

UNITED STATES DISTRICT COURT
FILED 12 AUG 29 10:29 USDC-ORN

for the
District of Oregon

In the Matter of the Search of)
(Briefly describe the property to be searched)
or identify the person by name and address)

Case No. 12-305

- 1) Any tents and any other temporary campsites)
located at the Graves Creek marijuana growbsite.)
- 2) 16 Myers Ct. Medford, OR 97501)

APPLICATION FOR A SEARCH WARRANT

I, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that there is now concealed on the following person or property located in the _____ District of _____ Oregon (identify the person or describe property to be searched and give its location): See Attachment B for a more detailed descriptions of the locations to be searched..

The person or property to be searched, described above, is believed to conceal (identify the person or describe the property to be seized): See Attachment A, attached to this Application and incorporated herein by reference which is evidence of a crime, contraband, fruits of a crime, or other items illegally possessed, property designed for use, intended for use or used in committing a crime against the United States, concerning violations of Title 21 USC, Section 841(a)(1), 843(b), 846 and 853

The basis for the search under Fed. R. Crim. P. 41(c) is (check one or more):

- evidence of a crime;
- contraband, fruits of crime, or other items illegally possessed;
- property designed for use, intended for use, or used in committing a crime;
- a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of 21 U.S.C. § 841(a)(1), and the application is based on these facts: The facts to support a finding of Probable Cause are as follows: See Attached affidavitt of Special Agent Thomas W. French, incorporated by reference.

- Continued on the attached sheet.
- Delayed notice of ___ days (give exact ending date if more than 30 days: _____) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.

Sworn to before me and signed in my presence.

Date: 8/29/12

City and state: Medford, OR

Applicant's signature

Special Agent U.S. BLM

Printed name and title

Judge's signature

Mark D. Clarke U.S. Magistrate Judge

Printed name and title



ATTACHMENT A
ITEMS TO BE SEARCHED FOR AND SEIZED

Evidence, contraband, and fruits of the crime of manufacture and possession with the intent to distribute marijuana and conspiracy to commit the same, in violation of Title 21, United States Code, Sections 841(a)(1) and 846, including:

1. All controlled substances identified as contraband under Title 21 Statutes, United States Code, to include marijuana dried and live plants, its flowers/ buds and marijuana seeds.
2. Outdoor marijuana growing equipment and supplies, including irrigation supplies such as plastic pipe, fittings, valves, emitters, drip tubing, buckets; shovels, pruning shears, clippers, hand saws; plant fertilizer and other chemicals, deer and rodent repellent, animal traps; equipment used in the cloning, trimming, growing, harvesting, drying, and packaging of marijuana including scales and packaging materials; plant starter trays, potting soil, rope/ twine, black plastic sheeting and other equipment and materials used to manufacture/cultivate marijuana.
3. Firearms to include: handguns, rifles, shotguns, assault rifles and their respective magazines/ feeding devices, ammunition and slings, as well as paperwork or records establishing/indicating ownership.
4. False and or stolen identification documents, false immigration documents and notes showing names, phone numbers, locations, directions, and routes of transport.
5. Articles of personal property tending to identify and connect persons involved in the above mentioned crimes, including clothing, to wit: camouflage clothing, street clothing, backpacks, jewelry, headwear and footwear.
6. U.S. Currency, foreign currency, financial instruments, precious metals, jewelry, and other valuable items used to promote drug trafficking or which constitute proceeds derived from drug trafficking, as well as books, records, notes, receipts, computers, computer disks and tapes, and computer records, ~~or other evidence of financial transactions relating to the same,~~ including bank records, money order and cashier's check receipts, passbooks, bank checks, safes, records of safety deposit boxes and storage lockers.
7. Documents, records, notes, telephone and address books, tapes, and, or other evidence tending to identify drug suppliers, customers, associates, purchase and sales prices, and amounts paid and owed.
8. Notes, letters, records, maps, photographs, shopping lists, clothing, hats, and other personal items, as well as fingerprints, tending to identify and connect persons to the manufacture/ cultivation, distribution and possession of controlled substances or firearms.
9. Records of both legitimate and illegitimate sources of income and expenses, such as ledger sheets and notes, income tax returns, bank records, money order receipts, pay stubs, and sales receipts, from which law enforcement will be able to determine the extent of illegitimate income derived from and used for prohibited activity.

10. Telephones, cellular phones, pagers, Caller ID devices, telephone answering devices, and ownership and billing documents/bills regarding these devices. Cellular telephones to include SIM cards for each telephone. All related documentation, power supply cords, data transfer cords, software or other peripherals and accessories for cellular telephones. All stored data to include passwords, encryption keys, access codes, SIM passwords, files, programs, ring tones, text messages, pictures, videos, phone books, date books, call history, voice mail, e-mail and geographical information. Proof of ownership to include correspondence, registration keys or similar items. All connection logs and records of user's activity for each such account including Connection date and times, disconnect dates and times, method of connection, i.e. Tel Net FTP HTTP, data transfer volume, user name associated with connections telephone caller identification records, and any other connection information such as internet protocol address of the source of the connection.
 11. Incoming telephone calls while at the premises executing this warrant, including answering and conversing with callers in regards to drug sales on the telephone, cellular phone, pager, or answering machine device, and to return any calls left on such devices within the premises, without revealing the officer's identity, voicemail messages stored on the cell phone or by the appropriate cellular service provider, and text messages.
 12. Personal property showing dominion and control of the premises searched and the items listed herein, including personal identification, keys, property acquisition records, utility and telephone bills and receipts, mail, correspondence, photographs and financial records.
 13. Photographs of subjects and their associates, marijuana, marijuana growing equipment, camp sites, real property owned/controlled by the suspects.
 14. Latent prints from seized items or from surfaces at locations searched.
 15. DNA from any subjects arrested or lawfully detained during the raid/eradication of the Klamath River growsite, any personal effects that DNA can be collected from that could establish identities of any subjects known or unknown.
-
16. You are hereby authorized to conduct an offsite forensic examination of any cell phones, other electronic communication devices seized if it is impractical to search these items on site.

