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6
7 UNITED STATES DISTRICT COURT
8 DISTRICT OF ARIZONA

9 United States of America,
10 Plaintiff,

11 v.

12 1. Samih Fadh Jamal,
13 6. Mamoun Al-Jammal,
14 18. Mounir Daly,
15 26. Ibrahim Elrawy,
16 Defendants.

CR-03-261-PHX-FJM

**GOVERNMENT'S MEMORANDUM
RE: FORFEITURE HEARING**

17
18 The United States of America, by and through counsel undersigned, hereby submits a
19 Memorandum re: Forfeiture Hearing. This memorandum is based on the attached points and
20 authorities, the files and records of this case, and on such further argument and evidence as may
21 be adduced at the hearing.

22
23 Respectfully submitted this 2nd day of September, 2005.

24 PAUL K. CHARLTON
United States Attorney
District of Arizona

25
26 /s/ Kevin M. Rapp

27 KEVIN M. RAPP
Assistant U.S. Attorney

28

1 **MEMORANDUM OF POINTS AND AUTHORITIES**

2 **I. Introduction**

3 On May 11, 2005, the government filed a motion detailing the seized assets that it
4 intended to forfeit. This memorandum provides an evidentiary basis for the forfeiture of those
5 assets. Second, as to defendants Samih Jamal (“Jamal”), Mamoun Al Jamal (“Al Jammal”),
6 Ibrahim Elrway (“Elrawy”), and Mounir Daly (“Daly”) the government is seeking a money
7 judgement for \$2,600,000.00, for which the defendants are jointly and severally liable. As to
8 Jamal and Al Jammal only, the government is seeking a money judgement equal to \$221,529.00,
9 representing the money involved in the structuring financial transaction violations (Counts 9,
10 11-19; superseding indictment), for which both defendants are jointly and severally liable.

11
12 **II. Assets to be Forfeited.**

13
14 On May 11, 2005, the government filed a motion re: forfeiture hearing and notice of
15 property to be forfeited. (See Motion at Docket. #950) Contained therein are the assets the
16 government is seeking to forfeit. Additionally, the United States alleged those assets in the
17 second superseding indictment as subject to criminal forfeiture.(See superseding indictment
18 filed October 7, 2004, at Docket. #578) At a forfeiture hearing the court must determine if, by
19 a preponderance of evidence, the property constituting, or derived from, proceeds the person(s)
20 obtained directly or indirectly, as the result of such violation(s). *United States v. Garcia-Guizar*,
21 160 F.3d 511; 518 (9th Cir. 1999); See Title 18 U.S.C. 982. Attached as exhibit A, is a
22 declaration by FBI Special Agent Michael A. Nordwall which contains a summary of the
23 evidence that supports a forfeiture of the property alleged in the superseding indictment.

1 **III. Money Judgement**

2
3 In addition to the forfeiture of seized assets all trial defendants were noticed by the
4 government of the intent to seek a money judgement of \$2,600,000.00 based upon the guilty
5 verdicts for money laundering and interstate transportation and receipts of stolen property
6 violations. (See Motion at Docket No. 950) And, as to Jamal and Al-Jammal an additional
7 money judgement equal to \$221, 529.00 is sought based upon the guilty verdicts as to Counts
8 9 and 11-19. (See Government's Motion Re: Forfeiture Hearing And Notice of Property to Be
9 Forfeited pg. 5 , lns. 22-26, at Docket No. 950).

10 At trial, Tamer Swailem testified to receipts and checks issued by the Jamal Trading
11 Company to many persons obtaining formula by theft, including known shoplifters, students
12 working for Jamal, independent store owners and other wholesalers either purchasing from or
13 selling to Jamal. Additionally, law enforcement conducted several undercover operations where
14 Jamal and others received infant formula which had been represented a stolen. What follows
15 is a break down of payments to shoplifters, independent store owners, students, losses
16 attributable to the undercover operations conducted with Jamal, and payments to other
17 wholesalers.

