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AUSA Susan Gillooly (313) 226-9577

United States District Court

Eastern Judicial District of Michigan

United States of America

CRIMINAL COMPLAINT

v.

Abdo AL-HANUMA

Case:2:08-mj-30486


Judge: Unassigned,

Filed: 11-07-2008 At 04:13 PM

Sealed Crim. Complaint (ml)

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 15, 2008 and October 16, 2008, in Wayne County, in the Eastern Judicial District of Michigan, defendants did 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 Special Agent for the Bureau of Alcohol, Tobacco, Firearms and Explosives, and that this complaint is based on the following facts contained on the attached affidavit.

Continued on the attached sheet and made a part hereof: Yes No


Signature of Complainant
Troy A. Dannenfeler
Special Agent ATF

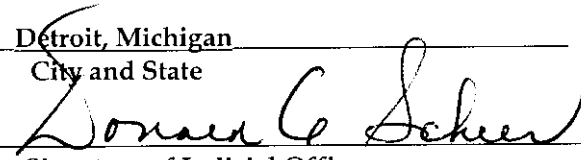
Sworn to before me and subscribed in my presence,

November 7, 2008
Date

at

Detroit, Michigan
City and State

Magistrate Judge Donald Scheer
Name & Title of Judicial Officer


Signature of Judicial Officer

AFFIDAVIT

I, Special Agent Troy A. Dannenfelser, 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 State and Federal 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 more than 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 of payment of cigarette taxes.
5. Since September 2006, I have been involved in an investigation involving the trafficking of contraband cigarettes in metropolitan Detroit, Michigan by Jim ATTY, Raghid MURAD, Abdo AL-HANUMA, Sam JINA, Khaled MOZEP, Abdul HEZAM and others.

6. On April 11, 2007, Confidential Informant (CI)-1 met Jim ATTY and Masood JAJOU at Linwood Liquors, 12501 Linwood, Detroit, Michigan. During the meeting, ATTY introduced JAJOU as "my partner, we have been together for 20 years and he is like my brother." JAJOU advised CI-1 that he has been in the business of trafficking contraband cigarettes for approximately 10 years, primarily transporting cigarettes from South Carolina, and was looking for partners who could supply him with cigarettes in Metro Detroit.
7. On August 30 and September 5, 2007, MURAD purchased a total of 231,000 cigarettes, which bore no evidence of applicable cigarette tax payments to the State of Michigan, for a total price of \$32,565 from an undercover ATF Agent. MURAD stated during both transactions that he was being followed by Jim ATTY. A team of Agents conducting surveillance during these transactions did observe Jim ATTY conducting counter-surveillance during the transactions. Counter-surveillance is a technique used by individuals perpetrating criminal acts to determine if law enforcement personnel or other criminals that could have an impact on their illegal activities are in the area.
8. Between August 30, 2007 and February 5, 2008, ATTY was observed conducting counter-surveillance during the sale of contraband cigarettes to MURAD on approximately 14 separate occasions.
9. On December 19, 2007, MURAD purchased 312,000 cigarettes from an undercover ATF Agent for \$46,605.00 in United States currency and money orders. At the request of MURAD, ATF Agents applied a "special" State of Michigan tax stamp for which the state tax had not been paid.
10. During that transaction MURAD advised the ATF Agent that ATTY had directed him to pick up money orders from several stores. MURAD stated that two (2) of the money orders, each for \$1000, came from ATTY's brother's store, MURAD requested that the Agent not deposit them into the same bank account, as this would be suspicious. MURAD further stated that the remaining money orders came from a second individual who disguised the money orders better and made them look more legitimate by issuing them for odd amounts, i.e., \$495.
11. From December 19, 2007 to October 16, 2008, MURAD and/or AL-HANUMA used money orders generated from Dexter Waverly Market and Prestige Liquors as payment for the purchase of contraband cigarettes. In excess of \$25,000 in money orders were from Prestige Liquors and over \$7,400 in money orders were from Dexter Waverly Market.
12. On March 17, 2008, during a meeting with an undercover ATF Agent, Masood JAJOU stated that ATTY was his best friend and that ATTY was providing MURAD with the money to purchase cigarettes from the undercover ATF Agent.

13. On April 15, 2008, while driving to meet an undercover ATF Agent to purchase cigarettes, MURAD contacted the Agent to advise that AL-HANUMA would be accompanying him at the direction of ATTY. Raghid MURAD, Abdo AL-HANUMA and an unknown Yemeni male purchased 624,000 untaxed cigarettes from an undercover ATF Agent for a total price of \$34,770.
14. On June 5, 2008, ATTY met with an undercover ATF Agent. ATTY advised the Agent that he buys approximately 6,000 cigarettes every 2-3 weeks to sell "loose" at his store. ATTY advised the Agent that he has 5 or 6 stores in his name. ATTY stated that he has known JAJOU for approximately 20 years and that JAJOU owns 25% of ATTY's store.
15. On June 5, 2008, ATTY purchased 6,000 untaxed Newport 100 Box cigarettes from the ATF Agent. ATTY advised the Agent that he would have purchased 18,000 cigarettes, but did not have the money available at the time.
16. During the meeting with the Agent on June 5, 2008, ATTY repeatedly attempted to distance himself from MURAD and AL-HANUMA, stating that anything they do which is illegal is done on their own and he has not communicated with either individuals for some time. The affiant notes that a review of records obtained for ATTY's cellular telephone for the time period between June 1, 2008 and June 6, 2008 showed ATTY had contact with MURAD on 12 occasions, AL-HANUMA on 15 occasions, and JAJOU on 10 occasions.
17. On June 30, 2008, JINA and AL-HANUMA purchased 140,000 untaxed cigarettes from an undercover ATF Agent for a total of \$19,970.00 (to include money orders totaling \$2,940.00).
18. On July 7, 2008, JINA and AL-HANUMA purchased 168,000 untaxed cigarettes from an undercover ATF Agent for a total of \$22,365.00 (to include money orders totaling \$6,545.00).
19. On August 25, 2008, JINA and AL-HANUMA purchased 184,000 untaxed cigarettes from an undercover ATF Agent for a total of \$26,120.00.
20. On September 5, 2008, ATF Agents established surveillance of AL-HANUMA prior to a scheduled sale of contraband cigarettes. The Agents observed AL-HANUMA enter the **Prestige Liquor Store** and **Linwood Liquors**. He remained in the stores for less than five minutes.
21. AL-HANUMA then met with JINA to purchase 216,000 contraband cigarettes for \$30,000 from an undercover ATF Agent. AL-HANUMA utilized several money orders to complete this payment. Money orders totaling \$3,000 originated from Prestige Liquor Store on September 4 & 5, 2008. Money orders issued on September 5, 2008 would have been generated during the time ATF Agents observed AL-HANUMA enter Prestige Liquor Shop.

