

CONTINUATION OF APPLICATION FOR SEARCH WARRANT

INTRODUCTION

1. I, Sarah C. Hill, am employed by the U.S. Bureau of Indian Affairs (BIA) as a Special Agent. I am assigned to the Upper Peninsula Substance Enforcement Team (UPSET). My primary law enforcement mission is to investigate and interdict drug trafficking on and impacting the Native American Reservations in the Upper Peninsula of Michigan. As a Special Agent with BIA, I also occasionally conduct drug investigations in other upper Midwestern states. I am a graduate of the Criminal Investigator Training Program at the Federal Law Enforcement Center at Glynco, Georgia. Prior to my employment with BIA, I worked as an analyst for the Central Intelligence Agency for over five years. I am a graduate of the University of Michigan with a Masters in Applied Economics.
2. I have received training from the Federal Law Enforcement Center on the identification of illegal controlled substances, including marijuana. I am familiar with illegal drug terminology, packaging, and trafficking methods. I have attended Drug Enforcement Administration's Asset Forfeiture and Diversion Course, Basic and Advanced classes on the Reid Technique of Interviewing and Interrogation, Michigan State Police Raid School, and the Midwest Counterdrug Training Center's Undercover Techniques and Survival course.
3. I am submitting this Continuation in support of my application to this Court for the issuance of a search warrant authorizing the search of a Samsung Galaxy Prime cellular Trac phone ("the target telephone"). The telephone number associated with the target telephone is 906-236-1534. The target telephone is described in greater detail in Attachment A. The evidence I am requesting authorization to seize is listed in Attachment B.
4. As a result of my personal participation in this investigation, my review and analysis of oral and written reports concerning this and other investigations, which I have received from other federal, state and local law enforcement officers, my review and analysis of surveillance reports, telephone subscriber and telephone toll record information, information obtained from confidential sources, information obtained from field interviews and eye-witness statements, I am familiar with all aspects of this investigation. Since this application is being submitted for the limited purpose of securing a search warrant authorizing the search of the target telephone, I have not included each and every fact known to me concerning this investigation. I have only set forth the facts I believe are essential to establish the necessary foundation for this search.

5. I am currently investigating Spencer Troy WARD, Byron Hugh ADAMS and Peter John JOUSMA for violations of federal laws relating to controlled substance. I respectfully submit that the facts set forth below establish probable cause to believe (a) that WARD, ADAMS and JOUSMA conspired, from about April 2016 to on or about July 26, 2016, to manufacture, distribute and possess with intent to distribute marijuana plants and marijuana, (b) that WARD, ADAMS and JOUSMA manufactured, attempted to manufacture and aided and abetted the manufacture of marijuana plants during that same time period, and (c) that WARD, ADAMS and JOUSMA possessed with intent to distribute and aided, attempted to possess with intent to distribute, and aided and abetted the possession with intent marijuana plants and marijuana during that same time period. These offenses are violations of 21 U.S.C. §§ 846 and 841(a)(1), and 18 U.S.C. § 2(a). Finally, I respectfully submit that there exists probable cause to believe that evidence of these crimes will be located on the target telephone.

INFORMATION ON THE TARGET TELEPHONE AND CELLULAR TELEPHONES

6. Based on my training, experience, and research, I know that cellular telephones have capabilities that allow them to serve as a wireless telephone, to serve as a digital camera and video camera, to access the Internet, to store electronic documents and files, to be used as a calendar/schedule appointments, and to do many of the same tasks that a computer can do. In my training and experience, examining data stored on devices of this type can uncover, among other things, evidence that reveals or suggests who possessed or used the device.
7. Based on my training and experience, persons involved in narcotics trafficking and money laundering utilize cellular telephones to further their drug activities. More specifically, I know that members of drug conspiracies use cellular telephones to further the conspiracy, including by:
 - a. communicating with other co-conspirators (e.g., suppliers, couriers, and recipients of controlled substances) by talking and by sending e-mail messages, text messages, and messages through social media (e.g., Facebook);
 - b. storing contact information of co-conspirators;
 - c. taking photographs of co-conspirators and contraband; and

