

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF SAN DIEGO

STATE OF CALIFORNIA)

AFFIDAVIT FOR SEARCH WARRANT

(ss.

COUNTY OF SAN DIEGO)

No. _____

I, Kameron Korte, do on oath make complaint, say and depose the following on this 29th day of June, 2006, that I have substantial probable cause to believe and I do believe I will have cause to search the premises and all parts therein, including all rooms, attics, basements, cellars, crawl spaces, safes, mail receptacles, storage areas, containers, surrounding grounds, trash areas, garages and outbuildings assigned to or part of the businesses and residences located at:

1. 5544 La Jolla Boulevard, City of San Diego, County of San Diego, described as a single-story business having a primarily red brick exterior with white trim located on the west side of La Jolla Boulevard, with the numbers "5544" in black located above two black and glass front doors. The door to the right (north), is the entrance to the target location, which faces east;

2. 4230 Voltaire Street #2, City of San Diego, County of San Diego, described as a business suite located in a multi-unit single-story commercial complex, with a light gray rock pattern and blue tile exterior, with the white numbers "4230" centered on the front overhang of the building, with the number "2" in blue and the letters "OBD" in white

on the upper center portion of the front door and the black letters “OBD” posted in the top center portion of the front window;

3. 4843 Voltaire Street #A, City of San Diego, County of San Diego, described as a business suite located in a multi-unit two-story commercial building, having a primarily white stucco and tan tile exterior, and tan trim, located on the ground level of the north-east corner of the building, with the numbers “4843” in black on the front (north) wall of the building, and the letter “A” in black on the top center portion of the tan colored front door;

4. 3806 and 3808 Rosecrans Street, City of San Diego, County of San Diego, described as a business suite located in a multi-unit single-story commercial building, having a primarily beige stucco exterior, with the numbers “3806” in black posted to the left of the glass front door, with a large black sign posted above the front door with the letters, “NSD” in green, yellow and red;

5. 3066 University Avenue, City of San Diego, County of San Diego, described as a business suite located in a two-story commercial building located along the north side of University Avenue, having a primarily brick exterior with a wood and glass front door which faces south, the numbers “3066” in black posted on the overhang above the front door and a pink sign hanging in front of the front door with the words “Holistic Healers” in blue;

6. 407 Bird Rock Avenue #3D, City of San Diego, County of San Diego, described as a three-story residential and business complex, having a primarily peach colored stucco exterior with green trim, located on the southeast corner of the intersection of Bird Rock and La Jolla Blvd. There are businesses on the first level of

the complex and residences on the second and third levels. The numbers "407" are located on the wall to the right of the entry into the underground parking area. Unit #3D is located on the third floor it is not visible from the exterior of the building. Based of the numbering of the units which are visible, #3D is located to the right (north) of #3E which is visible. Each door is marked with black numbers/letters in the middle of the door;

7. 4415 Campus Avenue, City of San Diego, County of San Diego, described as a single-story single family residence having a primarily a light tan stucco and wood exterior with tan trim; a white front door which faces west, and the numbers "4415" in white on the trim above the front door. There is a brown wood fence with natural colored lattice across the front of the residence;

8. 5158 Muir Avenue, City of San Diego, County of San Diego, described as an attached single-story three unit duplex with a flat roof, having a primarily light green stucco exterior with dark green and white trim. 5158 is the residence to the far east with a black metal security door that faces south and the numbers "5158" in black to the right of the front door;

9. 7105 Central Avenue, City of Lemon Grove, County of San Diego; is described as single-story single family residence, having a primarily tan stucco exterior with green trim, with the numbers "7105" on the north side of the residence east of the green front door which faces north and the numbers "7105" located on a grey mailbox on the east side of the residence;

10. 920 Lochwood Place, City of Escondido, County of San Diego, described as a single-story single family residence having a primarily tan stucco exterior with white trim, a red tile roof and a three foot wooden fence in front of the residence. The

residence has no numbers on the exterior. However the residence is between 910 and 930 Lochwood Place

11. 5017 Long Branch Avenue #B, City of San Diego, County of San Diego, described as two-story two-unit apartment building, having a primarily yellow stucco exterior with white trim and a brown composite shingle roof, with the numbers "5017" to the left of a breezeway which leads to the apartment door. The units are not marked, however Unit #B is the rear, southern most end unit on the ground level. There are two mailboxes in the complex marked A & B; and any vehicles parked at or near the above-described locations provided they can be connected to an occupant(s) of the above locations to be searched by way of admissions, keys, photographs, Department of Motor Vehicles documents, insurance papers, or repair receipts; for the following property to wit: controlled substances, including marijuana, bulk marijuana, marijuana cigarettes, marijuana plants, seeds and derivatives of marijuana, items used in the use, cultivation, sale and transfer of marijuana, including pipes, hoses, buckets, water metering devices, fertilizer, artificial soil such as Grodan, lava rock, high intensity grow lights, timing chains, fans, cylinders containing carbon dioxide, nursery pots and trays, electric timers, scales, plastic baggies, cigarette papers, pipes and bongs; evidence of the transfer and sales of controlled substances including scales and other weighing devices, articles of personal property tending to establish and document sales of the above described substance including U.S. currency, computer hardware and software, image disks, memory sticks, telephonic facsimile (fax) machines, fax receipts, buyer lists, seller lists, sales records, sales receipts, business records, address and telephone lists, other documentation reflecting the receipt or sales of controlled substance;

firearms and ammunition; items evidencing the obtaining, secreting, transfer, and/or concealment, and/or expenditure of money, and/or related to the transportation, ordering, purchase and distribution of marijuana; proceeds from the sales and transfer of marijuana including United States currency, gold, precious metals, jewelry, works of art, precious collectible items such as stamps, trading cards, coins, celebrity autographs, and financial instruments including stocks and bonds which are the fruits, instrumentalities and/or evidence of controlled substance trafficking; and papers, documents and effects tending to show dominion and control over said premises, including keys, fingerprints, clothing, prescription bottles, delivered mail, photographs, photographic negatives, undeveloped film, homemade videotapes, handwritings, documents and effects bearing a form of identification such as a person's name, photograph, Social Security number or driver's license number; and to answer incoming phone calls, both landline and cellular, during execution of the warrant, to view any video tapes seized pursuant to the warrant, and to open or download and forensically examine all computer software and programs seized pursuant to the warrant.

