

UNITED STATES DISTRICT COURT

for the
District of Colorado

In the Matter of the Search of

The e-mail accounts and information associated
with: stevendennis@worldjet.com;
stevendennis@worldjetinc.com;
dw@worldjet.com; and dw@worldjetinc.com

Maintained by 01.com, Inc. located at:
333 West North Avenue, Chicago, IL 60610

Case No. 13-SW-00056-GPGFILED
U.S. DISTRICT COURT
DISTRICT OF COLORADO
OCT 30 2013B-12-13
JAN 14 2014

APPLICATION FOR A SEARCH WARRANT

I, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that there is now concealed on the following person or property located in the State and District of Colorado (identify the person or describe property to be searched and give its location):

SEE "ATTACHMENT A", which is attached to and incorporated in this Application and Affidavit

The person or property to be searched, described above, is believed to conceal (identify the person or describe the property to be seized):

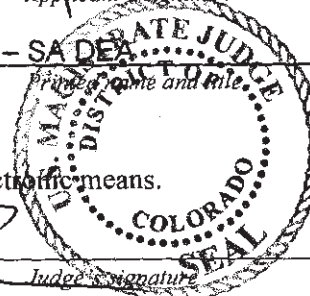
SEE "ATTACHMENT B", which is attached to and incorporated in this Application and Affidavit

The basis for the search under Fed. R. Crim. P. 41(c) is (check one or more):

- ☒ evidence of a crime;
☐ contraband, fruits of crime, or other items illegally possessed;
☐ property designed for use, intended for use, or used in committing a crime;
☐ a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of 21 U.S.C. § 846, and the application is based on these facts:☒ Continued on the attached affidavit, which is incorporated by reference.

☐ Delayed notice of days (give exact ending date if more than 30 days:) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.

Sworn to before me and: ☒ signed in my presence.☐ submitted, attested to, and acknowledged by reliable electronic means.Date: 10/25/2013City and state: Grand Junction, COs/ Charles J. Amell
Applicant's signatureCharles J. Amell - SA DEAGordon P. Gallagher - Magistrate Judge

Printed name and title

AFFIDAVIT IN SUPPORT OF AN APPLICATION FOR A SEARCH WARRANT

I, Charles J. Amell, being duly sworn, depose and state as follows:

I. INTRODUCTION AND AGENT BACKGROUND

1. I make this affidavit in support of an application for a search warrant for information associated with certain accounts that are stored at premises owned, maintained, controlled, or operated by 01.com, Inc., an internet service provider headquartered at 333 West North Avenue, Chicago, Illinois. The information to be searched is described in the following paragraphs and in Attachment A. This affidavit is made in support of an application for a search warrant under 18 U.S.C. §§ 2703(a), 2703(b)(1)(A) and 2703(c)(1)(A) to require 01.com, Inc. to disclose to the government records and other information in its possession pertaining to the subscriber or customer associated with the accounts, including the contents of email communications.

2. I am a Special Agent with the Drug Enforcement Administration (DEA) and have been since February 2000. I am an investigative or law enforcement officer of the United States within the meaning of Section 2510(7) of Title 18, United States Code, in that I am empowered by law to conduct investigations of and to make arrests for federal felony offenses.

3. I have had formal training in the investigation of drug trafficking. I have worked with numerous informants in the investigation of drug trafficking in multiple areas, including the State of Colorado. I have directed informants during controlled buys of controlled substances, performed undercover meetings with individuals, and directed informants to make monetary payments to drug traffickers for past controlled

substances received. I have participated in the execution of numerous state and federal search warrants in which controlled substances, drug paraphernalia, drug proceeds, financial records, and electronic devices with data were seized. I am familiar with the street names of various drugs, including marijuana, heroin, cocaine, and cocaine base. I am familiar with methods that are commonly used by drug dealers to package and prepare controlled substances for sale in the State of Colorado and elsewhere.

4. I have participated or assisted in numerous state and federal search warrants for narcotics-related offenses. These warrants involved the search of locations ranging from residences and businesses of targets, their associates and relatives, "stash houses" (houses used as controlled substance/money storage locations), and storage facilities. Evidence searched for, and recovered, in these locations have included controlled substances, records pertaining to the expenditures and profits realized there from, monetary instruments, and various assets that were purchased with the proceeds of drug trafficking. I have had numerous discussions with other experienced law enforcement officers, and have conducted and been present at numerous interviews of self-admitted narcotics traffickers and cooperating defendants concerning the manner in which drug traffickers and money launderers operate.

5. In the course of my employment and experience, I have also become aware of techniques and practices used by narcotics traffickers to avoid detection by law enforcement. Among these techniques are the use of counter surveillance, multiple locations at which to conduct narcotics related activities, hidden compartments in

vehicles used to hide narcotics and currency, the use of pagers, voice mail, cellular telephones, pay phones, email, and the use of numerous associates and "workers" to further their criminal organization. I have also become aware of the various techniques individuals use to conceal the source or nature of drug proceeds. Among the techniques utilized are the purchase of assets and financial instruments in nominee names using cash and "structuring" transactions so as to avoid certain reporting requirements of financial institutions.

6. Based on my training and experience, and on conversations with other experienced law enforcement officers who have participated in drug trafficking and money laundering related searches, it is my opinion that:

- a. People involved in large scale drug trafficking and/or money laundering almost always keep records of their transactions. Because drug trafficking generates large sums of cash, it requires the keeping of detailed records as to the distribution of narcotics as well as the laundering of the proceeds. Drug traffickers and money launderers typically keep documents demonstrating the purchase of assets, bank records, and other evidence of the accumulation of wealth through their illegal activities, as well as the methods used to launder the proceeds. Such records also typically provide evidence as to the identity of additional criminal associates who are facilitating the laundering of the narcotics proceeds on behalf of the organization. These records, unlike controlled substances, are often maintained for long periods of time, even several years, based on my training and experience. Such records are often maintained under the dominion and control of the drug traffickers and money launderers, and as such, are often kept in their residences, businesses and/or storage facilities.
- b. Drug traffickers who amass the proceeds of their enterprise quite often secure their money within secure locations within their dominion and control, often in their residences, businesses, and storage facilities, and often in safes or other secure containers.

