be likely to reveal the total scope of the illegal operation and/or the identities of the co-conspirators. Your affiant believes that search warrants executed at this time would be more likely to compromise the investigation by alerting the principals to the investigation and allowing other unidentified members of the conspiracy to insulate them further from successful detection or possible flight from the United States due to their ties to Mexico. The execution of search warrants may be entirely appropriate

once wire surveillance identifies additional targets and when evidence constituting the above described offenses is substantiated.

-TRASH SEARCHES

56. Agents have identified the residence utilized by the couriers. The use of trash searches has been considered in this investigation but, at this point is not practical due to agent's not observing trash service at the target residence.

-CONSENSUAL MONITORING

57. Consensual recordings have been utilized in this investigation in narcotics related calls with members of the organization. Through the use of confidential informants, consensual recordings or controlled calls have been made to the organization to re-up purchases of street level amounts of heroin. On January 26, 2010, CS 2 conducted a consensual recorded call at the direction of law enforcement to **TARGET PHONE # 1**. The information obtained from the consensual recordings, and subsequently the purchase of heroin, has produced and corroborated evidence against members of the organization and their narcotic trafficking activities. However, at this stage of the investigation, the use of consensual recordings with members of the organization is of limited value. Such inquires would likely tip the organization to the existence of the investigation and/or endanger the life of the confidential source. The use of intercepted calls to and from **TARGET PHONE # 1** and **TARGET PHONE # 2** will assist in gathering evidence of narcotic trafficking in which members are involved, will also assist in the identifying

of co-conspirators, identify stash locations of money and/or narcotics, and attempt to identify the heroin source of supply.

PRIOR APPLICATIONS AND PREVIOUS USE OF WIRETAPS

58. The DEA office in Nashville, Tennessee has utilized wire taps in their investigation of a heroin DTO operating in their area. Although these wire taps have provided leads to agents in South Carolina, these wire taps have not directly targeted telephones utilized by members of the organization operating in South Carolina. DEA Agents in South Carolina have not utilized any other wiretaps during the course of this investigation. During the week of March 1, 2010, a search of the electronic surveillance records of the Federal Bureau of Investigation (FBI) and the Drug Enforcement Administration (DEA) was conducted to determine whether previous applications had been made to intercept the oral, wire or electronic communications of the persons, premises, or facilities named herein. The search revealed no prior applications.

MINIMIZATION/FACILITIES

59. In the connection with the telecommunications company that provides services for **TARGET PHONE # 1** and **TARGET PHONE # 2**, all interceptions will automatically be routed to a regional facility maintained by the DEA in Atlanta, Georgia. During the wire, surveillance interceptions to and from **TARGET PHONE # 1** and **TARGET PHONE # 2** will be monitored and minimized in the Atlanta, Georgia facility. Those authorized to conduct the interceptions at the Atlanta, Georgia facility will advise authorized agents at the DEA Columbia,

South Carolina facility of all pertinent, non-pertinent, non-minimized interceptions and non-pertinent interceptions to and from **TARGET PHONE # 1** and **TARGET PHONE # 2**. All interceptions will be minimized in the Atlanta, Georgia facility before being shared with agents in Columbia, SC. Agents in Columbia, SC will also be able to review interceptions to and from **TARGET PHONE # 1** and **TARGET PHONE # 2** at a listening post in the DEA Columbia, SC office (which is networked to the Atlanta, Georgia facility) after the interceptions have been minimized. Those interceptions will be limited to those already intercepted at the Atlanta, Georgia facility in accordance with the requirements regarding the minimization of interception. The requirements regarding the minimization of interception will be strictly followed. Before initial interception begins, a meeting will be held for all monitoring agents and civilian contract personnel wherein the requirements of minimization will be discussed. Any monitoring agents and civilian personnel not in attendance will be instructed on the requirements of minimization at a later time prior to his or her involvement in any monitoring activity. A memorandum regarding minimization will be provided to all monitoring agents/contract personnel as well as a copy of the Court's Order authorizing interception. A copy of that Order and a minimization memorandum will remain posted at the listening site. Before agents/contract personnel begin to intercept communications, the agents/contract personnel will be required to sign a form indicating that the agents/contract personnel have read this affidavit, the Court's Order authorizing interception, and the minimization memorandum and that the agent/contract personnel are familiar with the contents of the Order and will intercept communications in compliance with that Order. Special attention will be paid to minimizing privileged communication.