18
19 **A. Jamal's Payments to Shoplifters Totaled \$1,981,163.30.**

20
21 1. Marwan Jamal, Samih Jamal's brother, was one of the more prolific shoplifters
22 involved in the conspiracy. Many witnesses testified to Marwan Jamal's theft activities.
23 Evidence at trial included Marwan Jamal's arrest for shoplifting. The total amount of receipts
24 issued by Jamal and/or JTC to Marwan Jamal for infant formula totaled \$1,062, 653.84. (See
25 also Marwan Jamal's plea agreement, at Docket No. 416)

26 2. Fadel Hindi was a leader of an organized shoplifting group operating in the Phoenix
27 area. Evidence at trial showed that Hindi recruited shoplifters to scour stores in the Phoenix
28

1 metropolitan area to steal formula. Hindi was issued receipts for infant formula by Jamal/JTC
2 totaling \$29,089.23.

3 3. Abdelslam Abdelsalam, Hindi's partner, who testified at trial about their theft
4 activities, was issued receipts for infant formula from Jamal/JTC totaling \$172, 226.00.

5 4. Hani Sarawan a shoplifter who pleaded guilty and had receipts for infant formula
6 issued by Jamal/JTC totaling \$134, 545.22. (See Hani Sarawan Plea Agreement, Docket No.
7 455)

8 5. Kamel Al Fahdeli another shoplifter who pleaded guilty who received receipts and
9 checks from Jamal/JTC totaling \$351, 217.17. (See also Fahdeli Plea Agreement)

10 6. Daly was arrested many times for shoplifting and admitted that he was obtaining
11 formula by theft had receipts totaling \$38, 711.46 from Jamal/JTC.

12 7. Anis Hemdani, a partner of Daly's, who had been arrested several times for
13 shoplifting had checks issued by Jamal/JTC totaling \$30, 724.67.

14 8. Ahmed Ahulaisi, a fugitive whom witnesses identified as a shoplifter, received
15 checks totaling \$3,547.00 from Jamal/JTC.

16 9. Walid Jamal is a fugitive and is Jamal's cousin, who obtained formula by shoplifting.
17 Checks issued by Jamal/JTC to Walid Jamal totaled \$139,917.00.

18 10. Rami Awwad obtained formula for Samih Jamal. Law enforcement arrested him for
19 shoplifting once and evidence at trial demonstrated that he was obtaining formula by theft.
20 Checks issued by Jamal to Awwad totaled \$19,000.00.

21
22 **B. Jamal's Payments to Independent Store Owners Totaled \$405,199.71.**

23 1. Nidal Al-Shendi was issued receipts by Jamal/JTC totaling \$114,351.71.
24 Evidence at trial showed that Al-Shendi was purchasing enfamil with iron for \$5.00 per can
25 which was below the retail cost. Additionally, government witness Cynthia Bonds identified Al-
26 Shendi as a store owner who instructed her to steal formula. Lastly, an undercover operation
27 demonstrated that Al Shendi was knowingly purchasing stolen infant formula.

1 \$33,682.00 for stolen formula.

2 2. Jamal paid Al Jammal \$554,347.00 for stolen formula during the life of the
3 conspiracy.

4 3. Jamal paid Mamoun Al Jammal partner (and nephew) Ramy Jamal approximately
5 \$132,246.00 for stolen formula.

6 **F. Al Jammal's Payment's for Stolen Infant Formula totaled \$768,393.00.**

7 1. Checks issued from Al Jammal to Rami Jamal and RJ Grocery totaled
8 \$214,046.00.

9 2. Checks issued from Jamal/JTC to Al Jammal totaled \$554,347.00

10 **G. Elrawy Payments for Stolen Infant Formula Totaled \$406,356.77.**

11 1. Again, Jamal purchased formula from Elrawy and issued checks totaling
12 \$33,682.00.

13 2. Receipts issued by Elrawy for formula purchased during 2000-2001
14 totaled \$4,029,878.77.