I am a Special Agent employed by the Drug Enforcement Administration (DEA) and have been so employed since August 2002. During this time I completed an intensive 17-week DEA training academy in Quantico, Virginia, which provided me with a background and basis of knowledge relating to the investigation of drug related crimes, including but not limited to, the manufacture, importation and distribution of controlled substances, including marijuana, in violation of Title 21 of the United States Code. I am currently assigned to investigate drug trafficking organizations as a member of the San Diego Integrated Narcotics Task Force (NTF). I have received formal

training in illicit controlled substance investigations in San Diego County and surrounding areas. I have had formal training and experience in controlled substance investigations; and I have become familiar with the manner in which controlled substances, including marijuana, are packaged, marketed, cultivated, manufactured, and consumed. I have received training in the identification of all types of controlled substances by sight, odor, including marijuana. By virtue of my employment with the DEA, I have participated in various tasks which include, but are not limited, to: 1) Functioning as a surveillance agent and thereby observing and recording movements of persons trafficking drugs and those suspected of trafficking drugs; 2) Interviewing cooperating individuals and informants relative to the illegal trafficking of drugs and the distribution of monies and assets derived from the illegal trafficking of drugs; 3) Functioning as a case agent which entails the supervision of specific investigations involving the trafficking of drugs; and 4) Executing arrest warrants, search warrants, consent searches, Fourth Amendment waiver searches, and participating in the arrests of drug traffickers. Prior to my employment with the DEA, I was employed as a police officer for the San Diego Police Department (SDPD) for approximately 14 months. During my employment with the SDPD, I participated in the arrests of individuals possessing, selling, transporting and using narcotics. My training, experience, participation in other narcotic investigations as a DEA Special Agent and as a SDPD officer, and my extensive discussions with experienced agents of the DEA, the Federal Bureau of Investigation (FBI), the United States Customs Service (USCS), and state and local law enforcement agencies, form the basis of the opinions and conclusions set forth below, which I drew from the facts set forth herein.

During the course of my duties, I have learned the following information based upon my discussions with the named witnesses or by having read the reports of or talked with other DEA Agents and SDPD Detectives who have spoken directly with the named witness. All references to dates refer to the current calendar year unless otherwise stated.

Beginning in September 2005, the NTF began investigating the trafficking of marijuana from the businesses listed in this affidavit. Within the course of this investigation, undercover Task Force Officers (TFO) and SDPD Detectives have been utilized to make undercover purchases of marijuana, concentrated marijuana and marijuana food products from these businesses, to make observations while inside these businesses, and to engage in conversations with individuals inside these businesses. The undercover Detectives utilized doctor's recommendations and altered doctor's recommendations for the use of marijuana. Some of the marijuana from each location was presumptively tested and tested positive for marijuana. From the investigation, Agents determined that these businesses are involved in the sale of high grade marijuana, marijuana tainted food products, marijuana derivatives and marijuana plants.

TARGET LOCATION #1

5544 La Jolla Boulevard

TARGET LOCATION #1 is the business "California Medical Center," also known as "CMC." On May 18th, two undercover Detectives entered TARGET LOCATION #1. The Detectives were required to present their physician's recommendations. One of the

Detectives provided the employee with his/her physician's recommendation. The Detectives recognized the owner, Ahmad Mustapha ABDUL JALIL, as the individual standing behind a display case, based on a California driver's license photograph. The Detective discussed the different types and qualities of marijuana with ABDUL JALIL and purchased approximately 3.5 grams of marijuana for \$60 from ABDUL JALIL. While inside TARGET LOCATION #1, the Detectives observed three large mason jars containing approximately three ounces of high-grade marijuana and plastic containers filled with an amber colored liquid for sale. The marijuana was subsequently presumptively tested for marijuana with positive results.

On May 31st, two undercover Detectives entered TARGET LOCATION #1. The Detectives were required to present their physician's recommendations and identification. One Detective provided the employee with his/her physician's recommendation and identification. The second Detective provided the employee with identification and a primary caregiver letter, which designated him/her as the primary caregiver for the other detective. The employee briefly examined the documents and returned them to the Detectives. The employee made no attempt to verify the documents. The Detectives observed ABDUL JALIL standing behind the display counter. ABDUL JALIL identified himself as "AJ" to the Detectives. Each Detective purchased one gram of marijuana for \$20.00 each. The Detectives observed ABDUL JALIL put the money in his pocket and did not see ABDUL JALIL make any record of the sale. The Detectives also observed three large mason jars containing marijuana on top of the display case. The marijuana was subsequently presumptively tested for marijuana with positive results.

On December 1, 2005, an undercover TFO entered the prior location for "California Medical Center", located at 4010 Morena Boulevard, City of San Diego, County of San Diego. This location closed around the time "California Medical Center" opened at TARGET LOCATION #1. The TFO was required to present his/her physician's recommendation and identification. The employee, who identified himself as "AJ," looked at the recommendation and returned it to the TFO. "AJ" directed the TFO to a room which contained mason jars of different varieties of marijuana and marijuana derivatives displayed for sale. The TFO was informed that the marijuana ranged in price from \$50 to \$60 per eighth of an ounce. "AJ" also told the TFO he would sell the TFO a pound of marijuana for approximately \$4,800, however, he would prefer to sell the TFO $\frac{3}{4}$ pound. The TFO purchased approximately one half ounce of marijuana for \$200. The marijuana was subsequently presumptively tested for marijuana with positive results.