60. All wire communications sought are criminal in nature and not otherwise legally privileged and all conversations will be minimized in accordance with South Carolina State Code 17-30-90. Interception will be suspended immediately when it is determined, through voice identification, physical surveillance or otherwise, that none of the Target Subjects or any of their confederates, when identified are participants in conversation, unless it is determined, during the portion of the conversation already overheard, that the conversation is criminal in nature. Even if one or more of the Target Subjects of their confederates, when identified, is participant in a conversation, monitoring will be suspended if the conversation is not criminal in nature or not otherwise related to the criminal offense.

61. Based on my experience, and that of other agents who have monitored and supervised wire interceptions, your Affiant believes that many drug-related conversations may be part of an otherwise innocent conversation. Thus, lengthy conversations that appear to be non-pertinent will be periodically monitored to determine if the conversation has become drug related by law enforcement officers who are authorized to conduct the interception. Because officers, deputies, investigators and agents from state and local as well as Federal agencies may participate in this investigation, and their further participation would aid this investigation, it is requested that they be authorized to assist agents in conducting this electronic surveillance. In the event the intercepted communication is in a code or foreign language, and an expert in that foreign language or code is not reasonably available during the interception period, minimization may be accomplished as soon as practicable after such interception. All intercepted wire conversations will be recorded and all recordings will be securely preserved. Logs will be prepared regarding the date, time of calls, the parties involved, the subjects of the calls, and if and when

minimization occurred. Reports detailing the course of the interception will be periodically filed with the Court following the commencement of interception, pursuant to the Court's Order. Particular emphasis will be placed on reporting minimization efforts as well as the need for the wire intercepts to the Court.

- FACILITIES

62. As previously detailed in paragraph 59, all interceptions of the **TARGET PHONE # 1** and **TARGET PHONE # 2** will be automatically be routed to a secure regional facility maintained by the DEA in Atlanta, Georgia, then routed to a secure listening post at the DEA Columbia, South Carolina office (which is networked to the Atlanta, Georgia facility) after the interceptions have been minimized. These facilities located in both Atlanta, GA and Columbia, SC are secure facilities and any monitoring agents / civilian contract personnel not in attendance for the minimization will not be allowed access. Identification of the exact location of both the Atlanta, Georgia facility and the Columbia, South Carolina facility would compromise the security of both this and numerous other criminal investigations.

CONCLUSION

63. Based on the facts contained in this affidavit, and upon my training and experience as a law enforcement officer, your Affiant believes that the Named Interceptees identified herein and unidentified others have used, are currently using and will continue to use **TARGET PHONE # 1** and **TARGET PHONE # 2** to facilitate the drug trafficking offenses of the Target Subjects and others discussed in this Affidavit. Your Affiant makes this affidavit in support of

an application for an order authorizing the interception of wire and electronic "text messaging" communications occurring over Sprint/Nextel Wireless telephone number 773-516-8023, direct connect number 111*435*10104 and international mobile subscriber identifier (IMSI) 316010166998144, subscribed to by an Juan ANTONI-LOPEZ (**TARGET PHONE # 1**) and Sprint/Nextel Wireless telephone number 773-516-8027, direct connect number 111*435*10106 and international mobile subscriber identifier (IMSI) 316010166998153, subscribed to by an Clemente JUAREZ (**TARGET PHONE # 2**).

Jack Y. Rushing III, Special Agent
South Carolina Law Enforcement Division

Columbia, SC
Sworn to before me on this 8 day
of March, 2010, at 2:00 PM.

44 PAGES

Honorable Judge G. Thomas Cooper Jr.

SGJ 2010-204
2202

IN THE MATTER OF APPLICATION OF THE STATE OF SOUTH CAROLINA FOR AN ORDER AUTHORIZING THE INTERCEPTION OF WIRE AND ELECTRONIC COMMUNICATIONS OVER TELEPHONE NUMBERS (773)516-8023, IMSI 316010166998144, UFMI 111*435*10104 and (773)516-8027, IMSI 316010166998153, UFMI 111*435*10106.

