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United States District Court

WESTERN DISTRICT OF WASHINGTON

In the Matter of the Seizure of

(Address or brief description of property or premises to be seized)

Removable cosmetic dental appliances,
commonly known as "Grills," customized
for and possessed by Flenard Tyron Neal, Jr.
and Donald Lemar Lewis,

APPLICATION AND AFFIDAVIT FOR SEIZURE WARRANTS

CASE NUMBER **06-5064M**

I, Alcohol Tobacco, Firearms and Explosives (ATF) Special Agent Brice P. McCracken, being duly sworn depose and say:

I am a(n) Alcohol Tobacco, Firearms and Explosives (ATF) Special Agent and have reason to believe that in the Western District of Washington there is now certain property which is subject to forfeiture to the United States, namely (describe the property to be seized)

Removable cosmetic dental appliances, commonly known as "Grills," customized for and possessed by Flenard Tyron Neal, Jr. and Donald Lemar Lewis,

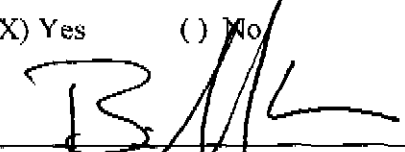
property which constitute or is derived from the proceeds from the conspiracy to distribute cocaine and other controlled substances and is subject to seizure and civil forfeiture pursuant to provisions as contained within Title 21, United States Code, Section 881(a)(6).

The facts to support a finding of Probable Cause for issuance of Civil Seizure Warrants are as follows:

See attached Affidavit of Alcohol Tobacco, Firearms and Explosives (ATF) Special Agent Brice P. McCracken attached hereto and incorporated herein.

Continued on the attached sheet and made a part hercof.

(X) Yes () No



 Signature of Affiant
 BRICE P. McCracken
 ATF Special Agent

Sworn to before me, and subscribed in my presence

3-29-06 at _____
Date

Tacoma, Washington
City and State

J. KELLEY ARNOLD
United States Magistrate Judge
Name and Title of Judicial Officer



 Signature of Judicial Officer



AFFIDAVIT

STATE OF WASHINGTON)
COUNTY OF PIERCE) ss

Brice P. McCracken, being first duly sworn on oath, deposes and says:

I.

AFFIANT'S EXPERIENCE

I am a Special Agent (S/A) with the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) and have been so employed since July 28, 2003. I am currently assigned to the Tacoma, Washington Field Office of the ATF where I am responsible for investigating and enforcing federal laws concerning firearms violations. I am classified and trained as a Federal Law Enforcement Officer, with federal statutory arrest authority. I have completed the Criminal Investigator Training Program, and the ATF National Academy-New Professional Training taught at the Federal Law Enforcement Training Center located at Glynco, Georgia. I received a Bachelor of Science degree in Criminal Justice and Sociology from Gonzaga University in Spokane, Washington. The information contained in this affidavit is based on my own personal observations, as well as information provided to me by other law enforcement officers.

II.

PURPOSE OF THIS AFFIDAVIT AND SUMMARY OF THE CASE

This application and affidavit are being submitted to obtain warrants to seize removable cosmetic dental appliances, commonly known as "Grills," customized for and possessed by Flcnard Tyron NEAL, Jr. and Donald Lamar LEWIS, which constitute or are traceable to proceeds in part or whole of the distribution of controlled substances: marijuana, a Schedule I controlled substance, under Title 21, States Code, Section 812, in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(C); cocaine base, a Schedule II controlled substance, in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(A); and methylenedioxymethamphetamine (MDMA), commonly known as

1 "ecstasy," a Schedule I controlled substance, under Title 21, United States Code, Section 812,
2 in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(C).

3 On December 27, 2005, Immigration and Customs Enforcement Agents seized
4 approximately half a kilogram of marijuana and 496 pills of ecstasy secreted in the right rear
5 passenger door of a vehicle owned and solely occupied by Flenard Tyron NEAL, Jr. The
6 marijuana and ecstasy pills were discovered during a secondary inspection of NEAL and his
7 vehicle conducted upon NEAL's entry into the United States at the Blaine Port of Entry. DEA
8 estimates the street value of these items to be approximately \$4,076.00.

9 On January 25, 2006, at approximately 1:15 p.m., ATF Special Agents and officers of
10 the Lakewood Police Department executed a Federal Search Warrant at 7254 150th Street SW,
11 Apt. 100, Lakewood, Washington 98439. Approaching the residence, agents noticed
12 surveillance cameras monitoring the front of the apartment. A separate camera monitored the
13 stairway and landing leading to the front door of the apartment. Upon entering the residence,
14 ATF S/As and officers encountered three males, later identified as Flenard Tyron NEAL, Jr.,
15 Donald Jamar LEWIS, and Felix Adeokun. In plain view to law enforcement officers, were
16 numerous firearms scattered about the living room of the apartment, along with approximately
17 7.2 grams of crack cocaine, 17 grams of marijuana, and a Taurus .44 caliber revolver, serial
18 number QC508945. Additionally, a strong odor of marijuana permeated throughout the
19 apartment. In the kitchen, ATF S/As located two digital scales, a vacuum scaler, and
20 approximately 61 grams of crack cocaine in a plastic bag.

