

FILED

UNITED STATES DISTRICT COURT

for the

JUN 13 2018

Northern District of California

SUSAN Y. SOONG
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

SK

United States of America)

v.)

Gino Carl Von Eckstein)

Case No.)

3 18 - 70825)

Defendant(s)

~~UNDEFOCAL~~

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

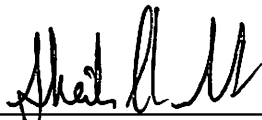
On or about the date(s) of June 12, 2018 in the county of San Francisco, San Leandro in the Northern District of California, the defendant(s) violated:

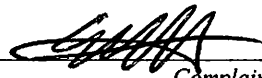
<i>Code Section</i>	<i>Offense Description</i>
21 U.S.C. Section 841(a)(1) and (b)(1)(B)(viii)	Manufacture and possession with intent to distribute 500 grams and more of a mixture and substance containing methamphetamine. Penalties: Maximum 40 years' imprisonment, mandatory minimum 5 years' imprisonment, maximum \$5,000,000 fine, maximum lifetime of supervised release, mandatory minimum 4 years' supervised release; forfeiture; mandatory and discretionary denial of federal benefits

This criminal complaint is based on these facts:

See the attached Affidavit of FBI Special Agent Scott Medearis, incorporated herein by reference.


Continued on the attached sheet.

Approved as to form 
AUSA Armbrust


Complainant's signature
Scott Medearis, Special Agent, FBI
Printed name and title

Sworn to before me and signed in my presence.

Date: 6-13-18


Judge's signature

City and state: San Francisco, California

Hon. Sallie Kim, U.S. Magistrate Judge
Printed name and title

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

I, Scott W. Medearis, a Special Agent of the Federal Bureau of Investigation (“FBI”), being duly sworn, depose and state the following:

I. INTRODUCTION

1. I make this Affidavit in support of a Criminal Complaint against Gino Carl Von ECKSTEIN (“ECKSTEIN”), for violation of Title 21, United States Code, Sections 841(a)(1) and (b)(1)(B)(viii), manufacture and possession with intent to distribute 500 grams and more of a mixture and substance containing methamphetamine, its salts, isomers, and the salts of its isomers, a Schedule II controlled substance.

2. The facts set forth in this Affidavit are based on my own personal knowledge, knowledge obtained from other individuals during my participation in this investigation, including other law enforcement officers, my review of documents related to this investigation, communications with others who have personal knowledge of the events and the circumstances described herein, and information gained through my training and experience.

3. Because this Affidavit is submitted for the limited purpose of establishing probable cause in support of a Complaint, it does not set forth each and every fact that I, or others, have learned during the course of the investigation.

II. AGENT BACKGROUND

4. I am a Special Agent of the FBI and have been so employed since April 2009. I attended and graduated the FBI Academy in Quantico, VA. During my 20 weeks at the Academy, I received training on federal criminal procedure and investigative techniques to include interviewing witnesses and subjects, physical and electronic surveillance, data analysis, undercover operations, and human source development and operation, among others.

5. After the Academy, I was assigned to the San Francisco Field Division where I have investigated financial crimes and public corruption. I have been the lead case agent on more than 50 such investigations. While the majority of my investigative experience has focused on financial crimes and public corruption, I have participated in more than 10 investigations related to organized crime and drug trafficking.

6. In my investigative experience I have personally conducted hundreds of interviews, debriefed and operated several human sources, installed and monitored electronic surveillance devices such as pole cameras and GPS tracking devices, planned and executed undercover operations, obtained and executed search and arrest warrants and monitored Title-III wire intercepts.

7. In November 2017, I was assigned as a Task Force Agent (TFA) to the Drug Enforcement Administration’s (DEA) Tactical Diversion Squad in Oakland, CA. This squad investigates illegal distribution of pharmaceuticals whether diverted from legitimate sources or produced and distributed as counterfeit.

8. Since starting with the DEA, I have personally participated in at least five diversion investigations. I also attended the DEA's National Conference on Pharmaceutical and Chemical Diversion where I learned about abused pharmaceuticals, how they are produced, dispensed and regulated and methods of investigating their illegal distribution.