On December 12, 2005, Agents executed a search warrant at 4010 Morena Boulevard. During the execution of the search warrant, agents seized large quantities of marijuana and marijuana derivatives.

On May 16th, ABDUL JALIL established an account with San Diego Gas & Electric (SDG&E) for "CMC" at TARGET LOCATION #1. Subpoenaed SDG&E records indicate the prior location for "California Medical Center" is a mastered metered complex, and therefore had no individual utility subscriber.

TARGET LOCATION #2

4230 Voltaire Street #2

TARGET LOCATION #2 is the business "Ocean Beach Dispensary," also known as "OBD." On December 1, 2005, an undercover TFO entered TARGET LOCATION #2. The TFO was required to present his/her physician's recommendation and identification. After providing the employee with these documents, the employee told the TFO the recommendation was outdated. The employee made an attempt to verify the recommendation, with negative results. The employee told the TFO he/she could not go into the back room of the business. While inside the business, the TFO observed multiple marijuana plants and or cuttings being grown in the adjoining room. The TFO also observed a display case containing marijuana and signs with names of the varieties of marijuana for sale and their prices in an adjoining room.

On December 12, 2005, Agents executed a state search warrant at TARGET LOCATION #2. During the execution of the search warrant, Agents seized large quantities of marijuana and marijuana derivatives.

On May 18th, two undercover Detectives entered TARGET LOCATION #2. The Detectives were required to present their physician's recommendations and identification. A Detective provided the employee with his/her recommendation. The employee briefly examined the document and made several copies. The Detective was then instructed to go into another room which contained a large glass display case containing packaged marijuana, smoking paraphernalia, plastic containers filled with an amber colored liquid, and assorted baked goods containing marijuana. The Detective also observed several large mason jars filled with marijuana on top of the display case. The Detective purchased approximately 3.5 grams of marijuana for \$70. The marijuana was subsequently presumptively tested for marijuana with positive results.

On May 24th, two undercover Detectives entered TARGET LOCATION #2. The Detectives were required to present their physician's recommendations and identification. One Detective gave the employee his/her recommendation and identification. The other Detective gave the employee his/her primary caregiver paperwork and identification. The Detectives heard the employee on the phone attempting to verify the recommendations. Each Detective purchased one gram of marijuana for \$20. While inside the business, the Detectives observed numerous marijuana plants, marijuana food products and marijuana paraphernalia for sale. The marijuana was subsequently presumptively tested for marijuana with positive results.

Subpoenaed SDG&E records indicate an account was established on May 23, 2006 for "OB Dispensary" at TARGET LOCATION #2 by Jason Kaufman, President. On the account, William Burd is listed as the Director.

TARGET LOCATION #3

4843 Voltaire Street #A

TARGET LOCATION #3 is the business "Utopia Dispensary." On December 1, 2005, an undercover TFO entered TARGET LOCATION #3. The TFO was required to present his/her physician's recommendation and identification. The TFO purchased approximately one half ounce of marijuana for \$210. While inside the business, the TFO observed a large display counter with packaged marijuana in plastic baggies.

On December 12, 2005, Agents executed a state search warrant at TARGET LOCATION #3. During the execution of the search warrant, Agents seized large quantities of marijuana and marijuana derivatives.

On May 24th, two undercover Detectives entered TARGET LOCATION #3. The Detectives were required to present their physician's recommendations and identification. One Detective gave the employee his/her recommendation. The other Detective gave the employee his/her primary caregiver paperwork. The Detectives heard the employee on the phone attempting to verify the recommendations. One Detective purchased approximately one gram of marijuana and a "hash sucker" for \$25. The other Detective purchased hash and a marijuana brownie for \$35. While inside the business, the Detectives observed a mature budding marijuana plant and several small marijuana plants on display. An employee told the Detectives there was an active marijuana grow in the back room of the business. The Detectives observed additional marijuana on display and available for purchase.

Subpoenaed SDG&E records indicate Anthony AMRINE established an account for TARGET LOCATION #3 on July 13, 2005.

TARGET LOCATION #4

3806 & 3808 Rosecrans Street

TARGET LOCATION #4 is the business "Native Sun Dispensary." On December 1, 2005, an undercover TFO entered TARGET LOCATION #4. The TFO was required to present his/her physician's recommendation and identification. An employee attempted to verify the recommendation, with negative results. The employee told the TFO he/she could not sell marijuana to the TFO without verifying the physician's recommendation. While inside the business, the TFO observed display cases containing containers of different varieties of marijuana and marijuana derivatives

displayed for sale. The marijuana was labeled either on the container or on a piece of paper next to the container. There was a sign on the wall behind the display cases that listed the types of marijuana for sale along with their prices. While in the business, the TFO observed other individuals purchasing marijuana. The individuals behind the counters were openly smoking marijuana while assisting customers.

On December 12, 2005, Agents executed a state search warrant at TARGET LOCATION #4. During the execution of the search warrant, Agents seized large quantities of marijuana and marijuana derivatives.

On May 23rd, an undercover Detective entered TARGET LOCATION #4. The Detective was required to present his/her physician's recommendation and identification. The Detective was required to sign a form designating "Native Sun Dispensary" as his/her primary caregiver. The Detective purchased approximately 3.5 grams of marijuana for \$65. While inside the business, the Detective observed several glass display cases containing large jars of marijuana, marijuana candy bars and marijuana brownies available for purchase. The marijuana was subsequently presumptively tested for marijuana with positive results.