21 In the bedroom where LEWIS first appeared to ATF S/As and where several pieces of
22 indicia of residency were located, ATF S/As discovered several firearms including a
23 NORINCO 7.62 x 39mm caliber rifle, serial number 9206570. Additionally, agents discovered
24 several ballistic vests including an ATF-issued tactical vest, serial number RC15257. Also
25 located in the room were several empty gun boxes, two baggies of marijuana weighing
26 approximately 311 grams, six additional baggies of crack cocaine, a box containing powder
27 cocaine weighing approximately 57.1 grams, and a digital scale.

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1 In the bedroom where agents observed NEAL emerge from and where Adeokun was
2 taken into custody, agents located several firearms, including a Glock model 19, 9mm caliber
3 pistol, serial number GAU591. Agents also located a P.A.C.A brand ballistic vest, serial
4 number RC071122, in the closet. Additionally, agents located an unknown quantity of pills
5 which tested positive for the presence of MDMA (ecstasy), and a digital scale.

6 During the search warrant, officers of the Lakewood Police Department seized
7 approximately \$6,500.00 in United States currency from the residence, along with other items
8 of value to include televisions and DVD players. These items are believed to have been
9 purchased with the proceeds of the defendants' drug trafficking crimes, which include the
10 distribution of marijuana, cocaine base (crack cocaine) and methylenedioxyamphetamine
11 (MDMA), commonly known as "ecstasy."

12 During the execution of the search warrant, ATF agents recovered approximately 178.7
13 grams of crack cocaine, 328 grams of marijuana, and 57.1 grams of powder cocaine. The Drug
14 Enforcement Administration (DEA) estimates the street value of these drugs to be
15 approximately \$8,000.00. In a photo seized during the search warrant, 15 bank banded stacks
16 of United States currency in \$2,000.00 increments were depicted, totaling \$30,000.00. The
17 cash contained the same bank banding as some of the currency seized during the execution of
18 the search warrant. Additionally, agents also took miscellaneous documents from the
19 residence. Many of the documents were receipts for goods and services obtained by NEAL
20 and LEWIS for which they had paid cash.

21 On February 1, 2006, a six count Indictment was returned by the Grand Jury in the
22 related Western District of Washington Criminal Case Number CR06-5058RBI. Flenard
23 Tyron NEAL, Jr. is charged with Possession of Marijuana with Intent to Distribute, in violation
24 of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(C); Possession of Ecstasy
25 with Intent to Distribute, in violation of Title 21, United States Code, Sections 841(a)(1) and
26 841(b)(1)(C); Possession of Cocaine Base with Intent to Distribute, in violation of Title 21,
27 United States Code, Sections 841(a)(1) and 841(b)(1)(A); and Possession of a Firearm in
28 Furtherance of Drug Trafficking, in violation of Title 18, United States Code,

1 Section 924(c)(1)(A). Donald Lamar LEWIS is charged with Possession of Marijuana with
2 Intent to Distribute, in violation of Title 21, United States Code, Sections 841(a)(1) and
3 841(b)(1)(C); Felon in Possession of a Firearm, in violation of Title 18, United States Code,
4 Section 922(g)(1); Possession of Cocaine Base with Intent to Distribute, in violation of
5 Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(A); and Possession of a Firearm
6 in Furtherance of Drug Trafficking, in violation of Title 18, United States Code,
7 Section 924(c)(1)(A).

8 Based on my knowledge, training and experience, I know that drug traffickers
9 commonly invest their illegally acquired money in items which seek to further their criminal
10 activity and portray their status as "drug dealers." I know that the cosmetic dental appliances
11 known as "Grills" are one of those status symbols which drug traffickers purchase to portray
12 their status in the criminal community. Based upon my research on the internet website
13 www.gangstastgold.com and an article printed in the Tacoma New Tribune on March 6, 2006, I
14 know that "Grills" can from cost from \$1,000.00 up to anywhere in excess of \$25,000.00.
15 "Grills" are wholly cosmetic and not intended to be a dental aid like braces or a retainer. They
16 can be either a removable type similar to a retainer or attached to the teeth with dental cement
17 similar to braces.

18 Based on my training and experience and the information set forth herein, there is
19 probable cause to believe that the removable cosmetic dental appliances, commonly known as
20 "Grills," customized for and possessed by Flenard Tyron NEAL, JR. and Donald Lamar
21 LEWIS constitute or are traceable to proceeds in part or whole of the distribution of marijuana,
22 a Schedule I controlled substance, cocaine base, a Schedule II controlled substance, and
23 methylenedioxymethamphetamine (MDMA), commonly known as "ecstasy," a Schedule I
24 controlled substance.

