

ORIGINAL

AO 91 (Rev. 11/82)

CRIMINAL COMPLAINT

UNITED STATES DISTRICT COURT	CENTRAL DISTRICT OF CALIFORNIA
UNITED STATES OF AMERICA v. SHAWN NAOLU LEE, and MICKEY TANADI	DOCKET NO.
	MAGISTRATE'S CASE NO. MJ 17-2030

Complaint for violation of Title 18, United States Code, Sections 371, 545

NAME OF MAGISTRATE JUDGE HONORABLE ALKA SAGAR	UNITED STATES MAGISTRATE JUDGE	LOCATION Los Angeles, California
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DATE OF OFFENSE	PLACE OF OFFENSE Los Angeles County	ADDRESS OF ACCUSED (IF KNOWN)
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FILED
 CLERK, U.S. DISTRICT COURT
 AUG 11 2017
 CENTRAL DISTRICT OF CALIFORNIA
 BY

COMPLAINANT'S STATEMENT OF FACTS CONSTITUTING THE OFFENSE OR VIOLATION:
 [18 U.S.C. §§ 371, 545]

Conspiracy to commit an offense or to defraud the United States, namely to smuggle Asian arowanas from Indonesia to the United States.

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 CENTRAL DISTRICT OF CALIFORNIA
 BY *AT*

BASIS OF COMPLAINANT'S CHARGE AGAINST THE ACCUSED:
 (See attached affidavit which is incorporated as part of this Complaint)

MATERIAL WITNESSES IN RELATION TO THIS CHARGE: N/A

Being duly sworn, I declare that the foregoing is true and correct to the best of my knowledge.	SIGNATURE OF COMPLAINANT Adam Diehl <i>Adam Diehl</i>
	OFFICIAL TITLE Special Agent – United States Fish and Wildlife Service

Sworn to before me and subscribed in my presence,	
SIGNATURE OF MAGISTRATE JUDGE ⁽¹⁾ <i>Alka Sagar</i> ALKA SAGAR	DATE August 10, 2017

⁽¹⁾ See Federal Rules of Criminal Procedure 3 and 54
 AUSAs Amanda M. Bettine/Erik Silber x0470/2231 REC: Detention

AFFIDAVIT

I, Adam Diehl, being duly sworn, declare and state as follows:

I. INTRODUCTION

1. I am a Special Agent ("SA") with the Department of the Interior, United States Fish and Wildlife Service ("USFWS"), Office of Law Enforcement ("OLE"), stationed in Torrance, California. I am authorized by the Secretary of the Interior to conduct searches and seizures and to make arrests, as authorized by law, pursuant to the Lacey Act, Title 16, United States Code, Section 3371 et seq. I am an investigative law enforcement officer of the United States within meaning of Title 16, United States Code, Section 3375, and a federal law enforcement officer within the meaning of Rule 41(a) of the Federal Rules of Criminal Procedure. I have been so employed since May of 2016.

2. I was previously employed as a Special Agent with the Department of Justice, Drug Enforcement Administration ("DEA") in Los Angeles, California, for approximately two years, and as a Law Enforcement Officer with the United States Forest Service, Law Enforcement and Investigations in Southern California for approximately six years. I received a Bachelor's degree in Social and Criminal Justice from Ashford University in July of 2013. I am also a graduate of the Fullerton College Police Academy in Fullerton, California, the Land Management Police Training Program at the Federal Law Enforcement Training Center in Glynco, Georgia, the DEA Basic Special Agent Academy in Quantico, Virginia, and the USFWS Special Agent Basic School

("SABS") at the Federal Law Enforcement Training Center in Glynco, Georgia.

3. During the last nine years, I have conducted several complex investigations involving the protection of natural resources and property of the United States, arson, firearms violations, narcotics trafficking, money laundering, and fish and wildlife violations. Since my employment with the USFWS in 2016, I have conducted, or been involved in, multiple criminal investigations and search warrants relating to the illegal commercialization of protected fish and wildlife, wildlife trafficking on the internet and social media, international smuggling, false labeling of wildlife products, and violations of federal fish and wildlife laws. I have read, studied and received training on the laws enforced by the USFWS. I have also received advanced training in numerous aspects of criminal investigative techniques, including electronic surveillance, postal interdiction and the detection of undeclared wildlife, and wildlife concealment techniques, surveillance, email search warrants, and the application of undercover techniques for domestic and international criminal investigations.

II. PURPOSE OF AFFIDAVIT

4. This affidavit is made in support of a criminal complaint charging SHAWN NAOLU LEE and MICKEY TANADI with conspiracy to commit an offense or to defraud the United States, in violation of Title 18, United States Code, Section 371, unlawfully importing, and causing the unlawful importation of, merchandise into the United States contrary to law, in violation

of Title 18, United States Code, Section 545, illegally importing legally protected animals, in violation of Title 16, United States Code, Sections 1538(c) and 1540(b).

5. The facts set forth in this affidavit are based upon my personal observations, my training and experience, and/or information obtained from various law enforcement personnel and witnesses. This affidavit is intended to show merely that there is sufficient probable cause for the requested complaint and does not purport to set forth all of my knowledge of or investigation into this matter. Unless specifically indicated otherwise, all conversations and statements described in this affidavit are related in substance and/or in part only.

III. APPLICABLE LAW

6. The Endangered Species Act is a federal law that, among other things, regulates the importation and exportation of certain wildlife and plants to and from the United States, and implements the United States' obligations under the Convention on International Trade in Endangered Species of Wild Fauna and Flora ("CITES").

7. CITES is an international treaty among approximately 183 nations, including the United States and Indonesia that establishes certain requirements that must be met before CITES-protected wildlife may be imported or exported from signatory nations. Wildlife protected under CITES is divided into Appendices I, II, and III. Wildlife listed in Appendix I have the highest level of protection and include those species threatened with the immediate risk of extinction.

8. Title 50, Code of Federal Regulations, Section 23.13 generally provides that it is unlawful for any person subject to the jurisdiction of the United States to attempt to import or engage in international trade with, any specimen of a species listed in CITES Appendix I, II, and III. All wildlife listed in Appendix I may only be legally imported into the United States when accompanied by a CITES import permit issued by the United States and a CITES export permit or re-export certificate issued by the country from which the wildlife is exported. All CITES Appendix II wildlife may only be imported into the United States when accompanied by an export permit or re-export certificate from the country from which the wildlife is being exported. 50 C.F.R. §§ 23.20(e), 23.35, 23.36.

9. Asian arowanas (Scleropages formosus) are listed in CITES Appendix I.¹

10. Title 16, United States Code, Sections 1538(c), 1540(b), provide criminal sanctions for any person to knowingly engage in any trade in any specimens contrary to the provisions of CITES.

11. Title 18, United States Code, Section 371 makes it unlawful for two or more persons to conspire, either to commit any offense against the United States, or to defraud the United States, or any agency thereof in any manner or for any purpose,

¹Asian arowanas (Scleropages formosus) are an endangered species and are also protected under the Endangered Species Act, Title 16, United States Code, Sections 1538, 1540(e) and 50 C.F.R. 17.11.

and one or more of such persons do any act to effect the object of the conspiracy.

12. Title 18, United States Code, Section 545 makes it unlawful for a person to fraudulently or knowingly import or bring into the United States, any merchandise contrary to law, or receive, conceal, buy, sell, or in any manner facilitate the transportation, concealment, or sale of such merchandise after importation, knowing the same to have been imported or brought into the United States contrary to law.

13. The Lacey Act, 16 U.S.C. § 3371, et seq., is a federal law that, among other things, makes it is unlawful for any person to make or submit any false record, account, or label for, or any false identification of, any fish, wildlife, or plant which has been or is intended to be either imported or transported in interstate or foreign commerce. 16 U.S.C. §§ 3372(d), 3373(d).

14. Federal law generally provides that all importers of wildlife must file with the USFWS a completed Declaration for Importation or Exportation of Fish or Wildlife (Form 3-177), that is signed by the importer or the importer's agent, upon the importation of any wildlife at the place where USFWS clearance is requested. See 50 CFR §§ 14.61 and 14.52.

IV. STATEMENT OF PROBABLE CAUSE

15. On February 10, 2017, I obtained an anticipatory search warrant from the Honorable Steve Kim, United States Magistrate Judge. I hereby incorporate the statements in that affidavit, which is attached as Exhibit 1, to support probable

cause for the search warrant. To summarize that affidavit, on February 9, 2017, a United States Customs and Border Protection inspection of a United States Postal Service parcel being imported from Hong Kong revealed eight live Asian arowanas (CITES Appendix I protected fish). I have attached a photograph of the subject parcel (with contents: porcelain pots and bags of Asian arowanas) and a photograph of the bags of Asian arowanas removed from the porcelain pots in Exhibit 2.