- c. Large scale drug trafficking and money laundering activities require the cooperation, association, and communication between and among a number of people within the organization. As a result, people who traffic in narcotics or launder money for such organizations will possess documents that identify other members of their organization, such as telephone books, address books, handwritten notations, telephone bills, and documents containing lists of names and addresses of criminal associates.

7. Based upon my training, experience, and participation in financial investigations involving money laundering or other efforts by defendants to conceal assets to avoid the detection of those assets by law enforcement, I have learned that:

- a. Individuals involved in money laundering will utilize numerous forms of communications in order to facilitate the money laundering enterprise and evade detection by law enforcement officers. Forms of communications include but are not limited to E-mail, fax, telephones to include cellular telephones, text messaging, Skype, Facetime, and face to face conversations. When high-level drug traffickers and money launderers are buying, selling, and leasing jet aircraft, inspections of the aircraft are performed and documented for the potential buyer, and photographs of the aircraft are taken and provided to the potential buyer. Contracts which outline price and delivery of the aircraft are crafted and reviewed by the seller and the buyer. When a lien on the aircraft exists, the seller's / buyer's contract is provided to a title company. Often an escrow company is utilized to hold the down payment of good faith from the buyer to the seller. Once the terms and conditions of the sale / purchase / lease of the aircraft are finalized, the buyer and seller will communicate the means and methods of payments. This will include bank account numbers and wiring or deposit instructions from the buyer to the seller. The inspections reports, photographs, contracts, communications with title and escrow companies, and payment instructions are routinely communicated between aircraft seller, broker, and buyer via E-mail.
- b. Individuals attempting to conceal their illegal activities will frequently place assets obtained with proceeds of criminal activity in the names of friends, relatives, trusted associates, or fictitious entities to avoid detection of these assets by the Internal Revenue Service and other government agencies. Even though these assets are in the names of others, the true

owners will continue to exercise dominion and control over the use, ownership, and disposition of these assets.

- c. Individuals involved in money laundering will utilize checking and savings accounts at financial institutions in the names of relatives, friends, trusted associates, or fictitious business entities. These relatives and associates also conduct financial transactions on the individuals' behalf utilizing monetary instruments, including wire transfers of monies into foreign accounts outside the United States.
- d. Individuals involved in money laundering will frequently have some sort of legitimate income or funds and co-mingle their criminal profits with their legitimate funds. This helps conceal the illegal source. Monetary instruments can then be acquired against the funds in the account or a check can simply be written on the account with limited suspicion.
- e. Individuals involved in money laundering will frequently allow third parties and/or co-conspirators to make cash deposits to their bank accounts. An individual depositing currency is not typically required to show identification to banking officials, therefore, a third party can go to a bank branch anywhere in the U.S. and deposit cash to an account that is not held in their name. Because the funds are deposited in cash, the account holder, who can be in a different state, can then go to their local bank branch and immediately withdraw the funds in cash. This method of transferring money provides for an almost instantaneous transfer of funds that could not be achieved through the shipping of bulk currency via common carrier and maintains the virtual anonymity of the third party making the deposit which would not be possible if transferring money through wire a service business such as Money Gram or Western Union.
- f. Individuals who are attempting to conceal their illegal activities from the IRS and other government agencies commonly hide records that will establish their true ownership of assets. Such records typically include: bank statements, cashier's check receipts, money order receipts, wire transfer receipts, documents pertaining to storage facilities or safe deposit boxes, automobile titles, property deeds, documents or agreements detailing the true ownership of assets, photographs of the true owners with the concealed assets, or other items such as sales receipts, purchase orders, or shipping invoices.
- g. Individuals who seek to hide such records typically keep those records in a place that is secure but easily accessible, such as their personal

residences, garages, automobiles, storage facilities, safety deposit boxes, briefcases, purses, and safes or security storage containers.

II. LOCATIONS TO BE SEARCHED

8. Based on my training and experience and the facts as set forth in this affidavit, there is probable cause to believe that William WHITTINGTON, Reginald WHITTINGTON, Steven DENNIS, and other members of their drug trafficking organization (DTO) knowingly conspired with each other, and others known and unknown, to facilitate the distribution in excess of 5 kilograms of cocaine, a Schedule II controlled substance, in violation of 21 U.S.C. § 846; and knowingly and intentionally conspired with each other, and others known and unknown, to violate 18 U.S.C. § 1956(a)(1)(B)(i), which makes it unlawful for one who knows that property involved in a financial transaction represents the proceeds of some form of unlawful activity, to conduct a financial transaction in and affecting interstate commerce, which transaction involves the proceeds of specified unlawful activity, with intent to conceal or disguise the nature, location, source, ownership, or control of the proceeds of specified unlawful activity. The specified unlawful activity involved in the offense is the distribution of controlled substances and conspiracy to distribute controlled substances, in violation of 21 U.S.C. § 846. The object of the conspiracy was to conceal the source, ownership, and control of the proceeds of drug trafficking which were received by the above identified individuals. All in violation of 18 U.S.C. § 1956(h).

9. There is also probable cause to search the information described in Attachment A for evidence of these crimes and contraband or fruits of these crimes, as described in Attachment B.

10. This affidavit is based upon my personal knowledge, and upon information reported to me by other federal, state, and local law enforcement officers during the course of their official duties, all of whom I believe to be truthful and reliable. This affidavit is also based upon information gained from interviews with cooperating citizen witnesses, confidential sources (CSs), and defendants, whose reliability is established herein. This affidavit is intended to show merely that there is sufficient probable cause for the requested warrant and does not set forth all of my knowledge about this matter.

III. PROBABLE CAUSE

11. I know, based on my contact with 01.com, Inc., that 01.com, Inc. has retained data that was in the email accounts as of a back-up performed on September 5, 2013, by 01.com, Inc. A preservation request letter was sent by your Affiant to 01.com, Inc. on October 17, 2013. As a result, 01.com, Inc. should have the email messages relating to stevendennis@worldjet.com , stevendennis@worldjetinc.com , dw@worldjet.com and dw@worldjetinc.com that were in the account as of September 5, 2013.

