

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

In re:
Applications for Search Warrants
For the Premises of:

2001 Chrysler
Town & Country Mini Van
Gold in color
NY TAG GBX7504
VIN #2C8GP54L11R183765

Case: 1:12-mj-983
Assigned To: Magistrate Alan Kay
Assign. Date: 10/29/2012
Description: Search And Seizure Warrant

UNDER SEAL

AFFIDAVIT IN SUPPORT OF SEARCH AND SEIZURE WARRANT

I, Aaron McGee, Special Agent (SA) of the Federal Bureau of Investigation (FBI), Washington Field Office (WFO), Washington, D.C., being duly sworn, depose and state as follows:

I. INTRODUCTION

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

2. I have been a Special Agent with the FBI for over 21 years. I am currently assigned to Squad CR-1 at the Washington Field Office. Squad CR-1 is responsible for conducting investigations that target violent drug trafficking organizations. I have participated in drug investigations which have made use of Title III telephone wiretaps and/or other investigative

techniques. These investigations have resulted in arrests, trials, and convictions in the District Court for the District of Columbia, the District of Maryland, the Eastern District of Virginia and the Middle District of Pennsylvania. I have provided both fact and expert witness testimony at trial regarding the evidence collected during Title III telephone wiretaps and drug investigations. As a result of my training and experience, I have become familiar with the methods and techniques associated with the distribution of narcotics and the organization of drug conspiracies. I also have been involved in the use of the following investigative techniques: interviewing informants and cooperating witnesses; conducting physical surveillance; consensual monitoring and recording of both telephonic and non-telephonic communications; analyzing telephone pen register data; and executing search warrants which have led to the seizures of narcotics, firearms, and other contraband.

3. Based on the experience described in the paragraph above, my personal participation in this and other investigations involving illegal drug activity, and extensive conversations with other Federal Agents and police officers who are knowledgeable of drug-trafficking investigations, your affiant knows that:

(a) Individuals who traffic in illegal controlled substances maintain books, records, receipts, notes, ledgers, money orders, bank records, currency, safe deposit box keys, telephone calling cards, address books, telephone numbers, pager numbers, photographs and other papers relating to the transportation, storage, order, sale and distribution of controlled substances. Also, these items are generally maintained in the trafficker's residence, or residences of associates, friends or relatives, in the places used by drug traffickers to conduct their drug distribution activity, such as stash houses, leased storage facilities or safe houses, or in business

locations with which the trafficker is associated and where the trafficker has ready access to these items. It is also common practice for drug traffickers to utilize safes within their premises to safeguard and facilitate the concealment of the above described items;

(b) Drug traffickers routinely conceal in their residence or the residences of family members, friends and associates, as well as their business locations, and/or in places used by drug traffickers to conduct their drug distribution activity (such as automobiles, stash houses or safe houses) large quantities of currency, financial instruments, precious metals, jewelry and other items of value, which are typically the proceeds of illegal controlled substance transactions;

(c) It is also common for drug traffickers to secrete contraband related to their drug trafficking activity, such as narcotics, scales, razors, packaging materials, cutting agents, cooking utensils, strainers, microwave ovens, pots, dishes and other containers for preparing heroin, cocaine and other controlled substances for distribution, at their residence, or the residences of family members, friends or associates, in their business locations, or in the places used by drug traffickers to conduct their drug distribution activity, such as stash houses, leased storage facilities or safe houses;

(d) Drug traffickers commonly maintain telephone number and address books, or papers which reflect names, addresses and/or telephone numbers for other associates of their illegal organization. These individuals often utilize telephones, cellular telephones and other portable electronic devices to maintain contact with other associates of their illegal businesses, and telephone records, bills and electronic devices are often found in their places of residence, or the residences of family members, friends or associates, in their business locations, or in places used by drug traffickers to conduct their drug distribution activity, such as stash houses; leased

storage facilities or safe houses;

(e) Drug traffickers often take photographs of themselves, their associates, their property and illegal contraband. These photographs are usually maintained in their places of residence, or the residences of family members, friends or associates, in their business locations, or in the places used by drug traffickers to conduct their drug distribution activity, such as stash houses, leased storage facilities or safe houses;

