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United States District Court

EASTERN DISTRICT OF MICHIGAN

UNITED STATES OF AMERICA

v.

CRIMINAL COMPLAINT

SIMA DEHASHTI FALLAHI

Case:2:08-mj-30481
Judge: Unassigned,
Filed: 11-07-2008 At 02:52 PM
SEALED CRIMINAL COMPLAINT (ml)

(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 numerous occasions between April, 2007 and October 28, 2008 in Wayne and Oakland county, in the Eastern District of Michigan defendant(s) did, (Track Statutory Language of Offense)

knowingly ship, transport, receive, possess, sell, distribute, or purchase contraband cigarettes;

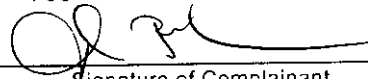
in violation of Title 18 United States Code, Section(s) 2342

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

See Attached Affidavit hereby incorporated by reference as if fully restated herein.

Continued on the attached sheet and made a part hereof:

Yes No



Signature of Complainant

John Franklin

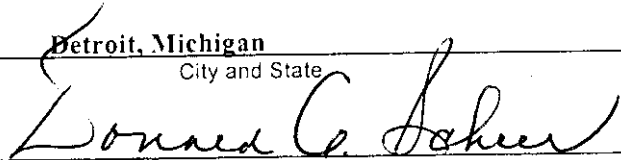
Special Agent

Bureau of Alcohol, Tobacco, Firearms & Explosives

Sworn to before me and subscribed in my presence,

November 7, 2008
Date

at Detroit, Michigan
City and State



Signature of Judicial Officer

DONALD A. SCHEER, U.S. Magistrate Judge
Name & Title of Judicial Officer

THE FOLLOWING IS FURNISHED FOR INFORMATION ONLY:

DEFENDANT'S NAME: _____

ALIAS: _____

LAST KNOWN RESIDENCE:: _____

LAST KNOWN EMPLOYMENT: _____

PLACE OF BIRTH: _____

DATE OF BIRTH: _____

SOCIAL SECURITY NUMBER: _____

HEIGHT: _____ WEIGHT: _____

SEX: _____ RACE: _____

HAIR: _____ EYES: _____

SCARS, TATTOOS, OTHER DISTINGUISHING MARKS: _____

FBI NUMBER: _____

COMPLETE DESCRIPTION OF AUTO: _____

INVESTIGATIVE AGENCY AND ADDRESS: _____

AFFIDAVIT

I, Special Agent John W. Franklin, being duly sworn, depose and state the following;

1. I make this affidavit from personal knowledge based on my participation in this investigation, including witness interviews by myself and/or other law enforcement agents, communications with others who have personal knowledge of the events and circumstances described herein, and information gained through my training and experience. The information outlined below is provided for the limited purpose of establishing probable cause and does not contain all details or all facts of which I am aware relating to this investigation.
2. I have been employed as a Special Agent with the U.S. Bureau of Alcohol, Tobacco, Firearms and Explosives since 2003. I have been involved in numerous investigations of Federal firearms and tobacco trafficking violations. I have received formal training from the ATF National Academy and the Federal Law Enforcement Training Center and have participated in investigations related to Federal firearms and tobacco trafficking laws. These investigations have resulted in the arrest and conviction of criminal defendants on both firearms and tobacco trafficking charges.
3. Your affiant knows that, at all relevant times, the State of Michigan requires a tax stamp to be affixed to individual packs of cigarettes as proof of payment of the applicable tax. The current tax in Michigan is \$2.00 per pack, which is significantly higher than the tax on cigarettes sold in Virginia (\$.30), South Carolina (\$.07), and some other southern states.
4. Pursuant to Title 18, United States Code, Section 2341, the term "contraband cigarettes" means a quantity in excess of 10,000 cigarettes (50 cartons), which bear no evidence of the payment of applicable State or local cigarette taxes in the State or locality where such cigarettes are found, if the State or local government requires a stamp, impression, or other indication to be placed on packages or other containers of cigarettes to evidence payment of cigarette taxes.
5. In October 2006, an investigation was initiated into the trafficking of contraband cigarettes in and around the area of Detroit, Michigan by SALIM GEORGES ATTY, SIMA DEHASHTI FALLAHI, KHALIL IBRAHIM GARMO, MUKHLIS YOUSSEF MURAD and others. The following is a brief overview of the investigation. This overview does not reflect the entirety of what has occurred, but only provides a timeline of events.
6. In April of 2007, ATF received information that SALIM GEORGES ATTY and SIMA DEHASHTI FALLAHI had been purchasing untaxed cigarettes in Kentucky for the past year.

