

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN

UNITED STATES OF AMERICA,

CRIMINAL COMPLAINT

v.

CASE NUMBER: **08-M-0237**

STEVE DINH NGUYEN (DOB: 1/1/1961),  
TIMOTHY V. NGUYEN (DOB: 1/1/1970),  
MICHELLE L. NGUYEN (DOB: 7/20/1971),  
THANH VAN NGUYEN (DOB: 5/5/1956), and  
THANH VAN NGUYEN (DOB: 7/20/1957),

I, **Kenneth Darling**, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. Beginning sometime in 2007, and continuing through until the present time, in the State and Eastern District of Wisconsin, the above-named individuals did knowingly and intentionally conspire to possess with the intent to distribute and distribute in excess of 100 Marijuana plants, a Schedule I controlled substance, in violation of Title 21, United States Code, §§ 846, 841(a)(1), and 841(b)(1)(B).

I further state that I am a Special Agent assigned to the Drug Enforcement Administration, and that this complaint is based on the facts contained in the attached affidavit.

Continued on the attached sheet and made a part hereof:  Yes

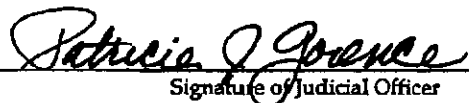
  
\_\_\_\_\_  
Signature of Complainant

Sworn to before me and subscribed in my presence,

May 21, 2008  
Date

at Milwaukee, Wisconsin  
City and State

Patricia I. Gorence, U.S. Magistrate Judge  
Name & Title of Judicial Officer

  
\_\_\_\_\_  
Signature of Judicial Officer

## AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

I, Kenneth N. Darling, declare as follows:

1. I have been a Special Agent for the Drug Enforcement Administration (DEA) for approximately eight years, exclusively working drug investigations. For the past ninety-four months, I have been assigned to the DEA Milwaukee District Office. In the course of my duties at DEA, I investigate violations of the federal narcotics laws, money laundering and other violations of federal law.

2. As part of my employment, I have received specialized training in investigating federal narcotics violations, including, but not limited to, training in drug identification, use of informants, undercover operations, search warrant procedures and investigative techniques used in the investigation of individuals and organizations involved in the illegal manufacture and sale of controlled substances.

3. During the course of my employment with DEA, I have participated in numerous investigations involving violations of state and federal narcotics laws, and money laundering statutes. I have participated or assisted in numerous federal and state search warrants for narcotics-related offenses. In the course of my employment and experience, I have also become aware of techniques and practices used by narcotics traffickers to avoid detection by law enforcement. Among these techniques are (1) the use of counter-surveillance; (2) the use of multiple locations at which to conduct narcotics related activities, and keep records and narcotics; (3) the use of hidden compartments in vehicles used to hide narcotics and currency; (4) the use of pagers, voice mail, cellular telephones, pay phones; and (5) the use of numerous associates and "workers" to further their criminal enterprise. In addition, drug traffickers often register

assets in the names of third parties to avoid detection and discovery of assets obtained through drug trafficking.

4. All the information contained in this affidavit is, therefore, based upon personal knowledge and experience or information provided to me by agents and officers of the following law enforcement agencies: (1) Racine Police Department, (2) Franklin Police Department, (3) Oak Creek, WI Police Department, (4) the Drug Enforcement Administration, and (5) reliable confidential informants (CI).

5. I make this affidavit in support of an application for criminal complaint for violations of Title 21 USC Section 841(a)(1), (b)(1)(B), and 846, conspiracy to possess with the intent to distribute in excess of 100 marijuana plants.

6. Affiant has been informed by Oak Creek PO Michael Musa that within the past 7 days, the canine team made a "hit" on the large garage door. The garage door, which is commonly used for vehicular traffic is attached to the main structure at 2155 E Ash Ct, further described as 2155 E Ash Ct, Oak Creek, WI 53154 is described as a single family, ranch style home, tan with white trim. The numbers 2155 are affixed above the garage doors in black letters. The residence is located in the City of Oak Creek, County of Milwaukee. The affiant was informed by Drug Detector Dog Handler PO Michael Musa that this "hit" was positive for the indication that controlled substances are contained in said residence.

