

UNITED STATES DISTRICT COURT

FILED

for the

Eastern District of California

NOV 07 2014

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

BY [Signature]
DEPUTY CLERK

United States of America)

v.)

Case No.

DAVID SCHELL
TERI SCHELL)

Defendant(s)

2:14 - MJ - - 263

EFB

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 November 6, 2014 in the county of Butte in the Eastern District of California, the defendant(s) violated;

<i>Code Section</i>	<i>Offense Description</i>
21 U.S.C. § 846	Conspiracy to distribute marijuana
21 U.S.C. § 841(a)(1)	Possession with the Intent to Distribute Marijuana
21 U.S.C. § 843(b)	Illegal Use of the Mails in the Committing, Causing or Facilitating the Commission of a Felony under the Controlled Substances Act

This criminal complaint is based on these facts:

(see attachment)

Continued on the attached sheet.

[Signature]

Complainant's signature

Ann Marie Del Castillo, Special Agent FBI-HSJ

Printed name and title

Sworn to before me and signed in my presence.

Date: 11-7-2014

[Signature]

Judge's signature

City and state: Sacramento, CA

Edmund F. Brennan, U.S. Magistrate Judge

Printed name and title

1 **AFFIDAVIT OF**

2 **ANN MARIE DEL CASTILLO, SPECIAL AGENT**

3 **HOMELAND SECURITY INVESTIGATIONS**

4
5 I, Ann Marie Del Castillo, being first duly sworn, hereby depose and state as follows:

6 **INTRODUCTION AND AGENT BACKGROUND**

7
8 1. I am a Special Agent with the Department of Homeland Security (DHS), United
9 States Immigration and Customs Enforcement, Homeland Security Investigations
10 (HSI), presently assigned to the Office of the Assistant Special Agent in Charge
11 (ASAC), Sacramento, California. I have been employed as a HSI Special Agent
12 for more than eleven years. I am a graduate of the Federal Law Enforcement
13 Training Center's (FLETC) Criminal Investigator Training Program and Customs
14 Special Agent Training. Prior to becoming a HSI Special Agent, I was employed
15 by the Department of Treasury, United States Customs Service, as a Customs
16 Special Agent and Inspector for twelve years.

17
18 2. Because of my training and experience, I am familiar with common methods of
19 investigating drug smuggling and trafficking and have also become familiar with
20 the drug smugglers and traffickers methods of operations, including, but not
21 limited to; their importing, exporting, transferring, distributing, storing,
22 concealing and packaging and also the smugglers and traffickers use of cellular
23 phones, computers, counter-surveillance and other methods for avoiding detection
24 by law enforcement. I have participated in numerous drug smuggling and

1 trafficking investigations and search warrants involving the use of computers and
2 Internet, and have assisted in the gathering of evidence during execution of those
3 warrants. I am authorized to investigate criminal violations relating to drug
4 smuggling and trafficking, including violations pertaining to the illegal
5 smuggling, possession and distribution of controlled substances in violation of 18
6 U.S.C. § 554 (smuggling goods from the United States) and 21 U.S.C. §§ 841
7 (possession with intent to distribute a controlled substance), 843(b) (illegal use of
8 the mail in furtherance of drug trafficking) and 846 (attempt and conspiracy to
9 commit the foregoing offenses).

10
11 **PROBABLE CAUSE**

- 12 3. On November 6, 2014, HSI agents executed a federal search warrant (2:14-
13 SW-623 EFB) at 2599 Widgeon Lane Durham, CA 95938, the home of
14 David and Teri SCHELL. At the time of the execution of the search warrant,
15 David and Teri SCHELL were the sole occupants at the residence. According
16 to the Butte County Assessor's Office, a Comcast Internet Provider account,
17 DMV vehicle registration and driver's license records, postal records and
18 surveillance by law enforcement on multiple occasions, David and Teri
19 SCHELL currently live at the listed residence. The affidavit in support of the
20 warrant mentioned in this paragraph is incorporated by this reference.
- 21 4. During the search of the listed property, law enforcement officers seized
22 numerous pieces of electronic and digital devices and storage media,

1 \$12,219.00 in U.S. currency, 482 marijuana plants, marijuana wax,¹ marijuana
2 seeds and numerous packaging and shipping materials used to distribute the
3 listed marijuana throughout the U.S. and abroad to other countries.