(f) Drug traffickers often own, possess and use weapons to facilitate their illegal drug trafficking activities. These weapons are most often secreted in their places of residence, or the residences of family members, friends or associates, in their business locations, or in the places used by drug traffickers to conduct their drug distribution activity, such as stash houses, leased storage facilities or safe houses;

(g) Drug traffickers often use safe deposit boxes to amass, retain and conceal their illegal proceeds to avoid detection. Deposits to bank accounts create an accessible record (or paper trail) of deposits, withdrawal and transfer of funds and banks are required to report cash transactions in excess of \$10,000 to the Internal Revenue Service (IRS). Safe deposit boxes, which are readily accessible to drug traffickers, provide a "safe haven" for illegal drug proceeds where there is no such accounting.

(h) Computer hardware, software, documentation, passwords, data security devices and data may be integral tools of narcotics trafficking and money laundering and may constitute the means of committing these and other crimes. Traffickers often keep computers and computer related equipment in their home and utilize the equipment to keep detailed records of their narcotics transactions. Various computer software programs originally designed for

balancing home finances are often utilized by traffickers to keep track of drug profits and to launder the money earned through illicit narcotics trafficking. In addition, because information can be easily hidden in a computer in a manner that would prevent immediate identification (for example, coded file names or encryption) and because computer storage devices can be used to store the equivalent of thousands of pages of information (which could take weeks or months to sort), it is often necessary to seize an entire computer system so that a qualified computer expert can accurately retrieve the system's data in a controlled laboratory setting.

i.) Drug traffickers use vehicles to meet their customers, to transport illegal drugs, as well as money and weapons. Often, these items of contraband are secreted in the vehicle, either within compartments that are part of the vehicle, such as the glove box. At times, drug traffickers have special compartments installed in vehicles which are difficult to detect and are designed to frustrate the efforts of law enforcement in locating and seizing contraband. Lastly, the vehicles often carry documents and other items which can be evidence of the crime. In your affiant's experience, nearly any item that could be located in a residence of a drug trafficker, like telephone books, papers with numbers, and communications devices can be carried in vehicles.

4. This affidavit is based, in part, upon information provided to me by other special agents of the FBI, law enforcement officers from the United States Park Police (USPP), Washington, D.C., Metropolitan Police Department (MPD), Fairfax County Police, the Virginia State Police (VSP) as well as the court-authorized interception of wire communications, information provided by cooperating individuals, controlled purchases of illegal drugs, physical surveillance, seizures of drug evidence, and other information gathered during the course of this investigation. Since this affidavit is being submitted for the limited purpose of securing

authorization for the search of the target vehicle, I have not included each and every fact known to me concerning this investigation. I have set forth only the facts I believe are necessary to establish probable cause for the issuance of the search warrant requested herein. Along those lines, the Court should note that while there is reference made in this affidavit to intercepted telephone conversations, only a sampling of pertinent calls are summarized in the document. This is for illustrative purposes, and is by no means an exhaustive list or recitation of the relevant conversations that were intercepted.

5. As a result of my personal participation in this investigation, as well as through interviews with and analysis of reports submitted by other special agents of the FBI, officers of the, MPD and USPP, who have been involved in this investigation, I am familiar with all aspects of this investigation.

6. As described in greater detail below, the investigation has revealed that the targets are participating in a conspiracy to distribute and possess with intent to distribute controlled substances, and that the fruits, evidence, and instrumentalities of violations of the following federal offenses, among others, are presently to be found at the addresses for which authority to search is sought herein: (i) possession with intent to distribute and distribution of controlled substances, in violation of 21 U.S.C. § 841(a)(1), and conspiracy to commit such offenses, in violation of 21 U.S.C. § 846; (ii) use of communications facilities to facilitate the commission of the above offenses involving controlled substances, in violation of 21 U.S.C. § 843(b); and (iii) the laundering of proceeds of specified unlawful activity, i.e., distribution of controlled substances, in violation of 18 U.S.C. §§ 1956 and 1957 ("target offenses"). Specifically, there is probable cause to believe that within the confines of the target locations, there exists evidence

and instrumentalities of the target offenses and as set forth more fully in Attachment B, incorporated herein by reference.