Background of Investigation

12. On April 8, 2013, I was contacted by DEA Miami, Florida, Field Division Group 2, SA Ryan Petrasek, regarding Reginald "Don" Whittington and his brother

William "Bill" Whittington. SA Petrasek outlined a year-long investigation by the DEA Miami Field Division into the drug trafficking facilitation activities of Don Whittington and his company, World Jet, Inc. of Fort Lauderdale, Florida. The DEA Miami investigation had revealed that Don Whittington sold and leased multiple jet aircraft to purchasing agents of Venezuelan, Colombian, African, and Mexican Drug Trafficking Organizations (DTO's). According to a DEA Confidential Source (CS1), proceeds from these sales have been invested into a ranch and a hotel or spa, located in western Colorado. CS1 believed that these proceeds are laundered through the hotel or spa owned by Don Whittington's brother, Bill Whittington. CS1 is known to be reliable and trustworthy, with no known negative performance issues.

13. In 1986, Bill Whittington pleaded guilty to marijuana importation and federal tax violations and was sentenced to 15 years federal prison. In 1987, Don Whittington pleaded guilty to federal tax violations and was sentenced to 18 months federal prison. As part of a plea deal, Bill Whittington agreed to forfeit \$7 million in U.S. Currency and assets to the U.S. Government.

Financial Holdings

14. From April 2013 through present, DEA Colorado identified a ranch outside of Pagosa Springs, Colorado, called the Three Meadows Ranch. The Three Meadows Ranch is owned by Fawn Gulch LLC, of whom the principal is Nerissa Whittington. Nerissa Whittington is the daughter of Bill Whittington. A search of public databases revealed that on October 12, 2007, the Three Meadows Ranch was granted to Keely

Reyes (Nee Whittington) via quit claim. Keely Whittington is the other daughter of Bill Whittington. On March 10, 2008, Keely Whittington granted the ranch via quit claim to Nerissa Whittington who on June 1, 2011, placed the ranch under Fawn Gulch LLC. Fawn Gulch LLC is registered as an LLC in the state of Florida at 1020 N.W. 62nd Street, Fort Lauderdale, Florida. This is the physical address of Don Whittington's company, World Jet, Inc.

15. DEA Colorado identified a spa and resort in Pagosa Springs, Colorado, called the Springs Resort and Spa. The Springs Resort and Spa is owned by Pagosa Resort and Spa, Inc., of whom the registered agents are Keely and Nerissa Whittington. On December 27, 2004, Pagosa Resort and Spa, Inc. applied for authority to conduct business as a foreign entity in the state of Colorado under the name of the Springs Resort and Spa. Pagosa Resort and Spa, Inc. was incorporated in the state of Florida at 1020 N.W. 62nd Street, Fort Lauderdale, Florida. This is the physical address of Don Whittington's company, World Jet, Inc. In 2008, Bill Whittington submitted a Planned Unit Development (PUD) to the City of Pagosa Springs, CO, which outlined a \$250 million USC development plan for the spa and resort to take place over the next 10 to 12 years (2008 to 2018 – 2020). According to open source articles, the City of Pagosa Springs approved the first phase of the PUD, allowing the expansion of the geothermal pools from 18 to 23 pools and the building of a 29-room hotel building on the premises.

16. A review of bank records revealed that in 2009, World Jet, Inc. wired a total of \$451,000 USC (United States Currency) to an account of the Springs Resort

and Spa. During this same time period, bank records indicate that the Springs Resort and Spa wired \$111,408 USC back to World Jet, Inc. Investigators believe that due to the seizure by DEA of \$645,000 USC from the bank account of World Jet of Delaware in September of 2009, Don and Bill Whittington changed their method of transferring illegal proceeds from Florida to Colorado from direct wire transfers to indirect wire transfers using third parties and possibly bulk cash transportation.

17. Reports of Foreign Bank and Financial Accounts (FBAR) filed by William Whittington with the U.S. Department of Treasury revealed that William Whittington is an account holder with LGT Bank of Vaduz, Liechtenstein. This account has grown from \$1,021,700 USC in 2003 to \$10,660,155 USC in 2012. Liechtenstein is known in financial circles as a preferred financial location for narcotics traffickers who are hiding and laundering narcotics proceeds.

18. A review of bank records also revealed that in April 2012, William Whittington attempted to open two brokerage accounts with Raymond James Financial Services, at an office in Pagosa Springs, Colorado, with a personal Check for \$1,000,000 USC. After conducting a background check on William Whittington, Raymond James Financial Services returned the \$1,000,000 USC to William Whittington and closed the brokerage accounts.

Use of Email Services

19. CS1 believes that Don and Bill Whittington operate their business as follows: they will negotiate a contract with a DTO or a representative broker acting on

behalf of a DTO to lease an aircraft to the DTO. The Whittington brothers will draft a contract which requires a large amount of money to be deposited for the aircraft. Often the contract is drafted as a lease-to-buy option, with an accompanying amortization schedule. The sale price or deposit required is often more than the aircraft is worth. In return for the inflated price, Don Whittington maintains the aircraft in his or a third party name, and keeps the U.S. tail number on the aircraft. After the DTO has finished using the aircraft for an unspecified period of time, the aircraft is returned or "repossessed" by World Jet, Inc. In the event that the aircraft is seized pursuant to a narcotics interdiction, both parties can deny responsibility and World Jet, Inc. can reclaim the aircraft as they hold the financial lien.

20. On August 23, 2013, CS1 said that Steven Dennis is Don Whittington's operations manager at World Jet, Inc. and is involved in the procuring, leasing and sales of aircraft to Drug Trafficking Organizations (DTO's). CS1 said that Dennis handles all of the logistical details of preparing and moving an aircraft that is to be turned over to a broker working on behalf of a DTO. CS1 said that Dennis is often present during the signing of an agreement with an aircraft broker, and that Dennis acts on behalf of Don Whittington. CS1 said that Dennis maintains the lease agreements for these aircraft within World Jet, Inc.'s offices. CS1 believes that Don Whittington has increasingly relied on Dennis to help negotiate and finalize the sale and leasing of aircraft to brokers working on behalf of DTO's. CS1 believes that Don Whittington began to delegate this responsibility to Dennis in order to insulate and remove himself

further away from the actual sales and leases to suspect brokers.