4 5. During the investigation leading up to the listed search warrant, agents
5 conducted several interviews of U.S. Postal Management and employees from
6 various post offices and conducted surveillance of David and Teri SCHELL.
7 Surveillance of Teri SCHELL ultimately led to the identification of Post
8 Office Box #303 at United Parcel Service (UPS) Store #1244 located at 702
9 Mangrove Avenue Chico, CA 95926.

10 6. The mail service agreement for PO Box #303 was under the name of Teri
11 SCHELL and included a copy of two identifying documents for Teri
12 SCHELL: a CA driver's license and Anthem Blue Cross insurance card. It
13 also had two United States Postal Service (USPS) Applications for Delivery
14 of Mail Through Agent (PS Form 1583). Teri SCHELL filed two PS 1583's
15 because USPS requires a form to be filed for each applicant/business
16 receiving mail at a particular private box. Teri SCHELL filed one for
17 "Outdoor Living ENT" and another for "A Touch of Class," listing her
18 residence and business address as 2599 Widgeon Lane, Durham, CA. Teri
19 and David SCHELL both have keys to PO Box #303 and the employees have
20 seen both David and Teri SCHELL pick up mail from the listed box. There
21 are no business licenses issued for either of the listed businesses in the City of

¹ Marijuana wax is a highly potent, marijuana-based product that is made by extracting tetrahydrocannabinol (THC) from marijuana leaves.

1 Chico or with the Butte County Finance Department. UPS receiving reports
2 for the months of January to September 2014 show the packages that have
3 been delivered to PO Box #303 were for Outdoor Living ENT.

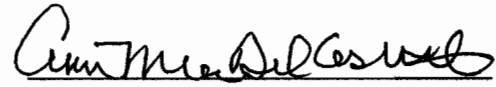
4 7. On October 21, 2014, surveillance of David SCHELL led to the interception
5 of 9 domestic parcels that he had put into the U.S. mail system. The manner in
6 which he mailed the parcels was consistent with what various postal
7 employees had described and a Narcotic Detector Dog also alerted to the
8 presence of a narcotic odor emanating from all 9 parcels. The execution of a
9 federal search warrant (2:14-SW-0601-KJN) led to the discovery and seizure
10 of approximately 139 grams of marijuana and approximately 12 grams of
11 marijuana wax that were contained in the parcels that David SCHELL
12 attempted to mail. The affidavit in support of those warrants is incorporated
13 by this reference.

14 8. On or about October 22, 2014, agents intercepted a package addressed to
15 Outdoor Living Enterprises at the aforementioned UPS PO box. A Narcotic
16 Detector Dog alerted to the odor of a controlled substance emanating from the
17 package. The execution of a federal parcel search warrant (2:14-SW-0597-
18 KJN) led to the discovery and seizure of \$10,000.00 in U.S. currency. The
19 affidavit in support of that warrant is incorporated by this reference.

20 9. On October 23, 2014, Teri SCHELL purchased \$98.00 in "forever" first-class
21 stamps and on October 24, 2014, David SCHELL purchased an additional

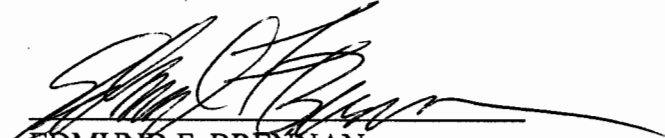
1 I declare under the penalty of perjury that the foregoing statements are true and correct to
2 the best of my knowledge.

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Ann Marie Del Castillo
Special Agent
Homeland Security Investigations

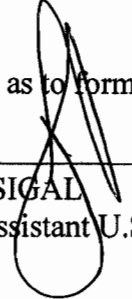
8 Sworn to and subscribed before
9 me this 7th day of November 2014

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EDMUND F. BRENNAN
United States Magistrate Judge

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Approved as to form:


JOSH F. SIGAL
Special Assistant U.S. Attorney