II. THE INVESTIGATION

7. In the course of the investigation initiated in July 2011, the FBI has identified a large-scale narcotics distribution operation in the Washington, D.C. area, managed and operated by STEPHEN ANTHONY SCALES. SCALES supplies large quantities of heroin, and has customers who redistribute the heroin in Washington, D.C. area. From approximately the summer of 2011, to October of 2012, CW's have purchased from SCALES and/or his co-conspirators over 200 grams of heroin. The controlled drug purchases were supervised by law enforcement. The CW's have pending dates in federal court in which they are hoping that their assistance will provide them more lenient sentences. The investigation has also involved the use of wiretap intercepts, various means of surveillance, and interdiction of heroin, with over 350 grams being seized.

8. The investigation has further revealed that SCALES and others drug traffickers including RAY PROCTOR, MICHAEL PROCTOR, DONALD DUREN, ALVIN BANKS, BRYAN FULTON, DARNELL COLES, MERLE WATSON and others are being supplied with heroin by ANGEL CASTILLO, who resides in New York, and transports large quantities of heroin into the D.C. area.

9. Based on the investigation, on August 7, 2012, the Honorable Colleen Kollar-Kotelly of the United States District Court for the District of Columbia, signed an order authorizing the interception of wire and electronic communications to and from the telephone used by SCALES. On September 5, 2012, October 4, 2012, and November 5, 2012, orders were signed extending

the interception to and from SCALES's telephone.

10. On October 22, 2012, the Honorable Colleen Kollar-Kotelly signed an order authorizing the interception of wire communications to and from the telephone used by CASTILLO. On November 21, 2012, orders were signed extending the interception of wire communications, and the authorizing of initial interception of electronic communications to and from CASTILLO's telephone.

11. On October 19, 2012, co-conspirator MERLE WATSON brokered a 40 gram heroin transaction between CASTILLO and SCALES. The details of the transaction were discussed over SCALES's intercepted telephone. During the drug transaction, law enforcement attempted to conduct a motor vehicle stop on the vehicle WATSON was driving after he received the heroin from CASTILLO and was on his way to provide the heroin to SCALES. WATSON fled from law enforcement and ultimately crashed his vehicle into another vehicle. Near WATSON's vehicle, law enforcement recovered 40 grams of heroin. After being released from temporary custody, WATSON called SCALES and discussed the incident and the fact that the 40 grams of heroin was discarded from his vehicle.

12. On November 15-16, 2012, CASTILLO spoke to BANKS over his intercepted telephone. During the conversations, CASTILLO agreed to provide BANKS 300 grams of heroin for approximately \$25,000. In the early morning hours of November 16, 2012, CASTILLO and BANKS conducted the drug transaction in Silver Spring, Maryland. After the transactions, law enforcement followed the vehicle in which BANKS was traveling. In York County, Virginia, Virginia State Troopers stopped the vehicle BANKS traveled in. Inside the vehicle were BANKS and a female companion. After a police trained canine alerted to the

interior of the vehicle for the presence of illegal narcotics, a search of the vehicle recovered approximately 300 grams of heroin. BANKS was arrested. Shortly after BANKS's arrest, a relative of BANKS reported to CASTILLO over the intercepted telephone that BANKS was arrested with drugs.

III. DESCRIPTION OF THE VEHICLE:

13. Your affiant believes there is probable cause to search a:

2001 Chrysler Town & Country minivan, gold in color, NY License Tag GBX7504, with VIN #2C8GP54L11R183765

(1) Probable Cause as to CASTILLO

a. October 18-19, 2012

14. During the course of the investigation, it was learned that SCALES was being supplied heroin by CASTILLO. Specifically, shortly after the wiretap interceptions of SCALES's telephone began (August 7, 2012), it became clear that CASTILLO was SCALES's source of supply for heroin. Further, based on CASTILLO wiretaps (beginning on October 23, 2012), the FBI learned that CASTILLO had distributed well over a kilogram of heroin. Below are some representative summaries of intercepted calls which illustrate his role in the organization, and investigation.

15. On October 18, 2012, a series of calls occurred between MERLE WATSON and SCALES. During these calls, WATSON informed SCALES that CASTILLO was in town and had high quality heroin. WATSON and SCALES concealed from CASTILLO that WATSON was brokering a heroin transaction on behalf of SCALES.