) IN THE CIRCUIT COURT FOR
) RICHLAND COUNTY IN THE
) STATE OF SOUTH CAROLINA
)
) SUBMITTED UNDER SEAL

FILED

FEB - 4 2011

JAMES R. PARKS
CLERK, STATE GRAND JURY

ORDER AUTHORIZING THE INTERCEPTION OF WIRE AND ELECTRONIC COMMUNICATIONS

Application under oath having been made to me by Henry McMaster, Attorney General of South Carolina, and initiated by Reginald Lloyd, Chief of the South Carolina Law Enforcement Division, for an order authorizing the interception of wire, oral or electronic communications to and from cellular telephone bearing numbers 773-516-8023; PTT 111*435*10104, IMSI 316010166998144, subscribed to by Juan Antoni LOPEZ, P.O Box 54988, Irvine California, 92619 and cellular telephone bearing numbers 773-516-8027 PTT 111*435*10106, IMSI 316010166998153 subscribed to by Clemente JUAREZ, P.O. Box 54988, Irvine, California, 92619 and full consideration having been given to the matter set forth therein, based upon the facts set forth in the attached affidavit sworn to and subscribed by Jack Rushing of the State Law Enforcement Division,

THE COURT HEREBY FINDS:

1. There is probable cause to believe that Juan Antoni Lopez; Clemente Juarez; Alicia Christine Blease; Joshua Lee Griffin; Lorne Dale Porter ; Francisco Javier

Guerrero-Flores; Maria Perez; Ana P. Fritz; Alberto J. Andrade; Pedro Estrada; Sofia Juarez; Ramon A. Oseguera; Juan Mesa; "Pelon" (A.K.A. "Garcia"), are committing, have committed, and will continue to commit offenses described in Section 17-30-70, specifically, the offense of drug trafficking (Section 44-53-370, South Carolina Code of Laws).

2. There is probable cause to believe that evidence of this criminal activity will be obtained through interception of the particular communications concerning those offenses. In particular, these communications are expected to concern the specifics of the above-described offenses.

(1) It was established that normal investigative procedures have been tried and have failed and reasonably appear to be unlikely to succeed if continued.

(2) There is probable cause for belief that telephone (773) 516-8023, subscribed to in the name of Juan Antoni Lopez, PO Box 54988, Irvine, CA[1], and telephone (773) 516-8027, subscribed to in the name of Clemente Juarez, PO Box 54988, Irvine, CA, devices from which the wire, oral or electronic communications are to be intercepted, have been used, are being used, and will continue to be used in connection with the commission of the offenses.

3. The communications sought include (i) the nature, extent and methods of the narcotic trafficking business of the target subjects and others; (ii) the identities and roles of accomplices, aiders and abettors, co-conspirators and participants in their illegal activities, including sources of supply for the narcotics; (iii) the distribution and transfer

[1] According to information provided by Sprint Nextel, this address is a default address which is entered if a subscriber does not provide an address at the time of activating the service.

of the contraband and money involved in those activities; (iv) the existence and location of records; (v) the location and source of resources used to finance their illegal activities; (vi) the location and disposition of the proceeds from those activities; and (vii) the locations and items used in furtherance of those activities.

WHEREFORE, IT IS HEREBY ORDERED that special agents of the South Carolina Law Enforcement Division are authorized, pursuant to an Application authorized and submitted by Attorney General Henry McMaster, to intercept wire, electronic, or oral communications to and from telephone (773) 516-8023, PTT 111*435*10104, IMSI 316010166998144, subscribed to in the name of Juan Antoni Lopez, PO Box 54988, Irvine, CA, and telephone (773)516-8027, PTT 111*435*10106, IMSI 316010166998153, subscribed to in the name of Clemente Juarez, PO Box 54988, Irvine, CA, and any other telephone number accessed through the IMSI numbers used by the target phones, and any other IMSI number accessed through the target cellular telephone number, for a period of thirty (30) days commencing as soon as practicable but within ten (10) days of the date of the signing of this Order.