On May 31st, two undercover Detectives entered TARGET LOCATION #4. The Detectives were required to present their physician's recommendations and identification. One Detective gave the employee his/her physician's recommendation and identification. The other Detective told the employee he/she was acting as the Primary Caregiver for the first Detective and gave the employee his/her Designation as Primary Caregiver form and identification. The first Detective was required to fill out a form designating "Native Sun Dispensary" as his/her primary caregiver. One Detective

purchased one gram of marijuana for \$20 and the other Detective purchased two grams of marijuana for \$40. While inside the business, the Detectives observed several glass display cases containing large jars of marijuana, marijuana candy bars and marijuana brownies available for purchase. The marijuana was subsequently presumptively tested for marijuana with positive results.

Subpoenaed SDG&E records show an account was created for "Native Sun" on May 31, 2005 at TARGET LOCATION #4. The account remarks state "App per Stephen HARDING / Peter Maine Mgr."

TARGET LOCATION #5

3066 University Avenue

TARGET LOCATION #5 is the business "Holistic Healers," formerly known as "The Green Room." On December 1, 2005, an undercover TFO entered the business. The TFO was required to present his/her physician's recommendation and identification. The TFO was required to sign a form designating "The Green Room" as his/her primary caregiver and was issued a membership card. The TFO was directed to a room which had display cases containing varieties of marijuana and marijuana derivatives for sale. The TFO purchased approximately one-half ounce of marijuana for \$220. The TFO was also given a small baggie of marijuana labeled "Freebie." The marijuana was subsequently presumptively tested for marijuana with positive results.

On December 12, 2005, Agents executed a state search warrant at TARGET LOCATION #5. During the execution of the search warrant, Agents seized large quantities of marijuana and marijuana derivatives.

On May 24th, an undercover Detective entered TARGET LOCATION #5. The Detective was required to present his/her physician's recommendation and identification. The Detective gave the employee his/her physician's recommendation and identification, both which belonged to another Detective. An employee told the Detective he/she confirmed the recommendation with the physician. The Detective purchased approximately 3.5 grams of marijuana, two marijuana chocolate bars and a marijuana peanut butter cup for \$90. While inside the business, the Detective observed marijuana and marijuana food products on display and available for purchase. In addition, the Detective observed a sign stating the business was in need of vendors and an employee told him/her Monday was "free joint day." The marijuana was subsequently presumptively tested for marijuana with positive results.

Subpoenaed SDG&E records show that on December 21, 2004, Ryan GOSCH established an account at TARGET LOCATION #5. On April 12th, Gentry ADAMS established an account for "Holistic Healers" at TARGET LOCATION #5.

TARGET LOCATION #6

407 Bird Rock Avenue #3D

TARGET LOCATION #6 is the residence of ABDUL JALIL. Your affiant believes ABDUL JALIL is the owner of "California Medal Center" (TARGET LOCATION #1). On September 8, 2005, ABDUL JALIL signed a lease with Capital Growth Properties to rent 7924 Ivanhoe Avenue, City of San Diego, County of San Diego, which was the original location for "California Medical Center."

A query of DMV records show since March 29th, ABDUL JALIL has listed his address as TARGET LOCATION #6. DMV records show ABDUL JALIL has a 2001 Jaguar, California license 5MPB321, registered to him at TARGET LOCATION #6.

A review of local law enforcement indices revealed ABDUL JALIL was cited for a violation of California Vehicle Section 14601(a), Driving with a Suspended License, on June 25, 2005. During the police contact, ABDUL JALIL gave TARGET LOCATION #6 as his address.

A review of criminal history indices indicates ABDUL JALIL has no criminal history.

Subpoenaed SDG&E records shows that on August 13, 2005, ABDUL JALIL established an account at TARGET LOCATION #6. On May 16th, ABDUL JALIL established an account for "CMC" at TARGET LOCATION #1. On this account, ABDUL JALIL lists his residence as TARGET LOCATION #6.

A computer inquiry check revealed there are no ownership records with the San Diego County Tax Assessor's office.

TARGET LOCATION #7

4415 Campus Avenue

TARGET LOCATION #7 is the residence of Jason Daniel KAUFMAN. KAUFMAN is listed as the owner of the "Ocean Beach Dispensary" (TARGET LOCATION #2) on the business tax certificate and lists TARGET LOCATION #7 as his residence. KAUFMAN is also listed as the Chief Executive Officer on the business license and lists TARGET LOCATION #7 as his address.

During the execution of a search warrant on December 12, 2005 at the "Ocean Beach Dispensary" (TARGET LOCATION #2), William BURD was interviewed and told Detectives he was a "volunteer manager" at "Ocean Beach Dispensary." BURD also told Detectives he was residing at TARGET LOCATION #7. KAUFMAN was also present and told Detectives he was the owner of the "Ocean Beach Dispensary."

Subpoenaed SDG&E records indicate an account was established on May 23rd for "OB Dispensary" at TARGET LOCATION #2 by KAUFMAN, President. On the account, William BURD is listed as the Director. Subpoenaed SDG&E records show KAUFMAN established an account at TARGET LOCATION #7 on November 26, 2004. On March 1st, the SDG&E account was transferred to Brandon BURD. Your affiant believes Brandon BURD is the brother of William BURD. Law enforcement and DMV databases show Brandon BURD has no vehicles registered in San Diego County and has no previous address in San Diego County. KAUFMAN currently has no utility accounts with SDG&E. Based on my experience, I know individuals who are trafficking drugs and/or operating indoor marijuana grows, frequently change the utility subscriber to thwart law enforcement efforts. I believe KAUFMAN and William BURD are using Brandon BURD's name and Social Security number to establish a utility account at TARGET LOCATION #7.

On May 19th, June 26th and June 27th your affiant observed a 1993 Ford truck, California license 4U45535, parked in front of TARGET LOCATION #7. This vehicle is registered to the "Ocean Beach Dispensary" at TARGET LOCATION #7.

A review of local law enforcement indices revealed that on February 17th, a SDPD officer observed a white male and a white female loading large bags into the

above listed vehicle in front of San Diego Hydroponics, 1852 Garnet, City of San Diego, County of San Diego.

