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FILED

SEP 03 2013

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

8 IN THE UNITED STATES DISTRICT COURT
9 EASTERN DISTRICT OF CALIFORNIA
10

11 UNITED STATES OF AMERICA,) 1:13-CV-01305-AWI-SMS
12)
Plaintiff,) **ORDER REGARDING CLERK'S**
13) **ISSUANCE OF WARRANT FOR**
v.) **ARREST OF ARTICLES IN**
14) **REM**
APPROXIMATELY \$15,408.00 IN U.S.)
15)
CURRENCY,)
16)
Defendant.)


17 WHEREAS, a Verified Complaint for Forfeiture *In Rem* has been filed on August 16,
18 2013, in the United States District Court for the Eastern District of California, alleging that
19 the defendant approximately \$15,408.00 in U.S. Currency (hereafter the "defendant
20 currency") is subject to forfeiture to the United States pursuant to 21 U.S.C. § 881(a)(6) for
21 one or more violations of 21 U.S.C. §§ 841 *et seq.*;

22 And, the Court being satisfied that, based on the Verified Complaint for Forfeiture *In*
23 *Rem* and the affidavit of Drug Enforcement Administration Special Agent Christopher
24 Grimm, there is probable cause to believe that the defendant asset so described constitutes
25 property that is subject to forfeiture for such violation(s), and that grounds for the issuance
26 of a Warrant for Arrest of Articles *In Rem* exist, pursuant to Rule G(3)(b)(i) of the
27 Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions;

28 IT IS HEREBY ORDERED that the Clerk for the United States District Court,

1 Eastern District of California, shall issue a Warrant for Arrest of Articles *In Rem* for the
2 defendant currency.

3 Dated: 9/8/13


4 JENNIFER L. THURSTON
United States Magistrate Judge

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AFFIDAVIT OF CHRISTOPHER GRIMM

I, Christopher Grimm, being first duly sworn under oath, depose and say:

1. I have been employed as a Special Agent with the Drug Enforcement Administration (DEA) since 2011, and am presently assigned to the Drug Enforcement Administration Resident Office in Bakersfield, California. I have successfully completed a twenty (20) week DEA Basic Agent Training Academy at the Drug Enforcement Administration Academy in Quantico, Virginia. This training included instruction in the investigation of Federal drug violations, including, but not limited to Title 21, United States Code Sections 841 and 846. I have discussed with numerous law enforcement officers, defendants, and informants, the methods and practices used by narcotics distributors. I have been the affiant of a previous federal and state search warrant and have testified in court about narcotics.

2. In addition, I have completed various training provided by the DEA and local law enforcement agencies, including, but not limited to training on identifying characteristics associated with the manufacture, sale, and transportation of various narcotics, including, but not limited to phencyclidine (PCP), methamphetamine, heroin, cocaine, and marijuana. This training involved the use, possession, packaging, sale, concealment, manufacturing, and transportation of various controlled substances as well as its precursors and chemicals used in the manufacturing process. I am familiar with narcotics traffickers' methods of operation including the distribution, storage, manufacturing, and transportation of narcotics and the collection of money proceeds of narcotics trafficking. I have assisted on the execution of several federal and state narcotics search warrants that resulted in the arrest of suspects and seizure of narcotics.

3. I have participated in narcotics investigations either as a case agent or in a supporting role. I have debriefed defendants, informants, and witnesses who had personal knowledge regarding narcotics trafficking organizations. Additionally, I have participated in many aspects of drug investigations including, but not limited to, undercover operations, conducting physical and electronic surveillance, and arrests. I have conducted and been

1 involved in numerous investigations regarding the unlawful manufacture, possession,
2 distribution, and transportation of controlled substances, as well as conspiracies associated
3 with criminal narcotics, in violation of Title 21, United States Code, §§ 841(a)(1), 841(c)(2),
4 843, and 846 and the State of California Health and Safety Code.

5 4. I utilize all of the foregoing to formulate opinions. The facts set forth in this
6 Affidavit are known to me as a result of my investigation and interview with Agents and
7 Officers who are named in this Affidavit.