- d. using the internet to make purchases and transfer money with other co-conspirators.
8. The target telephone is currently in the lawful possession of the Upper Peninsula Substance Enforcement Team (UPSET). As further described below, UPSET detectives seized the target telephone from Spencer Troy WARD when he was arrested on July 28, 2016.
9. After seizing the telephone from WARD upon his arrest, D/Tpr. Sleeter went to the settings screen on WARD's cellular telephone for the limited purpose of gathering identifying information relating to the telephone. D/Tpr. Sleeter did this in order to accurately tabulate the telephone prior to placing it into UPSET's evidence storage. This is a standard practice. D/Tpr. Sleeter identified the telephone as a Samsung Galaxy Prime cellular Trac phone, model number SM-S820L, bearing serial number 802bdd0b, utilizing MEID number 99000586235719, and associated with telephone number 906-236-1534.
10. I expect Special Agent Voogd, of the U.S. Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), to conduct the data extraction from the target telephone. Special Agent Voogd, who also works with UPSET, was certified in September 2015 in the use of Cellebrite's Universal Forensic Extraction Device (UFED). A UFED is a forensics tool used to extract data from smartphones, tablets and portable GPS devices. ATF has a UFED for Special Agent Voogd's use. Special Agent Voogd estimates that the extraction of data stored on the target telephone will take approximately one week.
11. As described above and in the attachments, this application seeks permission to search and seize things that the target telephone might contain, in whatever form they are stored. Based on my knowledge, training, and experience, I know that electronic devices can store information for long periods of time. Even when a user deletes information from a device, it can sometimes be recovered with forensics tools. Similarly, things that have been viewed via the Internet are typically stored for some period of time on the device. This information can sometimes be recovered with forensics tools.
12. I know that when an individual uses a cellular telephone to communicate with co-conspirators, the device will generally serve both as an instrumentality for committing the crime, and also as a storage device for evidence of the crime. The cellular telephone is an instrumentality of the crime because it is used as a means of committing the criminal offense. The cellular telephone is also likely to be a storage device for evidence of crime.

13. Searching for the evidence described in Attachment B may require a range of data analysis techniques. In some cases, agents and computer analysts may be able to conduct carefully targeted searches that can locate evidence without requiring a time-consuming manual search through unrelated materials that may be commingled with criminal evidence. In other cases, however, such techniques may not yield the evidence described in the warrant. Criminals can mislabel or hide information, encode communications to avoid using key words, attempt to delete information to evade detection, or take other steps designed to frustrate law enforcement searches for information. These steps may require agents and law enforcement or other analysts with appropriate expertise to conduct more extensive searches, such as perusing all stored information briefly to determine whether it falls within the scope of the warrant. In light of these difficulties, Special Agent Voogd intends to use whatever data analysis techniques appear necessary to locate and retrieve the evidence described in Attachment B.

INVESTIGATION

14. In October 2014, UPSET detectives completed two controlled buys of marijuana from the Upper Peninsula Caregivers Association (UPCA) dispensary in Watersmeet, MI. Between December 2015 and February 17, 2016, UPSET detectives completed several more controlled buys of marijuana from UPCA dispensaries in Watersmeet, MI, Iron River, MI and Marquette, MI. On February 18th, 2016, UPSET detectives and I executed four simultaneous search warrants for marijuana. The search warrants were conducted at WARD's residence and outbuildings at 14747 N. Paynesville Road, Bruce Crossing, MI, and the three UPCA marijuana dispensaries that WARD supplied with marijuana. The dispensaries were located at (a) 4826 First Street, Watersmeet Township, MI, (b) 3954 West Highway US 2, Iron River Township, MI, and (c) 414 South Front Street, Marquette, MI.
15. During the search warrant at WARD's residence, 186 marijuana plants and over 100 pounds of processed marijuana were seized. I observed several large-scale grow rooms that contained large lights, watering systems, fans, and ventilation for WARD's indoor marijuana grow. The search warrants at the three UPCA dispensary locations resulted in the seizure of marijuana, sales records and employment records from each location. I reviewed evidence from each search warrant and found that each UPCA dispensary sold marijuana strains with the same names, used the same forms and listed the same prices.
16. Grow equipment found at the time of the search warrant at WARD's residence on Feb. 18, 2016 was not seized due to the size and quantity of equipment, and UPSET's inability to transport this equipment without large trucks.