16. On February 10, 2017, I assisted in the execution of the anticipatory warrant of the parcel referenced above. Specifically, on February 10, 2017, I saw USFWS SA Juan Ramirez Amezcua, who wore a DHL uniform, drive a white cargo van, and park it on the street in front of LEE's residence. SA Ramirez Amezcua delivered the parcel, containing eight Asian arowanas, to the residence.

17. After the delivery, SA Ramirez Amezcua told me that an Asian male wearing a black baseball hat, exited a white Toyota Corolla parked in front of his cargo van, and met SA Ramirez Amezcua at the front gate of LEE's residence. SA Ramirez Amezcua told me that the Asian male identified himself as SHAWN LEE and signed a manifest for the parcel with the name SHAWN LEE.

18. After the package was accepted, I saw two Asian males walk quickly from the front of LEE's residence to a white 2017 Toyota Corolla, California license plate #7UTW825 that was parked on the street in front of the residence. I saw one of the males, later identified as Justin Luu, get into the driver's

seat. I saw the second male, later identified as LEE, wearing a black hat and dark sweatshirt, and carrying a white plastic bag in his hand, and get into the front passenger seat. The bag carried by LEE was fairly large and appeared to be heavy and weighed down by its contents transport of wildlife.

19. I then saw the white Toyota Corolla make a U-turn and travel east away from LEE's residence.

20. I pulled up behind the white Toyota Corolla, along with California Department of Fish and Wildlife ("CADFW") Warden Ambartsum Bagdasaryan and Immigration and Customs Enforcement, Homeland Security Investigations ("HSI") SA Andrew Kim in one unmarked vehicle, and CADFW Wardens Paul Ton and Warden Brian Huber in a marked CADFW law enforcement vehicle. I communicated with the other vehicles via radio and asked the Wardens to make a traffic stop because I believe that the white bag contained the Asian arowana fish. I observed Wardens Bagdasaryan and Ton activate their vehicles' emergency lights and stop the white Toyota Corolla near the intersection of Woodbury Road and Taft Street, in the city of Garden Grove. I parked immediately behind the two CADFW vehicles.

21. I then approached the white Toyota Corolla with the Wardens and SA Kim. I identified myself to the two Asian males sitting in the front seats and requested their driver's licenses. I asked both passengers to identify theirs. The driver of the vehicle identified himself Justin Luu and the passenger as LEE. I saw and recognized a white plastic bag on the front passenger side floor board between LEE's legs. I

asked LEE what was in the bag and he said, "fish." I asked LEE to hand the bag to one of the Wardens through the passenger side window. I confirmed with Warden Huber that the bag, a white plastic "Coco's" bag, contained the eight bags of Asian arowanas placed in the parcel SA Ramirez Amezcua and delivered to LEE's residence. (DHL Parcel with Airway bill number 9667953304 and its contents) search warrant 7MJ00297 2/10/17 signed by Magistrate Judge Steve Kim. I have attached a photograph of the eight bags of Asian arowanas retrieved from LEE in Exhibit 3.

22. I told LEE that agents had a search warrant for his residence on Ranney Ave. in Garden Grove and asked Luu to drive back to LEE's residence. LEE and Luu were cooperative and agreed to return to the residence. LEE told me that the residence was occupied by his parents. The Wardens had LEE step out of the vehicle and escorted him to their CADFW vehicle.

23. As LEE got out of the white Toyota Corolla, his smartphone was left on the front passenger seat. The Wardens transported LEE in their vehicle. I followed Luu in the White Toyota Corolla back to LEE's residence.

24. I later assisted with the search of the residence and learned that Agents located two bundles of cash in a bedroom, identified by LEE and his parents, as LEE's room. I saw as one of the bundles of cash, and learned from SA Ramirez Amezcua that \$15,370, was seized and processed as evidence.

25. After the initial interview of Lee and search of the residence, SA Ramirez Amezcua, Warden Bagdasaryan and I interviewed LEE in the garage attached to LEE's residence.

During the interview, I gave LEE his smartphone and asked for consent to look at the content, to include pictures and messages. LEE did not consent to the search of his smartphone. SA Ramirez Amezcua and I advised Lee that we were going to seize the phone, and cash, and parcel as evidence. I then witnessed as LEE signed over possession of his smartphone along with the parcel and the \$15,370 on a USFWS Property Receipt.

26. After conclusion of the search warrant, SA Chee told me that the DHL parcel containing the Asian arowana fish was on the floor in the immediate entryway behind the front door at LEE's residence. I also learned from SA Dean that during the interview, LEE expressed little knowledge about the contents DHL parcel, but told SA Dean that he was expecting the package. SA Dean told me that LEE discussed his knowledge of Asian arowanas, and used the term "Arrows," which I know is a term of art of those who traffic in that type of fish. SA Dean told me that LEE communicated through emails and phone calls, using the name "Bearbullies" and used his cellular phone number 714-300-8192.

A. Laboratory Results

27. On February 15, 2017, I sent two (deceased) of the eight seized Asian arowanas to the National Fish and Wildlife Forensic Laboratory ("NFWFL") in Ashland, Oregon, for examination and DNA analysis. On April 13, 2017, I received and reviewed a copy of the Genetics Examination Report from Supervisory Forensic Scientist Mary Burnham Curtis, Ph.D. The report confirmed that the species origin is Scleropages formosus (Asian arowana), which are included in CITES Appendix I and

listed as endangered under the Endangered Species Act ("ESA"). On April 27, 2017, SA Diehl received the two Asian arowanas from the NFWFL and returned them to the FWS Torrance Field Office evidence freezer. I have attached a photograph of an Asian arowana submitted to the NFWFL in Exhibit 4.

B. Cellular Phone Extraction Results

28. On February 13, 2017, I sent LEE's Samsung Galaxy Note 3 smartphone to the USFWS Digital Evidence Recovery and Technical Surveillance Unit ("DERTSU") in Jacksonville, Florida. On February 14, 2017, DERTSU Senior SA William Dennis received the Samsung Galaxy Note 3. On April 7, 2017, I received the complete extracted results on a USB flash drive from SA Dennis.

29. On that date, I reviewed the text message results and noted the following:

a. On February 1, 2017, LEE sent a text message to phone number 714-661-0337, shown in LEE's contact list as Jason Luu, which said, "All random, its [sic] for the arowans [sic] im [sic] bringing in, going to smuggle them in myself and fuck everyone else up." On May 1, 2017, I conducted a search in TLO for phone number 714-661-0337 and learned the phone number is associated with Jason Q Luu and the address 5209 West Lehnhardt Avenue, Santa Ana, California 92704. I learned that the address was also used by Justin Luu, the brother of Jason Luu. Justin Luu was previously identified as the driver of the white Toyota Corolla transporting LEE and the fish. Justin Luu was also present during the search warrant at LEE's residence on February 10, 2017.

DHL Parcel Shipment from TANADI in Indonesia to LEE

b. On February 7, 2017, LEE received an automated text message from DHL, which said, "DHL Express 9667953304 from Mr. Mickey is scheduled for delivery Feb 09 2017. Signature is required..." I confirmed that the DHL tracking number in this message, 9667953304, and the sender, Mr. MICKEY, were the same information on the air waybill of the subject parcel delivered to LEE at his residence on February 10, 2017 (Shipper: Mr. MICKEY, JL. Shinta No. 1, Bojong Indah - Rawa Buaya Cengkareng, Jakarta, Indonesia 11610; Phone Number: +6285780639550). Based on my training and experience, I know that individuals involved in the smuggling of wildlife use partial or fictitious names and addresses to hide their identity. I believe MICKEY TANADI used the partial name "Mr. MICKEY" and a fictitious Indonesian address on the air waybill to hide his identity.

30. During the period of January 19, 2017 through February 10, 2017, LEE, using the identifier "Pumpkin420," which I confirmed from the data DERTSU extracted from LEE's cellular phone, communicated with MICKEY TANADI using the "LINE" communication application. LINE is a free instant messaging platform for smartphones, which allows users to make calls, send images, videos and text messages.

31. On or about April 17, 2017, I reviewed the LINE communication results and noted the following:

a. On January 19, 2017, LEE sent TANADI a message and wrote, "Im [sic] looking to order some dats...Arrows too." I know, from my experience as a USFWS Special Agent and

investigation into LEE, that "Dats" is short for Datnoid fish and "Arrows" is short for Asian arowanas. TANADI responded and wrote, "Hmm but first thing first for arowana...You know in US the fish is [sic] prohibited right?" LEE wrote, "Yea [sic]."

TANADI replied, "We have the method to smuggle it...Is those [sic] fish for you collection only or for resell brother?" LEE wrote, "Both haha." TANADI replied, "For arowana, per smuggle we need to collect 8 fishes at least (with 600 USD cost per shipment)." LEE wrote, "Ok that works...How much per arrow?" TANADI replied, "Arowana super red, best quality, normal body - 750 USD...Red tail golden, 250 USD...But minimum 8 pcs." LEE wrote, "Ok no problem."