15 **H. Daly's Payments for Infant Formula Totaled \$69,436.13.**

16 1. Daly, who was arrested numerous times for shoplifting and admitted that he was
17 obtaining formula by theft, received \$38,711.46 from Jamal/JTC for stolen formula

18 2. Anis Hemdani, a partner of Daly's, and also arrested on several occasions for
19 shoplifting, had receipts from Jamal/JTC totaling \$30,724.67.

20 **I. The Aggregate of Structured Checks alleged in Counts 9 and 11-19 is \$221,
21 529.00.**

22 The jury found Jamal and Al Jammal guilty of Counts 9 and 11-19 of the second
23 superseding indictment with the structuring of financial transactions to avoid a currency
24 transaction reporting requirement. ¹ Accordingly, the government requests that the court order
25 a money judgement in the amount of \$221,529.00.

26 _____
27 ¹ Jamal was also found guilty of structuring a financial transaction in count 11.

1

2

3 IV. Each Defendant is Responsible for Reasonably Foreseeable Losses.

4 In all cases, the defendants knew others stole the baby formula because the price paid
5 was so absurdly below market level that theft was the only explanation. These payments
6 together total \$8,023,558.07 worth of baby formula, calculated conservatively using the
7 defendant's below-market rate. In other words, the loss amount is actually greater because
8 Jamal, Al Jammal and Elrawy were purchasing infant formula from shoplifters below the
9 wholesale rate.

10 Moreover, all defendants are liable for the reasonably foreseeable losses caused by co-
11 conspirators. *United States v. Brown*, 66 F.3d 124, 128 (6th Cir. 1995) (holding defendant liable
12 for the gain of the entire conspiracy, and not simply her share); *United States v. Narvaez*, 995
13 F.2d 759 (7th Cir. 1993) (holding defendant responsible for entire amount stolen in furtherance
14 of the conspiracy, instead of what defendant personally stole). It is reasonably foreseeable that
15 after establishing a scheme that made stealing, buying and reselling stolen baby formula into a
16 full-time job, all co-conspirators could reasonably foresee that others involved in the scheme
17 would be buying and selling stolen formula. Accordingly, the total losses, reaches
18 \$8,323,558.07. Nevertheless, the government is seeking a money judgement of only \$2.6
19 million, for which the defendants are jointly and severally liable. And, the government is further
20 seeking a money judgment as to Jamal and Al Jammal equal to \$221,529.00 representing the
21 amount of money involved in the structuring of financial transactions, for which both defendants
22 are jointly and severally liable.

23

24 IV. Conclusion

25 Based on the foregoing, the government urges the court to order the forfeiture of the
26 assets alleged in the superseding indictment and further specified in exhibit A.. Additionally,
27 the government requests that the court enter a money judgement against defendants Jamal, Al

28

1 Jammal, Elrawy and Daly in the amount of \$2.6. And, as to Jamal and Al Jammal a money
2 judgment equal to \$221,529.00.

3

4 Respectfully submitted this 2nd day of September, 2005.

5

PAUL K. CHARLTON
United States Attorney
District of Arizona

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/S/ Kevin M. Rapp

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KEVIN M. RAPP
Assistant U.S. Attorney

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CERTIFICATE OF SERVICE

I hereby certify that on September 2, 2005, I electronically transmitted the attached document to the Clerk's Office using the CM/ECF System for filing and transmittal of a Notice of Electronic Filing to the following CM/ECF registrants:

Robert J. Kavanagh
Attorney for Samih Jamal

Lawrence Kazan
Debus Kazan & Westerhausen LTD
Attorney for Mamoun Al-Jammal

David Lockhart
Attorney for Ibrahim Hassan Elrawy

Nancy Hinchcliff
Attorney for Mounir Daly

EXHIBIT A

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UNITED STATES DISTRICT COURT
DISTRICT OF ARIZONA

UNITED STATES OF AMERICA,

Plaintiff,

v.

Samih Fadl Jamal, *et al.*
Defendants.