17. In addition, at the grow location in Bruce Crossing, ADAMS was listed on the employee time cards. The cards indicated that ADAMS had recorded over 500 hours of work during late 2015 to early 2016. In addition, two Michigan Medical Marijuana Application Forms were found at the UPCA dispensary in Watersmeet listing ADAMS as the caregiver. ADAMS provided telephone number 906-365-0494 on the applications.
18. On March 29, 2016, U.S. Magistrate Judge Greeley issued a criminal complaint charging WARD with (a) manufacturing and attempting to manufacture 100 or more marijuana plants, (b) aiding and abetting the manufacture of marijuana, and (c) possession of marijuana with intent to distribute. (W.D. Mich. Case no. 2:16-mj-3, R. 1, PageID.1.) WARD was arrested and appeared in U.S. District Court in Marquette the next day. He was released on bond pursuant to 18 U.S.C. § 3142. (W.D. Mich. Case no. 2:16-cr-6, R. 5, PageID.19.)
19. On April, 12, 2016, a federal grand jury charged WARD with (a) conspiracy to manufacture 100 or more marijuana plants, (b) possession with intent to distribute 100 or more marijuana plants, (c) possession with intent to distribute marijuana. (W.D. Mich. Case no. 2:16-cr-6, R. 7, PageID.24.)
20. On May 11, 2016, a federal grand jury issued a superseding indictment that added a variety of federal drug charges against WARD and Sharon Marie PELTOLA, Robert Harley STAPLETON, and Craig Robert ASIKAINEN. (W.D. Mich. Case no. 2:16-cr-6, R. 16, PageID.39.)
21. On August 16, 2016, a federal grand jury issued a second superseding indictment that added a variety of federal drug charges against WARD and added ADAMS and JOUSMA as defendants. (W.D. Mich. Case no. 2:16-cr-6, R. 92, PageID.221.)
22. On April 15, 2016, 98th District Court Judge Janis Burgess issued a search warrant for a cellular telephone that WARD had in his possession at the time of the execution of the search warrants on February 18, 2016. The telephone number associated with this cellular telephone is 847-875-6558 and remains in the UPSET evidence storage room. After the issuance of this search warrant, ATF Special Agent Voogd completed the extraction of WARD's cellular telephone. I reviewed the contents of the phone and the name "Birun" with phone number 906-365-0494 is listed under WARD's contacts. In addition, some of the images found on WARD's cellular telephone include marijuana plants, the Watersmeet dispensary, and US Currency:





23. The extraction of WARD's cellular telephone on April 15, 2016 showed that the telephone number with this cellular telephone is 847-875-6558. The extraction also shows that WARD sends text messages. Most of the messages appear to have been deleted but the following conversation between WARD and PELTOLA discusses "bud" and "shake," which I know, from my training and experience, are terms commonly used to refer to marijuana.

24. One of the conversations between WARD and PELTOLA is set forth below:

2/12/2016	5:43 PM CST	From Sharon:	Do u have any economic bud?
	5:45 PM CST	To Sharon:	Lot and lots Tell bright nose don't b so Fucken cheap
	5:48 PM CST	From Sharon:	Not for him. I'd like to bring some back tomorrow. Maybe 5 oz?
	5:49 PM CST	To Sharon:	He's the only one who buys it
	5:50 PM CST	From Sharon:	He buys shake. Aaron asked about it. I haven't sold any since stinky from trout creek.
	5:51 PM CST	To Sharon:	Where's he
	5:52 PM CST	From Sharon:	Card expired. Never been her since Kayla left.
	5:54 PM CST	To Sharon:	He got in a bad wheeler acedent He lives in ironwood About 6 months or more ago
	5:57 PM CST	From Sharon:	Haven't heard from Donna either. I need to switch her from Jim. Do you talk to her?
	5:57 PM CST	To Sharon:	Ever wk
	5:58 PM CST	From Sharon:	Ask her if I can sign for her