TANADI replied, "But one request brother...Pls [sic] make our company or my name or even my country keep suspicious [sic]...Don't let anyone know." LEE wrote, "Yes sir I can promise you that...How big will they be?" TANADI replied, "To smuggle maximum 10 cm...For smuggling I cannot guarantee 100% fish can make it through shipping, but we can try to compensate bro."

LEE wrote, "Ok no problem... Ok thank you! Im [sic] ready when you are." TANADI replied, "All of Asian arowana safe here with me."

b. On January 20, 2017, LEE sent TANADI a message and wrote, "Help me out bro, I have money to spend, we keep it safe...What I do is hustle...Just like the arrows." TANADI responded, "Aro [sic] different haha we cannot declare it at all." TANADI then sent LEE an image of a disassembled speaker

next to clear plastic Kordon² bags and rubber bands on a floor and wrote, "This is the secret method to do it LOL." LEE wrote, "Let me know bro, can't wait...Send me everything." TANADI replied, "We use special treatment water, with kordon bag (u [sic] know this one right), and than [sic] we treat the fish well, then smuggle it as "aquarium supplies...Now prepare everything, bcos [sic] tbh [sic], last time get caught here [sic], almost have problem with cops. LEE wrote, "No problem, I deal with worse things than fish..." TANADI replied, "So actually right now me and my boss just need to recharge our courage to do it LOL...What else worse brother?" LEE wrote, "Sniff sniff????...Smoke smoke?..." TANADI then sent LEE one image of himself, which I later confirmed as TANADI from TANADI's Indonesian identification card and passport photographs sent to LEE.³ LEE wrote, "All my life school no good for me, but hustle life me good [sic]...I sell fish, dog, chickens, parrot...Everything haha...Money no problem, I need trust."

c. On January 20, 2017, TANADI sent LEE a message and wrote, "Bro, if we ship arowana in the beginning of February how?...But I ask you a favor...Do not tell [sic] anything about this illegal arowana to anyone, including my boss on Venus Aquatics...This smuggling stuff only between you and me [sic]...For the first trial, 8 RTG first." I know, from my experience and

² Kordon bags are breathable plastic bags used in the aquarium supply industry to ship fish.

³ On July 27, 2017, I confirmed the identity with SA Drew Stewart with Department of State who inspected the photograph TANADI sent and compared with authentic Indonesian passport photographs.

training as a USFWS Special Agent, and my investigation into LEE, that "RTG" is short for Red-tail arowana. LEE replied, "Yes boss we do 8 RTG first." TANADI wrote, "So for first shipment 8 pcs. x 250 = 2000 USD + shipping around 550 USD (if the charge below 550, I will take that as your money in me)." LEE replied, "No problem bro...Let me know how much the total is bro." TANADI wrote, "...2550 USD." TANADI then sent LEE one image of his Indonesian identification card and one image of his Indonesian passport, passport number: XXX2373, and also commented, "But do not tell about this arowana mission." LEE replied, "Yes not arrow stuff, just legal stuff."

Payment Instructions For the Arowana DHL Shipment

d. On January 20, 2017, TANADI sent LEE six images of aquarium supplies being prepared to smuggle fish and turtles and wrote, "That's how we smuggle them." TANADI also sent Lee one image of Asian arowanas. LEE responded, "Send me some asap!!!" TANADI wrote, "6 February?" LEE replied, "Yea [sic] tell me what you need and total cost." TANADI wrote, "Yes 2550 for first shipment bro..." LEE replied, "How much total? 250 x 20, 5,000? Plus shipping?" TANADI wrote, "Oh I think better eight pieces first because this is our first deal [sic]. After you received [sic] the fish, next week we can ship another 8." LEE replied, "Ok...No problem, so how much?...Address at my house...10591 Ranney Ave., Garden Grove, CA 92843." TANADI wrote, "Bcs [sic] we don't want to make FedEx here be suspicious on [sic] us and also, I think along with this [sic] small deals, trust can be built between us...2550 USD including shipment RTG

plus all packing needs." LEE replied, "Ok no problem, I appreciate it bro..."

e. On January 20, 2017, LEE sent TANADI a message and wrote, "...Ok, how do I send you money? Paypal? Bank wire transfer?...Do I get a certificate?" TANADI responded, "Wire transfer...Swift code BCA: CENAIDJA, Bank account: 4790300047, Beneficiary name: Mickey Tanadi, Bank: Central Asia, Indonesia, 2550 USD...If you want a certificate, better send separately bcos [sic] we don't want to make they [sic] suspicious on the certificate...The certificate, is not that 'big thing' because every farm just can make their own certificate without any government or organization, control or check it." LEE wrote, "I know, I'm sure I can just make copies and change the number...Just easier to sell with the certificate lol...People picky." TANADI replied, "Or better, I send you my design and you can change the number haha...I will provide the editable design okay...Just keep this secret, all price will fine [sic] and you can control the market." LEE wrote, "No problem bro...I will send money on Monday for you, Ok?...The baby [sic] you get wild caught?" TANADI replied, "Yes, all in the market is wild caught [sic]." LEE wrote, "I know!!!!"

f. On January 21, 2017, TANADI sent LEE a message and wrote, "Is it legal to use drugs there? Hahaha." LEE responded, "What kind of drug bro?...Only smoking weed is Ok in some states, not all of US...I have E pill, cocaine, special K, crystal. Everything lol...These are illegal...Have you seen cocaine before? Or try it?...You sniff it lol." TANADI wrote, "Can it

make me fly?" LEE replied, "Make you Superman lol...Want to see?" TANADI wrote, "Show me haha." LEE sent TANADI four images of a white substance⁴. TANADI wrote, "Just like a powder isn't it?" LEE replied, "Yea [sic] you crush it and sniff it lol...In my hand, 350 for that...Guess how much the white brick cost, it as [sic] big as my hand...The more shinny it looks, the better the coco haha...350 USD for that much in my hand, the whole white one in the bag cost 17,000 USD lol."

g. On January 24, 2017, TANADI sent LEE three images of Asian arowanas. LEE responded, "Morning bro, just filled out the wire transfer, bank said they will send it out tomorrow...Sorry bro, bank said I have wrong address for you, how do you write your address?...For US like this, 10591 Ranney Ave., Garden Grove, CA 92843...Can you write your address for me please so I copy exactly like you [sic]." TANADI wrote, "Beneficiary Address: JI Arjuna 1/12a RT/RW 010/09, West Jakarta, Jakarta Indonesia...But I think based on my experience and training, I know that paquet arroguts, such as these involving SWIFT codes for wire transfers are used to receive payment.

h. On January 27, 2017, LEE sent TANADI a message and wrote, "Going to bank in 1 hour will let you know...Good

⁴Based on my training and experience when I was a DEA Special Agent, I know that large quantities of white powdery substances and narcotics, such as cocaine, are often condensed into brick shapes and placed in clear plastic bags. I also know that when pieces of cocaine are broken off of large condensed bricks, those pieces look like white crystalized rocks. The pictures of white substances LEE sent to TANADI on January 21, 2017 display similar characteristics to that of cocaine, and would therefore support LEE's messages that the images are of cocaine.

morning bro, bank sent it today for you. I used my friend's account to send you money." TANADI responded, "Ok...get any receipt?" LEE wrote, "Let me ask my friend sorry bro, first time haha." TANADI replied, "Ya [sic] hope fish business can make you have another good source of income hehe [sic]." LEE wrote, "Drug money good but scary haha." TANADI replied, "Me here and my boss will support you totally on fish business hehe [sic]..Anw [sic] bro, we shoot for 6 February right?" LEE wrote, "Haha yes." TANADI replied, "Ok Ok. I hope I already received the money by Monday bro [sic]..Bcos [sic] need to prepare everything, need to take the fish from supplier's place and buy all shipment stuff."

i. On January 29, 2017, TANADI sent LEE a message and wrote, "Bro, I already received the money." LEE responded, "Yay! Thanks bro sorry for no receipt, next time I will make sure." TANADI wrote, "Cool man, just do order [sic] for all shipment supplies...And I make sure all the water is ready [sic]...On Wednesday morning (Indonesia time), I will got [sic] the fish from supplier...Will give good food and treat the fish for 3 days - then we need to starve them for 48 hours and on Monday, shipment will be done." LEE replied, "How long before we do another shipment?" TANADI wrote, "Arowana or legal shipment?" LEE replied, "Arowana." TANADI wrote, "At least 2 weeks bro Hehe...Hope all things well and me don't get caught lol [sic]." LEE replied, "Haha you will be Ok." TANADI wrote, "Give me ur [sic] email brother." LEE replied, "Bearbulli3@gmail.com."

j. On January 30, 2017, TANADI sent LEE a message and wrote, "Is it okay if we delay one day til [sic] 7...7 Feb...You will receive Thursday ur [sic] time." LEE responded, "Just want to make sure you got [sic] the money, I was worry [sic] haha." TANADI wrote, "Hahaha I already get [sic] the money, and I don't want to make you worry...Anw [sic], I will provide the certificate...You can print it first..."

k. On January 31, 2017, LEE sent TANADI an image of an unknown amount of United States currency spread out on the floor and wrote, "Only for you Ok." TANADI responded, "Hahahaha cool..."

l. On February 1, 2017, TANADI sent LEE two images of Asian arowanas in a fish tank and one image of Asian arowana certificates and wrote, "N [sic] check ur [sic] email also..." TANADI, using email address: mickeytanadi5@gmail.com, sent an Asian arowana certificate template to LEE's email address: bearbulli3s@gmail.com. TANADI then wrote, "Till [sic] Monday/Tuesday, I will take care of them so they will be ready for a long trip...Just a super friendly reminder, u [sic] will get caught or pay big fines for keeping this [sic] fish (more [sic] sell them LOL, just sell to someone you really trust yaa [sic]..." LEE responded, "My operation will be good. Fish don't live with me and the people selling the fish will be little kids. Haha." TANADI wrote, "Yes yes, also pls [sic] keep my name secret Hehe." LEE replied, "Yes no problem." TANADI wrote, "See the certificate?...Better the fake one right haha [sic]...Now I'm looking for the item for we [sic] smuggle the fiah [sic]...fish."