22. On October 16, 2008, AL-HANUMA and JINA purchased 253,000 untaxed cigarettes from an undercover ATF Agent for a total of \$36,225.
23. On the same date, AL-HANUMA advised an undercover ATF Agent that he and ATTY are in business selling cigarettes together. AL-HANUMA stated that ATTY provides him with the money to purchase the cigarettes. Once he sells the cigarettes, he splits the profits with ATTY.
24. On October 24, 2008, AL-HANUMA and MOZEP purchased 216,000 untaxed cigarettes from an undercover ATF Agent for a total of \$31,031.50.
25. From April 15, 2008 to August 13, 2008, the Dodge Caravan, which AL-HANUMA utilized to traffic contraband cigarettes, bore Michigan license plate 4HUT16. Records reflect that this license plate was registered to MOZEP for a 1994 Honda Civic.
26. On October 24, 2008, during a meeting with an undercover ATF Agent, Salim ATTY stated that he was the one that introduced JAJOU to a cigarette wholesaler in Kentucky where they could purchase cigarettes to sell in Michigan. Salim ATTY stated that JAJOU owned a party store with his first cousin. Salim ATTY stated that his cousin, who owns approximately ten (10) party stores, has been sending a Yemen named "Abdo" to purchase cigarettes from the undercover ATF Agent. Salim ATTY advised that this cousin provides "Abdo" with money to purchase the cigarettes and that they have some agreement to share the profits. Review of information collected during this investigation make it reasonable to assume that Jim ATTY is Salim ATTY's first cousin.
27. On November 5, 2008, AL-HANUMA and Abdul HEZAM purchased 200,000 untaxed cigarettes from an undercover ATF Agent for a total of \$24,480.00.
28. From August 22, 2007 to May 15, 2008, to include the above referenced transactions, MURAD, directly or collectively with other conspirators, purchased approximately 6,039,800 cigarettes, both untaxed and bearing "Special" State of Michigan tax stamp, from an undercover ATF Agent for approximately \$793,787.
29. From April 15, 2008 to October 29, 2008, to include the above referenced transactions, AL-HANUMA, directly or collectively with other conspirators, purchased approximately 4,428,000 untaxed cigarettes from an undercover ATF Agent for approximately \$586,585.
30. From June 15, 2008 to October 16, 2008, to include the above referenced transactions, JINA, directly or collectively with other conspirators, purchased approximately 4,077,000 untaxed cigarettes from an undercover ATF Agent for approximately \$497,671.

31. During the course of this investigation, it was apparent to the affiant that Jim ATTY is the individual directing the cigarette trafficking activities of Raghid MURAD and Abdo AL-HANUMA.
32. Based on the aforementioned facts, I have probable cause to believe that, in the Eastern District of Michigan:
- a. Jim ATTY did knowingly conspire to ship, transport, receive, possess, sell, distribute, or purchase a quantity of contraband cigarettes (more than 10,000), in violation of Title 18 United States Code, section(s) 2342.
 - b. Raghid MURAD did knowingly conspire to ship, transport, receive, possess, sell, distribute, or purchase a quantity of contraband cigarettes (more than 10,000), in violation of Title 18 United States Code, section(s) 2342.
 - c. Abdo AL-HANUMA did knowingly conspire to ship, transport, receive, possess, sell, distribute, or purchase a quantity of contraband cigarettes (more than 10,000), in violation of Title 18 United States Code, section(s) 2342.
 - d. Sam JINA did knowingly conspire to ship, transport, receive, possess, sell, distribute, or purchase a quantity of contraband cigarettes (more than 10,000), in violation of Title 18 United States Code, section(s) 2342.
 - e. Khaled MOZEP did knowingly conspire to ship, transport, receive, possess, sell, distribute, or purchase a quantity of contraband cigarettes (more than 10,000), in violation of Title 18 United States Code, section(s) 2342.
 - f. Abdul HEZAM did knowingly conspire to ship, transport, receive, possess, sell, distribute, or purchase a quantity of contraband cigarettes (more than 10,000), in violation of Title 18 United States Code, section(s) 2342.


Troy A. Dannenfels
Special Agent, ATF

Sworn to and subscribed in my presence.


Honorably Donald Scheer

United States Magistrate Judge

November 7, 2008

Date