5:59 PM CST

To Sharon:

Tell to come down and do that
And tell her I said to give her a
half Of her Chou

25. In addition, UPSET detectives seized a cellular telephone during the search of the Watersmeet dispensary. Sharon PELTOLA claimed ownership of the cellular telephone and PELTOLA agreed to have the contents of her cellular telephone extracted. A review of her telephone showed that WARD communicated with her via text message and that they discussed issues related to the marijuana distribution business via text message. The conversation in paragraph 24 is also found on PELTOLA's cellular telephone.
26. D/Tpr. Sleeter and I have conducted "proffer" interviews with PELTOLA, STAPLETON and ASIKAINEN (on separate occasions) at the United States Attorney's Office in Marquette. These defendants were accompanied by their attorneys during these interviews.
27. PELTOLA, STAPLETON and ASIKAINEN provided substantial background information on WARD's marijuana manufacturing activities. All three confirmed that WARD was in charge of the marijuana grow operation at his residence and the three UPCA locations. PELTOLA, STAPLETON and ASIKAINEN confirmed that WARD employed up to 20 workers at a time during the harvesting of marijuana, which was grown in a large greenhouse on WARD's property. The majority of these workers were employed as trimmers. Trimmers were dedicated to the removal of leaves and stems from the mature marijuana bud. They also confirmed that WARD tracked employees' hours with time cards. PELTOLA was responsible for paying WARD's workers.
28. STAPLETON provided information that was consistent with the information provided by PELTOLA and ASIKAINEN. In addition, STAPLETON stated that, during late 2015 and early 2016, WARD would put Byron ADAMS in charge of the marijuana grow operation in Bruce Crossing when WARD was not present. STAPLETON also stated that WARD "did a lot of hands on himself as far as growing." PELTOLA also stated that ADAMS played a significant role in this operation and was WARD's right-hand man.
29. STAPLETON indicated that, on June 10th, 2016, he received a telephone call from ADAMS. STAPLETON said that he and ADAMS discussed WARD's marijuana manufacturing operation. ADAMS told STAPLETON that he was currently growing marijuana for WARD. ADAMS told STAPLETON that the growing equipment utilized in this grow operation was provided by WARD. ADAMS told STAPLETON that WARD was also pushing ADAMS to get the marijuana to the "flower stage."

30. I know, based on my experience and training, that the “flower stage” is the stage of marijuana growth where the plant comes into maturity and begins to produce its buds (flowering). This stage is the final stage of marijuana production. It is at the end of this stage that the buds are pruned, clipped, and dried producing usable marijuana.
31. On July 26, 2016, UPSET detectives and I executed a search warrant at 16927 Larson Road, Bruce Crossing, Michigan. We seized 42 marijuana plants, three hyper fans, two water pumps, four ballasts, ten grow lights of various sizes, and eleven firearms. Below are images of the marijuana plants, lights and a water pump seized from the property:



32. Also on July 26, 2016, D/Tpr. Sleeter and I interviewed ADAMS. D/Tpr. Sleeter read ADAMS a Statement of Rights and Waiver. ADAMS signed the waiver and agreed to make a statement. ADAMS said that he met WARD seven months ago during the fall harvest. ADAMS said he worked for WARD doing maintenance and trimming plants, making \$10 an hour. ADAMS said he was aware of the search warrant at WARD’s residence on Feb. 18, 2016. ADAMS said that the detectives who executed the search warrant left behind a tray of sprouted marijuana seeds.¹ ADAMS said that he and WARD then reached an agreement to grow marijuana on JOUSMA’s property. ADAMS said that, pursuant to this agreement, WARD would provide marijuana grow equipment, marijuana plants and nutrients, and would pay the electricity bill. WARD would receive 60% of the marijuana. ADAMS said that, as part of the

¹ It should be noted that UPSET detectives left the tray of seeds during the search warrant because the sprouted seeds did not have a root structure and would not qualify as marijuana plants. Pursuant to U.S.S.G. § 2D1.1, comment (n.2), “Plant’.-For purposes of the guidelines, a “plant” is an organism having leaves and a readily observable root formation (e.g., a marihuana cutting having roots, a rootball, or root hairs is a marihuana plant).”

agreement, he would tend the marijuana plants and would receive 40% of the marijuana. ADAMS said that, a couple days ago (so, about July 23 or 24), WARD asked him when he (ADAMS) was going to harvest.