Wildlife Smuggling and Concealment

m. On February 1, 2017, TANADI sent LEE one image of a ceramic pot to use as a potential means for smuggling fish and wrote, "This is the plan." LEE responded, "Put in that?" TANADI wrote, "No, put in the plastic bag first." LEE replied, "Haha of course." TANADI sent LEE one image of an aquarium filter to use as a potential means for smuggling fish and wrote, "Like this." LEE replied, "Exciting!!!" TANADI wrote, "So later we can ship more safely [sic]...Bcos [sic] as long as I heard [sic] the only inspection is on [sic] the store, when we give the goods." Based on my experience training, I know that wildlife, to include Asian arowanas, are smuggled in aquarium filters and other household items to conceal their contents during the shipping and inspections.

n. On February 2, 2017, LEE sent TANADI a message and wrote, "Can you send more than 8 next time?" TANADI responded, "One shipment?...Will try...After bribe maybe can [sic]..." LEE wrote, "Haha Ok let me know, I'll take care of you bro." TANADI replied, "8 is from the last experience..Anw [sic] can you have some address in the future?...To make the DHL not suspicious." LEE wrote, "Yes every wire money is different name [sic], every address will be a different name...Haha every shipment will go to each of my friends lol...first one go [sic] to my parent's house...Hahaha ya [sic] after 6 address [sic], just simply back to the first."

o. On February 2, 2017, LEE sent TANADI one image of himself and his dog and wrote, "Me and Pumpkin lol." TANADI

responded, "Wah [sic] for the first time I see ur [sic] face LOL..Will try to bribe ASAP." LEE then sent TANADI two images of United States currency spread out on the floor and wrote, "20,000 ready for you bro!" I know from my investigation of LEE and from the search warrant on February 10, 2017, that the image is of LEE and his dog named "Pumpkin." I also know from my investigation into LEE and from evidence observed at his residence during the search warrant, that LEE uses marijuana. Based on my experience as a DEA Special Agent, I know that the term "420" is used in the cannabis culture and when referring to smoking marijuana. I believe LEE's LINE application username "Pumpkin420," incorporates his dog's name and his knowledge of marijuana.

Shipment of Asian Arowana Fish

p. On February 3, 2017, TANADI sent LEE a message and wrote, "Bcos [sic] I still can't found [sic] the 'packaging' of smuggling bro Haha [sic]..Now work to find it." LEE responded, "Need more bread bro?...It's Ok let me take care of it...I send you more money Ok [sic]?" TANADI wrote, "No no...I can't find the fit [sic] pot to hide the fish." LEE replied, "Ok bro please let me know if u [sic] need to send you more money [sic]..Haha it's Ok take your time." TANADI wrote, "Bro I got the pot Hehe..Now the seller send the pot to my home [sic]." TANADI sent LEE one image of a ceramic pot and one image of a bag of water. LEE replied, "Haha whatever you feel safe [sic]." TANADI replied, "Ok will do some experiment [sic]."

q. On February 5, 2017, TANADI sent LEE one image of a fish in a bag of water and wrote, "Need ur [sic] receiver info...Ur [sic] number and full name receiver [sic]." LEE responded, "Shawn Lee, 10591 Ranney Ave., Garden Grove, CA 92843...7143008192." TANADI then sent LEE one image of a ceramic pot, one image of white cardboard boxes, and one image of himself in a vehicle and wrote, "Drive withut [sic] see what's behind lol...Pls [sic] pray for me." LEE replied, "Haha you will be Ok." TANADI wrote, "The scheduled arrival time should be Wednesday morning ur [sic] time...Will go to DHL 4 pm my time." TANADI sent LEE two images of white ceramic pots containing plastic bags and one image of bags of fish. LEE replied, "How many fish in a pot?" TANADI wrote, "1 pot - 2 fish...But I will send you 5 or 6 pots...Just in case the DHL guy wants to open." I personally inspected the DHL parcel seized on February 9, 2017, that contained six ceramic pots. I saw that four of the six pots contained two bags of fish each. The ceramic pots containing the bags of fish and white cardboard boxes shown in the images TANADI sent to LEE, via text message, appear to be the same items that were seized by USFWS Special Agents.

r. On February 6, 2017, TANADI sent LEE one image of a DHL employee and one image of the commercial invoice for the shipment. LEE responded, "Look you take a picture of him [sic]." TANADI wrote, "Yeah...9667953304...Here's the airway bill...Here's today's shipment breakdown: Fish: 2000 USD, DHL: 420 something, The pot: 80 USD, Kordon bag + some supplies: +/- 50 USD." LEE replied, "Okay haha." TANADI wrote, "I hope all 8

fish will safely arrived [sic]..Anw [sic] with the airway bill you can check it through DHL's website." LEE replied, "I will keep checking it to make sure." On February 10, 2017, I personally inspected the DHL parcel materials this Airway bill number and I know that it contained eight live Arowana Fish.

s. On February 7, 2017, TANADI sent LEE a message and wrote, "I just checked on the web and they said the estimated arrival time is on Thursday by the end of the day." LEE responded, "Hopefully fish come in good bro." TANADI wrote, "Yaa [sic] tbh [sic] me worry, but still hope that at least 6 fish alive in ur [sic] place." LEE replied, "Haha I prepare for the worst..Maybe ask when their next flight is to US, so fish don't have to wait there..No problem we both have to risk to make money.."

t. On February 8, 2017, TANADI sent LEE one image of an Asian arowana in a fish tank and wrote, "This is the worst that I keep [sic], I order [sic] 9 from supplier, in case, if there's any sudden death..The good one already send all to you [sic]." LEE responded, "Thank you bro..Everything good, just waiting." TANADI wrote, "Really? Is it possible to receive it tonight ur [sic] time?" LEE replied, "No, that's US Customs after they clear it, it will go to Irvine. I have to pick it up in Irvine tomorrow morning hopefully." TANADI wrote, "I think u [sic] better contact DHL." LEE replied, "Really?" TANADI wrote, "I just see there is pending custom [sic]..Afraid they know of the fish." LEE replied, "They say in custom you cannot go pick up [sic].." TANADI wrote, "Oh but they do not tell [sic]

anything bad about the shipment right?" LEE replied, "Will see tomorrow morning, I will go there right away..Nothing bad bro haha...Yea [sic] they said package is still in LA."

u. On February 9, 2017, TANADI sent LEE a message and wrote, "Want to make sure everything's good bro." LEE responded, "Yea [sic] play it safe no rush, rather us be safe then they find fish and we no good lol [sic]." TANADI wrote, "Hope all things fine...I am still optimist bro!...Pray pray haha." LEE replied, "I called DHL, they will call LA custom and call me back why my package not here yet [sic]...lol...Haha damn bro they found it, sorry...They said they detained my shipping package, they will send me a letter in the mail in 30 days." TANADI wrote, "Is it leaking?" LEE replied, "Lono [sic] DHL just told me that, they did not let me ask a question." TANADI wrote, "Can I be chased?" LEE replied, "No you won't Haha." TANADI wrote, "Hope you are not in big trouble as well..." LEE replied, "Haha it's OK, this is nothing to before...Maybe send me a lot of pots...Hard to find with more pots...Yea [sic] new everything again." TANADI wrote, "This shipment I use 6 pot [sic]...+8 aros [sic] inside, already 26 kg." LEE replied, "DHL just called me...I did not pick up. They said my shipment will come tomorrow now...They said custom release late [sic]." TANADI wrote, "You will get empty pot? Haha." LEE replied, "I don't know...Maybe empty or they deliver with fish and game lol...I will have my mom receive the shipment at home and I will wait to see if the police come." TANADI wrote, "Can go to jail is it

[sic]?" LEE replied, "Already change new phone so no pictures...Yea [sic] jail time for sure."