16. At approximately 2:00 p.m. (Act. 7052), WATSON called SCALES. WATSON told

SCALES that CASTILLO was in town and, "The rock they got, what they got, you want, between you and me you hear me?" WATSON continued, "What they got now, you want it. Put it that way. Or you would want it. You understand what I'm saying?"

17. At approximately 3:29 p.m. (Act. 7070), WATSON called SCALES. During this call, it appeared that WATSON was with CASTILLO, and was brokering the price of the heroin on behalf of SCALES. WATSON asked SCALES how much he wanted to pay per gram of heroin. SCALES answered, "Seventy-five." WATSON was heard telling CASTILLO in the background, "Seventy-five is as high as he'll go." CASTILLO was heard in the background arguing with WATSON. WATSON explained that he was stuck in the middle and told SCALES, "They can't go seventy-five." SCALES told WATSON he was not willing to pay a higher price. SCALES then inquired about the amount of heroin CASTILLO had available to sell stating, "So what, I mean, I ain't going higher. How much they got?" WATSON was heard asking CASTILLO, "Hey, how much you got to sell?" WATSON told SCALES, "Four or five hundred." SCALES told WATSON that \$85 per gram was too high a price if you are purchasing such a large amount of heroin.

18. On October 18, 2012, at approximately 3:58 p.m., (Act. 7082) SCALES called WATSON. During this call, and others on that day and on October 19, 2012, they discussed WATSON brokering a 40 gram heroin deal for SCALES from CASTILLO. During this call, SCALES told WATSON of his loyalty to CASTILLO. SCALES then complained about CASTILLO not lowering his price for the heroin, and then said, "I spent over a million dollars with these motherfucking n***** . . . And that's no bullshit, that's ain't no exaggeration, that ain't none of that." SCALES continued to discuss the heroin price with WATSON, and then said

if they don't lower the price, "They can go back with it (heroin)."

19. At approximately 7:53 p.m. (Act. 7103), SCALES called WATSON. During this call, they discussed the quality of ANGEL's heroin. SCALES asked WATSON, "What did you put that on a scale, one to ten?" WATSON answered, "A nine." WATSON explained to SCALES based on the high quality, the ability to dilute the product to maximize profits. WATSON told SCALES, "This is the best I ever had as far as I am concerned."

20. At approximately 10:52 a.m. (Act. 7152), WATSON called SCALES. During the call, WATSON explained that CASTILLO agreed to sell WATSON the forty grams of heroin for the total price of \$80 per gram. SCALES agreed, and WATSON facilitated the drug transaction.

21. At approximately 11:14 a.m. (Act. 7167), WATSON called SCALES and they agreed to meet at the McDonald's restaurant on Georgia Avenue, N.W., Washington, D.C. At approximately 12:01 p.m., an FBI surveillance team observed SCALES walking to his vehicle and entered the driver's side door, which was McDonalds' parking lot. WATSON was observed inside his vehicle, and then drove out of the McDonalds' parking lot with a female passenger. FBI agents followed WATSON northbound on Georgia Avenue N.W., and arrived at a 7-11 store, in Silver Spring, Maryland. CASTILLO arrived on foot to the 7-11 store and entered WATSON's vehicle, where they appeared to converse for approximately ten minutes. CASTILLO exited the vehicle and proceeded on foot and was last seen walking towards a Days Inn located around the block from the 7-11 store.

22. At approximately 12:36 p.m. (Act. 7194), WATSON called SCALES. WATSON informed SCALES that he was returning to SCALES's location. After WATSON exited the 7-11 and drove south on Georgia Avenue, N.W., FBI agents attempted to conduct a traffic stop

WATSON's vehicle utilizing lights and siren. WATSON failed to yield and attempted to elude agents. In so doing, WATSON collided with another vehicle and disabled his own vehicle. Agents recovered two bags of a beige powdery substance both wrapped in tissue paper, on the ground near WATSON's vehicle. One bag weighed approximately 30 grams and the other approximately 10 grams. Both items field-tested positive for heroin.

