

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

UNITED STATES OF AMERICA

v.

FOUAD MASOUD,
JAMIL ABDELRAHMAN JAD ALLAH, and
ADIL KHAN MOHAMMED

CASE NUMBER:

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief. Beginning no later than on or about March 26, 2018, and continuing to no earlier than on or about April 1, 2018, at Chicago, in the Northern District of Illinois, Eastern Division, and elsewhere, the defendants, FOUAD MASOUD, JAMIL ABDELRAHMAN JAD ALLAH, and ADIL KHAN MOHAMMED, violated:

Code Section

Title 21, United States Code, Section
846

Offense Description

conspired with others known and unknown to knowingly and intentionally possess with intent to distribute and distribute a controlled substance, namely, a mixture and substance containing a detectable amount of methyl 2-(1-(4-fluorobenzyl) -1H-indazole-3-carboxamido)-3-methylbutanoate (also known as FUB-AMB), a Schedule I Controlled Substance, in violation of Title 21, United States Code, Section 841(a)(1)

This criminal complaint is based upon these facts:

X Continued on the attached sheet.

ARTYOM POSTUPAKA
TFO, Drug Enforcement Administration (DEA)

Sworn to before me and signed in my presence.

Date: April 2, 2018

Judge's signature

City and state: Chicago, Illinois

DANIEL G. MARTIN, U.S. Magistrate Judge

Printed name and Title

AFFIDAVIT

I, ARTYOM POSTUPAKA, being duly sworn, state as follows:

1. I am a Task Force Officer (“TFO”) with the Drug Enforcement Administration (“DEA”) and have been so employed since approximately August 2014. I am currently assigned to the DEA Chicago Field Division, and my responsibilities include the investigation of narcotics and firearms trafficking offenses. Since approximately September 2012, I have been employed as a police officer with the Lisle Police Department.

2. I have received specialized training in the enforcement of laws concerning controlled substances as found in Title 21 of the United States Code, as well as extensive training from federal, state, and municipal law enforcement agencies in the area of controlled substances. I have testified in judicial proceedings and prosecutions for violations of controlled substance laws. I have also been involved in various types of electronic surveillance, and in the debriefing of defendants, witnesses, informants, and others who have knowledge of the distribution and transportation of controlled substances. Some of the specialized training I have received includes classroom instruction concerning narcotics smuggling and conspiracy investigations.

3. This affidavit is submitted in support of a criminal complaint alleging that FOUAD MASOUD, JAMIL ABDELRAHMAN JAD ALLAH, and ADIL KHAN

MOHAMMED, have violated Title 21, United States Code, Section 841(a)(1) and 846. Because this affidavit is being submitted for the limited purpose of establishing probable cause in support of a criminal complaint charging MASOUD, JAD ALLAH, and MOHAMMED with conspiracy to knowingly and intentionally possess with intent to distribute and to distribute a controlled substance, namely, a mixture and substance containing a detectable amount of methyl 2-(1-(4-fluorobenzyl) -1H-indazole-3-carboxamido)-3-methylbutanoate (also known as FUB-AMB), a Schedule I Controlled Substance, I have not included each and every fact known to me concerning this investigation. I have set forth only the facts that I believe are necessary to establish probable cause to believe that the defendants committed the offense alleged in the complaint.

4. This affidavit is based on my personal knowledge, information from confidential sources, physical surveillance, information received from other law enforcement officers, review of law enforcement databases, my experience and training, and the experience of other law enforcement officers.

FACTS SUPPORTING PROBABLE CAUSE

A. Identification of the King Mini Mart

5. On or about March 26, 2018, the Illinois State Police provided information to Chicago Police Department that an individual had recently reportedly experiencing adverse symptoms, including unusual bleeding, from using synthetic

cannabinoids obtained from the King Mini Mart (also doing business as Legend Food Mart) located at 1303 South Kedzie Avenue in Chicago, Illinois (“King Mart”).¹

B. March 26, 2018, Undercover Purchase of Suspected Synthetic Cannabinoids from JAD ALLAH and MOHAMMED at King Mart

6. Based upon information provided to me by the Chicago Police Department, on or about March 26, 2018, at approximately 11:45 a.m., an undercover Chicago Police Department Police Officer (the “UC”) entered the King Mart equipped with a video recording device (without audio). According to the UC, the UC approached a male cashier, subsequently identified as ADIL KHAN MOHAMMED,² and stated, “let me get that K2 [synthetic cannabinoid]”³ to which MOHAMMED replied, “I don’t have the good stuff right now, all I got is garbage.”⁴ When the UC

¹ Based upon information provided by the Illinois Department of Public Health, multiple individuals were admitted to emergency rooms for medical care in March 2018 after having smoked synthetic cannabinoids obtained from the King Mart.