CR-03-261-PHX-FJM

DECLARATION OF

MICHAEL D. NORDWALL

I, Michael D. Nordwall, a Special Agent with the Federal Bureau of Investigation (“FBI”),
having been duly sworn, depose and state as follows:

I have been employed as a Special Agent for the FBI for over three years. During this time
I have received training on criminal enterprises engaged in racketeering activities, money
laundering, fraud, domestic terrorism organizations, and international terrorism financing. I have
attended several trainings on the means and methods of criminal organizations specifically
involved in the trafficking of stolen infant formula. I have received training from the FBI,
Department of Justice Violent Crimes and Terrorism Division, and Central Intelligence Agency.

The information in this affidavit is based in part on information I received from other
Special Agents of the FBI, the Internal Revenue Service, the Bureau of Immigration and
Customs Enforcement, and state and local law enforcement agencies.

Between June 2002 and the present, I have been assigned to the Phoenix Division Joint
Terrorism Task Force. During this time I have been involved in the investigation of a national
criminal network involved in the trafficking of stolen formula. As a result of the investigation,

1 Samih Fadh Jamal, Mamoun Al Jammal, Ibrahim Elrawy, Mounir Midani Daly, and 23 co-
2 conspirators were indicted for their involvement in the network.

3 On April 26, 2005, a jury returned guilty verdicts regarding the charges for defendants
4 Samih Fadh Jamal, Mamoun Al Jammal, Ibrahim Elrawy, and Mounir Midani Daly, on Counts
5 1-4, and 8-24, of the Superseding Indictment. The Superseding Indictment included forfeiture
6 allegations that sought the forfeiture of certain properties based upon Counts 1-4, the Interstate
7 Transportation and Receipt of Stolen Property; Counts 8 and 20, Money Laundering, and Counts
8 9-19, Structuring. This affidavit is being submitted only with regards to assets belonging to
9 Samih Fadh Jamal and Mamoun Al Jammal and sets forth facts to demonstrate that the properties
10 described were used to facilitate and/or are proceeds of transactions involving unlawful activity
11 to include Interstate Transportation and Receipt of Stolen Property, Money Laundering, and
12 Structuring of financial transactions.

13
14 **A. Property pertaining to Defendant Samih Fadh Jamal**

15
16 1. **Jamal Trading Company, Wells Fargo Bank account # 664594702, in the**
17 **amount of \$4,538.79.**

18 The investigation demonstrated that Wells Fargo Bank ("WFB") account #66459702, a
19 business checking account in the name of Jamal Trading Co, PO Box 24171, Tempe, AZ, 85285-
20 4171, was utilized by Samih Jamal to promote, carry on, and perpetuate the illegal scheme.
21 Specifically, Samih Jamal utilized funds from the account to acquire stolen infant formula and
22 further the day to day activities of the illegal criminal enterprise, the Jamal Trading Company
23 ("JTC"). The following overt acts, relative to Count 8 of the Superseding Indictment detail
24 specific transactions involving WFB account #664594702: 140, 142, 145, 146, 154, 208, 220,
25 221, 222, and 227. In addition to the listed overt acts, WFB account #66459702 was utilized in
26 the following manner to acquire formula from the following individuals identified at trial, and
27 perpetuate the scheme:

Check from JTC to	Date	Payee	Amount
2475	8/31/2002	ABDELSALAM ABDELSALAM	\$1000
2360	3/5/2002	KAMEL AL FADHELI	\$4836.67
2473	8/31/2002	ABDULRAZZAK JAMAL	\$2200
2448	7/19/2002	KHALED NOAMAN	\$500

The investigation further determined that the funds available in WFB #664594702 were primarily transferred from other JTC accounts or direct proceeds from the sale of stolen infant formula. A review of bank records shows that WFB #664594702 received approximately 51 monetary transfers from WFB #376068037 (further described below) for a total of over \$155,000.00 deposited. Additionally, approximately 34 checks were deposited into WFB #664594702 from other bank accounts registered in the name of the JTC, totaling over \$81,000 in deposits. The funds transferred from other JTC accounts (by check from JTC or wire) account for approximately one half of all deposits made into account WFB #664594702. A sample of deposits made into WFB #664594702 for the sale of stolen infant formula is presented in the table below:

