

United States District Court
EASTERN DISTRICT OF WASHINGTON

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

FEB 24 2009

JAMES R. LARSEN, CLERK
DEPUTY
SPOKANE, WASHINGTON

UNITED STATES OF AMERICA

V.

CRIMINAL COMPLAINT

SAMUEL JACKSON LINDSAY-BROWN

CASE NUMBER: MA-09-54

(Name & Address of Defendant)

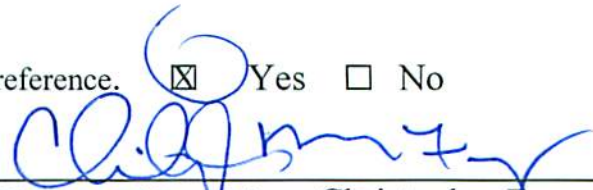
I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief.

That on or about February 23, 2009, in the Eastern District of Washington, SAMUEL JACKSON LINDSAY-BROWN did knowingly and intentionally possess with the intent to distribute 100 kilograms or more of a mixture or substance containing a detectable amount of marijuana, a Schedule I controlled substance, in violation of 21 U.S.C. § 841(a)(1),(b)(1)(B), and 18 U.S.C. § 2.


I further state that I am a Special Agent and that this complaint is based on the following facts:

Continued on the attached sheet incorporated herein by this reference. Yes No

Sworn to before me, and subscribed in my presence
February 24, 2009
Date
CYNTHIA IMBROGNO
United States Magistrate Judge
Name and Title of Judicial Officer


Signature of Complainant Christopher Ray
Special Agent, DEA

at Spokane, Washington
City and State


Signature of Judicial Officer

AUSA Assigned: JHH

*In re Criminal Complaint
Samuel Jackson LINDSAY-BROWN
(Pend Oreille County)*

AFFIDAVIT

STATE OF WASHINGTON)
 :SS
County of Spokane)

Christopher Fay, being first duly sworn on oath, deposes and states:

I. BACKGROUND OF AFFIANT

I am an "investigative or law enforcement officer" of the United States within the meaning of Title 18 U.S.C. § 2510(7), in that I am an officer of the United States empowered by law to conduct criminal investigations and make arrests for offenses enumerated in Title 18 U.S.C. § 2516.

I am and have been a Special Agent of the United States Department of Justice, Drug Enforcement Administration ("DEA") since September 1999. I am currently assigned to DEA's Seattle Field Division, Spokane Resident Office. Prior to my appointment as a DEA Special Agent, I was employed as a Police Officer by the City of Chehalis, Washington from August 1996 until September

Affidavit of Christopher Fay

1 of 11

P90224DD.AAA.wpd

1999. While employed Police Officer for the City of Chehalis, I participated in numerous investigations of street level narcotics traffickers and their associates.

I have been assigned to the Spokane Resident Office since January 2, 2007. Before that, I was assigned to DEA's San Francisco Field Division, San Francisco Division Office, beginning in March 2000.

I have received formal training at the DEA's Basic Agent Training in Quantico, Virginia. The sixteen-week DEA Basic Academy included more than 300 hours of comprehensive, formalized instruction in, but not limited to, basic narcotic investigations; drug identification, detection, and interdiction; familiarization with United States narcotic laws; financial investigations and money laundering techniques; identification, seizure, and forfeiture of drug-related assets; and undercover operations.

I have also received training in Basic Telecommunications Exploitation (twenty-four hours), Conspiracy and Complex Investigations (thirty-two hours), Basic Financial Investigation (twenty-four hours), and Advanced Financial Investigations (thirty-two hours) since my graduation from DEA Basic Agent School. These financial investigations courses included instruction dealing with, but not limited to, investigative techniques used to detect structured bank account

Affidavit of Christopher Fay

2 of 11

P90224DD.AAA.wpd

deposits, the use of dummy or "front" corporations to hide income, and the various methods employed by narcotics traffickers to commingle illegal proceeds with legal income.

During the course of my employment as a DEA Special Agent, I have conducted or participated in more than 100 investigations of illicit drug trafficking organizations, involved in conspiracies to import, manufacture and distribute marijuana, MDMA (3,4 Methylendioxyamphetamine, also known as "Ecstasy," "E," or "X"), methamphetamine, cocaine, and other controlled substances, in violation of Title 21 U.S.C. §§ 846 and 963, and the possession of the marijuana, MDMA, methamphetamine, cocaine, and other controlled substances, with the intent to distribute, in violation of Title 21 U.S.C. § 841.