33. During the interview, ADAMS gave consent for the data extraction on his cellular telephone. ADAMS signed Michigan State Police form DD-034 "CONSENT TO SEARCH ELECTRONIC DATA STORAGE MEDIA." ATF Special Agent Voogd completed the data extraction of ADAMS cellular telephone. Listed under "Contacts" in ADAMS cellular telephone is the name "Spence" with phone number 906-236-1534. Below are some of the text messages extracted from ADAMS' cellular telephone:

7/20/2016	7:44 PM EST	From Spence:	Can u stop tonite or in morning I got u something to help pay that electric bill
	7:47 PM EST	To Spence:	Afttr work tomorrow we only got perws vehicle. She
7/26/2016	1:50 PM EST	To Spence:	I take it no cash for electric at the farm
	1:54 PM EST	From Spence:	Tonite
	1:57 PM EST	From Spence:	Stayed on river with Spencer B home in a hr
	4:42 PM EST	From Spence:	Ru stoping by
	4:46 PM EST	To Spence:	If youcan help otherwise I got to figure something
	4:47 PM EST	From Spence:	I told u tonite
	5:17 PM EST	From Spence:	It should b here in a hr
	6:09 PM EST	To Spence:	Kk
	6:32 PM EST	From Spence:	I'll b back in 45min I have to drop a truck at vic

34. These text message conversations between ADAMS and WARD indicate that they discussed issues related to their agreement to manufacture, distribute and possess with intent to distribute marijuana using text message communications.

35. On July 28, 2016, U.S. Magistrate Judge Greeley issued a criminal complaint charging WARD with (a) conspiring, from about May 2016 to on or about July 26, 2016, to manufacture, distribute and possess with intent to distribute marijuana plants and marijuana, and (b) manufacturing and aiding and abetting the manufacture of marijuana plants and marijuana during that same time period and (c) committing the aforementioned felony offenses while released on bond under the provisions of Title 18, United States Code,

Chapter 207 (pertaining to release and detention pending judicial proceedings). (W.D. Mich. Case No. 2:16-mj-7, R. 1, PageID.1.) The commission of a felony offense while released on bond triggers enhanced sentencing under 18 U.S.C. § 3147.

36. UPSET detectives arrested WARD on July 28, 2016. At the time of the arrest, WARD had the target telephone on his person.
37. WARD has a 2000 conviction in the State of Missouri for trafficking drugs in the 2nd degree, in violation Mo. Rev. Stat. § 195.223, for which he was sentenced to 7 years in the Missouri Department of Corrections. (*State of Missouri v. Spencer T. Ward*, Circuit Court of Lawrence County, MO, case no. CR498-1393FX.) I also learned that WARD does not have a caregiver card issued under the Michigan Medical Marijuana Act.
38. The facts of this investigation establish that WARD and ADAMS were communicating via text message in furtherance of their marijuana manufacturing and trafficking activities. Furthermore, this investigation establishes that WARD was using the target telephone for this purpose.
39. Accordingly, based on the aforementioned facts, I respectfully submit that there is probable cause to believe (a) that WARD, ADAMS and JOUSMA conspired, from about April 2016 to on or about July 26, 2016, to manufacture, distribute and possess with intent to distribute marijuana plants and marijuana, (b) that WARD, ADAMS and JOUSMA manufactured, attempted to manufacture, and aided and abetted the manufacture of marijuana plants during that same time period, and (c) that WARD, ADAMS and JOUSMA possessed with intent to distribute, attempted to possess with intent to distribute, and aided and abetted the possession with intent marijuana plants and marijuana during that same time period. These offenses are violations of 21 U.S.C. §§ 846 and 841(a)(1), and 18 U.S.C. § 2(a). Finally, I respectfully submit that there exists probable cause to believe that evidence of these crimes will be located on the target telephone.