Date	Source	Amount
6/5/2001	CAROUSEL NUTRITION CENTER	\$5,062.50
8/28/2002	GENE'S MODERN MARKET	\$3,587.42
2/28/2002	PRICE IMPACT WHOLESALE GROCERS	\$30,160.00

1	7/28/2003	ARIZONA NUTRITION STORES NO 2	\$6074.46
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- 3
- 4 **2. Samih Fadi Jamal, Ameritrade account # 773153090, in the amount of \$1,192.89.**

5

6 During the time of the conspiracy, Jamal opened an Ameritrade investment account

7 utilizing proceeds of his criminal activities. A review of financial records showed that on or

8 about February 6, 2002, Samih Jamal wired \$3000 from his WFB Account #376068037 to

9 Ameritrade, referencing account 773153090. The WFB account from which the funds initiated

10 was shown by the investigation to be utilized in the day to day activities of the criminal

11 enterprise (further described below). In addition, the investigation determined that during the

12 time of the conspiracy, Samih Jamal's only income was from businesses dealing in the trafficking

13 of stolen infant formula (JTC and Arizona Nutrition).

- 14
- 15
- 16
- 17 **3. Samih Fadi Jamal, Arizona Nutrition account # 58500321, held at First National Bank of Arizona in the amount of \$14,008.01.**

18

19 AND

- 20 **4. Samih Fadi Jamal, Arizona Nutrition, First National Bank of Arizona account # 58501115 in the amount of \$7,682.94.**

21

22 AND

- 23 **5. Samih Fadi Jamal, Arizona Nutrition, First National Bank of Arizona account # 58501182 in the amount of \$5,152.21.**

24

25 AND

1 source of funding to create Baby's World, Inc. and JTC funds were used to pay expenses
 2 associated with Baby's World.

3
 4 **7. Samih Fadi Jamal, Jamal Trading Company, Wells Fargo Bank account #**
376068037 in the amount of \$3,906.64.

5
 6 A review of banking records showed that WFB #376068037, a business checking
 7 account in the name of the Jamal Trading Company, PO Box 24171, Tempe, AZ, 85285-
 8 4171, was utilized to promote, carry on and perpetuate Samih Jamal's criminal enterprise.
 9 Bank records show that the account was used to pay for stolen formula, as well as pay for
 10 operating expenses of the JTC. The following overt acts, contained in Count 8 of the
 11 Superseding Indictment, detail specific transactions involving WFB account #3760680307:
 12 31, 36, 39, 42 - 139, 141, 143, 144, 147 - 153, 155-207, 209-219, 223-226.
 13
 14

15 Banking records show that the funds available in WFB# 376068037 were obtained
 16 primarily from the sale of stolen infant formula. The table below is a sample of total deposits
 17 from companies purchasing infant formula from Samih Jamal and the JTC.
 18

19 ARIZONA NUTRITION (AZ)	\$993,219.60
20 NUTRITION STORES (TX/Larry Criswell)	\$4,982,258.44
21 EL TAPATIO WHSE (CA)	\$521,402.00
22 PRICE IMPACT WHOLESALE (CA)	\$1,175,119.90
23 MOTHERS NUTRITIONAL CENTER INC 24 (CA)	\$3,299,321.50
25 RJ GROCERY TRADING (CA)	\$205,309.50

1 The total amount attributed to RJ Grocery Trading includes two checks for the
2 amounts of \$10,000 and \$23,270 (Count 20, Superseding Indictment) which were proceeds
3 from the sale of formula represented as stolen to JTC employees during an undercover
4 operation.
5

6 Additionally, Samih Jamal utilized WFB# 376068037 checks to structure payments to
7 Mamoun Al Jammal and Saad Yohanan (Counts 9-19, Superseding Indictment).
8