7. On June 5, 2007, FALLAHI began purchasing contraband cigarettes that did not bear any indicia (stamp) of any state tax having been paid, from ATF undercover agents (UC). FALLAHI indicated that she was purchasing these cigarettes on behalf of herself and her "boss", who was later identified as SALIM GEORGES ATTY.
8. Between June 5, 2007 and October 1, 2007, FALLAHI purchased approximately 1,569,200 untaxed cigarettes from ATF UCs. During the course of these transactions, FALLAHI paid the UCs \$198,496 in cash for the untaxed cigarettes.
9. On October 15, 2007, ATTY accompanied FALLAHI during the purchase of approximately 246,000 contraband cigarettes from an ATF UC. Following this transaction, ATF surveillance showed that ATTY transferred a number of cases of cigarettes from the rear of FALLAHI's vehicle to the rear of ATTY's vehicle. Continued surveillance of ATTY then showed ATTY delivering cigarettes to a third individual's vehicle, as well as in to Vince's Food Store and the Barrel & Bottle Party Shop.
10. On October 24, 2007, an ATF UC received a telephone call from ATTY who advised that he would have FALLAHI pick up a cigarette order the following Monday. On October 29, 2007, FALLAHI picked up the aforementioned cigarette order, which consisted of approximately 216,000 untaxed cigarettes for which, she paid \$27,450 in cash.
11. Between November 14, 2007 and January 22, 2008, FALLAHI purchased approximately 2,031,600 untaxed cigarettes for \$258,057 in cash and money orders.
12. On February 8, 2008, FALLAHI purchased approximately 282,000 untaxed cigarettes for \$36,665 in cash. During the course of this transaction, FALLAHI asked the UC if he would accept money orders as payment. FALLAHI further advised that ATTY sometimes received money orders as payment for the cigarettes that he had been selling to customers and that he had been having his brother cash the money orders to then pay the UC.
13. Subsequent to this transaction, ATF surveillance showed that FALLAHI transported the above noted cigarettes to her residence located at 2615 Alden Ct., West Bloomfield, Michigan. ATTY was later observed loading cigarettes from the residence into the rear of his vehicle. Continued surveillance of ATTY showed ATTY meeting with and transferring cigarettes into the rear of a vehicle belonging to KHALIL IBRAHIM GARMO. ATTY was then observed delivering cigarettes to the Quality Market Liquor Store, Liquor Town Liquor, a BP service station on Dexter, the Barrel & Bottle Party Shoppe, the Big D Party Store & Deli and a Marathon service station on Plymouth.

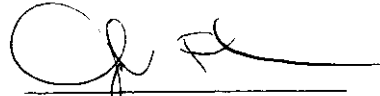
14. On February 25, 2008, FALLAHI purchased approximately 337,000 untaxed cigarettes from an ATF UC for \$44,490 in cash.
15. On March 16, 2008, FALLAHI purchased approximately 278,000 untaxed cigarettes from an ATF UC for \$34,975 in cash.
16. On March 31, 2008, FALLAHI purchased approximately 231,000 untaxed cigarettes from an ATF UC for \$28,237 in cash. Following this transaction, Michigan State Police and ATF agents conducted a traffic stop of FALLAHI. The contraband cigarettes and FALLAHI's vehicle were seized.
17. On April 21, 2008, an ATF UC met with FALLAHI at her request. During the course of this meeting, FALLAHI indicated that she wanted to begin purchasing cigarettes again and asked the UC if he would be comfortable delivering the cigarettes directly to her residence. FALLAHI also advised the agent that, on the day that she was pulled over, ATTY and her son had removed one and one-half (1 ½) cases of untaxed cigarettes from her house, before the police could search the residence.
18. On May 8, 2008, an ATF UC met with ATTY at his request. During the course of this meeting, ATTY advised that on the day that FALLAHI was stopped he had gone to her residence and removed anything that might be evidence against him. ATTY and the UC discussed ATTY and FALLAHI purchasing cigarettes from the UC once again, but stated that they would have to start with small orders. ATTY then advised that he was going to give FALLAHI money to get her started up again.
19. On May 20, 2008, ATTY and GARMO purchased approximately 78,000 untaxed cigarettes from an ATF UC for \$9,555 in cash. The cigarettes were loaded into both ATTY's vehicle and GARMO's vehicle. Following this transaction, ATF surveillance showed ATTY delivering cigarettes to a third individual at which time cigarettes were transferred to that individual's vehicle. ATTY was also observed delivering cigarettes in to the Buchanan St. Market.
20. On May 29, 2008, ATTY and FALLAHI purchased approximately 183,000 untaxed cigarettes from an ATF UC for \$23,871. These cigarettes were delivered by the UC to FALLAHI's residence. ATTY advised the UC that he was going to place 48,000 of the cigarettes into his vehicle and another 42,000 cigarettes into the vehicle of another guy who was going to deliver for him. As the UC was leaving the FALLAHI residence, the UC observed GARMO parked at the end of the street. Subsequent surveillance of GARMO showed GARMO delivering cigarettes to a Marathon service station at 12721 Fenkell, transferring cigarettes to the rear of a vehicle in the parking lot of a Marathon service station at 15439 Schoolcraft and transferring cigarettes to the rear of a vehicle parked outside of the Northwest Liquor Store.

