

United States District Court

NORTHERN

DISTRICT OF

CALIFORNIA

UNITED STATES OF AMERICA

V.

Randen KANE and
Jacqueen GANDY aka
Jacqueline GANDY

CRIMINAL COMPLAINT

CASE NUMBER:

3-03-30025

(Name and Address of Defendant)

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. On or about January 17, 2003 in San Francisco county Northern District of California defendant(s) did, (Track Statutory Language of Offense) distribute and possess with intent to distribute a controlled substance and conspired to distribute a controlled substance

in violation of Title 21 United States Code, Section(s) 841(a)(1) and 846

I further state that I am a(n) Special Agent and that this complaint is based on the following facts:
Official Title

facts:

See attached affidavit.

Maximum penalties (each count):

20 years prison, \$1 million fine, at least 3 years supervised release, \$100 special assessment

Continued on the attached sheet and made a part hereof:

Yes

No

Approved
As To
Form:

MP
AUSA: Mark Parrent

[Signature]
Name/Signature of Complainant:

Sworn to before me and subscribed in my presence,

1/17/03
Date

at Los Angeles, CA
City and State

Joseph C. Spero U.S. Mag. Judge
Name & Title of Judicial Officer

[Signature]
Signature of Judicial Officer

AFFIDAVIT

I, Gonzalo T. Ruiz, being duly sworn state as follows:

BACKGROUND

1. I am a Special Agent of the United States Customs Service, and have been so employed for over ten years. I am currently assigned to the Office of the Special Agent in Charge, San Francisco, CA. I have a bachelor's degree in criminal Justice & Administration with a minor in Sociology from the California State University, Hayward. I have conducted and participated in numerous investigations involving the illegal importation, exportation, and/or distribution of controlled substances and the laundering of proceeds illicitly acquired from such activity. I am cross-designated as a Drug Enforcement Administration (DEA) Special Agent, and have received specialized training in the enforcement of federal laws pertaining to controlled substances and drug money laundering. I have completed 18 weeks of training at the Federal Law Enforcement Training Center at Glynco, Georgia; including training in federal laws, rules of criminal procedure and evidence, and investigative techniques.

PURPOSE

2. I am submitting this affidavit in support of complaint charging Randen KANE and Jaqueen GANDY with violations of Title 21, United States Code, Sections 841(a)(1) (distribution and possession with intent to distribute controlled substances) and 846 (conspiracy to distribute controlled substances).

INVESTIGATION

3. This affidavit is based upon information I have gained from my investigation, my training and experience, as well as from information related to me by other federal, state, and

local law enforcement agents or officers. This affidavit is intended to summarize the evidence pertaining to the investigation and does not purport to contain all of the information known to me.

4. On January 14, 2003, a Federal Express (FedEx) parcel, bearing airway bill #8364-8964-4200, from Koln, Germany was selected for U.S. Customs Inspection at the FedEx facility in Memphis, TN. The shipper of the parcel was listed as a Adv. Ins., 21 Usingerstrutt, Koln, Germany 51105. The listed recipient is Randen KANE, 740A 14th St., #127, San Francisco, USA 94114. The contents were said to contain "computer manual, documents, candy." X-ray examination of the parcel revealed bundles of "pills" surrounded by the candy.

5. FedEx tracking records for parcel # 8364-8964-4200 revealed that the parcel was presented to FedEx at 1:10 PM in Koeln, Germany, on January 14, 2003. Foreign travel records checks for KANE were negative.

6. Parcel #8364-8964-4200 was opened under U.S. Customs border search authority and found to contain six egg-shaped chocolate covered objects concealed in plastic, which further revealed bundles of "ecstasy" pills surrounded by the chocolate. The packages were examined by Canine Enforcement Officer (CEO) McMeans and Narcotics Detector Dog "Onyx" which alerted to the package with a positive canine alert for narcotics. A sample "pill" was taken from the package and tested using a NarcoPouch Kit (Opiates). Use of test kit #924 provided a strong positive reaction for the presence of ecstasy (MDMA), a controlled substance. Agents removed most of the MDMA and replaced it with "sham" pills that look like ecstasy pills. Agents then sent the FedEx package to San Francisco. Agents in San Francisco arranged for the FedEx package to be delivered to 740A 14th Street, Box 127 on January 16, 2003.