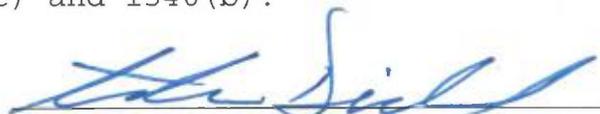
v. On February 10, 2017, TANADI sent LEE a message and wrote, "How was DHL?" LEE responded, "Package is going to Irvine right now...I'm going to see if I can pick it up." TANADI wrote, "Don't want you get into problem [sic]." LEE replied, "Haha it's Ok me have a plan incase [sic]." TANADI wrote, "What's the plan?" LEE replied, "I shoot the police...Lol...Jk [sic]...Still waiting."

w. On February 10, 2017, at approximately 3:40 pm., immediately after SA Ramirez Amezcua delivered the subject parcel to LEE's residence, LEE sent TANADI a message and wrote, "Fish good bro!!!...Everyone made it." TANADI replied, "Really???...Take a photo...So what happened with Customs?" At approximately 3:50 p.m., LEE was detained and received a missed call from TANADI. At 4:48 p.m., TANADI sent LEE a final message and wrote, "Everything Ok bro?"

V. CONCLUSION

32. Based on the foregoing facts, I believe there is probable cause to charge SHAWN NAOLU LEE and MICKEY TANADI with conspiracy to commit an offense or to defraud the United States, in violation of Title 18, United States Code, Section 371, unlawfully importing, and causing the unlawful importation of, merchandise into the United States contrary to law, in violation of Title 18, United States Code, Section 545, illegally

importing legally protected animals, in violation of Title 16,
United States Code, Sections 1538(c) and 1540(b).



Adam Diehl, Special Agent
United States Department of
the Interior, United States
Fish and Wildlife Service

Subscribed to and sworn before me
this 11th day of August 2017.



HONORABLE ALKA SAGAR
UNITED STATES MAGISTRATE JUDGE

EXHIBIT 1

ORIGINAL

AO93
(Rev.8/82)

ANTICIPATORY SEARCH WARRANT ON WRITTEN AFFIDAVIT

UNITED STATES DISTRICT COURT	CENTRAL DISTRICT OF CALIFORNIA
UNITED STATES OF AMERICA v.	DOCKET NO. MAGISTRATE'S CASE NO. 17MJ00297
THE PREMISES KNOWN AS: Location in which visual surveillance indicates the parcel DHL package bearing Air Waybill Number 9667953304 has been accepted for delivery located at 10591 Ranney Ave., Garden Grove, CA 92843.	TO: ANY SPECIAL AGENT(S) WITH UNITED STATES FISH AND WILDLIFE SERVICE OR ANY OTHER AUTHORIZED OFFICER

Affidavit having been made before me by the below-named affiant that he/she has reason to believe that on the premises known as

SEE ATTACHMENT A

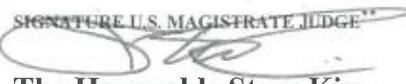
in the Central District of California

there will be concealed certain property, namely:

SEE ATTACHMENT B

and as I am satisfied that there is probable cause to believe that upon the occurrence of the triggering event described in Section VI of the search warrant affidavit, the property so described will be concealed on the person or premises above-described and the grounds for application for issuance of the search warrant exist as stated in the supporting affidavit which is incorporated herein by reference and attached hereto.

YOU ARE HEREBY COMMANDED to search on or before fourteen (14) days (not to exceed 14 days) the person or place named above for the property specified, serving this warrant and making the search at any time in the day or night upon the occurrence of the event described above, and if the property be found there to seize it, leaving a copy of this warrant and receipt for the property taken, and prepare a written inventory of the property seized and promptly return this warrant to the duty U.S. Magistrate Judge as required by law.

NAME OF AFFIANT  Adam Diehl, United States Fish and Wildlife Service	SIGNATURE U.S. MAGISTRATE JUDGE  The Honorable Steve Kim	DATE/TIME ISSUED 2/10/17 11:30 AM
---	--	---

RA
AUSA: ERIK M. SILBER and AMANDA M. BETTINELLI 

RETURN

DATE WARRANT RECEIVED

DATE AND TIME WARRANT EXECUTED

**COPY OF WARRANT AND RECEIPT
FOR ITEMS LEFT WITH**

INVENTORY MADE IN THE PRESENCE OF

INVENTORY OF PROPERTY TAKEN PURSUANT TO THE WARRANT

CERTIFICATION

I swear that this inventory is a true and detailed account of all the property taken by me on the warrant.

Subscribed, sworn to, and returned before me this date.

U.S. JUDGE OR MAGISTRATE

DATE

ATTACHMENT A

PREMISES TO BE SEARCHED

The SUBJECT PREMISES to be searched -- only after the event that triggers the anticipatory search warrant, i.e. delivery and acceptance of the DHL parcel bearing Air Waybill 9667953304 and addressed to Shawn Lee -- is located at 10591 Ranney Ave., Garden Grove, California 92843. It is a single story light yellow stucco house with a black shingled roof and grey wood decorative trim below the roofline. It has a two-car white garage next to an iron gate that leads to a front door. There is a window on the front side of the house opposite to the garage and a small patch of grass in the front yard.

ATTACHMENT B

ITEMS TO BE SEIZED

1. The items to be seized from 10591 Ranney Ave., Garden Grove, California 92843 (the "SUBJECT PREMISES") constitute evidence, fruits, and/or instrumentalities of violations of 16 U.S.C. §§ 1538(c), 1540(b); 50 C.F.R. §§ 23.13, 23.20 (illegally importing legally protected animals), 16 U.S.C. §§ 3372(d), 3373(d)(3)(A)(i) (submitting a false record or label for wildlife intended to be imported), and 18 U.S.C. § 545 (smuggling goods into the United States), namely:

a. A DHL parcel with Air Waybill number 9667953304 and addressed to Shawn LEE at 10591 Ranney Ave., Garden Grove, California 92843, and its contents, including live Convention on the International Trade in Endangered Species of Wild Fauna and Flora ("CITES") protected wildlife.

b. Any other CITES-protected wildlife.

c. Records relating to the purchase, importation, transportation, storage, possession, transfer, disposition, trade, sale, offer to purchase, or offer for sale of CITES-protected wildlife, including notes, memos, notebooks, books, correspondence regarding CITES-protected wildlife, invoices, shipping records, packing slips, facsimiles, purchase orders, bills of sale, shipping records, letters of credit, permits, customs forms, contracts, importation documents, receipts, customer lists, price lists, financial records, cancelled checks, check book ledgers, money orders, wire transfers, bank statements, international bank transfer statements, cashier

checks, credit card statements, personal telephone directories, and photographs; and

d. Records and documents reflecting communications with government agencies, consumer associations, and business associations about CITES-protected wildlife, or the requirements for the importation or exportation of wildlife under CITES, including documents or licenses regarding compliance or non-compliance with governmental rules and regulations, or declarations, permits, and licenses required by governmental rules and regulations to import, export, or transport wildlife products.

e. With respect to any digital device containing evidence falling within the scope of the foregoing categories of items to be seized:

i. evidence of who used, owned, or controlled the device at the time the things described in this warrant were created, edited, or deleted, such as logs, registry entries, configuration files, saved usernames and passwords, documents, browsing history, user profiles, e-mail, e-mail contacts, chat and instant messaging logs, photographs, and correspondence;

ii. evidence of the presence or absence of software that would allow others to control the device, such as viruses, Trojan horses, and other forms of malicious software, as well as evidence of the presence or absence of security software designed to detect malicious software;

iii. evidence of the attachment of other devices;
iv. evidence of counter-forensic programs (and associated data) that are designed to eliminate data from the device;

v. evidence of the times the device was used;
vi. passwords, encryption keys, and other access devices that may be necessary to access the device;

vii. applications, utility programs, compilers, interpreters, or other software, as well as documentation and manuals, that may be necessary to access the device or to conduct a forensic examination of it;

viii. records of or information about Internet Protocol addresses used by the device;

ix. records of or information about the device's Internet activity, including firewall logs, caches, browser history and cookies, "bookmarked" or "favorite" web pages, search terms that the user entered into any Internet search engine, and records of user-typed web addresses.

2. As used herein, the terms "records," "documents," "programs," "applications," and "materials" include records, documents, programs, applications, and materials created, modified, or stored in any form, including in digital form on any digital device and any forensic copies thereof.