IT IS FURTHER ORDERED, pursuant to Title 18, United States Code 3123 and South Carolina Code of Laws §17-30-45, that the Court authorizes the installation and use of; (1) a pen register to register incoming and outgoing telephone numbers dialed or pulsed to and from the TARGET TELEPHONES; (2) to record the length of time the telephone receivers are "off the hook" from incoming or outgoing calls; and (3) a trap and trace and enhanced caller identification device on the TARGET TELEPHONES to acquire and identify originating telephone numbers which dial or pulse to the TARGET TELEPHONES;

IT IS FURTHER ORDERED, that any Nextel Direct Connect two-way radio communications, "Push-to-Talk" (PTT) or any similar capability from any electronic communications service provider occurring on the TARGET TELEPHONES shall likewise be intercepted and recorded;

IT IS FURTHER ORDERED, that any electronic communications, including Short Message Service (SMS) communications (known as text messaging), Multimedia Message Service (MMS) and electronic mail occurring on the TARGET TELEPHONES shall likewise be intercepted and recorded;

IT IS FURTHER ORDERED, that the Court authorizes interception of background conversations in the vicinity of TARGET TELEPHONES while the telephone is off the hook or otherwise in use;

IT IS FURTHER ORDERED, that interception shall be conducted in such a way as to minimize the interception of wire communications not otherwise subject to interception under §17-30-90 and communications not relevant to fulfilling the above stated goals of the investigation. If an interception is minimized, agents may spot check to insure that the conversation has not turned to criminal matters;

IT IS FURTHER ORDERED, that interception shall be conducted at the secure regional facility maintained by the DEA in Atlanta, Georgia, then routed to a secure listening post at the DEA office in Columbia, South Carolina (which is networked to the Atlanta, Georgia facility). I find that specification of the exact address is not practicable as specified in the application and under §17-30-115, South Carolina Code of Laws (1976 as amended).

IT IS FURTHER ORDERED, pursuant to Section 2518 (5), Title 18, United States Code and South Carolina Code of Laws, §17-30-90, that in the event the intercepted communications are in a code or foreign language, and an expert in the code or foreign language is not reasonably available during the interception period, that minimization shall be accomplished as soon as practicable after such interception.

IT IS FURTHER ORDERED, that Sprint/Nextel Inc., the service provider for the TARGET TELEPHONES, Sprint LP, Cellco Partnership dba Verizon Wireless, Sprint Spectrum LP, Cingular Wireless, Nextel Communications, Nextel Communications, Tracfone, US Cellular, T-Mobile USA, Sprint Communications, BellSouth Communications, Verizon South Inc., Verizon North Inc., Sprint Carolina Telephone and Telegraph and/or any other wireless or hardline telecommunication company, and any other Electronic Communications Service Provider, shall furnish the applicant forthwith all information, facilities and technical assistance necessary to accomplish the interception unobtrusively and with a minimum of interference with the services that such provider is according the person whose communications are to be intercepted, the furnishing of such facilities or technical assistance by Sprint/Nextel Inc., and any other Electronic Communications Service Provider, to be compensated by SLED and/or DEA for reasonable expenses incurred;

IT IS FURTHER ORDERED, that if requested by a law enforcement agency executing this investigation warrant, Sprint/Nextel Inc., Sprint LP, Cellco Partnership dba Verizon Wireless, Sprint Spectrum LP, Cingular Wireless, Nextel Communications, Nextel Communications, Tracfone, US Cellular, T-Mobile USA, Sprint Communications, BellSouth Communications, Verizon South Inc., Verizon North Inc., Sprint Carolina Telephone and Telegraph and/or any other wireless or hardline telecommunication company, and any other Electronic Communications Service Provider, shall provide originating and terminating cell site information for the intercepted wire communications. Further, if requested by a law enforcement agency executing this investigation warrant, Sprint/Nextel Inc., Sprint LP, Cellco Partnership dba Verizon Wireless, Sprint Spectrum LP, Cingular Wireless, Nextel Communications, Nextel Communications, Tracfone, US Cellular, T-Mobile USA, Sprint Communications, BellSouth Communications, Verizon South Inc., Verizon North Inc., Sprint Carolina Telephone and Telegraph and/or any other wireless or hardline telecommunication company, and any other Electronic Communications Service Provider, shall provide cell phone positioning information through use of Real Time Global Positioning System location information data and/or through all call data such as cell tower data that provides positioning information. Such information shall be provided for the TARGET TELEPHONES as well as any other telephone or communication device calling to a TARGET TELEPHONE or any telephone or communication device called from a TARGET TELEPHONE (sometimes referred to as third party telephone). This information is to be provided to SLED and DEA in real time, if possible and if requested.