9
10 9. **Glock 17, 9 mm pistol, serial # ABH487, seized from the residence of Samih Fadi Jamal, 935 E. Sorenson, Mesa, AZ.**

11 AND

12
13 10. **Ruger 9mm handgun, serial # 312-54314, seized from Jamal Trading Company, 2121 S. Priest Dr. #121, Tempe, AZ.**

14
15 The investigation determined that Samih Jamal possessed a license to carry a
16 concealed weapon, and owned two handguns to protect assets related to his criminal activity.
17 Libby Simons, United States Probation Officer, testified that Samih conveyed to her that a
18 handgun was for the protection of his business assets as he dealt in large volumes of cash.
19 The conspiracy investigation revealed that Samih Jamal withdrew more than \$8,000,000.00
20 in currency from various JTC bank accounts.
21

22
23 11. **Ultra Pallet Jack serial # 0004640, Model # UL 5500 seized from Arizona Nutrition, 19401 Cave Creek, Phoenix, AZ.**

24
25 The investigation determined that the stolen infant formula was commonly transported
26 on pallets which could accommodate several cases of formula. Surveillance of JTC
27
28

1 employees showed that the co-conspirators utilized equipment to assist in the moving of the
2 loaded pallets. During the execution of a search warrant at the Arizona Nutrition store
3 located at 19401 N. Cave Creek, Phoenix, AZ, searchers seized the above described pallet
4 jack.
5

6 12. EZV Lift Pallet Jack, serial # 52158, Sticker #0382558, seized from Jamal
7 Trading Co., 2121 S. Priest, Tempe, AZ.

8 AND

9 13. Orange Toyota fork lift, serial number 4FGL25-10337, seized from Jamal
10 Trading Company, 2121 S. Priest, Tempe, AZ.

11 AND

12 14. Yellow Yale fork lift, Model GLCO4A0DNUAFO72, serial number:
13 N464047, seized from Jamal Trading Company, 2121 S. Priest, Tempe,
14 AZ.

15 During the course of the investigation, daily surveillance confirmed that JTC
16 employees utilized forklifts and pallet jacks to facilitate the interstate transportation of stolen
17 infant formula. The above described forklifts and pallet jack were observed by surveillance
18 to be engaged in moving and relocating pallets of the stolen baby formula, and were
19 subsequently located at the JTC facility during the execution of a search warrant at 2121 S.
20 Priest, Tempe, AZ.
21

22 **B. Property pertaining to Defendant Mamoun Al Jammal**

23
24
25 1. **RJ Grocery Trading, Wells Fargo Bank account #1003345970, in the**
26 **amount of \$12,751.71.**
27

1 Bank records indicate that WFB #1003345970, a business checking account, is in the
2 name of Mamoun Al Jammal DBA R J Grocery Trading, 9132 Marchand Ave, Garden
3 Grove, CA 92481-2035 (your affiant notes that the address is that of Al Jammal's residence).
4 The account was opened on or about February 26, 2003. A review of records shows that
5 Al Jammal utilized the account to promote the business dealings of RJ Grocery Trading. As
6 an example, on May 14, 2003, Al Jammal wrote check #5023 for the amount of \$27,030.00
7 to Jamal Trading Company. A review of banking records shows that Al Jammal utilized
8 WFB #1003345970 to acquire infant formula for RJ Grocery Trading through July, 2003.
9
10
11

12 **2. RJ Grocery Trading, Wells Fargo Bank account #6296019034, in the**
13 **amount of \$500.36.**

14
15 Bank records indicate that WFB #6296019034 is in the name of Mamoun Al Jammal
16 DBA R J Grocery Trading, 9132 Marchand Ave, Garden Grove, CA 92841-2035. This
17 Business Savings account was opened on or about February 26, 2003. A review of records
18 shows one deposit \$500 in February, 2003.
19

20 **3. RJ Grocery Trading, Bank of America account #932903356, in the amount**
21 **of \$15,562.52, in the name of Mamoun S. Al Jammal.**

22 Bank records indicate that Bank of America ("BofA") #932903356 is in the name of
23 Mamoun S. Al Jammal, RJ Grocery Trading, 12821 Western Ave Unit E, Garden Grove, CA
24 92841-4027. This was a Business Checking account. A review of banking records shows
25
26
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1 that Al Jammal utilized BofA #932903356 to acquire infant formula for RJ Grocery Trading
2 through July, 2003, the time of his arrest.