ATTACHMENT B
Locations to be searched

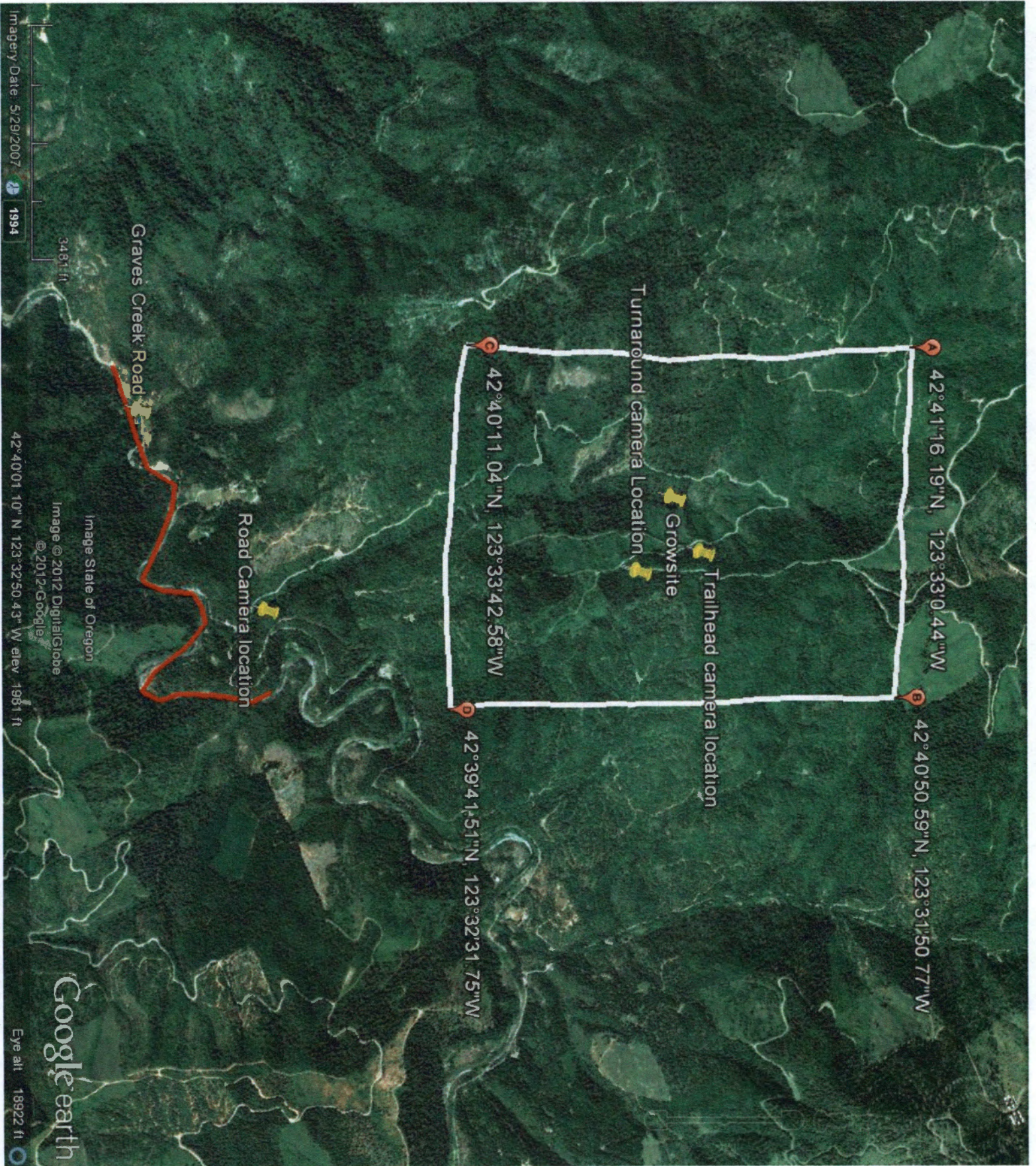
Graves Creek Growsite

- a) Any tent, temporary residence, campsite, kitchen area, drying station, sleeping bag, or backpack, cell phone or other closed container located within the area defined by the white lines on the Ariel map of the Klamath River growsite attached as part of Attachment B, located in Township 33 South Range 7 West Sections 29, Jackson County, Oregon.

The aerial map of the location taken from Google Earth is attached as page 2 of this Attachment and incorporated herein. The yellow pushpin labeled "Graves Creek growsite" represents an approximate location of the growsite obtained by the helicopter when the growsite was spotted. The 4 GPS points on the map represent the coordinate boundaries of the search area. This aerial map covers Land in Township 33 South Range 7 West Sections 29.

- b) The premises located at **16 Myers Court, Medford, Jackson County, Oregon** is also known in the Jackson County Assessor's Records as **Map/Tax Lot (372W25BD 9800)**. The property is located on the east side of Myers Court, between West Main Street and Locust Street. The house is further described as a single story dwelling of wooden construction, tan in color with dark brown trim. The address number "16", which is black in color, is displayed on the right side of the fence about 15 feet from the front door of the residence.

The premises to include the dwelling(s), any attached and detached garages, shops, sheds, barns, outbuildings, the person of Danielle Hope AKINS, and all vehicles owned or controlled by Danielle Hope AKINS and Alvaro CASTREJON-Magallan, AKA: Evencio PANTOJA BARRON, or other persons and vehicles residing on the premises; consists of 0.12 acres, a single-family dwelling. The dwelling is a 1,101 square foot single-story home.



Training Center (FLETC), in Glynco, Georgia. In addition to FLETC training, I also received specific training in the investigation of the illegal outdoor cultivation of marijuana and other drug conspiracy investigations provided by the Drug Enforcement Administration (DEA). I have applied for and received federal search warrants based on the drug investigations I have conducted. I have installed and monitored, and serviced numerous GPS tracking devices in several narcotics investigations that I have conducted involving the illegal cultivation of marijuana on BLM lands operated by Mexican DTO's. I am currently assigned to the as a Taskforce Officer and have been for over one year.

Sources of Information

2. This affidavit is based on a joint investigation by the Jackson County Sheriff's Office (JCSO), Bureau of Land Management (BLM), and the Drug Enforcement Administration (DEA). All the information within this affidavit is based upon either my personal knowledge, information provided from other law enforcement officers, or the use of credible sources of information related to this investigation.

Purpose of this Affidavit

3. This affidavit is submitted in support of an application for search warrants authorizing the search of premises and vehicles at the premises owned or controlled by the residents, located at:

a) The Graves Creek growsite defined by the white lines on the aerial map of the Graves Creek growsite, located in Township 33 South Range 7 West Section 29 including any tent, temporary residence, campsite, kitchen area, drying station, sleeping bag, or backpack, cell phone or other closed container located in or connected to the growsite. A more complete description of Township 33 South Range 7 West Section 29 is set forth in Attachment B, which is incorporated herein by reference.

b) 16 Myers Ct, Medford, OR 97501 which is a residence and including all vehicles and outbuildings. A more complete description of 16 Myers Ct, Medford, OR 97501 is set forth in Attachment C, which is incorporated herein by reference.

