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IN THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH

UNITED STATES OF AMERICA,

Plaintiff,

vs.

PHILLIP MAHE TAUFA,

Defendant.

Case No. 2:21-mj-00869 DBP

FILED UNDER SEAL

FELONY COMPLAINT

Count 1: 18 U.S.C. § 922(g)(3), Drug User
in Possession of Firearms;

Count 2: 21 U.S.C. § 841(a)(1), Possession
of Marijuana with Intent to Distribute;

Count 3: 18 U.S.C. § 924(c)(1)(A),
Possession of a Firearm in Furtherance of a
Drug Trafficking Crime.

Chief Magistrate Judge Dustin B. Pead

Before Dustin B. Pead, United States Chief Magistrate Judge for the District of Utah,
appeared the undersigned, who on oath deposes and says:

COUNT 1

On or about November 9, 2021, in the District of Utah,

PHILLIP MAHE TAUFA,

defendant herein, knowing he is a user and addicted to a controlled substance, to wit:

marijuana, did knowingly possess firearms, and the firearms were in and affecting commerce; all in violation of 18 U.S.C. § 922(g)(3).

COUNT 2

On or about November 9, 2021, in the District of Utah,

PHILLIP MAHE TAUFA,

defendant herein, did knowingly and intentionally possess with intent to distribute marijuana, a Schedule I controlled substance within the meaning of 21 U.S.C. § 812, and did aid and abet therein; all in violation of 21 U.S.C. § 841(a)(1) and 18 U.S.C. § 2, and punishable pursuant to 21 U.S.C. § 841(b)(1)(D).

COUNT 3

On or about November 9, 2021, in the District of Utah,

PHILLIP MAHE TAUFA,

defendant herein, did knowingly possess a firearm in furtherance of a drug trafficking crime, to wit: possession of marijuana with intent to distribute, a violation of 21 U.S.C. § 841(a)(1), as alleged in Count 2 of this Complaint, which Count is incorporated by reference herein; all in violation of 18 U.S.C. § 924(c)(1)(A).

TRAINING AND EXPERIENCE

1. I am a Special Agent (SA) with the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), assigned to the Salt Lake City Field Office. I have been employed as an ATF Special Agent since January 2015. I am a graduate of the Criminal Investigator Training Program (CITP) and the ATF Special Agent Basic Training (SABT) program held at the Federal Law Enforcement Training Center (FLETC) in Glynco, Georgia. I have received specialized training in the enforcement of federal firearm, arson, and explosive

laws, as well as specialized training with respect to the origin and nexus of firearms. As an ATF SA, my duties and responsibilities include participating in the investigation and prosecution of persons who violate federal firearm laws and related federal criminal laws.

As an ATF SA, I have participated in numerous investigations and prosecutions of persons who have violated federal laws. The majority of these investigations have involved firearms and/or narcotics-related violations, some involving violence, and many have resulted in the service of search warrants.

2. The following is based on my own investigation, oral and written reports by other law enforcement officers, surveillance, interviews, public records, database checks, searches, phone analysis and other investigative techniques. Since this Affidavit is submitted for a limited purpose, I have not included every fact known to myself and/or others related to this investigation. I set forth only facts necessary to establish the foundation for the requested Order.

PROBABLE CAUSE

3. On November 08, 2021, I obtained an anticipatory search warrant from the Honorable Chief Magistrate Judge Dustin B. Pead for the address of 667 S 200 E, Roosevelt, Utah and for the person of PHILLIP MAHE TAUFU (PI/M; DOB: 01/16/1982; SSN: 575-21-7301).

4. On November 09, 2021, the required elements of the anticipatory search warrant were met/completed. As such, ATF Agents, Postal Inspectors, and other local law enforcement officers served the search warrant at 667 S 200 E, Roosevelt, Utah and on the person of TAUFU. The following is a list of some of the items seized:

- Multiple containers filled with distributable amounts of marijuana

- Drug paraphernalia to include clear plastic baggies and smoking pipes/bongs
 - Two (2) USPS priority mail parcels containing approximately 7.27 lbs. of marijuana (controlled delivery parcels)
 - Approximately forty-three (43) firearms to include pistols and rifles
 - One (1) suspected National Firearms Act (NFA) weapon
 - Numerous firearms located next to and/or in close proximity to distributable quantities of marijuana
 - Some of the firearms were found to be loaded with ammunition to include a round in the chamber and/or an inserted loaded firearm magazine
 - Large quantities of ammunition
 - Approximately \$3,500 U.S. currency on TAUFA's person
 - Firearm purchase receipts
 - Loaded and unloaded firearm magazines
 - Firearm boxes/containers
5. Agents also obtained photographs showing indicia of residency for TAUFA.
6. During the execution of the search warrant, TAFUA was detained. Post-