² Law enforcement identified MOHAMMED the following day, March 27, 2018, after members of the Chicago Police Department Vice Control License Section Unit conducted a license premise check and MOHAMMED identified himself as such and produced an Illinois driver’s license with that name.

³ At various times in this Affidavit, I have inserted bracketed comments based upon my understanding of the conversations and coded language used during those conversations. My understanding is based on my training and experience and investigation to date, my discussions with other law enforcement officers, the experience of other law enforcement officers in this investigation, and other evidence developed during the course of the investigation.

⁴ Based upon my training, research, experience, and familiarity with the investigation, I have learned that synthetic cannabinoids are psychoactive chemicals dissolved in a solvent such as acetone (the active ingredient in nail-polish remover) and then applied to plant material such as damiana to create a synthetic form of cannabinoid. Synthetic cannabinoids mimic the effects of tetrahydrocannabinol (“THC”) in cannabis when smoked. Based upon my training, experience, and familiarity with the investigation, I know that “K2” is a well-known brand of synthetic cannabinoid and is also used as slang to generally refer to synthetic cannabinoids.

asked MOHAMMED for the brand “Matrix,” MOHAMMED responded, “I don’t have that right now, I get that shipment later today.” When the UC told MOHAMMED “let me see what you got,” MOHAMMED reached from underneath the counter and placed two sealed plastic packages (with transparent backing), one labeled “Blue Giant” and the other labeled “Crazy Monkey,” that each contained a leafy substance that appeared to be synthetic cannabinoid.⁵ After MOHAMMED told the UC that the price was \$20, the UC paid MOHAMMED that amount in pre-recorded U.S. currency to purchase the two packages and left the store. While inside the store, the UC also saw another male, subsequently identified as JAD ALLAH, behind the store counter.⁶

C. March 27, 2018, Undercover Controlled Purchase of FUB-AMB from JAD ALLAH and MOHAMMED at the King Mart and CPD License Premises Search

7. On or about March 27, 2018, at approximately 1:25 p.m., the UC entered the front entrance of King Mart equipped with a video recording device (without audio) and approached MOHAMMED who was behind the counter. According to the UC, the UC asked “y’all got that Matrix K2,” to which MOHAMMED replied, “no, I got the same stuff like yesterday.” When the UC told MOHAMMED “you said you’d have some by today,” MOHAMMED turned to JAD ALLAH, who was also standing behind the counter and spoke to JAD ALLAH in a foreign language. JAD ALLAH then reached into his inside coat pocket and retrieved a sealed plastic package labeled

⁵ The two packages have been submitted for laboratory analysis but results are still pending.

⁶ Law enforcement similarly identified JAD ALLAH on March 27, 2018, during the license premise check after JAD ALLAH identified himself as such and produced an Illinois driver’s license with that name.

“Matrix,” which he handed to MOHAMMED, who handed it to the UC. When the UC told MOHAMMED, “I need one more of the Matrix,” JAD ALLAH handed MOHAMMED two sealed plastic packages, one labeled “Matrix” and the other labeled “Blue Giant,” who then provided them to the UC. After MOHAMMED told the UC that the price was \$25, the UC paid MOHAMMED that amount in pre-recorded U.S. currency to purchase the three packages and left the store.

8. Based upon information provided to me by the Chicago Police Department, on or about March 27, 2018, at approximately 1:33 p.m., Chicago Police Department Vice Control License Section Unit (“VCLSU”) investigators entered the King Mart to conduct a license premise check.⁷ VCLSU investigators approached JAD ALLAH and MOHAMMED, who were both standing behind the counter and identified themselves as employees. As part of their license premises inspection, investigators found two packages of suspected synthetic cannabinoids labeled “Blue Giant” and “Crazy Monkey,” respectively, behind the store counter in plain view. At that point, investigators noticed that JAD ALLAH had his hands in his coat pockets and, for officer safety, requested that JAD ALLAH remove his hands from his pockets.⁸ After JAD ALLAH did not remove his hands, investigators repeated their request. At that point, JAD ALLAH complied and, without questioning and as he

⁷ As a condition of holding a business license from the City of Chicago, that business agrees to random inspection. King Mart held retail food and tobacco licenses issued by the City of Chicago.

