

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA
SOUTHERN DIVISION

October 2007 Grand Jury

UNITED STATES OF AMERICA,)	SA CR 08-_____
)	
Plaintiff,)	<u>I N D I C T M E N T</u>
)	
v.)	[21 U.S.C. § 846, 963:
)	Conspiracy to Import and
NATHANAEL GARRARD LINEHAM,)	Distribute 3,4-
a.k.a. "Nat,")	Methylenedioxymethamphetamine;
a.k.a. "Tester,")	18 U.S.C. § 1956(h): Conspiracy
JOHN WARK,)	to Money Launder]
a.k.a. "Keith,")	
a.k.a. "Crockett,")	
MICHELLE ENCK,)	
)	
Defendants.)	
)	
)	

The Grand Jury charges:

COUNT ONE

[21 U.S.C. § 846, 963]

I. OBJECTS OF THE CONSPIRACY

Beginning on or about a date unknown and continuing to on or about September 3, 2008, in Orange and Los Angeles Counties, within the Central District of California, and elsewhere, defendants NATHANAEL GARRARD LINEHAM, also known as ("a.k.a.")

1 "Nat," "Tester," JOHN WARK, a.k.a. "Keith," "Crockett," and
2 others known and unknown to the Grand Jury, conspired and agreed
3 with each other to knowingly and intentionally import into the
4 United States from a place outside thereof and distribute a
5 mixture or substance containing a detectable amount of 3,4-
6 methylenedioxymethamphetamine (also known as "MDMA"), a schedule
7 I controlled substance, in violation of Title 21, United States
8 Code, Sections 841(a)(1), 952(a), and 960(a)(1).

9 II. MEANS BY WHICH THE OBJECTS OF THE CONSPIRACY WERE TO BE
10 ACCOMPLISHED

11 The objects of the conspiracy were to be accomplished in
12 substance as follows:

13 1. Defendant LINEHAM would arrange with defendant WARK and
14 others for the importation and distribution of MDMA into the
15 United States from Canada and the eventual distribution of the
16 MDMA in California and elsewhere.

17 2. Defendant WARK and others would arrange to have the
18 MDMA transported across the Canadian border and delivered to
19 individuals who would drive the MDMA to the Southern California
20 area.

21 3. Defendants LINEHAM, WARK, and others would then arrange
22 for the distribution of the MDMA in the Southern California area
23 and elsewhere.

24 III. OVERT ACTS

25 In furtherance of the conspiracy and to accomplish the
26 objects of the conspiracy, defendants LINEHAM and WARK, and
27 others known and unknown to the Grand Jury, committed various
28 overt acts within the Central District of California, and

1 elsewhere, including but not limited to the following:

2 1. On or about November 18, 2007, defendant LINEHAM sent a
3 coded email message to defendant WARK in which defendant LINEHAM
4 stated that he was angry with defendant WARK for importing
5 certain MDMA tablets that he intended to sell.

6 2. On or about November 19, 2007, defendant LINEHAM sent a
7 coded email message to Anthony Drawhorn in which defendant
8 LINEHAM inquired as to when Drawhorn would be arriving in
9 Southern California because defendant LINEHAM had an order for
10 15,000 MDMA tablets.

11 3. On or about November 21, 2007, defendant LINEHAM
12 exchanged several coded email messages with his co-conspirators
13 in which they discussed the status of the next load of MDMA to be
14 imported into the United States.

15 4. On or about November 23, 2007, defendant LINEHAM sent
16 an email message to a co-conspirator in which defendant LINEHAM
17 explained that they were taking extra precaution in crossing the
18 MDMA because there was extra security at the border.

19 5. On or about November 23, 2007, defendant LINEHAM sent
20 Drawhorn a coded email message in which defendant LINEHAM
21 confirmed that he was sending Brian Coll to Seattle to assist in
22 the importation and distribution of the MDMA.

23 6. On or before November 23, 2007, defendant LINEHAM, in
24 Orange County, provided an encrypted Blackberry device to Coll to
25 be used to communicate during the importation and distribution of
26 the MDMA.

27 7. On or about November 23, 2007, defendant LINEHAM, in
28 Orange County, provided Coll with several thousand dollars and

1 instructed Coll to deliver the cash to Drawhorn in Seattle,
2 Washington, to be used to pay the drug courier.

3 8. On or about November 24, 2007, defendant LINEHAM
4 purchased an airline ticket for Coll to fly to Seattle,
5 Washington.

6 9. On or about November 24, 2007, defendant LINEHAM
7 exchanged several email messages with Drawhorn and Coll in which
8 they discussed the status of the MDMA that they were arranging to
9 be imported into the United States.

10 10. On or about November 24, 2007, defendant WARK sent
11 Drawhorn an email message in which defendant WARK confirmed that
12 he would let Drawhorn know when the MDMA had been crossed into
13 the United States from Canada.

14 11. On or about November 24, 2007, defendant WARK sent
15 Drawhorn an email message in which defendant WARK confirmed that
16 the MDMA had been crossed into the United States from Canada.

17 12. On or about November 24, 2007, defendant WARK sent
18 Drawhorn an email message in which defendant WARK informed
19 Drawhorn that the courier of the MDMA was having car trouble.

20 13. On or about November 24, 2007, defendant WARK sent
21 Drawhorn an email message in which defendant WARK stated that the
22 MDMA was in a box and that they would need a phillips screw
23 driver to get it out.