8 5. This affidavit is made in support of a warrant for arrest of defendant
9 approximately \$15,408.00 in U.S. Currency ("the defendant currency"). The defendant
10 currency constitutes money or things of value furnished or intended to be furnished in
11 exchange for a controlled substance or listed chemical, all proceeds traceable to such an
12 exchange, and all moneys, negotiable instruments, and securities used or intended to be
13 used to facilitate one or more violations of 21 U.S.C. §§ 841 *et seq.*, and is therefore subject
14 to forfeiture to the United States pursuant to 21 U.S.C. § 881(a)(6).

15 6. The facts set forth in this affidavit are known to me as a result of reviewing
16 official reports, documents, and other evidence obtained as a result of the investigation, and
17 through conversations with other agents and detectives who have participated in this
18 investigation and I have determined the following:

19 7. On or about November 27, 2012, at approximately 1:00 p.m., officers from the
20 McFarland Police Department observed a green Jeep traveling northbound on Highway 99
21 just south of Sherwood Avenue. As officers drove directly behind the vehicle in the number
22 two lane, the vehicle suddenly drove to the right and entered the number one lane without
23 signaling and causing other vehicles to swerve and brake to avoid being hit. Officers
24 activated their overhead emergency lights and siren and initiated a traffic stop on the
25 vehicle. The vehicle exited the Highway 99 and yielded at the intersection of Perkins and
26 Industrial Street in McFarland, California.

27 8. While approaching the vehicle, officers could smell a strong odor of what they
28 recognized as marijuana. Officers made contact with the driver identified as Ethan Joseph

1 Milhous (hereafter "Milhous") and asked him to step from the vehicle, which he complied.
2 Once out of the vehicles, officers questioned Milhous in regards to the strong odor of
3 marijuana emitting from the vehicle. Milhous stated that he and his passenger, identified
4 as Jeffery Owen Gilbert (hereafter "Gilbert"), had just "smoked a few bowls" on their way
5 home back to northern California. An officer asked Milhous from where they were coming,
6 and Milhous stated that they were coming back from Bakersfield, California in an attempt
7 to purchase a vehicle. Officers asked Milhous if there was any additional marijuana inside
8 the vehicle to which Milhous replied, "Just a little, I'm not sure how much." Officers then
9 asked Milhous where the remaining marijuana would be located to which he answered, "I
10 don't know."

11 9. Officers then approached the vehicle and made contact with Gilbert, who was
12 sitting in the front passenger seat. Officers advised Gilbert regarding Milhous' statement
13 regarding the marijuana and asked Gilbert if he knew where the marijuana was located to
14 which Gilbert stated, "I have no idea what he is talking about." Officers then asked
15 Milhous and Gilbert if they had any illegal items on their person to which both replied,
16 "No." Officers asked both Milhous and Gilbert if they could search the vehicle to which both
17 stated, "Go ahead." Officers then conducted a search of both Milhous' and Gilbert's person
18 and located approximately \$5,408.00 in U.S. Currency in Gilbert's front right pants pocket.
19 No illegal items or monies were located on Milhous. Officers asked Gilbert why he had so
20 much money on him and he replied, "I am going to purchase a car." Officers then advised
21 Gilbert that he previously told them that he and Milhous were driving home after just
22 looking at a vehicle. Gilbert looked puzzled and spontaneously stated, "Oh, yeah, that's
23 what we were doing." Officers again asked both subjects if there was any additional
24 contraband located inside of the vehicle, and again both replied, "No."

25 10. With the assistance of a sophisticated and certified narcotic detecting
26 McFarland Police Canine, a search of the vehicle was conducted for additional contraband.
27 The narcotic detecting canine immediately and repeatedly alerted to the front driver's seat
28 of the vehicle. The canine again alerted to a silver metallic bag located under the rear

1 passenger's seat of the vehicle. After the canine completed his search, officers searched the
2 areas where the canine had alerted. As officers searched the vehicle, they had to take apart
3 the front driver's seat of the vehicle. Once the driver's seat was dismantled enough to
4 where officers could look inside of it, they located a white sock containing a large sum of
5 U.S. currency which totaled approximately \$10,000 in various denominations and wrapped
6 in different colored rubber bands in bundles of approximately \$1,000.

7 11. Officers continued to search the areas where the canine alerted and located a
8 silver metallic bag containing marijuana. Officers advised both Milhous and Gilbert of the
9 findings because they both appeared confused. Officers asked Milhous if the money located
10 inside the driver's seat belonged to him and he stated, "No." Officers then asked Gilbert if
11 the money belonged to him and replied, "Yes, it's mine." Officers asked Gilbert why it was
12 hidden inside the driver's seat and he did not give an answer.