21. CS1 said that he/she has observed Dennis writing and reading emails on both the office computer and on his smart phone while at the World Jet, Inc. facility. CS1 provided stevendennis@worldjet.com and stevendennis@worldjetinc.com as email addresses which he/she knows are utilized by Dennis. CS1 also provided dw@worldjet.com and dw@worldjetinc.com as email addresses which he/she knows to be utilized by Don Whittington. CS1 said he/she has observed that Don Whittington will not type an email, but rather dictates the email to be written to someone else by standing behind that person and telling them what to type as they sit at a computer.

22. On August 27, 2013, I issued a DEA Administrative Subpoena to 01.com, Inc. requesting the customer name(s), addresses, length of service and methods of payment related to World Jet, Inc. On October 17, 2013, 01.com, Inc. responded to the subpoena and provided the requested information. The primary contact for the account at 01.com, Inc. is Don Whittington at 1020 NW 62nd Street, Fort Lauderdale, Florida, and telephone number of 954-772-7444. This is the address and telephone number for World Jet, Inc. Records indicated that the account has been active from April 20, 2011, to present. Among active email addresses assigned to the account are stevendennis@worldjet.com, stevendennis@worldjetinc.com, dw@worldjet.com, and dw@worldjetinc.com.

23. On September 9, 2013, SA Ryan Petrasek met with CS1 who provided SA Petrasek with a thumb drive containing multiple electronic files copied from the World

Jet, Inc. computers by CS1. Among the many electronic files on the thumb drive was Adobe PDF electronic copies of emails sent to and from email addresses assigned to the World Jet, Inc. domain subscribed by Don Whittington at 01.com, Inc. These emails were sent during the time period of April 20, 2011 to present.

24. On June 4, 2013, two emails were sent from dmerc@wbaircraft.com of Wright Brothers Aircraft Title, Inc. to "S Dennis" regarding a \$25,000 USC refundable deposit each on two different aircraft with the serial numbers RK-133 and RK-29. These emails were addressed to "Steven" and "S Dennis."

25. On May 24, 2011, an email was sent from abarcaaircraft@yahoo.com to worldjetinc@aol.com and then forwarded from worldjetinc@aol.com to dw@worldjetinc.com regarding the purchase agreement document for a Hawker 800A aircraft serial number 258201 and tail number N59DM. The commission agreement contained within the email contained the signature of Don Whittington, President, World Jet, Inc. dated May 24, 2011.

26. On June 24, 2013, CS1 provided SA Ryan Petrsek, Miami Field Division, with an electronic copy of a 2009 World Jet, Inc. contact list. This contact list contained numerous names, addresses, phone numbers and email addresses of Don Whittington's family and associates. This contact list included additional email addresses for William Whittington of whitt@gwi.bz, vmeier@gulfstreamworldwide.com, and william@avaloninvestmentsinc.com. As well, additional email addresses for World Jet, Inc. were also detailed in the contact list including rdwhitt123@aol.com,

worldjetcs@aol.com and worldjetinc@aol.com. An email for Don Whittington's son, Reginald "Donnie" Whittington III, was listed as donwhittington@gmail.com. An email for RD Whittington, Don and Bill Whittington's nephew, was listed as rdwhittington@yahoo.com.

27. On April 18, 2012, and again on May 7, 2012, FBI Miami interviewed Tammy Whitmier regarding Don Whittington and his company World Jet, Inc. Whitmier worked for Don Whittington and World Jet, Inc. for over 20 years as the bookkeeper. In 2012, Whitmier and Don Whittington had a "falling out." According to Whitmier, Whittington fired her, however Whittington had told Whitmier's husband that she had quit. Whitmier stated during the interview that Don Whittington did not use email himself, but instead had others send email on his behalf, including Whitmier. Whitmier also stated that Steven Dennis was Don Whittington's "assistant."

28. On January 3, 2011, an FBI Confidential Source, hereinafter referred to as CS, indicated that Don Whittington sold two King Air 200 aircraft to Hector Aguirre-Armendariz, an airplane broker operating out of Guadalajara, Mexico. According to the CS, Whittington did not use an escrow company to facilitate the financial aspect of the sale of the airplanes because Whittington simply accepted direct wire transfers to his account. The CS provided the investigators with a business card for Aguirre-Armendariz with his contact information to include the following E-mail address: xbdemex_1@hotmail.com.

COLOMBIA

Sale of Hawker 700 Tail Number N49RJ

29. On January 9, 2013, another documented DEA Confidential Source, hereinafter referred to as CS2, met with Luis Urrea and Miguel Valenzano at World Jet, Inc. While there, CS2 met and spoke with Steven Dennis. CS2 understood Dennis to be the lead aircraft broker for Don Whittington. Dennis seemed impressed with CS2's knowledge of aircraft and asked CS2 to bring him (Dennis) a resume. Luis Urrea and Miguel Valenzano then showed the CS a Hawker 700 bearing tail number N49RJ, and told CS2 that N49RJ was to depart that evening for Colombia. According to Homeland Security Investigations (HSI), N49RJ departed from the Fort Lauderdale Executive Airport for El Dorado International Airport in Bogota, Colombia, on the evening of January 9, 2013. CS2 stated that he/she overheard Valenzano explaining to Urrea how you have to "set up a company in the United States" in order to purchase an aircraft if you are in another country or not a U.S. citizen. Telephone toll analysis by Special Agent Kristine Kibble, Miami Field Division, revealed multiple calls between Luis Valenzano and Don Whittington and Steven Dennis during this time period.