4. This affidavit is made in support of warrants to search and retrieve evidence, contraband, fruits and instrumentalities of, and property used to commit a drug trafficking offenses under Title 21, United States Code Sections 841(a)(1), 843(b), 846 and 853 (manufacture of a controlled substance, marijuana), which I believe exists in residences, vehicles listed above and a tent or tents, lean-tos or other temporary camping structures, cellular phones, backpacks, or other closed containers located on public/private lands in Township 33 South Range 7 West Sections 29 (the Graves Creek grow site). It is important to note that section 29 is completely owned by the public and managed by the BLM. I believe that a search of the residence listed above and any tent, temporary residence, campsite kitchen area, drying station, sleeping bag or back pack or other closed containers located in or connected to the Graves Creek grow site, will lead to the seizure of evidence, described in Attachment A, of conspiracy to manufacture and distribute marijuana, distribution of marijuana, and possession with intent to distribute marijuana, all in violation of Title 21, United States Code, Section 841(a)(1) and 846; the use of a communication facility to facilitate the manufacture, distribution and possession with the intent to distribute a controlled substance, in violation of Title 21 United States Code, Section 843(b); and criminal forfeiture related to drug trafficking, in violation of Title 21 United States Code, Section 853.

5. Because this affidavit is being submitted for the limited purpose of securing search warrants for the above listed residence and tents, I have not included each and every fact known to me concerning this investigation. I have set forth only the facts that I believe are necessary to establish probable cause to believe that the evidence of the criminal activity in violation of Title 21, United States Code, Sections 841 (manufacture, distribution and possession with the intent to distribute of a controlled substance, marijuana), 846 (attempt and conspiracy), and 853 (criminal forfeiture), regarding the cultivating, manufacturing, delivering, distributing, or trafficking of a controlled substance, namely marijuana.

6. On August 2, 2012, a large scale outdoor marijuana grow site was discovered on a routine marijuana spotting/eradication mission by spotter Deputy Dan Dalke. Deputy Dalke told me the following information: He is employed by the Jackson County Sheriff as a Deputy to assist in the marijuana eradication program. He has been seasonally employed in this capacity for 7 years. Prior to this, he was a Law Enforcement Officer for the U.S. Forest Service for 20 years and has been qualified as an expert in court for the identification of marijuana. He has been identifying marijuana grows from helicopters and fixed wing aircraft for over 30 years and has found hundreds of outdoor marijuana grow sites. Deputy Dalke told me he attended a marijuana spotting school in the early 1990s. He told me the spotter school was one week long and in the school, he was shown live marijuana plants, aerial photos and videos of confirmed outdoor marijuana grow sites. He was also taught to look for the unique emerald green color attributed to the majority of marijuana strains, and the unique patterns/characteristics outdoor marijuana grow sites are planted such as "corn-rows", "clusters"

and “pods”. He successfully completed a practical examination, which included a marijuana spotting flight, where he was required to spot active outdoor marijuana growsites.

Deputy Dalke told me he has successfully spotted marijuana from a helicopter or aircraft hundreds of times since his graduation from the spotter school. On one occasion in the summer of 2009, he spotted what he believed was a large outdoor marijuana growsite on BLM lands located adjacent to the Rock Creek Rd, in Jackson County Oregon. The growsite contained approximately 3,000 marijuana plants in two separate pods. Based on his aerial spotting a Jackson County Tactical Team raided the growsite and discovered live marijuana plants. The samples taken from the plants were later confirmed by DEA laboratory analysis as marijuana.

7. On August 2, 2012, Deputy Dalke was on a National Guard Helicopter, searching for outdoor marijuana plants. He was flying in Josephine County, Oregon in the Graves Creek area west of Wolf Creek. At about 11:00am, he saw a large marijuana grow in a forest reproduction area. He took a series of photographs and marked the area with his GPS unit. The pilot marked four spots with the aircraft’s GPS unit as they flew back over it in a straight line. The one spot they marked closest to the marijuana had a Latitude/Longitude of 42 40.566 and 123 32. 913.

8. A review of the overflight pictures shows that marijuana plants were placed in-between and amongst the trees in “corn rows”. This “corn row” style is a typical pattern utilized by Mexican DTOs in growsite operations.

The size of the growsite appears to cover 2-3 acres on BLM Land. During my career as a BLM Special Agent I have investigated Mexican DTO growsites and domestic growsites. The

marijuana plants were also planted in a type of BLM land known as “Reprod” or Reproduction Timber. Reproduction Timber is a term that defines trees that the government cultivates for timber production and sale. These trees are anywhere from 10-45 feet tall. This type of timber is unique to BLM lands as it is cultivated primarily in western Oregon. The height of the trees allow for enough sunlight to reach the marijuana plants so they can still grow. The majority Mexican DTO growsites I have investigated in western Oregon have been located in a unit of reproduction timber on BLM lands.

Based on my training and investigative experience after examining the overflight pictures taken by Deputy Dalke, I recognized this as the style of large scale marijuana growsite typically operated by a Mexican Drug Trafficking Organization (DTO). The growsite is on forested land owned by the U.S. Department of Interior (DOI), Bureau of Land Management (BLM). The growsite is located in the Graves Creek Area of Josephine County and at the following legal description: Township 33S Range 7W Section 29. This marijuana growsite will be referred to as the Graves Creek growsite.

9. On August 6, 2012, Jackson County Sheriff’s Office (JCSO) Deputies Eric Johnson and Dan Dalke installed remote surveillance systems on the access road and leading to the Graves Creek marijuana growsite, in an attempt to capture those persons responsible for the operating the growsite. These video surveillance systems allow law enforcement to capture video evidence of the subjects without physically being present at the remote location.

10. On August 10, 2012, JSCO Deputies Eric Johnson and Dan Dalke installed video surveillance systems on the trailhead and turnaround locations near the grow site. During the installation of the surveillance systems around the Graves Creek grow site, at 16:30hrs, JSCO Deputies Eric Johnson and Dan Dalke observed a White Ford Expedition, bearing Washington license 133-VJE arrive at the turnaround location for the Graves Creek grow site. The turnaround location is located approximately 400 yards past the trailhead location on the BLM access road. The turnaround location is approximately 500 yards from the Graves Creek grow site. (See attached map of surveillance system locations in relation to the Graves Creek grow site). A review of the surveillance footage shows the following:

- a) August 10, 2012, at 16:22hrs, there was a surveillance system activation on the access road to the Graves Creek grow site that captured a dust plume from a passing vehicle. No vehicle was captured on this activation. The access road is one way in one way out road system directly to and from the paved portion of Graves Creek road on BLM road 37-7-32. The driving distance on BLM road 37-7-32 from Graves Creek road to the dead end logging spur road leading to the grow site is approximately 3 miles. This surveillance system is located approximately 2.5 miles down BLM road 37-7-32 away from the trailhead surveillance system.