IT IS FURTHER ORDERED, that the tracing operation and the use of caller ID service be without geographical limits;

IT IS FURTHER ORDERED, that Sprint/Nextel Inc., Sprint LP, Cellco Partnership dba Verizon Wireless, Sprint Spectrum LP, Cingular Wireless, Nextel

Communications, Nextel Communications, Tracfone, US Cellular, T-Mobile USA, Sprint Communications, BellSouth Communications, Verizon South Inc., Verizon North Inc., Sprint Carolina Telephone and Telegraph and/or any other wireless or hardline telecommunication company, and any other Electronic Communications Service Provider, and its agents and employees shall not disclose or cause the disclosure of this Order or the interception that it authorizes to any person other than those of its agents and employees who require said information to accomplish the interception of communications hereby ordered, and that, in particular, Sprint/Nextel Inc., Sprint LP, Cellco Partnership dba Verizon Wireless, Sprint Spectrum LP, Cingular Wireless, Nextel Communications, Tracfone, US Cellular, T-Mobile USA, Sprint Communications, BellSouth Communications, Verizon South Inc., Verizon North Inc., Sprint Carolina Telephone and Telegraph and/or any other wireless or hardline telecommunication company, and any other Electronic Communications Service Provider, and its agents and employees shall in no event make such disclosure to the telephone user involved, or to any actual or potential interceptee;

IT IS FURTHER ORDERED, that law enforcement officers shall refer to communications intercepted pursuant to this Order as a reliable, confidential source for all relevant law enforcement purposes, including but not limited to search warrant affidavits and arrest warrant affidavits;

IT IS FURTHER ORDERED that any SLED agent or law enforcement officer contracted by SLED who by authorized means obtains knowledge of the content of any wire, oral or electronic communications or evidence derived from it may disclose the content to an attorney authorized by law to investigate and institute any action on behalf of the State of South Carolina or political subdivision of the State, or to another SLED agent, investigator or law enforcement officer to the extent that the disclosure is appropriate to the proper performance of the official duties of the officer or person making or receiving the disclosure.

IT IS FURTHER ORDERED that this authorization to intercept wire communications shall be executed as soon as practicable after the signing of this Order but not longer than ten (10) days after such signing, and shall be conducted in such a way as to minimize the interception of communications not otherwise subject to interception and must terminate upon attainment of the authorized objective, not to exceed thirty (30) days from the time at which law enforcement officers first began to conduct an interception under this Order.

IT IS FURTHER ORDERED that the recordings of the contents of any wire, oral or electronic communication under this subsection must be kept in such a way as to protect the recording from editing or other alterations.

IT IS FURTHER ORDERED that Assistant Attorney General Robert Maldonado, or any other Assistant Attorney General familiar with the facts of this case, shall provide the Court with a report on or about the tenth, twentieth, and thirtieth days following the initiation of the interception showing what progress has been made toward the achievement of the authorized objectives during the ten-day period immediately preceding the date of the report, and the need, if any, for continued interception. If the report should come due on a weekend or holiday, it is further ordered that such report shall become due on the next business day thereafter.

IT IS FURTHER ORDERED, that after reading this application and its supporting documents, the Court Seal this application, the supporting affidavit of Special Agent Jack Rushing, and the Court's Order Authorizing the Interception of Wire Communications, and those documents shall be maintained by the South Carolina Attorney General's Office until they are ordered unsealed by the Court or by another judge of competent jurisdiction, except that copies of this Order shall be retained by SLED and DEA and other participants in the investigation as necessary to effectuate this Order.

HONORABLE G. THOMAS COOPER, JR.
Chief Administrative Judge
Fifth Judicial Circuit

Columbia, S.C.

MARCH, 8, 2010

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