23. At approximately 2:04 p.m., a series of calls took place between SCALES and WATSON (Acts. 7238, 7244, 7250, 7252, and 7260) discussing the events of the traffic stop. WATSON told SCALES, "The police, the FBI got me, about ten of them." WATSON explained how he evaded law enforcement driving, "100 miles per hour," and collided with another vehicle. WATSON told SCALES that he threw the drugs out the window, stating, "Nobody seen me throw it, thank God they didn't. I had I'd a put the window down. I said I'd a move and I threw both of them." WATSON explained that the drugs were eventually recovered on the side of the road but law enforcement were unable associate the drugs with WATSON. WATSON and SCALES continued to speculate on the event and believe that law enforcement were targeting CASTILLO, stating, "Something is wrong on that end." WATSON was not questioned regarding this investigation and not arrested by law enforcement that day.

b. November 15-16, 2012

24. On November 15, 2012, at approximately 9:23 a.m. (Act. 1711), CASTILLO called BANKS and asked, "What you got? How much you have?" BANKS replied, "Right now its 20 man but I might be able to have it before I leave." At approximately 2:26 p.m. (Act. 1746), BANKS called CASTILLO and asked, "If I can get all the money for the 300 man, you think you can hit with some on the consignment?" CASTILLO agreed. BANKS asked, "So we can get it

down under 85?" CASTILLO told BANKS, "Nah look, the consignment is going to 90, no?" BANKS replied, "This is what I'm going to do man. I'm just going to have the money for the three." They agreed to meet later that night. Your affiant believes that BANKS agreed to purchase 300 grams of heroin from CASTILLO; BANKS also wanted additional heroin from CASTILLO on consignment. BANKS wanted to pay less than \$85 a gram for the heroin. CASTILLO told BANKS if he provided BANKS with the heroin on consignment, it would be \$90 a gram.

25. At approximately 3:54 p.m. (Act. 1753), BANKS called CASTILLO on the target telephone. During the call, BANKS said, "I got 25 man. I worked hard and got it. I got 25." CASTILLO told BANKS, "Give me some time. Let me pull everything together. You know what I'm saying?" At approximately 7:43 p.m. (Act. 1766), BANKS called CASTILLO and told him he would leave now and "get a room" and wait until CASTILLO arrived. BANKS asked for the address of the hotel. CASTILLO replied, "Remember, remember that was 4040 Silver Spring . . . 13" Your affiant knows based on previous call activity and surveillance, CASTILLO has met customers in the past at the Days Inn hotel located on 13th Street, in Silver Spring, Maryland.

26. Based on wiretap interceptions on that day between CASTILLO and BANKS, an FBI surveillance team was able to establish surveillance in the vicinity of the Days Inn hotel. At approximately 12:45 a.m., on November 16, 2012, BANKS and a female companion (later identified as CHERRELL PATRICE DIGGS) arrived at the Days Inn driving a blue Honda Pilot and entered a hotel room. At approximately 3:00 a.m., on November 16, 2012, a black Nissan Altima with rental tags arrived at the Days Inn. CASTILLO exited the Altima carrying a dark

bag in his left hand, and then entered the hotel room BANKS and DIGGS were in. Later, CASTILLO, BANKS and DIGGS exited the hotel room. CASTILLO and BANKS were each carrying a brown paper bag. BANKS and DIGGS entered the Honda and proceeded to leave the hotel parking lot. CASTILLO remained outside the hotel room (located on the second floor of the hotel) and remained standing at the edge of the railing looking out. It appeared to agents CASTILLO was scanning the area, possibly looking for law enforcement activity. The Honda was seen driving north on Georgia Avenue in the direction of 495 west.

27. Minutes later, the black Altima was observed entering Georgia Avenue from 13th Street. The Altima drove north on Georgia Avenue in the direction of 495 east. The Honda was subsequently followed to Williamsburg, Virginia where at approximately 6:00 a.m. Virginia State Police (VSP) conducted a vehicle stop. Inside the vehicle were DIGGS and BANKS. After a canine alerted to the area where the heroin was located, VSP recovered approximately 310 grams of heroin and a loaded 9mm Smith and Wesson pistol. DIGGS and BANKS were arrested and are being detained pending charges being filed in York County, Virginia. Subsequent to his arrest, BANKS told law enforcement that he purchased the heroin in the D.C. area from a Dominican male who he believes resides in New York. BANKS also said the drug transaction took place at the Days Inn (in Silver Spring, Maryland).

c. December 11, 2012

28. In the days leading up to December 11, 2012, CASTILLO had conversations with RAY PROCTOR regarding their heroin business and CASTILLO's desire to obtain good quality of heroin for R. PROCTOR. They agreed to meet in D.C. on the evening of December 11, 2012.