- b) August 10, 2012, at 16:30hrs, a White Ford Expedition, bearing Washington license 133-VJE, registered to Alvaro CASTREJON-Magallan, 8319 McIntosh St

SE, Tenino, WA 98589 was captured on video turnaround location for the Graves Creek growsite. The video footage shows a white female adult driver, wearing glasses and a pink long sleeve shirt. The video also shows two additional male occupants, one in the passenger seat, the other in the back seat behind the driver. The vehicle turns around and drives back toward the Graves Creek growsite trailhead. This is the same incident witnessed by JCSO Deputies Eric Johnson and Dan Dalke while installing the surveillance system.

- c) August 10, 2012, at 16:33hrs, the trailhead surveillance system captured four Hispanic male Adults (HMA) wearing camouflage pants /shirts or other dark colored shirts running up the spur road leading to the trailhead of the Graves Creek growsite. One of the HMA appears to be carrying a blue case of beer. The HMAs appear to be in a hurry to get out of the intersection of the BLM road and the dead end logging spur road, because they are jogging down the spur road and periodically looking back behind themselves as if they are concerned someone or another vehicle may see them as they run down the spur road. A vehicle is not visible in the video footage; however there is a dust plume visible in the footage that is typical of a vehicle driving on a dirt road.
- d) At 16:35hrs, the rear left corner of a white SUV is visible leaving the dead spur road entering the BLM access road. I believe this SUV is the White Ford expedition that drove past the camera creating the dust plume at 16:33hrs. The Graves Creek growsite is located in a very remote area of Josephine County with

limited residents. The closest residence is located approximately three air miles away from the Graves Creek growsite to east. The city of Glendale, OR which has a population of 874 as of the 2010 US Census is closest city to the Graves Creek growsite. The majority of the land surrounding the Graves Creek growsite is forested BLM and private timber lands. The Graves Creek growsite is approximately 1.5 air miles from the entrance of the Wild and Scenic section of the Rouge River. Deputy Dalke has informed me that there is a clear foot path or trail on the west side of the spur road leading towards the Graves Creek growsite. Deputy Dalke told me this foot path starts where the spur road intersects with BLM road 33-7-32, and he believes the suspects are using this particular foot path as part of the trail leading to the growsite.

- e) At 16:40hrs, the White Ford Expedition, bearing Washington license 133-VJE, registered to Alvaro CASTREJON-Magallan, 8319 McIntosh St SE, Tenino, WA 98589 was captured by access road surveillance system exiting the BLM access road to the Graves Creek growsite.

- f) On August 12, 2012, at 2324hrs, what appears to be a full size truck with was captured on video at the spur road leading to the trailhead for Graves Creek growsite. The vehicle stops and turns off its head lights, leaving the parking lights on. It appears that people are moving around in front to the vehicle. The shape of the front end appears consistent with a Chevrolet truck, however no grill emblems are visible.

- g) At 23:27hrs, the full size truck, possibly a Chevrolet based on the front end and grill emblem, was captured on video at the turnaround location. The truck arrives at the turnaround location for the growsite and turns around toward the trailhead area of the Graves Creek growsite.
- h) At 23:30hrs, an unidentified vehicle was captured by the trailhead surveillance system turning on its lights and driving down the spur road to the growsite. Approximately two minutes later a full size truck with what appears to be a camper shell is captured on video at the trailhead exiting the spur road onto the BLM access road. I believe that this vehicle is the same vehicle captured on video by the two different surveillance systems at 23:24hrs at the trailhead location and at 23:27hrs at the turnaround location.
- i) On August 13, 2012, at 22:57hrs an unidentified vehicle is captured by the trailhead surveillance system. The vehicle parks at the entrance to the spur road and appears to be a Ford SUV. There is ambient light available, possibly from the vehicle, and people are seen moving around. At 23:06hrs, it appears that the interior dome light is turned on and two bags are tossed into the vehicle. One bag appears to be a backpack and the other appears to be a plastic bag.
- j) At 23:30hrs, what appears to be a Ford SUV is captured on video by the turnaround surveillance system. The SUV arrives and turns around and drives

toward the trailhead location of the Graves Creek growsite. This appears to be same as the vehicle captured by the trailhead system at 22:57hrs.

- k) At 23:33hrs the trailhead surveillance system captures a vehicle turning on its head lights and driving down the spur road to the growsite. There appears to be the grill of a Ford SUV visible as the vehicle slowly passes before the camera. This appears to be the same vehicle captured by the turnaround surveillance system at 23:20hrs. I believe this is the White Ford expedition previously captured on video and observed by JCSO Deputies Dalke and Johnson on August 10, 2012.

11. Based on my training and investigative experience in investigating Mexican DTO growsites, this pattern of activity captured by the video surveillance systems, especially the majority of night time activity, is the Modus Operandi or MO used by Mexican DTO growsite operations, to supply the growers in a growsite to manufacture marijuana. The Mexican DTOs use the cover of night as a as a counter-surveillance measure against the video surveillance systems installed by law enforcement. The supply drops are necessary to support a large scale outdoor growsite like Graves Creek because the growers/workers typically are living in or near the sites for days, weeks or months at a time. In addition the growers/workers often use camouflage and other dark colored clothing to conceal their presence from helicopters. The camouflage also aides in their illegal activities while cultivating the marijuana and facilitates their escape when law enforcement raids the growsite. Based on the video surveillance footage and the events observed by JCSO Deputies Dalke and Johnson, I beleive, based on my training

and investigative experience, that the Graves Creek grownsite is currently active and a Mexican DTO is responsible for its operation.

12. Prior to the surveillance listed below, law enforcement checked Lexus Nexsus, a public records database used by law enforcement to locate additional information about persons. The address search of 8319 McIntosh St SE, Tenino, WA 98589, revealed that Danielle Akins used 8319 McIntosh St SE, Tenino, WA 98589 from July 2011 to July 2012. It also revealed she used 16 Myers Ct, Medford, OR 97501 as an address as of May 2012. In addition, the search revealed Alvaro CASTREJON-Magallan also used the address of 8319 McIntosh St SE, Tenino, WA 98589 from January 2012 to July 2012.