- 3
4 **4. The sum of \$12,905.00 in currency found in the residence of Mamoun Al Jammal pursuant to the execution of a search warrant on July 30, 2003.**

5
6 Analyses of bank records from several accounts showed that Mamoun Al Jammal
7 often cashed checks for several thousand dollars. The investigation determined that several
8 individuals involved in this criminal enterprise preferred to operate in cash and frequently
9 dealt in cash. The currency seized from Mamoun Al Jammal's residence is consistent with
10 this manner of conducting business. Although Al Jammal was also a partner in a company
11 known as Yemen Mocha Trading, the investigation showed that most of Al Jammal's cash
12 business dealt in infant formula.
13
14

- 15
16 **5. Red/White Nissan fork lift, Model C3000, serial number 022161, seized from RJ Grocery Trading, 12821 Western Avenue, Garden Grove, CA.**

17 **AND**

- 18
19 **6. Orange/White Toyota fork lift Truck, Model 42-3FGC15, serial number 403FGC15-16496 seized from RJ Grocery Trading, 12821 Western Avenue, Garden Grove, CA.**

20
21 **AND**

- 22
23 **7. Eagleman Pallet Jack serial #6T00807, Model # 60-B; seized from RJ Grocery Trading 12821 Western Avenue, Garden Grove, CA.**

24
25 Throughout the investigation it was demonstrated that individuals involved in the
26 criminal enterprise often utilized forklifts and pallet jacks to assist in the transport of stolen
27 infant formula. During surveillance of RJ Grocery Trading, 12821 Western Avenue, Garden
28

1 Grove, California, a fork lift truck was observed unloading/loading pallets of formula.
2 Specifically, on May 16, 2002, law enforcement observed a fork lift truck unloading formula
3 which had been represented as having been stolen.
4

5 During the execution of a search warrant on July 30, 2003, multiple pallets of
6 formula were located in the RJ Grocery facility. The orange/white Toyota fork lift was
7 loaded with several empty pallets. The red/white Nissan fork lift and the Eagleman pallet
8 jack were both loaded with a pallet of infant formula.
9

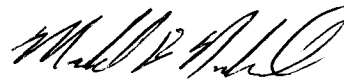
10 **8. White Ford Econoline box truck, California Lic. 5C42029, VIN:**
11 **1FDJE37Z6CHBO2240 seized from RJ Grocery Trading, 12821 Western**
12 **Avenue, Garden Grove, CA.**

13 The California license number noted in the government's forfeiture motion, filed May
14 11, 2005, contained an error. The correct license number is 5C42029. The box truck is
15 consistent with equipment used to carry large amounts of formula, often on pallets, and is
16 similar to the truck that transported represented stolen formula to RJ Grocery trading on or
17 about May 16, 2002. This box truck is registered to Mamoun Al Jammal, 9132 Marchand
18 Ave, Garden Grove, CA. At the time of the execution of the search warrant on July 30,
19 2003, the above described box truck was partially loaded with pallets of infant formula.
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23 In conclusion, your affiant sets forth the above facts uncovered during the
24 investigation of Samih Jamal, et al., and presented at trial which prove that the above
25 described assets were used to facilitate and/or are proceeds of specified unlawful acts,
26 including Interstate Transportation and Receipt and Stolen Property, Structuring Financial
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1 Transactions, and Money Laundering, and are therefore subject to forfeiture pursuant to 18
2 U.S.C. 982.

3
4 Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is
5 true and correct. Executed in Phoenix, Arizona on this 1st day of September 2005.

6
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8 Michael D. Nordwall
9 Special Agent
10 FBI

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