7. The Oak Creek Police Department has received a complaint from a concerned citizen that wishes to remain anonymous. The concerned citizen stated that they had observed Asian male subjects to carry numerous items into the house that are very commonly used in the manufacture of marijuana. These items included: large

plant pots, very large lights, fans, and potting soil. The concerned citizen noted that the Asian male subjects had unloaded two mini-van type vehicles, which were full of numerous bags of potting soil. These observations were made in the past eight weeks. Oak Creek Police Officer Jason Baranek has observed the yard of 2155 E Ash Ct and has noted that the soil has not been used in the yard area. The concerned citizen has not seen anyone ever live at the address during the past year. The citizen only observed occupants of the residence come to the residence for a short time and then leave for the day.

8. That within the past 5 days, Officer Jason Baranek has gone and observed the residence. Baranek has learned that the residence is new construction and was approved for occupancy as of January 2007. Officer Jason Baranek observed that there is mold on the outside of the residence and that the exterior nails on the residence are rusting. This observation is consistent with the high moisture levels associated with an indoor marijuana grow. Baranek also observed that a film and shades have been placed over several of the windows allowing the occupants to look out of the residence, but preventing observations into the residence.

9. Officer Jason Baranek has made further observation of 2155 E Ash Ct over the past eight weeks and has observed that there are two large windows on the south side of the residence that have been open approximately 18 inches. Baranek notes that during this time there were occasional snow and rain storms. From prior experience, affiant notes that large indoor marijuana grows require a fresh supply of outdoor fresh air that is necessary to exchange carbon dioxide with the oxygen given

off by the growing plants. This observation is consistent with a large scale marijuana grow taking place.

10. That Affiant has had conversations with, and reviewed reports prepared by SA Enrique Carton of the Milwaukee DEA office, and has further reviewed additional reports by SA Phillip Bernal of the Philadelphia DEA Office. Upon reviewing these reports, SA Enrique Carlton identified **Thanh Van Nguyen** as a possible leader and grow operations controller of marijuana, in the Milwaukee area. Through review of DEA reports affiant learned that in December 2006, and January 2007 **Thanh Van Nguyen** m/a 05/05/1956, purchased \$18,737 of indoor grow equipment from the DEA informant. This order consisted of \$10,351 worth of equipment ordered by "Phuong" (believed to be Thuy Phuong Nguyen) and an additional \$8,386 worth of equipment ordered by **Thanh Van Nguyen**. Contained in these orders were 40 ballast sets used for indoor grow operations; these orders were shipped together utilizing Old Dominion Freight Company (tracking #7103493891). DEA informant further supplied a phone number for **Thanh Van Nguyen** of 414-520-5885. SA Carlton subpoenaed cellular phone records from Cingular in March of 2007 and learned that 414-520-5885 is registered to **Thanh Van Nguyen**, and lists his address as 3812 W Jerelin Dr, Franklin WI 53132. The DEA informant has provided information that has directly and indirectly led to the arrest of approximately 15 individuals, the seizure of over 1 million in assets to include approximately \$750,000 in cash; and over 6000 marijuana plants from approximately 12 grow houses (approximately 15 search warrants).

11. SA Carlton conducted a financial background check of **Thanh Van Nguyen**, which revealed that a Currency Transaction Report (CTR) was filed on June 21, 2006 by US Bank National Association, 4333 S 27<sup>th</sup> St, Greenfield. The CTR indicated that **Thanh Van Nguyen** dob: 05/05/1956, address 3812 W Jerelin Dr, Franklin WI conducted an \$18,740 currency transaction on June 16, 2006. This information is consistent with the informant debrief by SA Bernal in which the informant advised that his initial contact with **Thanh Van Nguyen** and Thuy Phuong Nguyen was in June of 2006.

12. Officer Jason Baranek has made observations, along with Detective Brett Mendola and PO Thomas Loontjens, on numerous occasions over the past 60 days. Officers observed three vehicles to come to 2155 E Ash Ct on a daily basis. The vehicles park in the driveway and stay during the daytime only. Officers have observed that the vehicles have never been parked at 2155 E Ash Ct overnight. On numerous occasions the vehicles are parked at 3812 W Jerelin Dr during the late evening hours. The vehicles are: (1) a red Toyota SUV bearing license plate 619-MEZ, listing to **Thanh Van Nguyen** at 3812 W Jerelin Dr, Franklin WI; (2) a blue Chrysler Town and Country minivan bearing license plate 379-MSR listing to **Thanh Van Nguyen** at 3812 W Jerelin Dr, Franklin; and (3) a brown Toyota Sienna minivan bearing license plate 822-CNR listing to Duong Dung and La Hai Huu at 6749 S 34<sup>th</sup> St, Franklin, WI. Within the past 72 hours, affiant made observation of a blue Chrysler mini-van, blue in color, which is parked in the garage at 6749 S 34<sup>th</sup> St. Although affiant was unable to view the license plate, the observations and characteristics of the vehicle are consistent with 379-MSR, a 2001

Chrysler Town & Country van, blue in color, and having been previously observed by Officer Baranek to be at 2155 E Ash Ct.