13. On August 13, 2012, at 17:00hrs, Lt. Matt Thompson, JCSO, conducted a drive by surveillance of 16 Myers Ct, Medford, OR 97501 and located the White Ford Expedition, bearing Washington license 133-VJE registered to Danielle AKINS, 8319 McIntosh St SE, Tenino, WA 98589 parked in front of the residence. In addition Lt. Thompson located two other vehicles, a 2000, gray, full size Chevrolet pickup, with a canopy bearing WA license# B23873B, registered to Alvaro CASTREJON-Magallan, 8319 McIntosh St SE, Tenino, WA 98589 and a Dodge van bearing WA license# 532-ZGI registered to Danielle AKINS at the Medford Oregon address of 16 Meyers Ct, Medford, OR 97501. The records checked showed Danielle Akins has 8319 McIntosh St SE, Tenino, WA 98589 listed as her address on her Washington State driver's license. I believe that the vehicles observed at 16 Myers Ct. Medford, OR specifically the white Ford expedition and the gray Chevrolet truck are the same vehicles captured on film by the video surveillance systems at the trailhead and turnaround locations on August 10th and 12th 2012.

14. In checking BLM law enforcement sources/records, I determined the following:

On April, 28 2012, at 14:05hrs, BLM Ranger Ken Lloyd contacted a suspicious vehicle in the vicinity of the Graves Creek grownsite. Ranger Lloyd identified the driver as Alvaro CASTREJON-Magallan and the passenger as Danielle AKINS, by their WA Drivers licenses. They were driving the 2000 Chevrolet Truck described above. Ranger Lloyd noticed the Chevrolet truck had a camper shell and was equipped with street tires for the remote area it was traveling. When Ranger Lloyd contacted AKINS and CASTREJON, he noticed they were not equipped for an extended stay in a remote area and the cab and bed of the pick-up was empty. This would not be typical for a day in the woods in a very remote location. During the contact AKINS told Ranger Lloyd that they had recently moved to Medford, OR and were out for a drive. Ranger Lloyd noticed CASTREJON was carrying a Styrofoam "to-go" box and some empty bottles of water. Ranger Lloyd also noticed there were two additional teenage Hispanic males with AKINS and CASTREJON.

15. On August 24, 2012, I applied for and received tracking warrants for the above listed vehicles. Agents installed tracking devices on the 2000, gray Chevrolet pickup, described above at 16 Meyers Ct. Medford, OR on August 26, 2012. Monitoring of the vehicle revealed that the vehicle did not leave the address from the time the tracking devices were installed on it until August 29, 2012.

16. On August 29, 2012, at approximately 19:38 hrs, the 2000 gray Chevrolet pickup truck described above left 16 Meyers Ct. Medford, OR, and traveled to Bi-Mart, Albertsons, and Walgreens (all located on W. Main Street, in Medford, Oregon) and returned to 16 Meyers Ct. Medford, OR, at approximately 20:15 hrs.

On August 29, 2012, at approximately 21:03 hrs, the 2000, gray Chevrolet pickup truck, described above left 16 Meyers Ct. Medford, OR, and traveled north bound on Interstate 5. From there, it took the Sunny Valley, OR exit and traveled west bound on Leland Rd to the intersection of Lower Graves Creek Rd. The vehicle turned southwest on Lower Graves Creek Rd and traveled towards the growsite. The vehicle arrived at the Graves Creek growsite trailhead location at 22:37hrs and stayed at that location for approximately 18 minutes.

At 22:55hrs the vehicle left the Graves Creek growsite trailhead location and returned down the BLM access road towards Lower Graves Creek road. The vehicle turned east on Lower Graves Creek and traveled towards Sunny Valley, OR. The vehicle entered Interstate 5 and traveled south bound towards Medford, OR and arrived there at 00:04hrs.

At 00:09hrs, the 2000, gray Chevrolet Truck described above was stopped by JCSO Deputies Burchfield and Dodge for an unlawful turn on Summit Ave, approximately six blocks from 16 Meyers Ct. Medford, OR. As Deputies Burchfield and Dodge approached the vehicle they saw 3 large black garbage bags in the bed of the truck and could smell a strong odor of marijuana coming from the vehicle. The driver of the vehicle was identified as Alvaro CASTREJON-

Magallan. Alvaro CASTREJON-Magallan told Deputy Burchfield his address was 16 Myers Ct and he had lived there for about three months. The passengers were identified as Marcos ARREOLA and Ismael ESQUIVEL-Garcia. When Deputies Burchfield and Dodge asked the occupants about the strong odor of marijuana coming from the vehicle, Alvaro CASTREJON-Magallan told Deputy Burchfield had recently smoked some marijuana in the vehicle. Deputy Burchfield noted that CASTREJON-Magallan showed no impairment or signs of recent marijuana use. In addition, Deputy Burchfield noted that the odor coming from the vehicle was consistent with the odor of fresh marijuana, not burned marijuana.

Based on the strong odor of marijuana coming from the vehicle and the statements from Alvaro CASTREJON-Magallan, Deputies Burchfield and Dodge removed the occupants from the vehicle, handcuffed them and searched the vehicle. Deputy Burchfield asked for and received verbal consent from Marcos ARREOLA to search the gym bag in the rear passenger seat. A search of the vehicle revealed 36 individually wrapped bags of harvested marijuana totaling approximately 39 pounds, inside of the three black garbage bags in bed of the truck inside the campershell.

17. A Criminal History check of Danielle AKINS revealed that she has ten arrests in the State of Washington from 1995 to 2009. Four of the arrests are for manufacture/delivery/possession with intent to distribute a controlled substance (Methamphetamine). Two of the arrests are for possession of a controlled substance (Methamphetamine). The remaining four arrests are for Theft, domestic violence, and court order violations.

18. A Criminal History check Alvaro CASTREJON-Magallan shows a negative criminal history under that name and date of birth listed on his State of Washington Driver's license. However an additional WA driver's license was discovered under the name of Evencio Pantoja-Barron, with what appears to be same photograph as Alvaro CASTREJON-Magallan. A Criminal History check shows he was arrested in Washington State for domestic violence in 2005. I believe that Alvaro CASTREJON-Magallan and Evencio Pantoja-Barron is the same individual. I believe Evencio Pantoja-Barron is using the current identity and alias of Alvaro CASTREJON-Magallan.

19. Based on all the facts and evidence discovered to date in this investigation, I believe based on my training and investigative experience that the Graves Creek growsite is likely a Mexican DTO marijuana growsite that is currently active. Based on my training and experience I believe that what JCSO Deputies' Dalke and Johnson witnessed, and what the video surveillance systems captured were three separate and distinct supply drops of people and/or supplies to support the cultivation of marijuana for the Graves Creek growsite operation.