30. In February 2013, HSI Miami and DEA Miami initiated a criminal investigation into a Colombian-based DTO. An HSI Confidential Source, hereinafter referred to as CS3, was directed to place an aircraft in CS3's name on behalf of the Colombian DTO. CS3, at the direction of HSI and DEA agents, placed the Hawker 700 jet bearing tail number N49RJ in his/her name. The final negotiations and paperwork to

acquire the aircraft were completed by CS3 with Steven Dennis at the offices of World Jet, Inc. in Fort Lauderdale, Florida. According to CS3, Steven Dennis and World Jet, Inc. negotiated and facilitated the straw purchase of N49RJ by CS3 from Mountain Aviation, LLC. The straw purchase and the negotiations with Steven Dennis were conducted by Miguel Valenzano. Mountain Aviation was previously identified by CS1 as having a business relationship with World Jet, Inc. and that Don Whittington controls and owns multiple aircraft that are placed under the name of Mountain Aviation LLC.

31. On March 12, 2013, a documented DEA Confidential Source, hereinafter referred to as CS4, provided information regarding the Hawker 700 jet bearing tail number N49RJ. CS4 said that N49RJ recently flew into Panama City, Panama. CS4 said that the aircraft was to be used to move a load of cocaine from Venezuela to Honduras.

32. On April 9, 2013, a documented DEA Confidential Source, hereinafter referred to as CS5, provided information that the Colombian based Montoya-Sierra DTO had a pending cocaine shipment. CS5 said that 2,000 kilograms of cocaine were awaiting transport from Venezuela to Roatan, Honduras. CS5 said that the cocaine was recently transported into Venezuela from Colombia by drug mules, who walked it across the border. CS5 said that the DTO was attempting to utilize the Santo Domingo, Venezuela or the Maracaibo, Venezuela, airports to transport the cocaine to Honduras. Additionally, CS5 believed that the aircraft bearing tail number N49RJ would be utilized to transport the cocaine to Honduras.

33. On May 21, 2013, Steven Dennis approached CS1 at World Jet, Inc., and asked CS1 to travel to Venezuela and locate a Hawker 700 Jet aircraft bearing tail number N49RJ. Dennis told CS1 that N49RJ had been seized by the Venezuelan government. Dennis further explained to CS1 that "We knew that guy was a fucking drug dealer, I don't know why we messed with him." CS1 understood "we" to be Steven Dennis and Don Whittington. On May 25, 2013, CS1 returned from Venezuela and reported to Dennis that N49RJ was located in Maracaibo, Venezuela. CS1 also relayed to Dennis that he/she had not been able to verify the circumstances of the seizure of the aircraft. DEA and HSI verified that the N49RJ was detained by the Venezuelan government in Maracaibo, Venezuela.

Sale of Gulfstream II-SP Tail Number N1218C

34. In May 2013, DEA Miami Field Division Group 6 initiated an investigation into the Camilo McAllister-Maldonado DTO based in Colombia. In July 2013, a documented DEA Confidential Source, hereinafter referred to as CS6, began negotiating on behalf of McAllister-Maldonado with Don Whittington of World Jet, Inc. for the purchase of a Gulfstream II SP Jet, tail number N1218C. These negotiations were conducted under the direction and control of DEA. World Jet, Inc. and Don Whittington had the Gulfstream II-SP bearing tail number N1218C for sale for \$300,000.00 USC. McAllister-Maldonado described to CS6 that the Gulfstream II was needed to move multi-thousand kilograms of cocaine from South America into Central America. In August 2013, McAllister-Maldonado wired \$187,411.28 USC into a DEA undercover

account and an additional \$67,956.85 USC into a personal account of CS6. CS6 was directed by the controlling agents to transfer the \$67,956.85 USC into the DEA undercover account. Shortly thereafter, under the direction and control of DEA, CS6 took control of the Gulfstream II SP jet, tail number N1218C, from World Jet, Inc. and turned the aircraft over to the McAllister-Maldonado DTO.

Seizure of Piper PA-31 Tail Number N5000H

35. On June 25, 2009, DEA Miami and DEA Bogota, Colombia, seized a Piper PA31, bearing tail number N5000H in Popayan, Colombia. N5000H was owned by World Jet of Delaware, Inc., a company owned and operated by Don Whittington. The Colombian police and DEA Bogota seized a total of 786 kilograms of cocaine from the aircraft. Subsequent to the seizure of the aircraft and the cocaine, DEA Miami conducted a series of interviews of Don Whittington. On September 24, 2009, DEA Miami SA Thomas Highsmith and SA Robert Miller interviewed Don Whittington at the offices of World Jet, Inc. The agents advised Don Whittington that DEA had seized the \$645,000.00 USC from World Jet of Delaware, Inc. because the monies were suspected to be narcotics proceeds. Don Whittington told the investigating agents that they did not need to seize the monies from his accounts, because he (Whittington) would have willingly turned over the monies to authorities if they had requested that he do so. Don Whittington stated to the agents that the seizure of the monies was hindering his relationship with Bank Atlantic. The agents questioned Don Whittington about an additional \$175,000.00 USC which had been transferred from the seized business

account to a personal account at Bank Atlantic in the name of Whittington. Don Whittington stated that the \$175,000.00 was monies received from a legitimate customer and unrelated to the sale (of the aircraft) in question. Based on the seizure of cocaine in Colombia and Don Whittington's statements, DEA Miami seized a total of \$645,000.00 USC from a bank account of Don Whittington and World Jet of Delaware, Inc.

SOUTH AFRICA

Seizure of Beech King Air 300 Tail Number N711VN

36. On October 24, 2012, DEA Miami obtained a seizure warrant for a Beech King Air 300 aircraft bearing tail number N711VN. On October 12, 2012, Don Whittington and World Jet, Inc. brokered the sale of this aircraft from John Murphy to Congo Mining and Services. Congo Mining and Services is a Florida-based company owned by Elyaho Smadja. Elyaho Smadja is a current target in a DEA investigation of laundering narcotics and illegal weapons trafficking funds from Africa into the United States. The investigation revealed that in addition to brokering the sale of N711VN to Congo Mining and Services, World Jet, Inc. also brokered the acquisition of two other aircraft for Congo Mining and Services (N550PP and N777XS).