13. Affiant further obtained the tax records from 2155 E Ash Ct from the City of Oak Creek treasurer's office. Affiant was advised that the records list Thuy Nguyen as the owner of the property. Records further indicate that Thuy Nguyen lists an alternate address as 1604 Lionstone Dr, Charlotte NC. This address is the same as listed on her driver's license;

14. Affiant further obtained the tax record for 6749 S 34<sup>th</sup> St, Franklin WI and noted the registered owner to be Antonio H Le of 2350 E Mason St #26, Green Bay WI. The affiant was advised that a tax payment was made on 4/30/2008 and that the payment was specifically a check which was written from the business Magic Nails, affiant also reviewed WE Energies records which list Magic Nail as the employment of **Michelle Nguyen**.

15. Affiant reviewed the property tax records of 3812 W Jerelin Dr, Franklin and noted that the residence lists to **Timothy and Michelle Nguyen**;

16. Affiant contacted WE Energies, and served a subpoena for records for 2155 E Ash Ct, Oak Creek WI, 3812 W Jerelin Dr and 6749 S 34<sup>th</sup> St, Franklin W. The affiant received records relating to registration, mailing addresses, and energy usage; Regarding 2155 E Ash Ct, affiant reviewed records which indicated that the services are listed to Thuy Nguyen. Thuy Nguyen lists her standard mailing address to be 1604 Lionstone Dr, Charlotte NC 28262. She lists her phone number as 704-576-5123. WE Energies advised that service began 12/06/2006. Upon review of the energy usage for 2155 E Ash Ct, there shows to be a large spike in electrical energy usage which occurred

from the 5/30/07 bill to the 10/28/2007 bill. During this time, electrical usage went from a high of 219 units, to a high of 1939 units. Detective Brett Mendola, who has been trained in Indoor Marijuana Cultivation, reviewed these records and advised that the spike in energy usage is consistent with the usage and operation of large, high energy lighting equipment used during the specific growing stage of marijuana plants. Detective Mendola further advised that during the initial periods of growth of marijuana plants, these high energy lights are not initially used, causing energy usage to remain low. DEA SA Enrique Carlton observed a vehicle with North Carolina plate VTC3610 to be parked at 3812 W Jerelin Dr, Franklin on March 19, 2007. Upon running this plate, it was found to be listed to Thuy Phuong Nguyen at 1604 Lionstone Dr, Charlotte, NC 28262.

17. Regarding 6749 S 34<sup>th</sup> St, Franklin, WI, affiant reviewed the WE Energies records and noted that the registered owner is Antonio H Le. Antonio H Le lists his primary phone number as 920-217-2033. Upon review of the energy usage records, affiant noted that there was a large spike in electrical energy usage from the 12/02/07 bill to the 3/04/2008 bill. The previously high energy use was 801 units and the energy spike went up to 2083 units. This spike is consistent with the use of high energy lighting and electrical equipment. The affiant was advised that the bills for 6749 S 34<sup>th</sup> St are mailed to 3812 W Jerelin Dr, Franklin, WI and that the bills are current.

18. Regarding 3812 W. Jerelin Dr, Franklin, WI, Officer Jason Baranek reviewed the records and was further advised by WE Energies that the electrical energy usage at this residence is deemed high. The affiant noted that there were no large energy usage spikes that had been observed in the other residences. The records indicated that

the listed owner of the residence is **Michelle Nguyen**. Upon running the driver's record of **Michelle Nguyen**, it was determined that her listed address is 6749 S 34<sup>th</sup> St;

19. Affiant further contacted the Franklin Wisconsin Police Department in regards to 6749 S 34<sup>th</sup> St and 3812 W. Jerelin Dr. The affiant was advised that FPD had contact at 6749 S 34<sup>th</sup> St, Franklin regarding an open window on the building, on August 07, 2007. On this date, officers made contact and spoke to **Timothy Nguyen** and **Thanh V Nguyen** of 3812 W. Jerelin Dr., Franklin, WI, who were already on-scene upon arrival. Neighbors further identified **Thanh Nguyen** as a caretaker at the property and he was in possession of keys and a garage door opener for the residence. Affiant was further advised that on the FPD call, officers noted what appeared to be a mold growth inside of the residence. A referral was noted to be made to the inspection department, but inspection had no records of same. FPD did not make entrance into the residence at this time. Affiant notes that the mold may be consistent with the highly humid conditions associated with an indoor marijuana grow.