20. Based on my training and experience in Mexican DTO outdoor marijuana growing operations, that because of the rural nature of these grows, I know that persons responsible for supplying these operations need vehicles to bring in growers/workers and supplies. These persons are often referred to as Lunch persons or "Loncheros". I further know that narcotic traffickers often utilize other drivers/couriers often referred to as "Fleteros" to transport their

narcotics to protect their superiors, often referred to as "Duenos" from being found in possession of the narcotics by law enforcement officials.

21. I know from my training and experience that Mexican Drug Trafficking organizations maintain large scale outdoor marijuana grows in Oregon on public and private lands. I also know that the Mexican DTO marijuana grows typically use a number of organization members to perform different functions. Some DTO members scout for locations for large marijuana grows. Some DTO members assist in preparing the marijuana grow site, bringing in irrigation tubing and equipment. Some DTO members live in tents or other temporary structures near the illegal marijuana grows to cultivate, harvest and protect the marijuana for weeks or months at a time. I know that DTO members often move their living tents far away from the marijuana grow site and place them in thick dense vegetation or under a heavy canopy in order to prevent their detection by law enforcement. Some DTO members live away from the marijuana grow sites and they reside in their homes, and bring food, tools, weapons, communication facilities and equipment to the DTO members working and living at the marijuana grow site. Some DTO members come to assist in harvesting, packaging and distributing the marijuana. Some DTO members are responsible for financial transactions. I know that the DTO members often maintain more than one marijuana grow site in the same general area. I know that the DTOs use supply drop locations where food and supplies are brought to the growers/workers that live and work at the marijuana grow site for weeks and months at a time. I know that members of the DTO use vehicles to bring supplies to a drop point where the individuals hired to live in and work at the marijuana grow can pick up supplies to take back to their campsite. I know that the

tents and temporary living quarters and residences used by the DTO members and the vehicles used to bring the supplies often contain evidence of the crime or identification of those committing crimes. I know that workers are often removed from growsites to work on another and taken to facilities for a break from camping at the growsites and often picked up by their superiors if they are able to evade capture by law enforcement. I know from my training and experience that the growsites can be connected by a series of trail networks that can travel for over a mile connecting all various aspects of the manufacture operation (kitchen areas, water sources, sleeping areas, drying stations, etc). I also know that all large scale Mexican DTO marijuana growsites that I have processed during my career have had a tent, lean-to, or other temporary residential structure in the growsite or connected to it by a network of trails. I know that these structures typically consist of commercially available tents, lean-tos made with plastic tarps, and natural or crudely built hybrids made from vegetative resources and other materials such as, tarps, plastic twine, wire, nails, plastic hose, and rope.

22. I know from my training and experience that the DTO members hired to live and work at the location where the marijuana is grown are paid to cultivate and harvest the marijuana plants and to protect the marijuana plants from pests, animals, and detection and theft by other competing cartels or organizations. I also know that such hired workers are usually armed, as are the DTO members who bring supplies to them. I know from my training and experiences that DTO members usually have cellular telephones to maintain contact with DTO members who are not at the marijuana grow location. I know that the DTO members living in the marijuana growsites often use tents or other temporary living quarters to protect them from the elements

while living at the marijuana grow site. I know from my training and experience that such individuals keep weapons, cellular telephones, identification documents, and evidence of the cultivation of marijuana, and ties to other members of the DTO in their living quarters and at their residences and these residences are often used by multiple members of the same DTO while they are working supplying or cultivating/manufacturing marijuana. I also know that DTO members often use other person's vehicles and residences as stash houses or flop houses. These residences are owned or rented by other DTO members, family members, girlfriends, or other associates. They often use these addresses and vehicles, in an attempt to hide their assets, illegal narcotics, and themselves from arrest or seizure. I also know that DTOs use several types of counter-surveillance techniques such as night time supply drop operations and wearing different types of camouflage or dark colored clothing to avoid detection. I know DTO growers also conceal their tents and living quarters inside of heavy underbrush and often paint items like propane tanks and backpack sprayers, green or brown in an attempt to conceal their detection. I know that DTO growers often bury miles of irrigation tubing or conceal it with available forest material to prevent discovery of grow sites by law enforcement aircraft, other government personnel, and the general public.

23. Based on my training and experience, I know that Mexican Drug Trafficking Organizations involved in the manufacture and illegal cultivation of marijuana on public lands often use cellular telephones to contact principals involved in the organization, to notify principals of grow cycles and the set-up progress of the marijuana cultivation site, order supplies for the grow operation, and to coordinate the harvest activities of the marijuana plants from the

cultivation sites. I know that some, but not all, cellular telephones contain a SIM card. A SIM card is a portable memory chip used in cellular telephones and can be thought of as a mini hard drive. The SIM card stores personal identity information, the cellular telephone number, phone book, contact lists, text messages, call logs, and other electronic data. In addition to the SIM card, cellular telephones often have an internal memory or digital media cards which can often contain digital photographs, digitally recorded videos, voicemail messages, and other data.

Search and Seizure of Digital Data

24. This application seeks permission to search for and seize evidence of the crimes described above, including evidence of how computers, digital devices, and digital storage media were used, the purpose of their use, and who used them.

25. Based upon my training and experience, and information related to me by agents and others involved in the forensic examination of computers and digital devices, I know that data in digital form can be stored on a variety of systems and storage devices, including hard disk drives, floppy disks, compact disks, magnetic tapes, flash drives, and memory chips. Some of these devices can be smaller than a thumbnail and can take several forms, including thumb drives, secure digital media used in phones and cameras, personal music devices, and similar items.

Removal of Data Storage Devices

26. I know that a forensic image is an exact physical copy of the data storage media. A forensic image captures all data on the subject media without viewing or changing the data in any way. Absent unusual circumstances, it is essential that a forensic image be obtained prior to conducting any search of data for information subject to seizure pursuant to the warrant. I also know that during the search of the premises it is not always possible to create a forensic image of

or search digital devices or media for data for a number of reasons, including the following:

- a. Searching digital devices can be a highly technical process that requires specific expertise and specialized equipment. Because there are so many different types of digital devices and software in use today, it is difficult to anticipate all of the necessary technical manuals, specialized equipment, and specific expertise necessary to conduct a thorough search of the media to ensure that the data will be preserved and evaluated in a useful manner.
- b. Searching digital devices can require the use of precise, scientific procedures designed to maintain the integrity of the evidence and to recover latent data not readily apparent to the casual user. The recovery of such data may require the use of special software and procedures, such as those used in a law enforcement laboratory.
- c. The volume of data stored on many digital devices is typically so large that it will be highly impractical to search for data during the execution of the physical search of the premises. Storage devices capable of storing 500 gigabytes of data are now commonplace in desktop computers. It can take several hours, or even days, to image a single hard drive. The larger the drive, the longer it takes. Depending upon the number and size of the devices, the length of time that agents must remain onsite to image and examine digital devices can become impractical.