29. On December 11, 2012, CASTILLO traveled from New York to Washington, D.C.,

to meet R. PROCTOR. Prior to meeting to with the customer, CASTILLO, as a passenger and another individual who was driving, were observed operating the target vehicle in the vicinity of 6th and H Streets, N.W. The vehicle was stopped and CASTILLO was arrested. The second individual was detained and both were brought to the FBI- Washington Field Office.

30. [REDACTED]

VI. CONCLUSION

31. Based on the foregoing information, I submit that there is probable cause to believe that CASTILLO, and the others described above are involved in an ongoing conspiracy to distribute and possess with intent to distribute heroin and other narcotics, and that within the aforementioned target vehicle is evidence and instrumentalities of the crimes of conspiracy to distribute and possess with intent to distribute, and distribution and possession with intent to distribute, illegal narcotics, as more particularly set forth in this Affidavit.

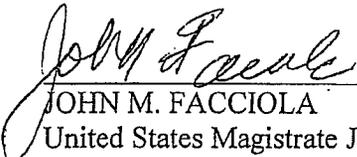
32. Pursuant to 21 U.S.C. Section 879, your affiant requests that the search warrant in this case be served at any time, day or night. During the course of this investigation, there have been times when the co-conspirators met between 10:00 p.m., and 6:00 a.m., to conduct drug transactions. Specifically, shortly after midnight on November 16, 2012, CASTILLO supplied BANKS with 300 grams of heroin. A few hours later, BANKS was stopped with the 300 grams

of heroin and arrested. Within a few hours of BANKS's arrest, one of BANKS's relatives (and a co-conspirator) called CASTILLO and informed him of BANKS's arrest. Further, the co-conspirator told CASTILLO to discard the telephone they were speaking, since it was evidence of the drug conspiracy. It's your affiant's belief that if another drug transaction occurs at nighttime, and law enforcement initiates an arrest of CASTILLO, other co-conspirators will be alerted, and potentially destroy evidence of the narcotics conspiracy they have in their homes. As noted above, in your affiant's experience, drug traffickers keep items of their drug dealing in their homes and homes of friends and associates. Further, it is your affiant's experience, that once a co-conspirator is arrested, other co-conspirators are alerted to the arrest, and the other co-conspirators destroy or move their drugs, and indicia of drug trafficking to other locations.

X 

Aaron McGee
Special Agent
Federal Bureau of Investigation

Sworn to and subscribed before me this 11 day of December 11, 2012.


JOHN M. FACCIOLA
United States Magistrate Judge
For the District of Columbia

ATTACHMENT B

II. PROPERTY TO BE SEIZED

- A. Drugs and drug paraphernalia.
- B. Books, records, receipts, notes and other papers relating to the transportation, ordering, purchase and distribution of controlled substances, in particular heroin, or other controlled substances.
- C. Address and/or telephone books and papers reflecting names, addresses and/or telephone numbers.
- D. Books, records, receipts, bank statements, money drafts, letters of credit, money orders and cashier's checks, passbooks, bank checks, safe deposit box keys, and any other items evidencing the obtaining, secreting, transfer, concealment, storage and/or expenditure of money.
- E. United States currency, precious metals, jewelry and financial instruments, stocks and bonds.
- F. Photographs, in particular photographs of co-conspirators, assets and/or controlled substances.
- G. Weapons, including but not limited to revolvers, semi-automatic pistols, rifles and ammunition.
- H. Cellular telephones, pagers and records and receipts reflecting their ownership and use.
- I. Safes, both combination and key type, and their contents.
- J. Indicia of occupancy, residence and/or ownership of the premises described

herein, including, but not limited to utility and telephone bills, canceled envelopes and keys.