24 14. On or about December 18, 2007, defendant LINEHAM had a
25 recorded telephone conversation with Coll in which they discussed
26 whether defendant LINEHAM could be implicated in the 85,000
27 tablet MDMA seizure in Washington because there were email
28 messages on the Blackberries. Defendant LINEHAM stated he

1 believed he was not implicated because the emails were encrypted
2 and law enforcement would not be able to read the emails he sent
3 to Coll before the MDMA was seized.

4 15. On or about March 31, 2008, defendant LINEHAM had a
5 recorded telephone conversation with Coll in which defendant
6 LINEHAM confirmed that he was going to take care of paying for
7 Coll's defense attorney for the 85,000 tablet MDMA seizure.

8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

1 United States from Canada and the eventual distribution of the
2 MDMA and other narcotics in California and elsewhere.

3 2. Defendant LINEHAM would use his position with Data
4 Locking, a.k.a. BeStealth, to market encrypted Blackberry
5 electronic devices to narcotics traffickers in order to thwart
6 law enforcement detection.

7 3. Defendant LINEHAM would direct defendant ENCK and
8 other individuals to distribute these encrypted devices on his
9 behalf to narcotics traffickers so that they could avoid law
10 enforcement detection.

11 4. Defendant LINEHAM would instruct defendant ENCK to
12 deposit the proceeds from the sale of MDMA and other narcotics
13 related activities into defendant LINEHAM's bank accounts in
14 amounts under \$10,000 to avoid a transaction reporting
15 requirement under Federal law.

16 5. Defendant LINEHAM would use the proceeds from the sale
17 of MDMA and other narcotics related activities in the United
18 States to further his narcotics trafficking activities by using
19 the money to pay for expenses of his associates, including
20 housing costs, attorney's fees, rental cars, and other expenses.

21 6. Defendant ENCK would deposit the proceeds from the sale
22 of MDMA and other narcotics related activities into defendant
23 LINEHAM's bank accounts in amounts under \$10,000 to avoid a
24 transaction reporting requirement under Federal law.

25 7. Defendant ENCK would also use the proceeds from the
26 sale of MDMA and other narcotics related activities to pay other
27 narcotics associates.

28 ///

1 III. OVERT ACTS

2 In furtherance of the conspiracy, and to accomplish the
3 objects of the conspiracy, defendants LINEHAM, ENCK, and others,
4 committed the following overt acts, among others, within the
5 Central District of California and elsewhere:

6 1. On or about July 17, 2007, defendant LINEHAM paid
7 \$350.40 for Alexandru Sabau to fly to Chicago, Illinois to pick
8 up money from a narcotics associate from the sale of MDMA.

9 2. On or about September 18, 2007, defendant LINEHAM paid
10 \$1,000 to a defense attorney to represent Anthony Drawhorn in a
11 criminal case.

12 3. On or about October 1, 2007, defendant LINEHAM paid for
13 a rental car in order to send two of his associates to Phoenix,
14 Arizona to obtain MDMA.

15 4. On or about October 12, 2007, defendant LINEHAM wrote a
16 check for \$2,082.50 from his Bank of America account to pay for
17 the apartment at 9129 Residencia, Newport Beach, California, so
18 that his associate could live there and continue to engage in
19 narcotics related activities for defendant LINEHAM.

20 5. On or about November 6, 2007, defendant LINEHAM wrote a
21 check for \$2,230.00 from his Bank of America account to pay for
22 the apartment at 9129 Residencia, Newport Beach, California, so
23 that his associate could live there and continue to engage in
24 narcotics related activities for defendant LINEHAM.

25 6. On or about November 23, 2007, defendant LINEHAM, in
26 Orange County, provided Brian Coll with several thousand dollars
27 and instructed Coll to deliver the cash to Drawhorn in Seattle,
28 Washington, to be used to pay a drug courier.

1 7. On or about November 24, 2007, defendant LINEHAM
2 purchased an airline ticket for Coll to fly to Seattle,
3 Washington to engage in an MDMA transaction.

4 8. On or about December 6, 2007, defendant LINEHAM wrote a
5 check for \$2,230.00 from his Bank of America account to pay for
6 the apartment at 9129 Residencia, Newport Beach, California, so
7 that his associate could live there and continue to engage in
8 narcotics related activities for defendant LINEHAM.

9 9. On or about December 19, 2007, defendant LINEHAM and
10 defendant ENCK had a recorded telephone call in which defendant
11 LINEHAM inquired about the amount of money defendant ENCK had
12 collected. Defendant ENCK confirmed that defendant LINEHAM
13 wanted some of the money deposited into his Bank of America
14 account and that she could take out her payment from the money
15 she had collected.

16 10. On or about December 19, 2007, defendant ENCK deposited
17 approximate \$3,978.00 into defendant LINEHAM's Bank of America
18 bank account.

19 11. On or about December 19, 2007, defendant LINEHAM and
20 defendant ENCK had another recorded telephone call in which
21 defendant LINEHAM instructed defendant ENCK to deposit \$9,000.00
22 into his Bank of America account.

23 12. On or about December 19, 2007, defendant ENCK deposited
24 \$9,000.00 into defendant LINEHAM's Bank of America bank account.

25 13. On or about March 31, 2008, defendant LINEHAM had a
26 recorded telephone conversation with Coll in which defendant
27 LINEHAM confirmed that he was going to take care of paying for
28 Coll's defense attorney for the 85,000 tablet MDMA seizure.