A query of DMV records show that since February 24, 2005, KAUFMAN has listed TARGET LOCATION #7 as his "other address" and 2730 San Miguel Way, City of San Carlos, as his mailing address. DMV records also show KAUFMAN has the following vehicles: a 1985 Chevrolet, California license 3GMR122, registered to 2730 San Miguel Way, and a 1998 Chevrolet, California License 4BWA269, registered to PO Box 81412, California.

A review of criminal history indices indicates KAUFMAN was arrested in February 1995 for a violation of California Health and Safety H&S Section 11364, Possession of Paraphernalia. In October 1997, KAUFMAN was arrested for violation of California Penal Code (PC) 417(B), Exhibiting a Loaded Firearm. In February 1998, KAUFMAN was convicted of PC 417(A), Exhibiting a Firearm, a misdemeanor, and received 90 days in jail and 24 months probation. In July 1998, a bench warrant was issued for KAUFMAN'S arrest. In September 1998, KAUFMAN was arrested for PC 496, Receiving Stolen Property, PC 466, Possession of Burglary Tools, and for PC 12020(A) Possession of a Dangerous Weapon. KAUFMAN was convicted of PC 466, Possession of Burglary Tools, and sentenced to 40 days in jail. In June 2001, KAUFMAN was arrested for a violation of California Vehicle Code Section 23103(a), Reckless Driving, and was later sentenced to three days in jail.

TARGET LOCATION #8

5158 Muir Avenue

TARGET LOCATION #8 is the residence of Stephen HARDING. On December 12, 2005, Agents executed a state search warrant at the "Native Sun Dispensary" (TARGET LOCATION #4). During the execution of the search warrant, Agents contacted HARDING inside the business. HARDING had keys to the front door of the business and told Agents he resides at TARGET LOCATION #8. On the same date, Agents executed a state search warrant at TARGET LOCATION #8 and seized 538 grams gross weight of marijuana.

On June 13th, Detectives established surveillance at TARGET LOCATION #8. Detectives observed Jodee Rouhe arrive at TARGET LOCATION #8 on foot. Detectives observed HARDING exit and re-enter TARGET LOCATION #8 several times before leaving on foot with a child. After meeting with a female at a nearby location, HARDING returned to TARGET LOCATION #8 by himself. Shortly thereafter, Detectives observed HARDING exit TARGET LOCATION #8, walk across the street and meet with an unidentified white male. HARDING and the white male then got into a 1997 Nissan SUV, California license 4JJA454, which was parked in the driveway of TARGET LOCATION #8. Detectives subsequently followed HARDING and the white male to "Native Sun Dispensary" (TARGET LOCATION #4).

A query of DMV records show HARDING has listed his address as TARGET LOCATION #8 since April 18th. Prior to that, HARDING listed his address as 5160 Muir Avenue, City of San Diego, County of San Diego, since August 10, 2001. DMV records also show HARDING and Jodee Rouhe are the registered owners of the above mentioned 1997 Nissan SUV, California license 4JJA454, registered to TARGET

LOCATION #8. Rouhe is also the registered owner of a 1994 GMC, California license 3GXF353, registered to TARGET LOCATION #8.

A review of local law enforcement indices revealed on March 1st, HARDING was contacted by police at 5000 Voltaire Street, City of San Diego, County of San Diego for throwing a bottle. During the contact, Harding gave his address as TARGET LOCATION #8.

A review of criminal history indices indicates HARDING has no criminal history.

Subpoenaed SDG&E records show an account was created for "Native Sun" on May 31, 2005 at TARGET LOCATION #4. The account remarks state "App per Stephen HARDING / Peter Maine Mgr." There are no other SDG&E accounts for HARDING. SDG&E records show Jodee Rouhe is the utility subscriber for TARGET LOCATION #8.

A computer inquiry with the San Diego County Tax Assessor's office revealed HARDING or Rouhe are not the owners of TARGET LOCATION #8.

TARGET LOCATION #9

7105 Central Avenue

TARGET LOCATION #9 is the residence of Gentry D. ADAMS. ADAMS is listed as the owner of "Holistic Healers" (TARGET LOCATION #5) on the business tax certificate. ADAMS is also listed as the owner of "Holistic Healers" on a California Board of Equalization Application for Seller's Permit dated March 15th. On the application, ADAMS lists his home address as TARGET LOCATION #9.

A query of DMV records show ADAMS has listed his address as 2556 Chicago Street #36, City of San Diego, County of San Diego since February 18, 2005.

A review of criminal history indices indicate GENTRY was arrested and convicted of burglary in December 1999 and in April 2001.

Subpoenaed SDG&E records show that on January 25th, ADAMS established an account at TARGET LOCATION #9.

A computer inquiry with the San Diego County Tax Assessor's office revealed ADAMS is not the owner of TARGET LOCATION #9.

TARGET LOCATION #10

920 Lochwood Place

TARGET LOCATION #10 is the residence of Ryan Michael GOSCH. GOSCH was listed as the owner of "The Green Room" (TARGET LOCATION #5) on the business tax certificate from February 23, 2005 until January 20th. GOSCH was also listed as the owner of "The Green Room" on a California Board of Equalization Application for Seller's Permit dated February 24, 2005.

A query of DMV records show since July 1998, GOSCH has listed his address as 12400 14th Avenue, City of Blythe, California. DMV records also show GOSCH is the owner of a 2003 Volkswagen, California license 5EYP350, registered to 12400 14th Avenue, City of Blythe, California and a 2005 Dodge truck, California license 7X51004, registered to 825 Narwhal, City of San Diego, County of San Diego.

On June 15th, Detectives observed the above listed 2005 Dodge truck parked in front of TARGET LOCATION #10 and the above listed 2003 Volkswagen parked in the

driveway of TARGET LOCATION #10. Detectives observed GOSCH exit TARGET LOCATION #10 and get into the 2005 Dodge truck. On June 23rd, a TFO drove past the residence and observed the above listed 2005 Dodge parked on the street in front of TARGET LOCATION #10.