⁸ Based upon the experience and training of VCLSU investigators with whom I have spoken, I know that convenience store employees sometimes carry weapons or sharp objects on their person for their own safety.

removed his hands stated, “Ok, you got me!” JAD ALLAH then removed approximately 10 packages of suspected synthetic cannabinoids (including 3 packages of “Matrix,” 2 unidentified green packages, and 5 packages of “Crazy Monkey”) from his pockets. When investigators asked JAD ALLAH if he had any more packages, JAD ALLAH guided investigators to an underground storage area located outside the rear of the store where he showed them a bucket filled with approximately 112 packages of suspected synthetic cannabinoids (including approximately 56 packages labeled “Matrix,” approximately 48 packages labeled “Crazy Monkey,” approximately 1 package labeled “Insane,” and approximately 7 packages labeled “Blue Giant”). Law enforcement seized the suspected synthetic cannabinoids, which weighed approximately over 1,920 grams, and closed the store. Based upon the controlled buys of suspected synthetic cannabinoids and the VCLSU inspection, which revealed numerous administrative violations, King Mart’s licenses were placed on hold and multiple citations were issued to the store.⁹

9. On or about March 27, 2018, the Chicago Police Department submitted the two packages of “Matrix” and the package of “Blue Giant” acquired during the March 27 controlled purchase to the DEA’s North Central Laboratory which determined that the packages contained approximately 11.3 grams of methyl 2-(1-(4-fluorobenzyl)-1H-indazole-3-carboxamido)-3-methylbutanoate (also known as “FUB-AMB”), as well as an unconfirmed detectable amount of brodifacoum (a substance

⁹ Citations were issued for selling “synthetic marijuana,” selling unstamped cigarettes, selling outdated merchandise, and possession of illegal fireworks.

frequently used in rat poison). On November 3, 2017, the DEA temporarily scheduled FUB-AMB as a Schedule I Controlled Substance pursuant to its authority under 21 U.S.C. § 811(h). In an article published in the Military Medical Science Letters entitled the Toxic Potential of Superwarfarin: Brodifacoum, the authors described this “long-acting anticoagulant rodenticide” as a “highly toxic compound . . . with the ability to cause severe bleeding in humans.” Mil. Med. Sci. Lett. (Voj. Zdrav. Lists) 2013, vol. 82(1), p. 32-38.

D. April 1, 2018, Arrests of JAD ALLAH and MOHAMMED

10. On April 1, 2018, at approximately 4:30 p.m., law enforcement arrested JAD ALLAH at his residence. After being advised of his *Miranda* rights through an Arabic interpreter, and waiving those rights verbally and in writing, JAD ALLAH acknowledged working at King Mart for approximately the last two years and selling “K2” at the store. According to JAD ALLAH, the store sold approximately eighty packages of synthetic cannabinoids daily for approximately \$10 per 4-5 gram package and \$20 for each 10-gram package and that he knew that customers were likely eating or smoking the substances. According to JAD ALLAH, the synthetic cannabinoids were hidden outside in the location referenced in Paragraph 8 in order to avoid detection by law enforcement.

11. At approximately 5:47 p.m., law enforcement arrested MOHAMMED at his residence. After being advised of his *Miranda* rights, and waiving those rights verbally and in writing, MOHAMMED related that he had worked at the King Mart for approximately two years. According to MOHAMMED, King Mart sold an average

of approximately 50-60 packages of synthetic cannabinoids daily for approximately \$10 per 5-gram package and \$20 for each 10-gram package. According to MOHAMMED, in the approximately last three weeks, multiple customers began to complain about the quality of the synthetic cannabinoids sold at the store.

E. April 1, 2018, Interview of Witness A and Consensually Recorded Call with MASOUD

12. On April 1, 2018, at approximately 6:30 p.m., law enforcement interviewed JAD ALLAH's relative, Witness A, who voluntarily stated during an interview that JAD ALLAH had been working for MASOUD for approximately two years. Witness A told law enforcement that he had known MASOUD for over eighteen years, MASOUD was the owner of King Mart (although he knew that MASOUD's friend was listed as the registered owner), and that MASOUD sold "K2" at the store.

