

UNITED STATES DISTRICT COURT

for the

Eastern District of California

FILED

JAN 12 2015

United States of America

v.

Bryan FREMBLING

Case No.

CLERK, U.S. DISTRICT COURT EASTERN DISTRICT OF CALIFORNIA

BY DEPUTY CLERK

15 MJ 00006 SAB

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of 12-28-2014 to 01-06-2015 in the county of Fresno in the Eastern District of California, the defendant(s) violated:

Code Section

Offense Description

Title 21 USC 841(a)(1)

Possession with Intent to Distribute a Controlled Substance

This criminal complaint is based on these facts:

See Attached Affidavit

Continued on the attached sheet.

Kathleen A. Servatius signature

Complainant's signature

Kathleen A. Servatius, AUSA

Printed name and title

Sworn to before me and signed in my presence.

Date:

01/08/2015

City and state:

Fresno, California

Stacy A. Boone signature

Judge's signature

STACY A. BOONE

Stacy A. Boone, U.S. Magistrate Judge

Printed name and title

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I. AFFIDAVIT

I, Kathleen A. Servatius, being first duly sworn under oath, depose and say:

1. I am presently employed by the United States Attorney's Office for the Eastern District of California as an Assistant U.S. Attorney, and have been so employed since October 1990.

2. This Affidavit is made in support of a Criminal Complaint and the issuance of an arrest warrant for Bryan FREMBLING for violation of Title 21, United States Code, Section 841(a)(1). I have received the following information from Special Agent John Simmons of the Department of Homeland Security Investigations.

II. STATEMENT OF PROBABLE CAUSE

3. This investigation was initiated on December 31, 2014 when HSI Fresno was notified by the Customs and Border Protection (CBP) San Francisco mail facility that a mail parcel from Canada had been detained. The parcel was addressed to Jason Maez, P.O. Box 25261, Fresno, CA 93729. The parcel initially arrived at the mail facility on December 28, 2014, and was X-rayed, opened and examined by a CBP Officer. The parcel was found to contain an unknown powder in a foil bag. On December 31, 2014, a CBP Officer tested the unknown substance using Mayers Reagent and Marquis Reagent, and PDT Test Kit #164 for MDMA, which yielded positive results for MDMA. The substance was then weighed by two CBP Officers and the total weight was found to be 261.22 grams. On January 2, 2014, a CBP Officer placed the parcel inside another parcel and mailed it to SA J. Simmons at the HSI Fresno Office.

4. On December 31, 2014, SA J. Simmons made contact with U.S. Postal Service Inspector Jessica Burger for assistance with the investigation. Inspector Burger was able to obtain the application for P.O. Box 25261, Fresno, CA. The application listed Jason Maez 7446 North 5th Street, Fresno, CA as the person who rented the P.O. Box on November 28, 2014. On December 31, 2014, SA J. Simmons conducted an address check at 7446 North 5th Street, Fresno, CA. As SA J. Simmons was driving in front of the residence, he observed a white male exit the front door and enter an older model Dodge truck. Based on photographs SA J. Simmons had previously obtained, SA J. Simmons was able to identify the white male as Jason Maez. Additionally, a silver Ford Mustang bearing California license plate 6SRW378 registered to Jason Maez was parked on the street in front of the residence.

1 5. On January 05, 2014, SA J. Simmons received the parcel from the CBP Officer and
2 turned it over to Inspector Burger. On January 06, 2014, HSI Fresno agents, Inspector Burger, and
3 Fresno Police Department (FPD) Narcotics Detectives set up a controlled delivery of the parcel. HSI
4 agents conducted surveillance on Maez's residence, while FPD Detectives conducted surveillance at the
5 U.S. Post Office located at 755 East Nees Avenue, Fresno, CA. Once surveillance was established,
6 Inspector Burger scanned the package to show its arrival and placed a notification slip inside P.O. Box
7 25261.