MEXICO

37. This investigation has identified multiple aircraft that World Jet, Inc. has sold to buyers in Mexico with ties to Mexican Drug Trafficking Organizations. On January 3, 2011, an FBI CS indicated that Don Whittington sold two King Air 200 aircraft

to Hector Aguirre-Armendariz, an airplane broker operating out of Guadalajara, Mexico. According to the CS, Whittington did not use an escrow company to facilitate the financial aspect of the sale of the airplanes because Whittington simply accepted direct wire transfers to his account. The CS provided the investigators with a business card for Aguirre-Armendariz with his contact information, to include the following E-mail address: xbdemex_1@hotmail.com.

Twin Commander 695 Tail Number N981WJ

38. On December 15, 2011, a documented DEA Confidential Source, hereinafter referred to as CS7, provided information that a 1981 Rockwell Twin Commander Model 695 bearing tail number N981WJ had returned to the United States from Guadalajara, Mexico. Prior to 2011, this aircraft was registered to World Jet, Inc. and on June 13, 2011 World Jet, Inc. advised the FAA that this aircraft was being exported to Mexico and asked that it be de-registered. According to CS7, the aircraft had been purchased by Hector Aguirre-Armandariz and then later transferred to Oscar D. Eslava-Rubio. Aguirre-Armandariz has been identified in multiple DEA investigations as an aircraft broker working on behalf of multiple Mexico-based drug traffickers. On January 11, 2012, CS7 provided DEA Miami with a copy of an email that CS7 had received from a target in Mexico regarding aircraft N981WJ. The email described the target's unease with his position within the organization. The target was identified in the DEA investigation as having an association with Aguirre-Armandariz and the Mexico-based Sinaloa Cartel.

Lockheed 1329-23E Tail Number N416SJ

39. On June 1, 2008, DEA SA Henry Jenik, Pilot, observed a 1972 Lockheed Model 1329-23E Jet bearing tail number N416SJ parked among several other business jets with Mexican registrations at the international airport in Toluca, Mexico. A registration check of N416SJ revealed that this jet was registered to World Jet II of Delaware, Inc. A subsequent investigation by DEA identified that at that time the jet was being piloted by Salvador Nunez. DEA indices allege that Nunez was involved in money laundering and utilizing corporate aircraft to transport large quantities of illegal narcotics. From September 2006 to April 2007, Nunez piloted N416SJ on ten documented cross border flights between Mexico and the United States. The DEA investigation also revealed that Nunez had been identified by ICE as allegedly having ties to several Mexican drug cartels and was suspected of being involved in a seizure of 100 kilograms of cocaine that had been transported on a business jet. ICE had previously identified that Nunez was involved in the sale of numerous business jets from Mexico to South America.

Crash of Gulfstream II Tail Number N987SA

40. On September 24, 2007, a 1975 Grumman Gulfstream II Turbo Jet bearing tail number N987SA crashed in the Yucatan Peninsula while transporting 3,723 kilograms of cocaine, which was recovered by the Mexican government, as documented by DEA Merida, Yucatan, Mexico. N987SA was owned by Donna Blue Aircraft, Inc. which was subsequently identified as a front company for a Tampa Bay, Florida-based

ICE undercover operation named Operation Mayan Jaguar. Earlier in 2007, this aircraft was sold from a Delaware-based company, SA Holdings LLC, to Donna Blue Aircraft Inc., which in turn produced a bill of sale for the aircraft to Clyde Oconnor and Gregory Smith. Clyde Oconnor and Gregory Smith have long been targets of DEA Investigations for the trafficking of cocaine from South America to Central America and Mexico. As well, Gregory Smith currently works as a contract pilot for Don Whittington and World Jet, Inc. Don Whittington and World Jet, Inc. were implicated in the brokering of the sale of N987SA from SA Holdings LLC to the undercover company, Donna Blue Aircraft, Inc.

Learjet LJ24 Tail Number N105EC & XB-ADR

41. In April 2007, the DEA Mexico City office received information that a Lear Jet 24 bearing Mexican tail number XB-ADR was being utilized to transport narcotics. The registration for XB-ADR indicated that it was owned by Pascual Oyarvides-Sanchez of Tampico, Tamulipas, Mexico. Oyarvides was being targeted in several drug cases as a transporter for Drug Trafficking Organizations utilizing aircraft. The Lear Jet 24 was previously registered to World Jet, Inc. under the tail number N105EC. The World Jet, Inc. registration was canceled after the aircraft was exported to Mexico on August 30, 2000, by World Jet, Inc.

COLORADO

42. On April 19, 2013, SA Ryan Petrasek, DEA Miami Field Division Group 2, contacted me and said CS1 had advised that Don Whittington was en-route from Fort

Lauderdale, Florida to Pagosa Springs, Colorado, aboard a Lear Jet LJ35 bearing tail number N31HK. A check of a commercial flight tracking database revealed that N31HK had filed a flight plan from Fort Lauderdale, Florida to Pagosa Springs, Colorado, and was en-route to Pagosa Springs, Colorado.

43. Agents established surveillance at Steven's Field, Pagosa Springs, Colorado, and subsequently observed N31HK arrive. Don Whittington and a female later identified as his wife, Sherri Whittington, debarked from N31HK, along with the pilot, Gregory Dean Smith. Gregory Smith has been identified in other DEA investigations as a pilot of interest due to intelligence that indicated he was a contract pilot who has flown loads of cocaine and marijuana from South and Central America to other points in the United States and Mexico. Don Whittington eventually traveled toward the Three Meadows Ranch while his wife and daughter, Stephanie Whittington, drove toward the Springs Resort and Spa. Per CS1, Stephanie Whittington is an employee at the Springs Resort and Spa. Surveillance also revealed that there are several vehicles utilized by the Whittington family in Pagosa Springs, Colorado, that are registered to Ean Holdings, LLC. Ean Holdings, LLC has been identified as a common company utilized by franchise holders of Enterprise Rent-a-Car, Inc. Don and Bill Whittington have a business relationship with Enterprise Rent-a-Car and there are Enterprise Rent-a-Car offices located at World Jet, Inc. and at the Springs Resort and Spa.