These investigations have involved the use of undercover officers, confidential informants, physical surveillance, wire surveillance, electronic surveillance, pen registers and telephone toll analysis, investigative interviews, and the execution of search and arrest warrants. In the course of these investigations, I have personally been involved in the arrests of dozens of persons for controlled substance violations. I have worked in undercover capacities and have made controlled narcotics purchases. I have been involved in the execution

Affidavit of Christopher Fay

3 of 11

P90224DD.AAA.wpd

of numerous state and federal narcotics related search warrants. As a result, I have encountered and become familiar with the various tools, methods, practices, paraphernalia, and related articles used by narcotics traffickers and trafficking organizations in their efforts to import, conceal, manufacture, and distribute controlled substances.

I have debriefed many individuals who were involved in narcotics trafficking, and through this method, and my other training and background, I am familiar with the methods and techniques traffickers use in manufacturing, distributing, and transporting narcotics and concealing the proceeds thereof.

I have spoken to, worked with, and gained knowledge from numerous experienced federal, state, and local narcotics investigators. I have interviewed narcotics cultivators, dealers, users, and confidential informants and have discussed with them the lifestyles, appearances, and habits of narcotics cultivators, dealers, and users. I have become familiar with the manner in which narcotics traffickers cultivate, smuggle, transport, store, and distribute narcotics, as well as how they collect and launder the proceeds from narcotics sales. I am also familiar with the manner in which narcotics traffickers use telephones, cellular telephone technology, pagers, coded communications or slang filled telephone

Affidavit of Christopher Fay

4 of 11

P90224DD.AAA.wpd

conversations, false or fictitious identities and nominee subscribers, and other means to facilitate their illegal activities and thwart law enforcement detection and investigation.

I have discussed packaging, preparation, methods of operation, and security measures typically employed by narcotics traffickers. I have examined records consisting in part of buyers' and sellers' lists, and pay and owe ledgers. I have also examined documentation of various methods by which narcotics are manufactured and imported into the United States.

Based on my training and experience, I know that Canada is a "source" country in which significant amounts of marijuana is cultivated. I know that a significant amount of that marijuana is smuggled from Canada into the United States for distribution. I know that marijuana smugglers often use helicopters to transport marijuana from Canada into the United States. I also know that processed marijuana smuggled from Canada into the United States is commonly packaged in clear plastic heat-sealed bags contained within hockey-style duffel bags.

From July 2003 until December 2006, while assigned to DEA's San Francisco Field Division, San Francisco Division Office, I was a member of

Affidavit of Christopher Fay

5 of 11

P90224DD.AAA.wpd

Enforcement Group II. Enforcement Group II is solely tasked with investigating large-scale marijuana cultivation and distribution organizations operating in northern California. During my time as a member of Enforcement Group II, I received specialized training in marijuana investigations, including training in marijuana cultivation techniques, marijuana horticulture, marijuana cultivation trends, differences between indoor-cultivated and outdoor-cultivated marijuana, etc.

I have personally participated in more than one hundred investigations of outdoor marijuana cultivation. I have authored dozens of affidavits in support of federal and state warrant applications searching authorization to search suspected marijuana cultivation sites. I have conducted numerous aerial over flights of suspected marijuana cultivation sites and successfully observed growing marijuana from the air. I have arrested dozens of defendants and seized more than 100,000 growing marijuana plants in furtherance of investigations of marijuana cultivation.

I have testified on numerous occasions in state and federal courts in California and Washington regarding my knowledge of marijuana cultivation and distribution techniques and methods, wholesale and retail marijuana prices, and

Affidavit of Christopher Fay

6 of 11

P90224DD.AAA.wpd

my investigative experiences and observations. I have been certified in the U.S. District Court, as an expert in the field of marijuana cultivation and distribution.

II. PURPOSE OF AFFIDAVIT

I am familiar with the facts, as set forth herein, based on my personal involvement with the investigation and based on facts related to me during conversations with other law enforcement agents on February 23, 2009. This Affidavit is submitted in support of a Criminal Complaint charging Samuel Jackson LINDSAY-BROWN with Possession with Intent to Distribute 100 Kilograms or More of Marijuana, a Schedule I controlled substance in violation of Title 21, United States Code, Section(s) 841(a)(1), (b)(1)(B), and Title 18 United States Code, Section 2.

The information set forth in this Affidavit is not intended to detail each and every circumstance of the investigation or all information known to me or the investigative participants. Rather, this Affidavit serves to document and set forth the scope of the alleged activities and facts and circumstances necessary to show that probable cause exists to conclude that LINDSAY-BROWN Possessed with Intent to Distribute 100 Kilograms or More of Marijuana, a Schedule I controlled substance .

Affidavit of Christopher Fay

7 of 11

P90224DD.AAA.wpd

III. STATEMENT OF PROBABLE CAUSE

1. On February 23, 2009, I received intelligence information indicating that between 3:00 p.m. and 6:00 p.m. (on the same day), a red and white helicopter bearing unknown tail identification numbers would be arriving at a clearing within the Colville National Forest, in Pend Oreille County, in the Eastern District of Washington. The intelligence information also indicated that the unidentified pilot of the aircraft would be a Canadian citizen and that the aircraft would be loaded with an unspecified amount of Canadian marijuana contained within large hockey-style duffel bags.