Miranda, TAUFA admitted he was a habitual user of marijuana. Specifically, TAUFA smokes "every hour every day" and last smoked marijuana during the morning of November 09, 2021. TAUFA initially stated he purchases bulk marijuana for personal use and that a large amount of marijuana would be found in the residence. However, TAUFA later stated he sells about two to three ounces of marijuana per week at \$100.00 per ounce. Since October of 2021, TAUFA admitted he had received approximately seven (7) pounds of marijuana from an unknown source in California via the United States Postal Service ("USPS"). TAUFA orders the marijuana on the "dark web" and pays between \$300.00 and \$500.00 per pound of marijuana. TAUFA has used Western Union, financial applications

such as Cashapp and Venmo, and sent money through the USPS. TAUFU admitted he recently placed an order for one (1) pound of a marijuana, which was delivered earlier that day [November 09, 2021]. This delivery contained approximately 7.27 pounds of a marijuana. TAUFU denied ordering more than one (1) pound of marijuana. Additionally, TAUFU supplemented his supply of marijuana from trips made to Colorado. TAUFU explained he used to have a medicinal marijuana card in Utah until the end of December 2020. It was at this time he learned he would have to give up his second amendment rights to possess firearms if he maintained the medicinal marijuana card, so he relinquished the card.

7. TAUFU estimated he had forty to fifty (40 – 50) firearms in the residence, which he has acquired through purchases from private citizens and Federal Firearms Licensees (“FFL”). ATF previously identified twenty (20) multiple handgun sales totaling over fifty (50) firearms purchased by TAUFU from February 2021 until October 2021. TAUFU later admitted he has traded firearms in exchange for marijuana, THC cartridges, money, or other firearms. Regarding firearms purchases from FFLs, TAUFU admitted he completed the requisite ATF Form 4473 for all of his purchases. TAUFU admitted he indicated on each form that he was not “an unlawful user of, or addicted to marijuana...or any other controlled substance”. TAUFU explained marijuana did not “control me [him]” and felt the question was geared toward users of hard drugs such as methamphetamine.

8. TAUFU estimated he has traded/sold approximately seven (7) or eight (8) firearms to individuals while in California. He estimated he has sold twenty to twenty-five (20 – 25) firearms to individuals in Las Vegas, Nevada. TAUFU would typically charge the individuals double the initial cost he paid for the firearm. Approximately thirteen (13) of the

firearms sold in Las Vegas, were sold to one individual during two (2) sales within the past three (3) months. This individual paid TAUFA in cash for the firearms. Additionally, this individual made a request for TAUFA to bring specific caliber of firearms. TAUFA was previously queried in the Federal Licensing System (“FLS”) to see if possessed any firearm related licenses to include, but not limited to, the ability to manufacturer and/or sell firearms. No results were found.

9. TAUFA was asked about a specific firearm that was recovered during the execution of the search warrant. This firearm, a Springfield Armory, model Saint, 5.56 caliber AR style pistol, had a vertical foregrip as well as a pistol brace. In this configuration, this firearm would be consistent with an Any Other Weapon firearm and is required to be registered in the National Firearms Registration and Transfer Record (“NFRTR”). A query of the NFRTR revealed negative results for any firearms registered to TAUFA. TAUFA admitted this specific firearm was likely “illegal” because he added the vertical foregrip to the firearm. TAUFA knew the firearm would need to be registered in the NFRTR.

10. TAUFA explained he always carries two (2) firearms with him when he travels. TAUFA admitted he has been a victim of an armed robbery in the past, which is why he is always armed.

11. TAUFA claimed he received monthly child tax credit payments for his five (5) children as well as direct deposits from his current job. TAUFA estimated he makes on average \$1,600.00 per week. A prior review of TAUFA’s Utah wage data revealed he has not had any reportable income since 2019.

CONCLUSION

12. I believe probable cause exists to charge PHILLIP MAHE TAUFA with

violations of 18 U.S.C. § 922(g)(3), Drug User in Possession of Firearms; 21 U.S.C. § 841(a)(1), Possession of Marijuana with Intent to Distribute; and 18 U.S.C. § 924(c)(1)(A), Possession of a Firearm in Furtherance of a Drug Trafficking Crime.

13. I further request a warrant for arrest be issued based upon the facts set forth herein.

DATED this 10th day of November 2021.

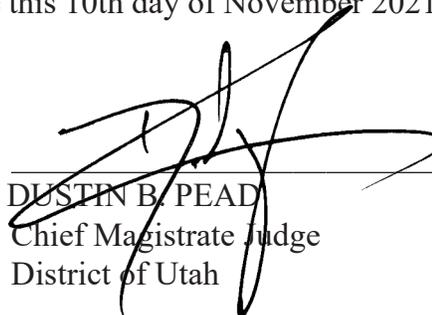


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JACOB MOORE, Special Agent
Bureau of Alcohol, Tobacco,
Firearms & Explosives

The affiant appeared before me by telephonic conference on this date pursuant to Fed. R. Crim. P. 4.1 and affirmed under oath the content of this affidavit and application.

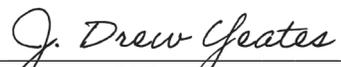
Subscribed and sworn to before me this 10th day of November 2021.



DUSTIN B. PEARD
Chief Magistrate Judge
District of Utah

APPROVED:

ANDREA T. MARTINEZ
Acting United States Attorney


J. DREW YEATES
Assistant United States Attorney