III. APPLICABLE LAW

9. Section 841(b)(1)(A) of Title 21 of the United States Code provides, in pertinent part: "it shall be unlawful for any person knowingly or intentionally . . . to manufacture, distribute, or dispense, or possess with intent to manufacture, distribute, or dispense, a controlled substance[.]"

10. Section 841(b)(1)(B)(viii) of Title 21 of the United States Code specifies a mandatory minimum term of imprisonment of 5 years for possession of 500 grams or more of a mixture or substance containing methamphetamine, its salts, isomers, or salts of its isomers.

IV. FACTS ESTABLISHING PROBABLE CAUSE

11. On June 12, 2018, I, along with other agents, executed warrants to search three residences and one car pursuant to warrants authorized by the Honorable Sallie Kim, United States Magistrate Judge for the Northern District of California.

12. Inside the residence located at 442 5th Avenue, in a lower level that co-tenants stated was exclusively occupied by ECKSTEIN, agents found approximately 222.1 grams of orange pills contained in a plastic bag that bore the marking "AD" on one side and "-3|0-" on the other side. Agents performed a TruNarc test on these pills, which showed a presumptive positive for the presence of methamphetamine. Also inside the lower level of the residence, agents found approximately 15 clear capsules containing a white powdery substance that have not been tested at this time.

13. Inside a Honda Civic, located at 103 Butterweed Road in Brisbane, California, which agents have seen ECKSTEIN driving, agents found orange pills inside Ziploc bags contained inside of a USPS mailing envelope, collectively weighting approximately 660.9 grams. These pills also bore the marking "AD" on one side and "-3|0-" on the other side. Agents performed a TruNarc test on these pills, which showed a presumptive positive for the presence of methamphetamine.

14. Inside the residence located at 103 Butterweed Road in Brisbane, California, in a bedroom that included ECKSTEIN's driver's license, clothes that I have seen ECKSTEIN wear, and other financial documents in ECKSTEIN's name, agents found a bag of orange powder, several bundles of cash, a closet full of mason jars that appeared to contain mushrooms, and a whiteboard that included the following notations: "ADDS – Production – Pill Die;" "SHROOMS P.C/ Jars → Pasteurize" and "Setup house;" "MDMA – Get Stamp." I believe that this was ECKSTEIN's bedroom, and I believe that the notations on the whiteboard were ECKSTEIN's "to do" list for his drug trafficking. I believe that "ADDS" is shorthand for "Adderall," that "SHROOMS" is shorthand for mushrooms, and that "MDMA" is the abbreviation for 3,4 methylenedioxymethamphetamine. Inside ECKSTEIN's bedroom in a

dresser drawer, agents also seized a box bearing the label "The Capsule Machine," which contains a tray that allows an individual to fill capsules. I have reviewed the website for this product, and the website describes the product as a "home encapsulating device."

15. Inside the residence located at 14185 Maracaibo Road in San Leandro, California, in which agents found tools with the name "GINO" written on them and paperwork in the name of a female with the 442 5th Avenue address in San Francisco, agents found 3 Ziploc bags containing orange pills weighing a total of approximately 82.1 grams. As with the pills from the previous two locations, these pills bore the marking "AD" on one side and "-3|0-" on the other side. Inside this residence, agents found shards of suspected crystal methamphetamine contained in a plastic bin without a lid, weighing a total of approximately 111.1 grams. Agents performed a TruNarc test on these pills and these shards, which showed a presumptive positive for the presence of methamphetamine.

16. Also inside the residence located at 14185 Maracaibo Road in San Leandro, California, agents found two pill presses. One was covered in an orange powdery residue. I know from my training and experience, and from my role as a Task Force Agent in the Tactical Diversion Squad within DEA, that a pill press is something that can be used to manufacture counterfeit controlled substances. On the countertop of the kitchen, agents also found pill punches and dies, including one punch with the "AD" marking and another punch with the marking "-3|0-".