3. As used herein, the term "digital device" includes any electronic system or device capable of storing or processing data in digital form, including central processing units; desktop, laptop, notebook, and tablet computers; personal digital assistants; wireless communication devices, such as telephone paging devices, beepers, mobile telephones, and smart phones; digital cameras; gaming consoles (including Sony PlayStations and Microsoft Xboxes); peripheral input/output devices, such as keyboards, printers, scanners, plotters, monitors, and drives intended for removable media; related communications devices, such as modems, routers, cables, and connections; storage media, such as hard disk drives, floppy disks, memory cards, optical disks, and magnetic tapes used to store digital data (excluding analog tapes such as VHS); and security devices.

II. SEARCH PROCEDURE FOR DIGITAL DEVICES

4. In searching digital devices or forensic copies thereof, law enforcement personnel executing this search warrant will employ the following procedure:

a. Law enforcement personnel or other individuals assisting law enforcement personnel (the "search team") will, in their discretion, either search the digital device(s) on-site or seize and transport the device(s) to an appropriate law enforcement laboratory or similar facility to be searched at

that location. The search team shall complete the search as soon as is practicable but not to exceed 120 days from the date of execution of the warrant. The government will not search the digital device(s) beyond this 120-day period without first obtaining an extension of time order from the Court.

b. The search team will conduct the search only by using search protocols specifically chosen to identify only the specific items to be seized under this warrant.

i. The search team may subject all of the data contained in each digital device capable of containing any of the items to be seized to the search protocols to determine whether the device and any data thereon falls within the list of items to be seized. The search team may also search for and attempt to recover deleted, "hidden," or encrypted data to determine, pursuant to the search protocols, whether the data falls within the list of items to be seized.

ii. The search team may use tools to exclude normal operating system files and standard third-party software that do not need to be searched.

iii. The search team may use forensic examination and searching tools, such as "EnCase" and "FTK" (Forensic Tool Kit), which tools may use hashing and other sophisticated techniques.

c. If the search team, while searching a digital device, encounters immediately apparent contraband or other evidence of a crime outside the scope of the items to be seized, the team shall immediately discontinue its search of that device pending further order of the Court and shall make and retain notes detailing how the contraband or other evidence of a crime was encountered, including how it was immediately apparent contraband or evidence of a crime.

d. If the search determines that a digital device does not contain any data falling within the list of items to be seized, the government will, as soon as is practicable, return the device and delete or destroy all forensic copies thereof.

e. If the search determines that a digital device does contain data falling within the list of items to be seized, the government may make and retain copies of such data, and may access such data at any time.

f. If the search determines that a digital device is (1) itself an item to be seized and/or (2) contains data falling within the list of items to be seized, the government may retain forensic copies of the digital device but may not access data falling outside the scope of the items to be seized (after the time for searching the device has expired) absent further court order.

g. The government may retain a digital device itself until further order of the Court or one year after the conclusion of the criminal investigation or case (whichever is latest), only if the government, within 14 days following the time period authorized by the Court for completing the search, obtains an order from the Court authorizing retention of the device (or while an application for such an order is pending). Otherwise, the government must return the device. If the search determines that a digital device contains data falling within the list of items to be seized, the government may also retain the device itself, without further order of the Court.

h. After the completion of the search of the digital devices, the government shall not access digital data falling outside the scope of the items to be seized absent further order of the Court.

5. In order to search for data capable of being read or interpreted by a digital device, law enforcement personnel are authorized to seize the following items:

a. Any digital device capable of being used to commit, further or store evidence of the offense(s) listed above;

b. Any equipment used to facilitate the transmission, creation, display, encoding, or storage of digital data;

c. Any magnetic, electronic, or optical storage device capable of storing digital data;

d. Any documentation, operating logs, or reference manuals regarding the operation of the digital device or software used in the digital device;

e. Any applications, utility programs, compilers, interpreters, or other software used to facilitate direct or indirect communication with the digital device;

f. Any physical keys, encryption devices, dongles, or similar physical items that are necessary to gain access to the digital device or data stored on the digital device; and

g. Any passwords, password files, test keys, encryption codes, or other information necessary to access the digital device or data stored on the digital device.

6. The special procedures relating to digital devices found in this warrant govern only the search of digital devices pursuant to the authority conferred by this warrant and do not apply to any search of digital devices pursuant to any other court order.

AFFIDAVIT

I, Adam Diehl, being duly sworn, declare and state as follows:

I. INTRODUCTION

1. I am a Special Agent ("SA") with the Department of the Interior, United States Fish and Wildlife Service ("USFWS"), Office of Law Enforcement, stationed in Torrance, California. I am authorized by the Secretary of the Interior to conduct searches and seizures and to make arrests, as authorized by law, pursuant to the Lacey Act, Title 16, United States Code, Section 3371 et seq. I am an investigative law enforcement officer of the United States within meaning of Title 16, United States Code, Section 3375, and a federal law enforcement officer within the meaning of Rule 41(a) of the Federal Rules of Criminal Procedure. I have been so employed since May of 2016.

2. I was previously employed as a Special Agent with the Department of Justice, Drug Enforcement Administration ("DEA") in Los Angeles, California for approximately two years, and a Law Enforcement Officer with the United States Forest Service, Law Enforcement and Investigations in Southern California for approximately six years. I received a Bachelor's degree in Social and Criminal Justice from Ashford University in July of 2013. I am also a graduate of the Fullerton College Police Academy in Fullerton, California, the Land Management Police Training Program at the Federal Law Enforcement Training Center in Glynco, Georgia, the DEA Basic Special Agent Academy in Quantico, Virginia, and the USFWS Special Agent Basic School

("SABS") at the Federal Law Enforcement Training Center in Glynco, Georgia.

3. During the last eight years, I have conducted several complex investigations involving the protection of natural resources and United States government property, arson, firearms violations, narcotics trafficking, money laundering, and fish and wildlife violations. Since my employment with the USFWS in 2016, I have conducted, or been involved in, multiple search warrants relating to the illegal commercialization of protected fish and wildlife, and violations of federal fish and wildlife laws. I have read, studied and received training on the laws enforced by the USFWS. I have also received advanced training in numerous aspects of criminal investigative techniques, including electronic surveillance and the application of undercover techniques for criminal investigations.

II. PURPOSE OF THIS AFFIDAVIT

4. This affidavit is made in support of an application for an anticipatory search warrant for the premise located at 10591 Ranney Ave., Garden Grove, CA 92843 (the "SUBJECT PREMISES") for evidence, fruits, and/or instrumentalities of violations of 16 U.S.C. §§ 1538(c), 1540(b); 50 C.F.R. §§ 23.13, 23.20 (illegally importing legally protected animals), 16 U.S.C. §§ 3372(d), 3373(d)(3)(A)(i) (submitting a false record or label for wildlife intended to be imported), and 18 U.S.C. § 545 (smuggling goods into the United States). This anticipatory search warrant will be executed only upon the receipt of the DHL

parcel described below by an individual at the SUBJECT PREMISES and the occurrence of the circumstances described in Section VI of this affidavit.

5. The facts set forth in this affidavit are based upon my personal observations, my training and experience, and/or information obtained from various law enforcement personnel and witnesses. This affidavit is intended to show merely that there is sufficient probable cause for the requested warrant and does not purport to set forth all of my knowledge of or investigation into this matter. Unless specifically indicated otherwise, all conversations and statements described in this affidavit are related in substance and in part only.

III. PREMISES TO BE SEARCHED AND ITEMS TO BE SEIZED

6. The SUBJECT PREMISES is located at 10591 Ranney Ave., Garden Grove, CA 92843, and is described in detail in Attachment A, which is incorporated herein by reference.

7. The items to be seized, which constitute evidence, fruits, and/or instrumentalities, of violations of 16 U.S.C. §§ 1538(c), 1540(b); 50 C.F.R. §§ 23.13, 23.20 (illegally importing legally protected animals), 16 U.S.C. §§ 3372(d), 3373(d) (3) (A) (i) (submitting a false record or label for wildlife intended to be imported), and 18 U.S.C. § 545 (smuggling goods into the United States), are listed in Attachment B, which is incorporated herein by reference.

IV. APPLICABLE LAW

8. The Endangered Species Act is a federal law that, among other things, regulates the importation and exportation of certain wildlife and plants to and from the United States, and implements the United States' obligations under the Convention on International Trade in Endangered Species of Wild Fauna and Flora ("CITES").

9. CITES is an international treaty among approximately 183 nations, including the United States and Indonesia that establishes certain requirements that must be met before CITES-protected wildlife may be imported or exported from signatory nations. Wildlife protected under CITES is divided into Appendices I, II, and III. Wildlife listed in Appendix I have the highest level of protection and include those species threatened with the immediate risk of extinction.

10. Title 50, Code of Federal Regulations, Section 23.13 generally provides that it is unlawful for any person subject to the jurisdiction of the United States to attempt to import or engage in international trade with, any specimen of a species listed in CITES Appendix I, II, and III. All wildlife listed in Appendix I may only be legally imported into the United States when accompanied by a CITES import permit issued by the United States and a CITES export permit or re-export certificate issued by the country from which the wildlife is exported. All CITES Appendix II wildlife may only be imported into the United States when accompanied by an export permit or re-export certificate

from the country from which the wildlife is being exported. 50
C.F.R. §§ 23.20(e), 23.35, 23.36.