13. At approximately 6:26 p.m., at law enforcement's direction and in their presence, Witness A placed a consensually recorded phone call to MASOUD, who was using telephone number 708-527-1414, that went unanswered and followed up with a text message asking MASOUD to call him back. At approximately 6:35 p.m., Witness A received a consensually recorded incoming phone call from MASOUD, who was using telephone number 708-527-1414, during which Witness A told MASOUD that JAD ALLAH had been arrested for selling "K2." During the recorded call, MASOUD asked, "what are we going to do?" When Witness A replied, "I'm not the

owner of the store, you are,”¹⁰ MASOUD laughed and stated, “we have a problem, we need to resolve it . . . I could get him a lawyer.”¹¹

F. April 1, 2018, Consent Searches of MASOUD’s Residence and Car

14. Based upon information provided to me by other law enforcement officers, on April 1, 2018, at approximately 6:53 p.m., shortly after Witness A’s consensually recorded phone call, law enforcement conducting physical surveillance outside of MASOUD’s townhouse¹² in Justice, Illinois, saw MASOUD exit the building holding a large paper grocery bag and a paper box. Law enforcement officers approached MASOUD, identified themselves as law enforcement, and saw in plain view a large amount of U.S. currency inside the open grocery bag. When a law enforcement officer said something to the effect of, “whoa, how much money is that,” MASOUD responded that the bag contained \$280,000. Based upon MASOUD’s verbal

¹⁰ Reference is made in this Affidavit to text messages and consensually-recorded phone conversations (collectively, the “conversations”). The times listed for the conversations are approximate. Unless otherwise noted, the conversations are in Arabic and were translated by Arabic speaking law enforcement officers or interpreters contracted by DEA. Finally, for these recordings that were originally recorded in Arabic, I have relied on draft - - not final - - English translations of conversations in Arabic done by DEA agents and/or interpreters. Further, summaries of the conversations described herein do not represent finalized transcripts and may not represent the entire conversation that occurred between the identified individuals.

¹¹ Law enforcement identified MASOUD’s voice based upon: (1) Witness A’s familiarity with MASOUD; (2) the fact that the phone number 708-527-1414 was written on a shipment containing approximately one thousand packages of suspected synthetic cannabinoids addressed to the King Mart that were intercepted by law enforcement on March 23, 2018; and (3) after law enforcement had an opportunity to compare the voice heard with that of MASOUD during his arrest, consent searches, and post-arrest interview. Additionally, a search of an open source social media platform revealed an account for the user “Fouad Masoud” with a photo of MASOUD associated with the phone number 708-527-1414.

¹² MASOUD’s driver’s license and Illinois Secretary of State records showed MASOUD as associated with the residence.

and written consent, law enforcement searched MASOUD's townhouse where they found approximately 2,900 grams of leafy plant material in several packages that appeared to contain suspected synthetic cannabinoids (including a package labeled "Purple Giant"),¹³ various packages and envelopes addressed to King Mart, and receipts and invoices for King Mart. In addition, MASOUD provided verbal consent to search a black Nissan Maxima registered to him, where law enforcement found additional documents addressed to King Mart.

CONCLUSION

15. I submit that there is probable cause to support a complaint charging that beginning no later than March 26, 2018, and continuing to no earlier than on or about April 1, 2018, in the Northern District of Illinois, and elsewhere, FOUAD MASOUD, JAMIL ABDELRAHMAN JAD ALLAH, and ADIL KHAN MOHAMMED, conspired to knowingly and intentionally possess with intent to distribute and distribute a controlled substance, namely, a mixture and substance containing a detectable amount of methyl 2-(1-(4-fluorobenzyl) -1H-indazole-3-carboxamido)-3-

¹³ Based upon my training, experience, and familiarity with the investigation, I know that synthetic cannabinoids are often sold with different names marketing their flavor or effects such as "WTF," "Scooby Snacks," "Mind Trip," and "OMG."

methylbutanoate (also known as FUB-AMB), a Schedule I Controlled Substance, in violation of Title 21, United States Code, Sections 841(a)(1) and 846.

FURTHER AFFIANT SAYETH NOT.

ARTYOM POSTUPAKA
Task Force Officer, Drug Enforcement
Administration

SUBSCRIBED AND SWORN to before me on April 2, 2018.

DANIEL G. MARTIN
United States Magistrate Judge