17. In total, inclusive of packaging, agents found approximately 1,117.2 grams of substances contained in packaging materials that showed a presumptive positive test for the presence of methamphetamine. I have seen these items of evidence, and I do not believe that the packaging weighs more than 500 grams. Accordingly, I believe that there were at least 500 grams of a mixture and substance containing methamphetamine seized on June 12, 2018 tied to ECKSTEIN.

18. Based on my training and based on my conversations with more experienced law enforcement officers who investigate methamphetamine trafficking and the diversion of controlled substances, I believe that this quantity of methamphetamine is a distribution quantity and not intended for personal consumption.

19. In addition, based on my training and based on my conversations with more experienced law enforcement officers who investigate methamphetamine trafficking and the diversion of controlled substances, I believe that we have uncovered evidence establishing probable cause that ECKSTEIN is involved in manufacturing and distributing counterfeit Adderall pills that actually contain methamphetamine. Adderall is the brand name for pills containing both amphetamine and dextroamphetamine, which are Schedule II controlled substances and stimulants. I know from my training and experience that methamphetamine is also a stimulant, and I believe that ECKSTEIN was using pill presses to manufacture "speed pills," or pills that appear to contain one stimulant controlled substance, but in fact contain another stimulant (methamphetamine). The following evidence supports this conclusion:

- a. I know from my research that the marking “AD” and “30” are the markings that appear on pills containing 30 milligrams of Adderall, and that real Adderall pills are orange in color.
- b. On June 12, 2018, orange-colored pills with the markings “AD” and “30” were found at the following locations linked to ECKSTEIN: inside the residence located at 442 5th Avenue, in a lower level that co-tenants stated was exclusively occupied by ECKSTEIN; inside a Honda Civic, located at 103 Butterweed Road in Brisbane, California, which agents have seen ECKSTEIN driving; and inside the residence located at 14185 Maracaibo Road in San Leandro, California, which included tolls with ECKSTEIN’s first name on them. The pills recovered from these locations tested positive for the presence of methamphetamine.
- c. On June 12, 2018, two pill presses (one with orange-colored residue) were found at 14185 Maracaibo Road in San Leandro. Pill presses are used to manufacture pills. With the pill presses, the agents found dies with markings consistent with the markings on the seized counterfeit Adderall pills.
- d. Also at 14185 Maracaibo Road in San Leandro, the agents found shards of methamphetamine.
- e. On June 12, 2018, in a bedroom used by ECKSTEIN at 103 Butterweed Road in Brisbane, California, the agents found, among other things, a whiteboard that included the following notation: “ADDS – Production – Pill Die.” I believe that this notation referred to the manufacture (production) of counterfeit Adderall pills (“ADDS”) with pill presses and punches for counterfeit pills (“Pill Dies”).

V. CONCLUSION

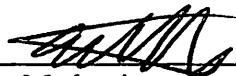
20. Based upon the information contained within this Affidavit, I submit that I have established probable cause to believe that Gino Carl Von ECKSTEIN, has violated Title 21, United States Code, Section 841(a)(1) and (b)(1)(B)(viii), manufacture and possession with intent to distribute 500 grams and more of a mixture and substance containing methamphetamine, its salts, isomers, and salts of its isomers.

VI. REQUEST FOR SEALING

21. Because this investigation is ongoing, disclosure of the Complaint, Affidavit, Arrest Warrant, and other related filings will jeopardize the progress of the investigation and the safety of the arresting officers by apprising ECKSTEIN of the existence of the charges and Arrest Warrant and providing ECKSTEIN and others with an opportunity to destroy evidence, change patterns of behavior, notify confederates, or flee from prosecution. Accordingly, I request that the Complaint, Affidavit, Arrest Warrant, and other related filings be filed under seal until further Order of this Court.

I declare under penalty of perjury that the statements above are true and correct to the best of my knowledge and belief.

Respectfully submitted,



Scott Medearis
Special Agent
Federal Bureau of Investigation

Subscribed and sworn to before me on June 13, 2018.



HONORABLE SALLIE KIM
UNITED STATES MAGISTRATE JUDGE