25 III.

26 FINANCIAL INVESTIGATION

27 As part of the financial investigation into Flenard Tyron NEAL, Jr. and Donald Lamar
28 LEWIS, a business and employment history has been completed in an effort to determine

1 legitimate income and wealth accumulated by Flenard Tyron NEAL, Jr. and Donald Jamar
2 LEWIS. I and other investigators assigned to this case have reviewed records from the
3 following government institutions for Flenard Tyron NEAL, Jr., and Donald Jamar LEWIS:

- 4 1. Washington State Employment Security; and
- 5 2. Washington State Department of Revenue.

6 **Employment Security Department, Washington State:**

7 A request was sent to the Washington State Employment Security Department
8 requesting employment history on Flenard Tyron NEAL, Jr., and Donald Jamar LEWIS, for
9 the last three years dating back to January 1, 2003. There was no reported income filed with the
10 Employment Security Department for Flenard Tyron NEAL, Jr. The following are the only
11 reports of income filed with Employment Security Department for Donald Jamar LEWIS:

12 Donald Jamar LEWIS

- 13 • 2003 / 1st Quarter / \$1,736.00 / AV 1; and
- 14 • 2003 / 4th Quarter / \$283.00 / AV 1.

15 Total gross earned income reported to Employment Security for the three years dating back to
16 January 1, 2003, for LEWIS was \$2,019.00.

17 **Washington State Department of Revenue Records:**

18 Washington State Department of Revenue records show Flenard Tyron NEAL, Jr. and
19 Donald Jamar LEWIS as the partners of GRIND CITY under UBI 602 446 280. This account
20 was opened on December 1, 2004. According to the Department of Revenue, Flenard Tyron
21 NEAL, Jr. and Donald Jamar LEWIS have no other businesses listed with the State of
22 Washington.

23 The partnership reports returns on an annual basis. The Annual 2004 Combined Excise
24 Tax Return for GRIND CITY was filed as a "no business activity" return on the Department of
25 Revenue automated telephone filing system, and the Annual 2005 Return was delinquent as of
26 March 22, 2006. The business address is listed as 8327 S. Tacoma Way, Lakewood,
27 Washington, 98499, the location of Starlite Swap Meet, and the business mailing address is
28 listed as P.O. Box 112527, Tacoma, Washington, 98411-2527. For contact purposes, a

1 telephone number of (253) 377-3111 is listed on Department of Revenue records, as is an e-
2 mail address of nluvwitmymoney@hotmail.com. The business's activity description is listed
3 as "Clothes, Shoes, Hats, CD's." The original application lists the social security numbers of
4 both NEAL and LEWIS.

5 Based upon records dating back to January 1, 2003, NEAL has had no identifiable
6 legitimate source of income. LEWIS has had no identified legitimate source of income since
7 the fourth quarter of 2003.

8 Your affiant has also reviewed two letters seized during the execution of the search
9 warrant sent from Donald LEWIS to Flenard NEAL, while LEWIS was incarcerated at the
10 Kitsap County Jail in Port Orchard, Washington. In the letter, LEWIS discusses with NEAL
11 the plan to launder money through their business. In LEWIS's letter dated March 29, 2005, he
12 tells NEAL, "Nigga I did some math. At the very least I'm missing 200 dollars a day, thats at
13 the very least. I calculated that by the 65 days I'm here. Thats 13000 dollars I just missed."
14 LEWIS continues, "The reason I say just CD's right now is cause its easier to clean our money
15 with them. We can buy them for 5 and sell em for 5 for our money back but say we did it for
16 15. You know where the other 10 come from. Thats easy money legally. That sound good to
17 me!"

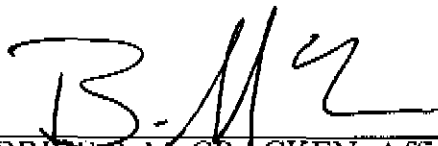
18 IV.

19 CONCLUSION

20 Based on my training and experience and the information set forth herein, there is
21 probable cause to believe that the removable cosmetic dental appliances, commonly known as
22 "Grills," customized for and possessed by Flenard Tyron NEAL, Jr. and Donald Lamar LEWIS
23 constitute or are traceable to proceeds in part or whole of the distribution of marijuana, a
24 Schedule I controlled substance; cocaine, a Schedule II controlled substance; and
25 methylenedioxymethamphetamine (MDMA), commonly known as "ecstasy," a Schedule I
26 controlled substance.

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1 The removable cosmetic dental appliances, commonly known as "Grills," customized
2 for and possessed by Flenard Tyron NEAL, Jr. and Donald Lamar LEWIS are therefore
3 forfeitable to the United States pursuant to 21 U.S.C. § 881(a)(6).

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5 

6 BRICE P. McCRACKEN, Affiant
7 Special Agent
8 Bureau of Alcohol, Tobacco, Firearms and Explosives

9 SUBSCRIBED AND SWORN to before me this 29 day of MARCH, 2006.

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11 

12 J. KELLEY ARNOLD
13 United States Magistrate Judge