8 6. At approximately 1220 hours, SA J. Simmons observed an unknown white male driving a
9 white over gray sport utility vehicle stop on the street in front of Maez's residence. Approximately one
10 minute later, SA J. Simmons observed Maez exit the front door of the residence and enter the passenger
11 side of the vehicle. When the vehicle departed, SA J. Simmons and SA K. Berggren conducted a mobile
12 surveillance on the vehicle as it traveled to the post office located at 755 East Nees Avenue, Fresno, CA.
13 At approximately 1229, the vehicle arrived at the post office and parked on the west end of the parking
14 lot facing north. Agents and Detectives observed Maez exit the vehicle and enter the post office. Once
15 inside the post office, Inspector Burger observed the slip being taken from the post office box. Once the
16 slip was taken, Maez stood in line to pick up the parcel. Once Maez arrived at the front of the line, he
17 handed the postal clerk the slip. The postal clerk then handed the slip to Inspector Burger, who then
18 brought the parcel to the window. Inspector Burger had Maez sign the slip and handed him the parcel.
19 Once Maez had possession of the parcel, he exited the post office and walked directly to the vehicle he
20 arrived in. Once at the vehicle, he entered the passenger side and handed the parcel to the driver. At
21 that point, Agents and Detectives confronted Maez and the driver of the vehicle. Maez and the driver,
22 later identified as Bryan FREMBLING, were handcuffed and driven to the end of the parking lot to be
23 interviewed separately.

24 7. Maez was read his Miranda warning by FPD Detective Robert Gonzales and agreed to be
25 interviewed. Maez stated he did not know anything about what was going on. He stated that
26 FREMBLING offered to pay him \$100-\$150 to receive a package at his post office box. He stated it's
27 obvious to him now that the parcel contained something illegal. Maez did not provide any further
28 statements, however, Maez did sign a consent form to search his rented room at his residence located at

1 7446 North 5th Street, Fresno, CA. HSI Agents and FPD Detectives conducted a consent search of the
2 room with negative results.

3 8. FREMBLING was read his Miranda warning by FPD Detective Robert Gonzales and
4 agreed to be interviewed. FREMBLING knew Detective Gonzales from when he was previously
5 arrested by him (Gonzales) on February 07, 2013 for violating California HS 11378, Possession of a
6 Controlled Substance. FREMBLING stated to Detective Gonzales that the parcel was his and he was
7 planning to pay Maez \$50-\$100 to pick up the parcel from the post office. FREMBLING ordered the
8 MDMA from a website called Agora and paid for the purchase using the digital currency Bitcoin.
9 FREMBLING admitted to paying \$3000 for the current shipment of MDMA and said he would likely
10 have sold it in bulk to another dealer for \$5000-\$6000. He estimated that he received 6 packages of
11 MDMA in 2014. FREMBLING stated he does not have a permanent residence and regularly moves to
12 different people's houses.

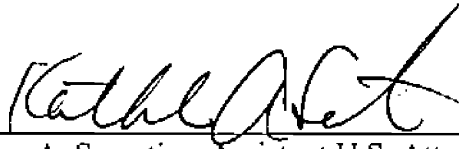
13 9. According to Special Agent Simmons, in his conversations with other state and federal
14 narcotics agents, it was determined that approximately 100 mg of MDMA is used to make 1 ecstasy pill.
15 Using that amount as a base, the 261 grams of MDMA ordered by FREMBLING is enough to produce
16 approximately 2610 ecstasy pills. The street value of ecstasy pills in the Fresno County area is
17 estimated to be between \$10 and \$20.

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B. CONCLUSION

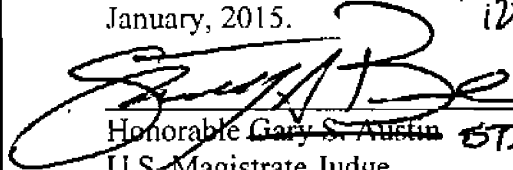
10. Based on the foregoing evidence in this affidavit, I conclude there is probable cause to believe that Bryan FREMBLING violated provisions of Title 21, United States Code, Section 841(a)(1), conspiracy to distribute and possess 3,4-methylenedioxymethamphetamine (MDMA) with intent to distribute.

I declare under penalty of perjury that the facts contained herein are true and correct to the best of my knowledge and belief.



Kathleen A. Servatius, Assistant U.S. Attorney
United States Attorney's Office, E.D. Cal.

SWORN TO BEFORE ME, AND SUBSCRIBED
IN MY PRESENCE THIS ~~FRIDAY~~ ^{WEDNESDAY} OF
January, 2015.



Honorable Gary S. Austin
U.S. Magistrate Judge

STANLEY A. BOONE