A review of criminal history indices indicates GOSCH has no criminal history.

Subpoenaed SDG&E records show that on October 5, 2005, GOSCH established an account at TARGET LOCATION #10.

TARGET LOCATION #11

5017 Long Branch Avenue #B

TARGET LOCATION #11 is the residence of Anthony AMRINE. Your affiant believes AMRINE is the owner of the "Utopia Dispensary" at TARGET LOCATION #3. During the execution of a state search warrant at TARGET LOCATION #3 on December 12, 2005, AMRINE was contacted inside the business and told Detectives he was the owner. AMRINE also told Detectives he was residing at TARGET LOCATION #11.

During the past ten days, Detectives met with a reliable confidential informant (hereafter referred to as CI). The CI identified AMRINE as the owner of the "Utopia Dispensary." The CI identified AMRINE'S current residence as TARGET LOCATION #11. The CI pointed out AMRINE'S residence to Detectives and indicated the residence is the rear (South end) unit of a multi unit two story yellow apartment type building. The CI pointed out the front door of AMRINE'S residence, which is the southern most unit of the building on the ground level along the west side. During the past ten days CI stated

they he/she has met with AMRINE at TARGET LOCATION #11 and confirmed AMRINE is still residing at this location.

CI has been cooperating with law enforcement for over two months. During this time CI has independently identified individuals known by law enforcement to be involved in criminal activity. CI has given law enforcement information, which was investigated and resulted in the recovery of marijuana, grow. CI has given law enforcement information, which was investigated and resulted in the recovery of a firearm. CI has maintained consistent communication with law enforcement and has not given any information that has been determined to be false. Detectives have no reason to doubt the information provided by CI pertaining to AMRINE'S residence or to doubt other information provided by CI.

I desire to keep said CI confidential because the CI has requested me to do so, because it is my training and experience that such informants suffer physical, social and emotional retribution when their identities are revealed, because it is my experience that to reveal the identity of such informants seriously impairs their utility to law enforcement, and because it is my experience that revealing the identity of such informants dissuades other citizens from disclosing confidential information about criminal activities to law officers.

A query of DMV records show AMRINE has listed his address as TARGET LOCATION #11 since June 29, 2005.

A review of criminal history indices indicate AMRINE has arrest and convictions for theft and discharging a weapon in November 2004.

Based upon my training and experience, I believe I will find additional evidence, such as marijuana and marijuana derivatives, indoor marijuana grows, business records and other contraband, at the above listed residences which are associated with the marijuana dispensary owners.

Based upon my investigation it is possible the individuals operating the marijuana sales locations or dispensaries may initiate a medical marijuana defense to possession and cultivation of marijuana.

In 1996, California voters approved Proposition 215, which resulted in the Compassionate Use Act of 1996. The Act prohibited any physician from being punished for having recommended marijuana to a patient for medical purposes and prohibited the provisions of law, making unlawful, the possession or cultivation of marijuana from applying to a patient, or to a patient's primary caregiver, who possesses or cultivates marijuana for the personal medical purpose of the patient upon the written or oral recommendation or approval of a physician. Proposition 215 did not address medical marijuana facilities or sources, other than an individual or caregiver being allowed to cultivate medical marijuana.

In 2004, California Senate Bill 420 (SB 420), Medical Marijuana, was signed into law. It requires the State Department of Health Services to establish and maintain a voluntary program for the issuance of identification (ID) cards to qualified patients, designated caregivers and established procedures under which a qualified patient with

an ID card may use, possess, transport, deliver or cultivate marijuana for medical purposes. The bill also created various crimes related to the identification card program, but did not address medical marijuana facilities or sources, other than an individual caregiver being allowed to cultivate medical marijuana. In addition, SB 420 specifically stated that it does not authorize any individual or group to cultivate or distribute marijuana for profit. Not until June 2005, was a pilot program involving eight Central and Northern California counties, started issuing ID cards for medical marijuana patients and caregivers. There is no San Diego County program in place to issue ID cards or license medical marijuana facilities. It is your affiant's opinion that all primary caregiver facilities are mandated by Proposition 215 to identify all individuals requesting to purchase marijuana by an ID card issued only by the Department of Health Services. This program is not yet in effect, therefore, making over the counter transactions illegal.

According to McGregor W. Scott, United States Attorney, Eastern District of California, SB 420 does create exemptions from prosecution for not just possession and cultivation of marijuana, but also transportation, possession for sale and sale of marijuana [11362.765 H&S]. Importantly, however, 11362.765(a) H&S provides that "nor shall anything in this section authorize any individual or group to cultivate or distribute marijuana for profit." He further stated, "While some dispensaries may attempt to claim they are 'not-for-profits', experience demonstrates otherwise. Moreover, those entities attempting to claim that they only sell to 'members' of their 'cooperative' or 'collective' also run afoul of state law. By their very definition, a 'cooperative' or 'collective' means there can be no exchanges of money at the time marijuana is provided to members and no sales to anyone at all outside of the

cooperative [Revenue and Tax.C. § 24405, CSAA v. FTB, (1987) 191 Cal.App.3d 1253 fin. 5, Corp. C § 12200 et seq., Am. Jur 2d Cooperation Associations sec. 1].