20. On May 13, 2008 affiant placed a GPS tracking device on vehicle 619-MEZ, registered to **Thanh V Nguyen**, while it was parked at 3812 W. Jerelin Dr., Franklin. Upon monitoring of this vehicle, which was observed to be at 2155 E Ash Ct on numerous occasions, it was observed to travel from 3812 W. Jerelin Dr., Franklin, WI to 8324 Foxhaven Chase, Sturtevant, WI where it remained for several hours. The vehicle then returned to 3812 W. Jerelin Dr., Franklin, WI. During the evening hours of May 13, 2008, the vehicle returned to 8324 Foxhaven Chase, Sturtevant, WI where it stayed for approximately 10 hours. The vehicle then returned to 3812 W. Jerelin Dr., Franklin, WI, and later to an address in the 3500 block of W. National Ave, Milwaukee, WI. Affiant

contacted WE Energies and was advised that 8324 Foxhaven Chase, Sturtevant, WI list to **Timothy Nguyen**, the same subject listed to 3812 W. Jerelin Dr., Franklin, WI. The account was opened on 6/12/2006, with a phone number listed as 414-421-7393, which lists to 3812 W. Jerelin Dr., Franklin, WI.

21. On May 20, 2008, the Oak Creek Police Department served a valid search warrant at 2155 E Ash Ct, City of Oak Creek. The officer located numerous items consistent with an indoor marijuana grow. These included approximately 700 marijuana plants, large lights, pots, soils, and fertilizers, and most of the walls were covered in mold growth. **Steven Nguyen** was arrested in the residence at 2155 E. Ash Court, Oak Creek, WI. On May 14, 2008, officers placed a GPS tracking unit on a vehicle listing to **Thanh V Nguyen**, license plate 619MEZ. Upon monitoring the vehicle from 5/14/2008 to 5/19/2008 it was observed to be making several trips from 8324 Foxhaven Chase, Sturtevant, WI to 3812 W. Jerelin Dr., Franklin, WI and up to the 3500 block of W. National Ave in Milwaukee, WI. The residence at 8324 Foxhaven Chase, Sturtevant, WI according to WE Energies records, belongs to **Timothy V Nguyen** m/a 01/01/1970. On May 19, 2008, the vehicle with license plate 619-MEZ, drove directly from 8324 Foxhaven Chase, Sturtevant, WI to 2155 E Ash Ct where it was tracked via GPS, and was also personally observed by Officer Jason Baranek.

22. On May 20, 2008, the Oak Creek Police Department served a valid search warrant at 6749 S. 34<sup>th</sup> Street, City of Oak Creek. The officer located numerous items consistent with an indoor marijuana grow. These included approximately 550 marijuana plants, large lights, pots, soils, and fertilizers, and most of the walls were covered in mold growth. Arrested at the scene in the residence was **Thanh V. Nguyen** (DOB 5-5-56).

23. On May 20, 2008, the Racine Police Department served a valid search warrant at 8324 Foxhaven Chase, Sturtevant, WI. The officer located numerous items consistent with an indoor marijuana grow; these included approximately 800 marijuana plants, large lights, pots, soils, and fertilizers, and most of the walls were covered in mold growth. Officers observed **Thanh V. Nguyen**, (DOB 7-20-57), leave the residence. He was immediately stopped and arrested. Nguyen admitted to officers that they would find marijuana within the residence.

24. On May 20, 2008, Oak Creek police officers arrested **Timothy and Michelle Nguyen** at their residence at 3812, W. Jerelin Dr., Franklin, Wisconsin. Taken from the residence was approximately \$15,000 in United States currency. The currency was in numerous individually packaged envelopes. A police canine unit was present at the scene and alerted to presence of controlled substances on the currency and the purse of **Michelle Nguyen** which also contained currency. Also taken from the residence were three firearms and passports. One of the firearms recovered was a .357 magnum. Bullets for a .357 magnum were taken from the residence at 8324 Foxhaven Chase in Sturtevant, WI. **Michelle Nguyen** admitted at the time of her arrest that she is paying the utilities and taxes for the residence at 8324 Foxhaven Chase, Sturtevant, WI. Tax records and WE Energy records confirm **Michelle Nguyen's** admissions.