11. Asian Arowana (Scleropages formosus) are listed in
CITES Appendix I.

12. Title 16, United States Code, Sections 1538(c),
1540(b), provide criminal sanctions for any person to knowingly
engage in any trade in any specimens contrary to the provisions
of CITES.

13. Title 18, United States Code, Section 545 makes it
unlawful for a person to "fraudulently or knowingly import or
bring into the United States, any merchandise contrary to law,
or receive, conceal, buy, sell, or in any manner facilitate the
transportation, concealment, or sale of such merchandise after
importation, knowing the same to have been imported or brought
into the United States contrary to law."

14. The Lacey Act, 16 U.S.C. § 3371, et seq., is a federal
law that, among other things, makes it is unlawful for any
person to make or submit any false record, account, or label
for, or any false identification of, any fish, wildlife, or
plant which has been or is intended to be either imported or
transported in interstate or foreign commerce. 16 U.S.C.
§§ 3372(d), 3373(d).

15. Federal law generally provides that all importers of
wildlife must file with the USFWS a completed Declaration for
Importation or Exportation of Fish or Wildlife (Form 3-177),
that is signed by the importer or the importer's agent, upon the

importation of any wildlife at the place where USFWS clearance is requested. See 50 CFR §§ 14.61 and 14.52.

V. STATEMENT OF PROBABLE CAUSE

16. On February 9, 2016, USFWS SA Stephanie Johnson told me that a package of fish had been intercepted by United States Customs and Border Protection ("CBP") officers at the DHL shipping facility located at the Los Angeles International Airport ("LAX"). According to SA Johnson, USFWS Wildlife Inspector ("WI") Ali Ventura told her that CBP called the USFWS Torrance office and reported finding fish concealed in a box of pots. I later learned from WI Kyle McCune, that CBP Officer Bernard Schirmer called the office around 9:00 a.m., and told him that he found fish while examining a box labeled as pots at the DHL LAX shipping facility. WI McCune also told me that Officer Schirmer requested the inspectors respond to DHL to inspect the fish, and that he relayed the information to WI Ali Ventura.

17. On February 9, 2017, SA Johnson, SA Juan Ramirez-Amezcu, and I drove to the DHL LAX shipping facility and made contact with CBP Officer Schirmer. Officer Schirmer told me that, on February 9, 2017, at approximately 7:30 a.m., he examined a DHL box (the "SUBJECT PARCEL") that arrived from Indonesia. According to Officer Schirmer, the description of the goods on the air waybill (DHL Air Waybill #9667953304) was six "Porcelain Herbal Pot", but he felt moisture on the side of the box. Officer Schirmer told me he opened the box and found six boxes containing porcelain pots inside each box. Officer

Schirmer told me he opened up two of the six boxes, removed the lids, and found two bags of fish inside each pot. Officer Schirmer then told me he placed the pots and boxes back in the box and contacted the USFWS.

18. I observed the SUBJECT PARCEL sitting on top of a receiving belt in the CBP examination area, and took photographs of the outside of the box and commercial invoice, which was affixed to the top of the box. I observed the following information on the commercial invoice: Air Waybill Number: 9667953304. Shipper: Mr. Mickey, JL. Shinta No. 1, Bojong Indah - Rawa Buaya Cengkareng, Jakarta, Indonesia 11610; Phone Number: +6285780639550. Receiver: Mr. Shawn Lee ("SHAWN LEE"), 10591 Ranney Ave., CA, 92843; Phone Number: 714-300-8192. Full Description of Goods: Porcelain Herbal Pot; Quantity: 6; Unit Value: 100.00; Total Declared Value: 600.00; Country of Manufacture: Indonesia.

19. I then took photographs of the contents as SA Ramirez-Amezcuca and Officer Schirmer opened SUBJECT PARCEL. I observed a total of six small white cardboard boxes containing white porcelain pots with lids inside each box. I also observed and photographed each pot as the lids were removed and the contents were revealed. Four of the six porcelain pots contained two clear plastic bags with water and fish, and two of the six porcelain pots were empty. There was a total of eight fish inside the box. SA Ramirez-Amezcuca told me that, based on his training and experience, he believed the eight fish in the bags were Asian Arowana, listed in CITES Appendix I.

20. SA Ramirez-Amezcuca and I then placed the porcelain pots and fish back inside of the box and transported the SUBJECT PARCEL back to USFWS Torrance Office. I maintained custody of the SUBJECT PARCEL until SA Ramirez-Amezcuca and WI Frank Chu and WI Cory Kawabata removed the fish from the porcelain pots and bags, and placed them into a fish tank at the USFWS Torrance Office.

21. Later, on February 9, 2016, SA Ramirez-Amezcuca forwarded an email to me with a preliminary identification of the fish by USFWS Senior Forensic Scientist Mary Burnham Curtis, Ph.D., from the National Fish and Wildlife Forensic Laboratory in Ashland, Oregon. The email included photographs of the fish removed from SUBJECT PARCEL, taken by SA Ramirez-Amezcuca. According to Senior Forensic Scientist Burnham Curtis, the characteristics of the fish, including the lateral line scale count of 22-23, is consistent with Asian Arowana (Scleropages formosus), listed in CITES Appendix I.

22. On February 9, 2017, I searched in the TLO Trans-Union Intelligence ("TLO") database and confirmed that the receiver on the SUBJECT PARCEL, SHAWN LEE, lives at the address listed on the commercial invoice, 10591 Ranney Ave., Garden Grove, California 92843, the SUBJECT PREMISES. I also located phone number 714-383-2382, which was listed as a mobile phone associated with SHAWN LEE and the SUBJECT PREMISES. The TLO database contains records related to ownership and occupancy of property, personal identity, employment, vehicle registration, and other such records that are available with a subscription.

23. On February 9, 2017, SA Johnson conducted an open source Google search of phone number 714-383-2382 and informed me that she located an email address Shawnlee88@yahoo.com and a username Lidofishieboi, associated using LEE. SA Johnson also told me she conducted an open source internet search of Lidofishieboi and found comments and/or postings from same on the following blogs: marinebreeder.org, goldfishkeepers.org, chameleonforums.com, reef2reef.com, simplydiscus.com, and reefcentral.com, all sites used to sell and discuss fish and other wildlife. On February 9, 2017, I reviewed screen shots and the phone number 714-383-2382 was listed as a contact number for Lidofishieboi on reefcentral.com which was the phone number number was associated with the TLO database for SHAWN LEE.

24. On February 9, 2017, SA Ramirez-Amezcuca conducted a query of the Law Enforcement Management Information System ("LEMIS"), a database maintained by the USFWS, a database maintained by the USFWS that contains records involving the importation and exportation of wildlife, including permits and declarations. He informed me that the query did not identify any Form 3-177 declaration for wildlife, any CITES import permit for Asian Arowana, or any records for any shipments relating to SHAWN LEE.

25. On February 9, 2017, I spoke with DHL Security Supervisor Robert Candia, who told me that an individual named SHAWN LEE called the DHL customer service to find out the status of the delivery. According to Mr. Candia, the caller left the name SHAWN LEE and phone number 714-300-8192, the same

information as found on the SUBJECT PARCEL, with the Customer Service representative. I also spoke with DHL representative Fabiola Duran, who told me she called phone number 714-300-8192 and left a message for SHAWN LEE, informing him that the package was scheduled to be delivered in the afternoon on February 10, 2017.

26. Based on my training and experience (and information provided to me by other experienced USFWS special agents with whom I work), I have learned that individuals who traffic in CITES-protected wildlife, such as here, also traffic in other types of CITES-protected wildlife. Thus, there is probable cause to believe that additional CITES-protected animals will be found at the SUBJECT PREMISES.

27. Based on my training and experience (and information provided to me by other experienced USFWS special agents with whom I work), I have learned that individuals who illegally import CITES-protected wildlife to their residences are likely to keep equipment, records, and/or correspondence related to illegal importations at their residence.

28. The SUBJECT PARCEL that was intercepted on February 9, 2017, was being shipped from an overseas shipper in Indonesia. Based on my training and experience (and information provided to me by other experienced USFWS special agents with whom I work), I have learned that international trafficking of wildlife, including the parts thereof, are often facilitated using email, cell phones, and/or text messages and, thus, there is probable cause to believe that digital evidence related to the unlawful

wildlife trafficking in this case will be found at the SUBJECT PREMISES.