Laboratory Setting May Be Essential For Complete And Accurate Analysis Of Data

27. Since digital data may be vulnerable to inadvertent modification or destruction, a controlled environment, such as a law enforcement laboratory, may be essential to conduct a

complete and accurate analysis of the digital devices from which the data will be extracted. Software used in a laboratory setting can often reveal the true nature of data. Therefore, a computer forensic reviewer needs a substantial amount of time to extract and sort through data that is concealed or encrypted to determine whether it is evidence, contraband, or an instrumentality of a crime.

28. Analyzing the contents of a computer or other electronic storage device, even without significant technical difficulties, can be very challenging, and a variety of search and analytical methods must be used. For example, searching by keywords, which is a limited text-based search, often yields thousands of hits, each of which must be reviewed in its context by the examiner to determine whether the data is within the scope of the warrant. Merely finding a relevant hit does not end the review process. The computer may have stored information about the data at issue which may not be searchable text, such as: who created it; when and how it was created, downloaded, or copied; when it was last accessed; when it was last modified; when it was last printed; and when it was deleted. The relevance of this kind of data is often contextual. Furthermore, many common email, database, and spreadsheet applications do not store data as searchable text, thereby necessitating additional search procedures. To determine who created, modified, copied, downloaded, transferred, communicated about, deleted, or printed data requires a search of events that occurred on the computer in the time periods surrounding activity regarding the relevant data. Information about which users logged in, whether users shared passwords, whether a computer was connected to other computers or networks, and whether the users accessed or used other programs or services in the relevant time period, can help determine

who was sitting at the keyboard.

29. **Latent Data:** Searching digital devices can require the use of precise, scientific procedures designed to maintain the integrity of the evidence and to recover latent data. The recovery of such data may require the use of special software and procedures. Data that represents electronic files or remnants of such files can be recovered months or even years after it has been downloaded onto a hard drive, deleted, or viewed via the Internet. Even when such files have been deleted, they can be recovered months or years later using readily available forensic tools. Normally, when a person deletes a file on a computer, the data contained in the file does not actually disappear; rather, that data remains on the hard drive until it is overwritten by new data. Therefore, deleted files, or remnants of deleted files, may reside in space on the hard drive or other storage media that is not allocated to an active file. In addition, a computer's operating system may keep a record of deleted data in a swap or recovery file or in a program specifically designed to restore the computer's settings in the event of a system failure.

30. **Contextual Data:**

a. In some instances, the computer "writes" to storage media without the specific knowledge or permission of the user. Generally, data or files that have been received via the Internet are automatically downloaded into a temporary Internet directory or cache. The browser typically maintains a fixed amount of hard drive space devoted to such data or files, and the files are only overwritten as they are replaced with more recently viewed Internet pages. Thus, the ability to retrieve artifacts of electronic activity from a hard drive depends less on when the file

was downloaded or viewed than on a particular user's operating system, storage capacity, and computer usage. Logs of access to websites, file management/transfer programs, firewall permissions, and other data assist the examiner and investigators in creating a "picture" of what the computer was doing and how it was being used during the relevant time in question. Given the interrelationships of the data to various parts of the computer's operation, this information cannot be easily segregated.

b. Digital data on the hard drive that is not currently associated with any file may reveal evidence of a file that was once on the hard drive but has since been deleted or edited, or it could reveal a deleted portion of a file (such as a paragraph that has been deleted from a word processing file). Virtual memory paging systems can leave digital data on the hard drive that show what tasks and processes on the computer were recently used. Web browsers, email programs, and chat programs store configuration data on the hard drive that can reveal information such as online nicknames and passwords. Operating systems can record additional data, such as the attachment of peripherals, the attachment of USB flash storage devices, and the times the computer was in use. Computer file systems can record data about the dates files were created and the sequence in which they were created. This data can be evidence of a crime, indicate the identity of the user of the digital device, or point toward the existence of evidence in other locations. Such data may also lead to exculpatory evidence.

c. Further, evidence of how a digital device has been used, what it has been used for, and who has used it, may be learned from the absence of particular data on a digital device. Specifically, the lack of computer security software, virus protection, malicious software,

evidence of remote control by another computer system, or other programs or software may assist in identifying the user indirectly and may provide evidence excluding other causes for the presence or absence of the items sought by this application. Additionally, since computer drives may store artifacts from the installation of software that is no longer active, evidence of the historical presence of the kind of software and data described may have special significance in establishing timelines of usage, confirming the identification of certain users, establishing a point of reference for usage and, in some cases, assisting in the identification of certain users. This data can be evidence of a crime, can indicate the identity of the user of the digital device, or can point toward the existence of evidence in other locations. Such data may also lead to exculpatory evidence. Evidence of the absence of particular data on the drive is not generally capable of being segregated from the rest of the data on the drive.

31. In searching for data capable of being read, stored, or interpreted by a computer or storage device, law enforcement personnel executing the search warrant will employ the following procedure:

- a. **On-site search, if practicable.** Law enforcement officers trained in computer forensics (hereafter, "computer personnel") are planning on assisting with execution of the search warrant in this matter. They may be able to determine if digital devices can be searched on-site in a reasonable amount of time and without jeopardizing the ability to preserve data on the devices. If such an on-site search can be conducted, the reviewing

personnel will attempt to seize data falling within the list of items to be seized as set forth in the warrant and in Attachment A. Such an on-site search, however, will likely be impracticable given the large amount of data that will likely be seized and which will need to be reviewed.

b. *On-site imaging, if practicable.* If a digital device cannot be searched on-site as described above, the computer personnel will determine whether the device can be imaged on-site in a reasonable amount of time without jeopardizing the ability to preserve the data.

c. **Seizure of digital devices for off-site imaging and search.** If computer personnel determine that a digital device cannot be searched or imaged on-site in a reasonable amount of time and without jeopardizing the ability to preserve data, the digital device will be seized and transported to an appropriate law enforcement laboratory for review.

d. Any personnel assigned to the investigation may examine the digital device to extract and seize any data that falls within the list of items to be seized as set forth in the warrant and in Attachment A. They may work individually if they are able, or together with computer personnel if they require assistance. If the reviewing personnel discover data that falls outside the scope of the warrant that it believes should be seized (*e.g.*, evidence of other crimes), they may seek an additional warrant.