Your affiant has researched Health and Safety Code (H&S) Sections 11362.7-11362.83 and made the following observations:

- 11362.7(g) H&S - "Identification Card," means a document issued by the State Department of Health Services that ***identifies a person authorized to engage in the medical use of marijuana and the person's designated primary caregiver, if any;***
- 11362.71(b) H&S – every county health department, or the county's designee, shall do all of the following: provide applications upon request to an individual seeking to join the ID card program [11362.71(b)(1)]; receive and process completed applications in accordance with section 11362.72 H&S [11362.71(b)(2)]; maintain records of ID programs [11362.71(b)(3)]; utilize protocols developed by the department pursuant to paragraph (1) of subdivision (d) [11362.71(b)(4)]; and issue ID cards developed by the department to approved applicants and designated primary caregivers [11362.71(b)(5)]. There is currently no centralized database or records of person's in San Diego County who have been issued physician recommendations for marijuana use.
- 11372.71(c) – the County Board of Supervisors may designate another health-related governmental or non-governmental entity or organization to perform the functions described in subdivision (b), except for an entity or organization that cultivates or distributes marijuana. As of April 14, 2005,

no other organization has been appointed by the County Board of Supervisors to perform the function of issuing ID cards.

- 11362.745(a) – an ID card, when issued, shall be valid for a period of one year only;
- 11362.77(a) – a qualified patient or primary caregiver may possess no more than eight ounces of dried marijuana per qualified patient. In addition, a qualified patient or primary caregiver may also maintain no more than six mature or 12 immature marijuana plants per qualified patient.

On June 6, 2005 the United States Supreme Court held that the Commerce Clause authority includes the power to prohibit the local cultivation and use of marijuana in compliance with California law (No. 03-1454).

California Health and Safety Code section 11362.5 grants a defense for medical cannabis patients and caregivers. San Diego Municipal Code section 42.1308 designates the permissible amounts of marijuana to be possessed or cultivated by patients and primary care givers in accordance with California Health and Safety Code section 11362.5. San Diego Municipal Code section 42.1308(b) states that medical marijuana patients may possess no more than one pound of processed marijuana. San Diego Municipal Code section 42.1308 states primary caregivers may possess no more than two pounds of processed marijuana. The law allows for the marijuana possessed to be possessed only for the use of medical marijuana patients. The law does not allow a defense for the distribution of marijuana. Law does not allow for medical marijuana dispensaries. There is no authority in the law for organizations to act as primary caregivers. Caregivers must be individuals who care for a marijuana patient. A primary

caregiver is defined by Proposition 215, as codified in Health and Safety Code section 11362.5(e), as, "For the purposes of this section, "primary caregiver" means the individual designated by the person exempted under this section who has consistently assumed responsibility for the housing, health, or safety of that person." San Diego Municipal Code section 42.1306(b)(3) states primary caregivers may not have more than four medical cannabis patients, including the primary caregiver.

Based upon my investigation so far the marijuana possessed at these marijuana sales locations (dispensaries) is possessed for distribution, which is not allowed by law for medical marijuana patients or caregivers. The medical marijuana law is a defense that may be presented in response to persons charged with possession of marijuana or cultivation of marijuana. My investigation concerns marijuana distribution and not possession of marijuana by a medical marijuana patients or caregivers.

I know through my training and experience and consultation with other law enforcement officers that indoor marijuana cultivation primarily requires the use of hydroponics equipment such as lava rock in lieu of traditional soil methods. The term hydroponics refers to the cultivation of plants by placing the roots in liquid nutrient solutions rather than soil. To conduct this type of cultivation the following equipment is required: rock wool also known as Grodan (a fibrous material used as a growing medium and substituted for soil); high intensity lights; nutrients; fertilizers; various types of fans, tables, and trays that are specifically designed to facilitate the irrigation of plants; CO₂ (carbon dioxide) enrichment systems; electrical timers, and other items that allow for optimum growing conditions.

I am also aware indoor cultivators generally utilize a technique known as "cloning" to produce additional plants from clippings from a "mother plant". These clippings are genetically identical to the mother plants. This allows the cultivator to take cuttings from a female plant and ensure the cuttings will develop into identical female plants. This type of cultivation produces a seedless marijuana plant known as "Sinsemilla", which has a very high street value and worthy of this expensive investment. In addition, this allows for a normally an annual plant to be grown year round (three to four crops a year indoors). The cloning process allows for the cultivator to operate on an ongoing basis, capable of producing a very high quality marijuana throughout the year. This is further made possible by the utilization of indoor lighting, which by adjusting the light cycle, allows the cultivator to extend the growing cycle of "mother plants" indefinitely.

The most common method of growing marijuana indoors is by utilizing hydroponics, which refers to the growing of plants in nutrient solution, with or without an inert medium, to provide mechanical support. This growing medium is often referred to as Grodan or rock wool and is commercially available. Cultivators will take small cuttings, (known as clones) from large female marijuana plants and place them into small cubes of rock wool. These clones will be placed into various specially made tables or trays where water, containing all of the vital nutrients that soil normally contains, will saturate the clones. The water is stored in a reservoir and pumped into the trays containing the plants and automatically drains back into the reservoir.

The clones are then placed under high intensity lights ranging from 150 to 400 watts. The lights are generally placed on a timer for 18 hours in a 24-hour period to

allow for the plants to acquire a vegetative growth. In approximately seven to ten days the clones will begin to form roots. As the plants continue to grow, a higher intensity light is required to obtain optimum light conditions. Cultivators will use 400-watt and up to 1000-watt lights to provide the plants with enough light to grow as if they were outside. These lights use large quantities of electricity. As an example, each 400-watt light adds approximately \$20 and each 1000-watt light adds \$50 or more to monthly utility bills.

These lights are often mounted on a mechanical track, which allows the lights to slowly move across the plants providing an equal amount of light to all of the plants. Cultivators have been known to mount a multitude of these lights into an enclosed room. This creates tremendous amounts of heat. In some cases, additional equipment is required such as oscillating fans to cool the room and to exercise the plants. CO₂ systems are often installed to create optimum air conditions for the plants. The CO₂ systems allow for optimum plants development and, when properly installed, cultivators can achieve a significant productivity increase from their plants. Ultimately the cultivators are striving to produce colas, the flowering tops of the marijuana plants where the tetrahydrocannabinol (THC) is mostly concentrated.