7. On January 16, 2003, agents made inquiries at Anne's Cleaners & Mail Box Stop,

Located at 740A 14th Street, San Francisco, CA 94114. Agents spoke with Mrs. Han who is the owner of the business. She provided agents with the following information relating to mail box #127: She stated that the box is rented to a Randen KANE with a home address of 241 Brighton Avenue, #5, San Francisco, CA 94112. Mrs. Han also stated that a female comes to check her mail box (#127) every other day. The address 740A 14th Street and #127 is on the FedEx airway bill together with the name Randen KANE.

8. On January 17, 2003, agents conducting surveillance at 740A 14th Street observed a woman later identified as KANE meet a woman later identified as Jacquen GANDY. Agents saw KANE and GANDY speak to each other. At that time, KANE was carrying a FedEx box the same size as the box searched earlier by U.S. Customs. Agents observed both KANE and GANDY enter the Mail Box Stop and approach the counter. A few moments later, KANE and GANDY left the Mail Box Stop. At that time, GANDY was carrying two FedEx boxes. KANE was not carrying any box when she left the Mail Box Stop.

9. Agents saw GANDY and KANE walk down the sidewalk on Noe. GANDY and KANE entered a beauty salon briefly and then proceeded to walk down Market Street. At Market and 17th, GANDY and KANE entered a Thai restaurant.

10. Agents entered the restaurant and detained GANDY and KANE. Two FedEx boxes were on the floor near the table where GANDY and KANE were sitting. One of the FedEx boxes was the box that Customs agents had earlier searched and then had arranged to be delivered to the Mail Box Stop. The box was unopened. The other FedEx box did not have a shipping label or other notations on it. It also was unopened. It appeared to be the box that KANE had been observed carrying into the Mail Box Stop a few minutes earlier.

11. After being advised of her Miranda rights, KANE agreed to talk with agents. She

gave consent for agents to search her apartment at 1139 Market Street, No. 219. KANE said she knew that ecstasy was being shipped in the FedEx boxes. KANE said GANDY obtained ecstasy in Amsterdam in the Netherlands and would then ship it to KANE in the United States. KANE said GANDY had shipped five packages of ecstasy to her, including the two FedEx packages that KANE and GANDY possessed on January 17. KANE said GANDY would call her from Europe and would tell her she was sending a box of CDs. KANE said she knew that meant that GANDY was sending a package of ecstasy.

12. KANE said that GANDY had arrived in San Francisco approximately two days prior. Customs foreign travel arrival records show that Jacqueline GANDY with a date of birth of 12/30/63 arrived in Houston from Amsterdam on January 15. A driver's license record for GANDY shows that she uses the first names JAQUEEN and JACQUELINE. The record shows a date of birth of 12/30/63. The record also shows an address for GANDY of 740A 14th St., Apt. 219, San Francisco, CA.

13. KANE said that there was some ecstasy in the freezer in her apartment. KANE said the ecstasy was provided by GANDY. Agents who searched the apartment a short time later found a container in the freezer containing numerous pills. Some of the pills had the same markings as the pills described above that were seized by Customs inspectors at the FedEx facility in Tennessee.

14. Agents who searched the apartment also found an empty FedEx package in a garbage can outside the apartment building. That FedEx package was addressed to KANE showing a return address of Germany. It was addressed to KANE in care of FedEx facility on Harrison Street in San Francisco.

15. KANE said that the FedEx box that she had carried into the Mail Box Stop (as

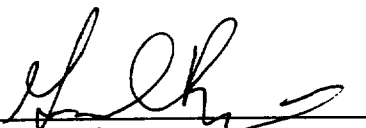
observed by agents) contained ecstasy that she and GANDY had picked up at the FedEx facility
Harrison Street on January 16

16. KANE said that GANDY was staying at her apartment while she was in San Francisco.

17. KANE told agents that she did not agree to accept the packages for GANDY in exchange for money or drugs. KANE said she was just doing it as a favor. KANE said she did not sell ecstasy. However, agents found in KANE's backpack what appeared to be KANE's journal. The journal contained entries suggesting that KANE was in fact interested in distributing ecstasy for money and discussed potential customers.

18. I believe there is probable cause that Randen KANE and Jacquen GANDY have committed violations of Title 21, United States Code, Sections 841(a)(1) (distribution and possession with intent to distribute controlled substances) and 846 (conspiracy to distribute controlled substances).

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief.


Gonzalo T. Ruiz
Senior Special Agent
United States Customs Service

Subscribed and sworn before me this 17th day of January, 2003.


UNITED STATES MAGISTRATE JUDGE