e. The reviewing personnel will use procedures designed to identify items to be seized under the warrant. These procedures may include the use of a “hash value” library to exclude normal operating system files that do not need to be searched. In addition, the reviewing personnel may search for and attempt to recover deleted, hidden, or encrypted data to determine whether the data falls within the list of items to be seized under the warrant.

f. If the digital device was seized or imaged, law enforcement personnel will perform an initial search of the original digital device or image within a reasonable amount of time not to exceed 120 days from the date of execution of the warrant. If, after conducting the initial search, law enforcement personnel determine that an original digital device contains any data falling within the list of items to be seized pursuant to this warrant, the government will retain the original digital device to, among other things, litigate the admissibility/authenticity of the seized items at trial, ensure the integrity of the copies, ensure the adequacy of chain of custody, and resolve any issues regarding contamination of the evidence. If the government needs additional time to determine whether an original digital device or image contains any data falling within the list of items to be seized pursuant to this warrant, it may seek an extension of the time period from the Court within the original 120-day period from the date of execution of the warrant. The government shall complete the search of the digital device or image within 180 days of the date of execution of the warrant. If the government needs additional time to complete the search, it may seek an extension of the time period from the Court within the original 180-day period from the date of execution of the warrant.

g. If, at the conclusion of the search, law enforcement personnel determine that particular files or file folders on an original digital device or image do not contain any data falling within the list of items to be seized pursuant to the warrant, they will not search or examine those files or folders further without authorization from the Court. Law enforcement personnel may continue to examine files or data falling within the list of items to be seized pursuant to the warrant, as well as data within the operating system, file system, or software application relating or pertaining to files or data falling within the list of items to be seized pursuant to the warrant (such as log files, registry data, and the like), through the conclusion of the case.

h. If an original digital device does not contain any data falling within the list of items to be seized pursuant to this warrant, the government will return that original data device to its owner within a reasonable period of time following the search of that original data device and will seal any image of the device, absent further authorization from the Court.

Data to be Seized

32. In order to search for data that is capable of being read or interpreted by a computer, law enforcement personnel will need to seize, image, copy, and/or search the following items, subject to the procedures set forth herein:

a. Any computer equipment or digital devices that are capable of being used to commit or further the crimes outlined above, or to create, access, or store the types of evidence, contraband, fruits, or instrumentalities of such crimes, as set forth in Attachment A;

- b. Any computer equipment or digital devices used to facilitate the transmission, creation, display, encoding, or storage of data, including word processing equipment, modems, docking stations, monitors, printers, plotters, encryption devices, and optical scanners that are capable of being used to commit or further the crimes outlined above, or to create, access, process, or store the types of evidence, contraband, fruits, or instrumentalities of such crimes, as set forth in Attachment A;
- c. Any magnetic, electronic, or optical storage device capable of storing data, such as floppy disks, hard disks, tapes, CD-ROMs, CD-Rs, CD-RWs, DVDs, optical disks, printer or memory buffers, smart cards, PC cards, memory calculators, electronic dialers, electronic notebooks, personal digital assistants, and cell phones capable of being used to commit or further the crimes outlined above, or to create, access, or store the types of evidence, contraband, fruits, or instrumentalities of such crimes, as set forth in Attachment A;
- d. Any documentation, operating logs, and reference manuals regarding the operation of the computer equipment, storage devices, or software;
- e. Any applications, utility programs, compilers, interpreters, and other software used to facilitate direct or indirect communication with the computer hardware, storage devices, or data to be searched;
- f. Any physical keys, encryption devices, dongles, or similar physical items that are necessary to gain access to the computer equipment, storage devices, or data; and
- g. Any passwords, password files, test keys, encryption codes, or other information necessary to access the computer equipment, storage devices, or data.

h. All records, documents, programs, applications, or materials created, modified, or stored in any form, including in digital form, on any computer or digital device, that show the actual user(s) of the computers or digital devices during any time period in which the device was used to commit the crimes referenced above, including the web browser's history; temporary Internet files; cookies, bookmarked, or favorite web pages; email addresses used from the computer; MAC IDs and/or Internet Protocol addresses used by the computer; email, instant messages, and other electronic communications; address books; contact lists; records of social networking and online service usage; and software that would allow others to control the digital device such as viruses, Trojan horses, and other forms of malicious software.

Retention of Image

33. The government will retain a forensic image of each electronic storage device subjected to analysis for a number of reasons, including proving the authenticity of evidence to be used at trial; responding to questions regarding the corruption of data; establishing the chain of custody of data; refuting claims of fabricating, tampering, or destroying data; and addressing potential exculpatory evidence claims where, for example, a defendant claims that the government avoided its obligations by destroying data or returning it to a third party.

Inventory and Return

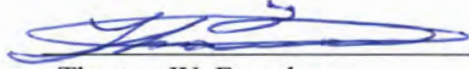
34. With respect to the seizure of electronic storage media or the seizure or imaging of electronically stored information, the search warrant return to the Court will describe the physical storage media that were seized or imaged.

35. Based on the above information, I believe that Alvaro CASTREJON-Magallan, Danielle AKINS, and others are responsible for and/or participating in the cultivation of marijuana in the District of Oregon. I believe that these operations are on lands under the jurisdiction of the Bureau of Land Management (Federal Lands) in violation of Title 21 United States Code (USC) 841(a)(1). I believe that 16 Meyers Ct. Medford, OR, is being used by Alvaro CASTREJON-Magallan, AKA: Evencio Pantoja-Barron, Danielle AKINS and others, for the purpose of supporting an illegal narcotics operation.

36. Therefore, I submit, based on the foregoing facts, there is probable cause to believe that a search of the above listed residence and any tent, temporary residence, campsite, kitchen area, drying station, sleeping bag, or backpack, cell phone, voicemails or other closed container in or connected to the Graves Creek growsite will lead to the seizure of evidence described in Attachment A, of the criminal conspiracy to manufacture and distribute marijuana and to distribute and possess with intent to distribute marijuana, all in violation of Title 21, United States Code, Section 841(a)(1), 843(b), 846 and 853.

37. In light of the nature of this affidavit, I request that it be sealed. Because of the continuing nature of the investigation, until so ordered by the court.

38. This affidavit has been read and approved by Assistant United States Attorney Judi Harper as sufficiently containing probable cause to justify the requested search warrants.



Thomas W. French
Special Agent
United States Bureau of Land Management

Subscribed and sworn to before me this 29 day of August, 2012.



MARK D. CLARKE
UNITED STATES MAGISTRATE JUDGE