In approximately 10 weeks the cultivator will program the lights to be on 12 hours a day, allowing for 12 hours of darkness. The plants are once again tricked into sensing a seasonal change and they will spend 70 percent of their energy into producing colas for the next production. Since the plants are never being exposed to male plants, they will not be pollinated and will not produce seeds (hence the term sinsemilla which means "without seeds"). The flowering tops of the marijuana plants are known to

cultivator as "buds" and are extremely potent in their THC content. The cultivation of indoor marijuana is a very unique process in that it allows for the cultivator to operate on an ongoing basis that yields a very high quality product.

Based on my training and experience, I know persons who manufacture and sell marijuana become deeply involved in the process because the manufacture and sale of such contraband is an ongoing type of business, because it takes time to develop 'clientele' and sources of supply and sales, the nature of drug abuse requires a steady supply, and the business tends to be too lucrative to abandon.

Business records, as more fully described above, are frequently maintained by those engaged in the 'business' of manufacturing and selling controlled substances. Also, those so engaged will frequently maintain writings, books, business ledgers, lists, notations, and other memoranda to assist them in their criminal enterprises. These materials are created and maintained in much the same way and for the same reasons as persons involved in legitimate business keep similar materials. I know drug dealers commonly adapt modern technology to further their criminal enterprises and will often maintain such records on computer hard drives or floppy disks. Likewise, personal computers with modems allow users to communicate through phone or cable television lines via e-mail and the Internet. Such messages may be stored on computer disks or on the computer's hard drive and would tend to show communications in furtherance of a conspiracy as well as those with buyers and larger dealers. Due to the nature of the forensics and the amount of time required to examine the data and preserve the evidence contained in any computers or computer media; it is necessary to seize any

computers or computer media we may find and take them to a properly equipped facility with specially trained personnel.

Based on the above investigation and my training and experience I believe the suspects herein are involved in the sale of marijuana from the above-described premises. Furthermore, my training and experience indicates persons in control of premises leave evidence of their identification such as fingerprints and handwritings, which are subject to expert identification, routinely in the normal course of living within their premises and working in their businesses. Also, clothing, photographs, canceled mail and the like are routinely maintained in a person's premises or business as necessary and incident to maintaining such premises and or business.

Furthermore, my training and experience indicates persons dealing in controlled substance trafficking frequently arm themselves with firearms and ammunition and keep them available either in their premises, in their vehicles or on their person. This phenomenon is primarily due to the large amounts of cash or valuable contraband involved in the drug trade and the fact that people so inclined tend to resort to violence to resist robbery, settle disputes or thwart capture by law enforcement. The California Supreme Court has stated, "it is common knowledge that drug dealers typically use firearms and ammunition in the course of their drug sale operations." (People v. Bland (1995) 10 Cal.4th 991, 1005). Also, presence of firearms, along with the other described evidence, will tend to circumstantially establish sales and provide a basis for alleging a violation of Penal Code section 12022(a).

In addition, by answering phone calls at the premises while the search warrant is being executed, I expect to talk with persons who are familiar with the persons in control

of the premises and will so testify. Such callers and described dominion and control evidence is vital to proving control over the described property to be seized. Also, persons involved in the manufacture, sale and purchase of controlled substances, often utilize telephones, telephone answering machines and paging devices for communication purposes between others involved in this illicit enterprise. Persons attempting to arrange for the sale, purchase, transportation and manufacture of controlled substances frequently will contact their illegal business customers and associates to negotiate business deals. Incoming calls may be received during the execution of the warrant, and persons on the other end of the line will ask for various suspects or make orders for controlled substances. Such evidence will be probative as to the identity of the suspects involved, the issue of dominion and control, and the issue of whether any controlled substance located in the premises are possessed for sale, and whether a suspect is involved in the illegal trafficking or manufacture of controlled substances from the premises to be searched.

Like most modern businessmen, narcotics dealers also use telephonic facsimile (fax) machines to communicate with each other. Fax machines can work off a regular phone line as well as a dedicated hard line. Records of transmittals are often maintained in these machines which would tend to help identify co-conspirators, as well as the transmittal "receipts" produced by the fax machine after each message.

I request to search any additional vehicles I determine to be associated with the above listed locations by way of statements, identification by the property manager of vehicles used by the occupants, keys, repair bills, insurance bills, photographs or other

paperwork, and/or observations made by law enforcement officers or their agents during the execution of the warrant.

Based on my training and experience, I know drug dealers will often keep all or various portions of their dope in their vehicles. This is done for several reasons. Given both the criminal nature of their business as well as their financial investment in inventory, drug dealers are always concerned about becoming compromised and losing their dope or the money derived from their drug sales to law enforcement authorities during a search. Similarly, they are also afraid of being “ripped off” (becoming a theft victim) by rival dope dealers. Consequently, dope dealers will often hide all or part of their “stash” (inventory) in one or more vehicles away from their residence. These vehicles include ones in the dealer’s possession, for example, taken in trade or collateral for drugs, but not registered in the dealer’s name. I also know drug dealers will often register cars they own in the names of others in order to avoid loss of the vehicles through asset forfeiture laws in the event they are investigated or arrested.

Therefore, based on my training, experience, and the above facts, which I believe to be true, I believe I have probable cause to believe the above-described property or a portion thereof will be at the described premises when the warrant is served.

Based on the aforementioned information and investigation, I believe grounds for the issuance of a search warrant exists as set forth in Penal Code section 1524.

I hereby pray a search warrant be issued for the seizure of said property, or any part thereof, from said premises at any time of the day, good cause being shown

therefore, and the same be brought before this magistrate or retained subject to the order of this Court.

This affidavit has been reviewed for legal sufficiency by Deputy District Attorney Damon Mosler.

Given under my hand and dated this 29th day of June, 2006.

Subscribed and sworn to before me
this 29th day of June, 2006,
at a.m./p.m.

Judge of the Superior Court
San Diego County