13 12. Milhous and Gilbert were detained and transported to the McFarland Police
14 Department for further investigation. Once there, officers weighed the marijuana on a
15 digital scale which gave a weight of 16 grams, including packaging. The silver metallic bag
16 which contained the marijuana had a Medical Cannabis sticker affixed to the bag which
17 stated that the marijuana was in compliance with California Health & Safety Code 11362.5.
18 Officers asked Milhous and Gilbert if they had a medical marijuana card, and both replied,
19 "No." As officers spoke with Milhous and Gilbert, Milhous spontaneously stated, "The
20 marijuana is mine and the money is his." Officers issued Milhous a citation for a driver in
21 possession of marijuana and released him without further incident. Officers then spoke
22 with Gilbert in regards to the money found on his person and the money hidden in the
23 driver's seat. Officers asked Gilbert if he had a job to which he stated that he did not.
24 When he was asked what he did for a living, Gilbert said that he did "different things".
25 Officers then asked Gilbert to give a statement of his monthly expenses and Gilbert stated
26 that he pays \$450 for rent, \$100 for utilities, \$100 for food, and \$100 for entertainment
27 estimating about \$850 in monthly expenses. When asked how he could afford to pay for
28 these expenses, Gilbert replied, "I don't know man."

1 13. Milhous has a prior criminal history. In 2010, Milhous was charged with
2 driving while under the influence and with a suspended license in violation of California
3 Vehicle Code § 14601.5, and three months following that charge, was charged with
4 cultivation and sales of marijuana in violation of California Health & Safety Code §§
5 11360(A), 11358, and California Penal Code § 182(A)(1). Similarly, Gilbert also has a
6 criminal history commencing with a driving under the influence charge in 2005 in violation
7 of California Vehicle Code § 23152(A) and (B), another charge for driving under the
8 influence on a suspended license in 2006 in violation of California Vehicle Code §§
9 14601.5(A) and 23152(B), a failure to appear in 2006 in violation of California Penal Code §
10 1320(A), possession of marijuana in 2006 in violation of California Vehicle Code § 23222(B).
11 In 2007, Gilbert was again charged with violation of California Vehicle Code §§ 23152(B)
12 and 14601 – driving while under the influence and driving on a suspended license. In 2012,
13 Gilbert was again charged with driving under the influence on a suspended license, in
14 violation of California Vehicle Code §§ 23152(A) and (B), and 14601.2(A).

15 14. According to the Employment Development Department, Gilbert was last
16 employed with Wal-Mart. Milhous is reported as working for Tecta America Sacramento.

17 15. On March 27, 2013, Jeffery Owen Gilbert filed a claim to the defendant
18 currency alleging that the defendant currency was unlawfully seized. The claim does not
19 provide any explanation as to his ownership interest in the defendant currency.

20 16. Based on the above, I believe there is probable cause to indicate that the
21 defendant currency constitutes money or a thing of value furnished or intended to be
22 furnished in exchange for a controlled substance or listed chemical, all proceeds traceable to
23 such an exchange, and all moneys, negotiable instruments, and securities used or intended

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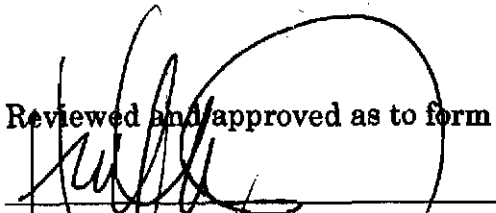
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1 to be used to facilitate one or more violations of 21 U.S.C. §§ 841 *et seq.*, is therefore subject
2 to forfeiture to the United States pursuant to 21 U.S.C. § 881(a)(6), and that a Warrant for
3 Arrest of Articles *In Rem*, pursuant to the Supplemental Rules for Admiralty or Maritime
4 Claims and Asset Forfeiture Actions Rule G(3)(b)(i), be issued for the defendant currency.

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6 
CHRISTOPHER GRIMM
Special Agent
7 Drug Enforcement Administration

8 Sworn to and Subscribed before me
9 this 3rd day of September 2013.

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11 
12 Honorable Jennifer L. Thurston
United States Magistrate Judge

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14 Reviewed and approved as to form
15 
16 Jeffrey A. Spivak
17 Heather Mardel Jones
Assistant U.S. Attorneys

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