44. On April 20, 2013, I was alerted by an open source flight tracking program

that N31HK had filed a flight plan to fly from Pagosa Springs, Colorado, to Grand Junction, Colorado. I contacted the DEA Grand Junction office and requested surveillance support. DEA Grand Junction, Colorado, RAC (Resident Agent in Charge) James Schrant established surveillance in the vicinity of the Grand Junction Airport and observed N31HK arrive in Grand Junction. The pilot of the airplane met with a number of males who exited a rental car, entered the aircraft, then flew the aircraft for a short flight and returned to the Grand Junction Airport. Based on Resident Agent in Charge Schrant's training and experience, he believed that this is what is known as a "check flight," or a test flight, taken by a potential aircraft buyer.

45. On May 31, 2013, I contacted SA Gregory Todd, DEA Denver Field Division, and advised him that a flight plan had been filed for Lear Jet tail number N31HK to travel from Fort Lauderdale Executive Airport to the Front Range Airport in Watkins, Colorado. DEA established surveillance at the Front Range Airport and at approximately 12:03 P.M., observed the Lear Jet LJ35 bearing tail number N31HK arrive. DEA observed Don Whittington and Sheri Whittington debark from the LJ35 and depart from the airport.

46. On August 2, 2013, I was notified by SA Ryan Petrasek, Miami Field Division that Don Whittington would be traveling to Colorado via private jet aboard N804MR. This aircraft is registered to Mountain Aviation LLC, previously identified by SA Petrasek as an LLC registered to Steven Halmos. It is believed that the aircraft registered to Mountain Aviation LLC are controlled and operated by Don Whittington

and his company, World Jet, Inc. At approximately 11:35 A.M., N804MR departed from the Fort Lauderdale Executive Airport en-route to Grand Junction, Colorado. Mid-flight, N804MR changed its destination from Grand Junction, Colorado to Hayden, Colorado. I contacted Investigator Clark Kreger of the All Crimes Enforcement Team, Hayden, Colorado, and requested their assistance in observing N804MR arrive at the Yampa Valley Regional Airport, Hayden, Colorado.

47. At approximately 3:55 P.M., Investigator Kreger observed N804MR arrive at the Yampa Valley Regional Airport. Two individuals whom Investigator Kreger recognized as Don Whittington and Steven Halmos debarked from the aircraft along with two females. *A third unidentified male also debarked from the aircraft.* Investigator Kreger observed the party get into two vehicles, one of which was registered to Steven J. Halmos at 2860 Laurel Lane, Steamboat Springs, Colorado. Investigator Kreger then followed both vehicles and their occupants towards Steamboat Springs, Colorado, where he terminated the surveillance. Public records indicate that 2860 Laurel Lane, Steamboat Springs, Colorado, belongs to Steven J. Halmos.

48. CS1 provided information that Bill Whittington owns a Swearingen Merlin turbo jet bearing tail number N59EZ and that this aircraft is most likely kept at the Pagosa Springs, Colorado, airport. As well, the DEA Albuquerque District Office received information from a Source of Information (SOI) that Don and Bill Whittington have flown a Swearingen Merlin turbo jet bearing tail number N59EZ into Albuquerque, NM on multiple occasions. These flights utilizing N59EZ normally are not recorded via a

filed flight plan. Rather, the Merlin Turbojet is flown via Visual Flight Reference (VFR), which does not require the filing of a flight plan.

49. CS1 stated that Bill Whittington is the true owner and operator of the Swearingen "Merlin" Turbo-prop airplane bearing tail number N59EZ. A records check has verified that tail number N59EZ is assigned to a Swearingen SA226 Merlin Turbo-prop and is owned by World Jet of Delaware, Inc., 2711 Centerville Rd., Suite 400, Wilmington, DE 19808. Additional records indicated that this aircraft recently filed flight plans with arrivals and departures to include Colorado Springs, Colorado, Pagosa Springs, Colorado, Durango, Colorado, Albuquerque, New Mexico, and Scottsdale, Arizona. CS1 said that he/she has seen Bill Whittington pilot this aircraft on at least two or three occasions within the last year, into the Fort Lauderdale, Florida, Executive Airport in order to be serviced by World Jet, Inc. employees.

50. According to a DEA Albuquerque Source of Information (SOI), Don and Bill Whittington have been picked up at the Albuquerque airport by their nephews, Dale Jr. Whittington and RD Whittington. This investigation identified Dale Jr. and RD Whittington as the owners and operators of a used car dealership in Albuquerque, New Mexico, called Whittington Motorsports of Albuquerque. Initial bank record checks revealed multiple suspicious cash transactions being conducted by Whittington Motorsports of Albuquerque with multiple used car auction houses and brokers/sellers.

IV. TECHNICAL BACKGROUND

51. In my training, experience, and investigation, I have learned that 01.com, Inc. is a company that provides a variety of on-line services, including electronic mail ("e-mail") access, to the general public. Subscribers obtain an account by registering with 01.com, Inc. During the registration process, 01.com, Inc. asks subscribers to provide basic personal information. Therefore, the computers of 01.com, Inc. are likely to contain stored electronic communications (including retrieved and un-retrieved email for 01.com, Inc. subscribers) and information concerning subscribers and their use of 01.com, Inc. services, such as account access information, e-mail transaction information, and account application information.

52. In general, an e-mail that is sent to an 01.com, Inc. subscriber is stored in the subscriber's "mail box" on 01.com, Inc. servers until the subscriber deletes the e-mail. If the subscriber does not delete the message, the message can remain on 01.com, Inc. servers indefinitely.

53. When the subscriber sends an e-mail, it is initiated at the user's computer, transferred via the Internet to 01.com, Inc.'s servers, and then transmitted to its end destination. 01.com, Inc. often saves a copy of the e-mail sent. Unless the sender of the e-mail specifically deletes the e-mail from the 01.com, Inc. server, the email can remain on the system indefinitely.