2. At approximately 3:00 p.m., DEA Resident Agent in Charge Scott Hanten, DEA Task Force Officer Matthew Smith, and I traveled to a clearing within the Colville National Forest at the approximate Global Positioning Satellite (GPS) coordinates N 48° 36.017' & W 117° 16.050' (Datum WGS84). This location is on public lands within the Colville National Forest, in Pend Oreille County and the Eastern District of Washington.

3. At approximately 6:00 p.m., Resident Agent in Charge Hanten, Task Force Officer Smith and I observed a red and white Bell 206 helicopter, bearing tail identification number "CGUCX," approaching the clearing. Resident Agent in

Affidavit of Christopher Fay

8 of 11

P90224DD.AAA.wpd

Charge Hanten and I lit two road flares and signaled for the pilot to land the helicopter in the clearing.

4. At approximately 6:05 p.m., the helicopter landed on the east side of the clearing. The pilot exited the aircraft and began removing large hockey-style duffel bags from a rear cargo compartment of the helicopter. Resident Agent in Charge Hanten, Task Force Officer Smith, and I approached the pilot, identified ourselves as law enforcement agents, and detained him.

5. Based on the combination of the above-mentioned intelligence information and my training and experience, I believed the hockey-duffel style hockey bags contained marijuana. I unzipped one of the bags and observed green leafy vegetable-looking material that I immediately recognized, based on my training and experience, as being processed marijuana within clear plastic heat-sealed bags.

6. At approximately 6:20 p.m., I advised the pilot he was under arrest for Possession of Marijuana with Intent to Distribute. The pilot verbally identified himself as Samuel Jackson LINDSAY-BROWN. In the presence of DEA Special Agent Kasey Kanekoa, I advised LINDSAY-BROWN of his rights per Miranda.

Affidavit of Christopher Fay

9 of 11

P90224DD.AAA.wpd

LINDSAY-BROWN acknowledged those rights and agreed to speak with Special Agent Kanekoa and me.

7. LINDSAY-BROWN stated that he was a Canadian citizen and admitted that he had flown into the United States from Canada. LINDSAY-BROWN stated the helicopter was owned or leased by a company called “Eagle Helicopters” from Calgary, Alberta.

8. LINDSAY-BROWN stated that: “Morally, there’s nothing wrong with what I’m doing. It’s pot and that’s it.”

9. Additional law enforcement agents responded to the clearing to assist with the investigation. A total of twelve (12) hockey-style duffel bags were removed from the helicopter by the agents and placed in a secure vehicle. LINDSAY-BROWN was transported to the Spokane County Jail in Spokane, Washington, and booked on a United States Marshal Service hold, pending the filing of formal charges.

10. Law enforcement officers transported the twelve (12) hockey-style duffel bags to the DEA Spokane Resident Office in Spokane, Washington. I assisted several agents in the securing of the bags in the Spokane Resident Office Bulk Drug Vault. While doing so, I unzipped each of the bags and observed them

Affidavit of Christopher Fay

10 of 11

P90224DD.AAA.wpd

to contain what I immediately recognized, based on my training and experience, to be processed marijuana within clear plastic heat-sealed bags. Task Force Officer Smith weighed the twelve hockey-style duffle bags and found them to collectively weigh approximately 190 gross kilograms. After observing and handling the clear plastic heat-sealed bags, and based on my training and experience, I submit that there is 100 kilograms or more of processed marijuana contained within the twelve hockey-style duffle bags.

IV. CONCLUSION

Based on the facts set forth herein, I respectfully submit that probable cause exists to conclude that on or about February 23, 2009, in the Eastern District of Washington, Samuel Jackson LINDSAY-BROWN did knowingly and unlawfully

//

//

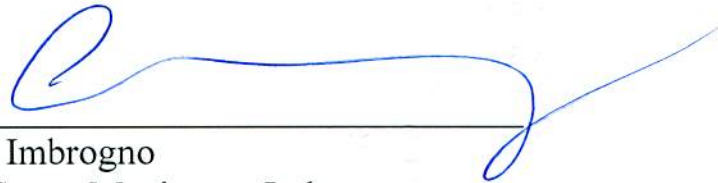
//

Possess with Intent to Distribute 100 Kilograms or more of Marijuana, a Schedule I controlled substance, in violation of Title 21, United States Code, Sections § 841(a)(1), (b)(1)(B) and Title 18 United States Code, Section 2.



Christopher Fay, Special Agent
Drug Enforcement Administration

SUBSCRIBED AND SWORN to before me this 24th day of February, 2009.



Cynthia Imbrogno
United States Magistrate Judge