VI. CIRCUMSTANCES THAT WILL ACTIVATE THE ANTICIPATORY SEARCH WARRANT FOR THE SUBJECT PREMISES

29. The anticipatory search warrant to search the SUBJECT PREMISES described herein will be triggered by the following circumstances:

a. Within the allowable time prescribed by the warrant, an individual working with law enforcement, acting in an undercover capacity as a DHL delivery person, will deliver the SUBJECT PARCEL to the SUBJECT PREMISES.

b. It is anticipated that the SUBJECT PARCEL containing the wildlife will be accepted by an individual who is present at SUBJECT PREMISES and will be taken inside the SUBJECT PREMISES. The SUBJECT PARCEL will be kept under observation using physical surveillance until the time that it is taken into the residence. Once the SUBJECT PARCEL has been delivered and taken inside the SUBJECT PREMISES, USFWS SAs will wait approximately ten to thirty minutes before entering the SUBJECT PREMISES. Thus, the triggering event to activate this anticipatory search warrant, and permit its execution, will be delivery and acceptance of the SUBJECT PARCEL at the SUBJECT PREMISES.

VII. TRAINING AND EXPERIENCE ON DIGITAL DEVICES

30. As used herein, the term "digital device" includes any electronic system or device capable of storing or processing data in digital form, including central processing units; desktop, laptop, notebook, and tablet computers; personal digital assistants; wireless communication devices, such as telephone paging devices, beepers, mobile telephones, and smart phones; digital cameras; gaming consoles (including Sony PlayStations and Microsoft Xboxes); peripheral input/output devices, such as keyboards, printers, scanners, plotters, monitors, and drives intended for removable media; related communications devices, such as modems, routers, cables, and connections; storage media, such as hard disk drives, floppy disks, memory cards, optical disks, and magnetic tapes used to store digital data (excluding analog tapes such as VHS); and security devices. Based on my knowledge, training, and experience, as well as information related to me by agents and others involved in the forensic examination of digital devices, I know that data in digital form can be stored on a variety of digital devices and that during the search of a premises it is not always possible to search digital devices for digital data for a number of reasons, including the following:

a. Searching digital devices can be a highly technical process that requires specific expertise and specialized equipment. There are so many types of digital devices and software programs in use today that it is impossible

to bring to the search site all of the necessary technical manuals and specialized equipment necessary to conduct a thorough search. In addition, it may be necessary to consult with specially trained personnel who have specific expertise in the types of digital devices, operating systems, or software applications that are being searched.

b. Digital data is particularly vulnerable to inadvertent or intentional modification or destruction. Searching digital devices can require the use of precise, scientific procedures that are designed to maintain the integrity of digital data and to recover "hidden," erased, compressed, encrypted, or password-protected data. As a result, a controlled environment, such as a law enforcement laboratory or similar facility, is essential to conducting a complete and accurate analysis of data stored on digital devices.

c. The volume of data stored on many digital devices will typically be so large that it will be highly impractical to search for data during the physical search of the premises. A single megabyte of storage space is the equivalent of 500 double-spaced pages of text. A single gigabyte of storage space, or 1,000 megabytes, is the equivalent of 500,000 double-spaced pages of text. Storage devices capable of storing 500 or more gigabytes are now commonplace. Consequently, just one device might contain the equivalent of 250 million pages of

data, which, if printed out, would completely fill three 35' x 35' x 10' rooms to the ceiling. Further, a 500 gigabyte drive could contain as many as approximately 450 full run movies or 450,000 songs.

d. Electronic files or remnants of such files can be recovered months or even years after they have been downloaded onto a hard drive, deleted, or viewed via the Internet. Electronic files saved to a hard drive can be stored for years with little or no cost. Even when such files have been deleted, they can be recovered months or years later using readily-available forensics tools. Normally, when a person deletes a file on a computer, the data contained in the file does not actually disappear; rather, that data remains on the hard drive until it is overwritten by new data. Therefore, deleted files, or remnants of deleted files, may reside in free space or slack space, i.e., space on a hard drive that is not allocated to an active file or that is unused after a file has been allocated to a set block of storage space, for long periods of time before they are overwritten. In addition, a computer's operating system may also keep a record of deleted data in a swap or recovery file. Similarly, files that have been viewed on the Internet are often automatically downloaded into a temporary directory or cache. The browser typically maintains a fixed amount of hard drive space devoted to these files, and the files

are only overwritten as they are replaced with more recently downloaded or viewed content. Thus, the ability to retrieve residue of an electronic file from a hard drive depends less on when the file was downloaded or viewed than on a particular user's operating system, storage capacity, and computer habits. Recovery of residue of electronic files from a hard drive requires specialized tools and a controlled laboratory environment. Recovery also can require substantial time.

e. Although some of the records called for by this warrant might be found in the form of user-generated documents (such as word processing, picture, and movie files), digital devices can contain other forms of electronic evidence as well. In particular, records of how a digital device has been used, what it has been used for, who has used it, and who has been responsible for creating or maintaining records, documents, programs, applications and materials contained on the digital devices are, as described further in the attachments, called for by this warrant. Those records will not always be found in digital data that is neatly segregable from the hard drive image as a whole. Digital data on the hard drive not currently associated with any file can provide evidence of a file that was once on the hard drive but has since been deleted or edited, or of a deleted portion of a file (such as a paragraph that has been deleted from a word processing file). Virtual memory

paging systems can leave digital data on the hard drive that show what tasks and processes on the computer were recently used. Web browsers, e-mail programs, and chat programs often store configuration data on the hard drive that can reveal information such as online nicknames and passwords. Operating systems can record additional data, such as the attachment of peripherals, the attachment of USB flash storage devices, and the times the computer was in use. Computer file systems can record data about the dates files were created and the sequence in which they were created. This data can be evidence of a crime, indicate the identity of the user of the digital device, or point toward the existence of evidence in other locations. Recovery of this data requires specialized tools and a controlled laboratory environment, and also can require substantial time.

f. Further, evidence of how a digital device has been used, what it has been used for, and who has used it, may be the absence of particular data on a digital device. For example, to rebut a claim that the owner of a digital device was not responsible for a particular use because the device was being controlled remotely by malicious software, it may be necessary to show that malicious software that allows someone else to control the digital device remotely is not present on the digital device. Evidence of the absence of particular data

on a digital device is not segregable from the digital device. Analysis of the digital device as a whole to demonstrate the absence of particular data requires specialized tools and a controlled laboratory environment, and can require substantial time.

g. Digital device users can attempt to conceal data within digital devices through a number of methods, including the use of innocuous or misleading filenames and extensions. For example, files with the extension ".jpg" often are image files; however, a user can easily change the extension to ".txt" to conceal the image and make it appear that the file contains text. Digital device users can also attempt to conceal data by using encryption, which means that a password or device, such as a "dongle" or "keycard," is necessary to decrypt the data into readable form. In addition, digital device users can conceal data within another seemingly unrelated and innocuous file in a process called "steganography." For example, by using steganography a digital device user can conceal text in an image file that cannot be viewed when the image file is opened. Digital devices may also contain "booby traps" that destroy or alter data if certain procedures are not scrupulously followed. A substantial amount of time is necessary to extract and sort through data that is concealed, encrypted, or subject to booby

traps, to determine whether it is evidence, contraband or instrumentalities of a crime.

31. The USFWS has only five local agents and no local forensic examiners. On February 9, 2017, USFWS Torrance Office Resident Agent in Charge Erin Dean told me that she had attempted to contact nearby forensic examiners, but was unable to find a forensic examiner to participate in the execution of the warrant on February 10, 2017. We need to execute the warrant on February 10, 2017, because the SUBJECT PARCEL is supposed to be delivered on February 10, 2017. I know, including from different search warrants obtained and executed with similar circumstances, that we have a difficult time getting forensic assistance from other federal agencies on search warrants on short notice. I, thus, intend to seize digital devices during the execution of the search warrant and send them to our Digital Evidence Recovery and Technical Surveillance Unit located in Jacksonville, Florida, for imaging, and will promptly return the digital devices to residence.

32. Other than what has been described herein, to my knowledge, the United States has not attempted to obtain this data by other means.

VIII. CONCLUSION

33. For all the reasons described above, I respectfully submit that there is probable cause to believe that evidence, fruits, and/or instrumentalities of violations of 16 U.S.C. §§ 1538(c), 1540(b); 50 C.F.R. §§ 23.13, 23.20 (illegally importing legally protected animals), 16 U.S.C. §§ 3372(d), 3373(d)(3)(A)(i) (submitting a false record or label for wildlife intended to be imported), and 18 U.S.C. § 545 (smuggling goods into the United States) will be found at the SUBJECT PREMISES.


ADAM DIEHL, Special Agent,
USFWS

Subscribed to and sworn before me
this 10th day of February, 2017.


HONORABLE STEVE KIM
UNITED STATES MAGISTRATE JUDGE

EXHIBIT 2

EXHIBIT 2

DHL package containing porcelain pots and bags of Asian arowanas



Bags of Asian arowanas removed from porcelain pots



EXHIBIT 3

EXHIBIT 3

Eight bags of Asian arowanas retrieved from SHAWN LEE



EXHIBIT 4

EXHIBIT 4

Asian arowana

