

**FILED**

# United States District Court

FEB 17 2005

RICHARD W. WIEKING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

NORTHERN

DISTRICT OF

CALIFORNIA

UNITED STATES OF AMERICA

V.

Charles Edward LEPP  
and  
Daniel Barnes

(Name and Address of Defendant)

**CRIMINAL COMPLAINT**

**MEJ**

CASE NUMBER:

**3 05 70105**

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. On or Jan 19 and Feb 16, 2005 in Lake County, in the Northern District of California defendant(s) did, (Track Statutory Language of Offense) distribute, and conspire to distribute a controlled substance;

and

maintain a premises for the purpose of manufacturing a controlled substance

in violation of Title 21 United States Code, 841, 846, and 856.

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

facts:

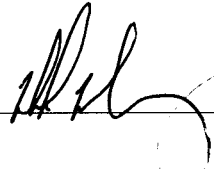
see attached affidavit

*Approved as to form: Daniel Hill, AUSA*

Continued on the attached sheet and made a part

Yes  No

Mark Macanga  
Signature of Complainant



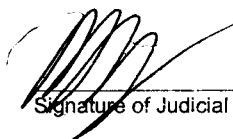
Sworn to before me, and subscribed in my presence,

2-17-05  
Date

at San Francisco, California  
City and State

**Maria Elena James**

Name and Title of Judicial Officer

  
Signature of Judicial

1 1. This affidavit is in support of a Complaint of violations of 21 U.S.C. §§ 841, 846, and  
2 856, by Charles Edward Lepp.

3 2. On January 19, 2005, Sonoma County Sheriff's Detective Andrew Cash, working in an  
4 undercover capacity on behalf of the United States Drug Enforcement Administration (DEA),  
5 met with Charles Edward Lepp and negotiated for the purchase of one pound of dried and  
6 processed cannabis (marijuana). Detective Cash wore an audio transmittal device which was  
7 monitored and recorded by other agents. During this meeting, Det. Cash told Lepp that he  
8 wanted to purchase high-quality cannabis, perhaps something like "White Widow." Lepp told  
9 Det. Cash that Lepp had a different strain of cannabis that "would make White Widow pale in  
10 comparison." After a short negotiation, Lepp agreed to sell Det. Cash one pound of marijuana  
11 for \$2500, and Lepp left the area. Approximately 15-20 minutes later, a white male adult,  
12 identified as Daniel Barnes, arrived to meet with Det. Cash. Barnes gave Det. Cash  
13 approximately one pound of dried/processed marijuana and Det. Cash gave Barnes \$2500, with  
14 the understanding that Barnes would give the money to Lepp in accordance with their bargain.

15 3. On February 16, 2005, agents of the DEA served a federal search warrant at 9175 and  
16 9176 Upper Lake Lucerne Road, Upper Lake, California, and also at 941 and 975 East State  
17 Highway 20, Upper Lake, California. These properties are owned by Charles Edward Lepp and  
18 his wife Linda I. Senti.

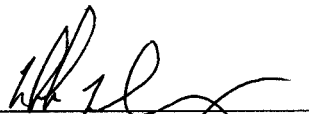
19 3. At 9176 Upper Lake Lucerne Road, agents located and seized an indoor marijuana  
20 cultivation operation which contained approximately 6,300 marijuana plants (including  
21 approximately 1,600 unrooted clone plants) complete with irrigation system, grow lights and fans  
22 for air circulation. Agents also located numerous plastic bags containing a green leafy substance  
23 suspected to be dried/processed marijuana; various containers holding brown pressed patties

1 suspected of being hash; a hash manufacturing facility; many plastic bags, some containing  
2 seeds; mortgage and billing records, and other indicia of Lepp's cultivation operation. Agents  
3 located documentation in Lepp's residence which indicates Lepp was distributing/selling  
4 marijuana plant clones. This same documentation also indicates that Lepp rents/sells "plots" of  
5 land in Lepp's fields for the purpose of growing marijuana.

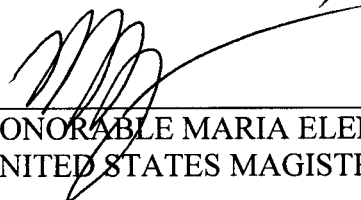
6 4. At 9176 Upper Lake Lucerne Road (Lepp's residence) agents contacted Lepp and several  
7 other people. After being read his Miranda rights, Lepp stated that he understood these rights but  
8 did not wish to make a statement. One of the other people located during the search was Daniel  
9 Barnes who was identified by Det. Cash. Barnes appeared to be living in a motor home adjacent  
10 to one of the structures being used as part of the indoor marijuana cultivation. At the time of his  
11 arrest, Barnes made a spontaneous statement that he remembered Det. Cash from the one-pound  
12 marijuana transaction of January 19, 2005. Barnes was not questioned.

13 6. While agents were present at the residence, Lepp received telephone calls from at least  
14 one person who wanted to purchase "a couple dozen" clones from Lepp

15 7. I believe probable cause exists that Charles Edward Lepp and Daniel Barnes have  
16 committed violations of the aforementioned United States Codes.

  
\_\_\_\_\_  
Mark Macanga, SA

Sworn to before me this 17 day of February 2005.

  
\_\_\_\_\_  
HONORABLE MARIA ELENA JAMES  
UNITED STATES MAGISTRATE JUDGE