21. On June 3, 2008, an ATF UC met with ATTY. ATTY advised the UC that he and GARMO had moved approximately 143,000 of the cigarettes after the agent had left FALLAHI. Also during the course of this meeting, ATTY mentioned that he had been selling Newports to his brother and that his brother would usually only keep 1 – 2 cartons of cigarettes in the store and the remainder elsewhere, in case the store is inspected. According to ATTY, his brother can make \$100 per carton profit by selling the New York Newports as “loosies”. (Note: “loosies” commonly refers to cigarettes that are removed from their packaging and sold singly.)
22. On June 4, 2008, ATTY and FALLAHI purchased approximately 183,000 untaxed cigarettes from an ATF UC for \$23,810 in cash. These cigarettes were delivered by the UC to FALLAHI’s residence. ATTY advised the UC that he was going to take approximately 36,000 of the cigarettes to GARMO for him to deliver and that he, ATTY, would then deliver the remaining cigarettes.
23. On June 12, 2008, ATTY and GARMO purchased approximately 102,000 untaxed cigarettes from an ATF UC for \$14,040 in cash. These cigarettes were loaded into ATTY’s vehicle and GARMO’s vehicle. Following this transaction, ATF maintained surveillance of ATTY. Surveillance observed ATTY deliver cigarettes to a Sunoco service station on McNichols, Liquor Town Liquor and Big D’s Liquor.
24. On June 25, 2008, ATTY purchased approximately 246,000 untaxed cigarettes for \$31,970 in cash. The UC delivered these cigarettes to ATTY at FALLAHI’s residence and helped ATTY load 66,000 of the cigarettes into the rear of ATTY’s vehicle. Following this transaction, ATF maintained surveillance of ATTY who was observed transferring cigarettes from the rear of his vehicle into the rear of GARMO’s vehicle. ATTY was then observed delivering cigarettes to the Sunoco service station on McNichols after which, he returned to FALLAHI’s residence and loaded additional cigarettes into his vehicle. Continued surveillance observed ATTY return to and deliver additional cigarettes to the Sunoco service station on McNichols, before once again meeting up with GARMO.
25. On July 1, 2008, ATTY and FALLAHI purchased approximately 272,000 untaxed cigarettes for \$38,040 in cash. The UC delivered these cigarettes to ATTY at FALLAHI’s residence and helped ATTY load 78,000 of the cigarettes into the rear of ATTY’s vehicle. Subsequent surveillance observed ATTY delivering cigarettes to the Sunoco service station on McNichols.
26. On July 16, 2008, ATTY and FALLAHI purchased approximately 310,200 untaxed cigarettes for \$41,750 in cash. The UC delivered these cigarettes to FALLAHI’s residence. Subsequent surveillance observed ATTY meet with GARMO and transfer cigarettes into the rear of GARMO’s vehicle. Continued surveillance then observed ATTY deliver cigarettes to the Big D Party Store & Deli.