54. An 01.com, Inc. subscriber can also store files, including e-mails, address books, contact or buddy lists, pictures and other files, on servers maintained and or owned by 01.com, Inc.

55. Subscribers to 01.com, Inc. might not store on their home computers copies of the e-mails stored in their 01.com, Inc. account. This is particularly true when they access their 01.com, Inc. account through the web, or if they do not wish to maintain particular files in their residence.

56. In general, e-mail providers like 01.com, Inc. ask each of their subscribers to provide certain personal identifying information when registering for an e-mail account. This information can include the subscriber's full name, physical address, telephone numbers and other identifiers, alternative e-mail addresses, and, for paying subscribers, means and source of payment (including any credit or bank account numbers).

57. E-mail providers typically retain certain transactional information about the creation and use of each account on their systems. This information can include the date on which the account was created, the length of service, records of log-in (i.e., session), times and durations, the types of service utilized, the status of the account (including whether the account is inactive or closed), the methods used to connect to the account (such as logging into the account via 01.com, Inc.'s website), and other log files that reflect usage of the account. In addition, email providers often have records of the Internet Protocol address ("IP address") used to register the account and the IP

addresses associated with particular logins to the account. Because every device that connects to the Internet must use an IP address, IP address information can help to identify which computers or other devices were used to access the e-mail account.

58. In some cases, e-mail account users will communicate directly with an e-mail service provider about issues relating to the account, such as technical problems, billing inquiries, or complaints from other users. E-mail providers typically retain records about such communications, including records of contacts between the user and the provider's support services, as well records of any actions taken by the provider or user as a result of the communications.

V. INFORMATION TO BE SEARCHED AND THINGS TO BE SEIZED

59. I anticipate executing this warrant under the Electronic Communications Privacy Act, in particular 18 U.S.C. §§ 2703(a), 2703(b)(1)(A) and 2703(c)(1)(A), by using the warrant to require 01.com, Inc. to disclose to the government copies of the records and other information (including the content of communications) particularly described in Section I of Attachment B. Upon receipt of the information described in Section I of Attachment B, government-authorized persons will review that information to locate the items described in Section II of Attachment B.

VI. CONCLUSION

60. Based on my training and experience, and the facts as set forth in this affidavit, there is probable cause to believe that on computer systems in control of

01.com, Inc. there exists evidence of a crime. Accordingly, a search warrant is requested.

61. This Court has jurisdiction to issue the requested warrant because it is "a court with jurisdiction over the offense under investigation." 18 U.S.C. § 2703(a).

62. Pursuant to 18 U.S.C. § 2703(g), the presence of a law enforcement officer is not required for the service or execution of this warrant.


CHARLES J. AMELL
Special Agent
United States Department of Justice
Drug Enforcement Administration

Sworn to before me this 29 day of October, 2013.


HONORABLE GORDON P. GALLAGHER
United States Magistrate Judge

ATTACHMENT A

Place to Be Searched

This warrant applies to information associated with stevendennis@worldjet.com, stevendennis@worldjetinc.com, dw@worldjet.com and dw@worldjetinc.com that is stored at premises owned, maintained, controlled, or operated by 01.com, Inc., a company headquartered at 333 West North Avenue, Chicago, IL 60610.

ATTACHMENT B

Particular Things to be Seized

I. Information to be disclosed by 01.com, Inc.

To the extent that the information described in Attachment A is within the possession, custody, or control of 01.com, Inc., 01.com, Inc. is required to disclose the following information to the government for each account or identifier listed in Attachment A:

- a. The contents of all e-mails stored in the account, including copies of e-mails sent from the accounts;
- b. All records or other information regarding the identification of the accounts, to include full name, physical address, telephone numbers and other identifiers, records of session times and durations, the date on which the account was created, the length of service, the types of service utilized, the IP address used to register the account, log-in IP addresses associated with session times and dates, account status, alternative e-mail addresses provided during registration, methods of connecting, log files, and means and source of payment (including any credit or bank account number);
- c. All records or other information stored by an individual using the account, including address books, contact and buddy lists, pictures, and files;

d. All records pertaining to communications between 01.com, Inc. and any person regarding the account, including contacts with support services and records of actions taken.

II. Information to be seized by the government

All information described above in Section I that constitutes fruits, evidence and instrumentalities of violations of the statutes listed on the warrant involving Steven Dennis, Reginald "Don" Whittington, William "Bill" Whittington, and others, since April 20, 2011, including, for each account or identifier listed on Attachment A, information pertaining to the following matters:

a. Sale and leasing of aircraft to brokers acting behalf of foreign-based Drug Trafficking Organizations; communications between Steven Dennis and Reginald "Don" Whittington or William "Bill" Whittington; communications regarding wire transfers between World Jet, Inc. and front companies and brokers representing Drug Trafficking Organizations.

b. Records relating to who created, used, or communicated with the accounts or identifiers stevendennis@worldjet.com, stevendennis@worldjetinc.com, dw@worldjet.com, and dw@worldjetinc.com.

CERTIFICATE OF AUTHENTICITY OF DOMESTIC BUSINESS RECORDS
PURSUANT TO FEDERAL RULE OF EVIDENCE 902(11)

I, _____, attest, under penalties of perjury under the laws of the United States of America pursuant to 28 U.S.C. § 1746, that the information contained in this declaration is true and correct. I am employed by **01.com, Inc.**, and my official title is _____. I am a custodian of records for **01.com, Inc.** I state that each of the records attached hereto is the original record or a true duplicate of the original record in the custody of **01.com, Inc.**, and that I am the custodian of the attached records consisting of _____ (pages/CDs/kilobytes). I further state that:

- a. all records attached to this certificate were made at or near the time of the occurrence of the matter set forth, by, or from information transmitted by, a person with knowledge of those matters;
- b. such records were kept in the ordinary course of a regularly conducted business activity of **01.com, Inc.**; and
- c. such records were made by **01.com, Inc.** as a regular practice.

I further state that this certification is intended to satisfy Rule 902(11) of the Federal Rules of Evidence.

Date

Signature