27. On August 12, 2008, ATTY and FALLAHI purchased approximately 327,000 untaxed cigarettes for \$42,130 in cash. These cigarettes were delivered to FALLAHI's residence. Subsequent surveillance observed ATTY meet with GARMO and transfer cigarettes into the rear of GARMO's vehicle. Continued surveillance then observed ATTY transfer cigarettes into a Dodge Intrepid registered to MUKHLIS YOUSSEF MURAD, at the Pine Lake Market, located at 19300 Joy Rd., Detroit, Michigan. Subsequent investigation showed that an individual named John MURAD, believed by your affiant to be the son of MUKHLIS MURAD, is the manager of this store and routinely conducted banking business on behalf of the store.
28. On August 22, 2008, ATTY and FALLAHI purchased approximately 276,000 untaxed cigarettes for \$36,890 in cash. These cigarettes were delivered to FALLAHI's residence. Subsequent surveillance observed ATTY meet with GARMO and transfer cigarettes into the rear of GARMO's vehicle. Continued surveillance observed ATTY deliver cigarettes to the Save-Up Market on Puritan and the Big D Party Store on McNichols. ATTY was later observed, at the Sunoco on McNichols, transferring cigarettes from the rear of his vehicle to the rear of a black colored Jeep.
29. On September 8, 2008, ATTY and FALLAHI purchased approximately 237,000 untaxed cigarettes for \$34,012 in cash. These cigarettes were delivered to FALLAHI's residence.
30. On September 22, 2008, ATTY and FALLAHI purchased approximately 360,000 untaxed cigarettes for \$46,050 in cash and money orders. These cigarettes were delivered to FALLAHI's residence. Subsequent surveillance observed ATTY delivering cigarettes to the Big D Party Store & Deli and the Detroit Palace.
31. On October 15, 2008, ATTY and FALLAHI purchased approximately 233,000 untaxed cigarettes for \$34,225 in cash. These cigarettes were delivered to FALLAHI's residence. During the course of this transaction, ATTY mentioned to the UC that he sells the Newports to his customers for \$34 – \$36 per carton. Subsequent surveillance observed ATTY meeting with GARMO and transferring cigarettes into the rear of GARMO's vehicle. Continued surveillance observed ATTY deliver cigarettes to the BP/McDonalds located at Southfield and Joy.
32. On October 24, 2008, an ATF UC met with ATTY. During the course of this meeting, ATTY advised the UC that he has a new location for the UC to deliver the cigarettes to. According to ATTY, the residence was recently purchased by a cigarette customer of his who also owns a party store. ATTY further advised that he has known this individual for quite some time and that the individual has been asking him for several years to allow him to be ATTY's partner in the cigarette business. The UC agreed to deliver to this new location, but asked that ATTY's

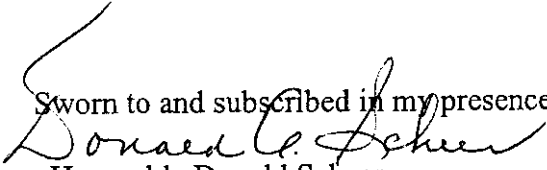
partner, who purchased the residence, be there the first time so that the UC could meet him. ATTY agreed.

33. On October 28, 2008, ATTY purchased approximately 236,000 untaxed cigarettes for \$34,640 in cash. At ATTY's request, the UC delivered these cigarettes to 31125 Claymore. Upon arriving at the Claymore residence, ATTY introduced the UC to Mukhlis MURAD, who helped ATTY and the UC unload the cigarettes and place them into the garage of the residence. During the course of this transaction, ATTY advised the UC that MURAD had given him a key to the residence and that there was a room in the basement that ATTY was going to store the cigarettes in. Investigation showed that this residence was purchased by John MURAD in February 2008.
34. Between June 5, 2007 and October 28, 2008, to include the above referenced transactions, Salim Georges ATTY, Sima Dehashti FALLAHI, Khalil Ibrahim GARMO and Mukhlis MURAD, directly or collectively with other conspirators, purchased or conspired to purchase approximately 7,772,000 contraband cigarettes from undercover ATF agents for approximately \$1,011,898.
35. Between June 5, 2007 and October 28, 2008, ATTY and/or FALLAHI utilized a cellular and/or landline telephone to contact undercover ATF agents on at least thirty (30) different occasions in furtherance of their cigarette trafficking activities.
36. During the course of this investigation, it became apparent to the affiant that Salim ATTY is the individual directing the cigarette trafficking activities of Sima FALLAHI, Khalil GARMO and Mukhlis MURAD.
37. Based on the aforementioned facts, I have probable cause to believe that, in the Eastern District of Michigan:
 - a. Salim Georges ATTY did knowingly conspire to ship, transport, receive, possess, sell, distribute, or purchase contraband cigarettes, in violation of Title 18 United States Code, section(s) 2342.
 - b. Sima Dehashti FALLAHI did knowingly conspire to ship, transport, receive, possess, sell, distribute, or purchase contraband cigarettes, in violation of Title 18 United States Code, section(s) 2342.
 - c. Khalil Ibrahim GARMO did knowingly conspire to ship, transport, receive, possess, sell, distribute, or purchase contraband cigarettes, in violation of Title 18 United States Code, section(s) 2342.
 - d. Mukhlis Youssif MURAD did knowingly conspire to ship, transport, receive, possess, sell, distribute, or purchase contraband cigarettes, in violation of Title 18 United States Code, section(s) 2342.



John W. Franklin
Special Agent, ATF

Sworn to and subscribed in my presence.



Honorable Donald Scheer
United States Magistrate Judge

November 7, 2008
Date