

## UNITED STATES DISTRICT COURT

for the

Northern District of Ohio

2013 AUG -6 AM 11:59

CLERK U.S. DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
TOLEDO

In the Matter of the Search of )

One U. S. Postal Service International Express  
Mail parcel bearing label no. EE839167326CN  
addressed to Zak Berkel, [REDACTED],  
Bowling Green OH 43402 with a return address of  
Lin Peng, 5<sup>th</sup> Hanzhong Men Street, Nan Jing  
China

Case No.

3:13 MJ 7084

## 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 on the following person or property

One U. S. Postal Service International Express Mail parcel bearing label no. EE839167326CN addressed to Zak Berkel, [REDACTED], Bowling Green OH 43402 with a return address of Lin Peng, 5<sup>th</sup> Hanzhong Men Street, Nan Jing China

located in the Northern District of Ohio, there is now concealed (*identify the person or describe the property to be seized*):

A quantity of a controlled substance and/or proceeds which are evidence thereof, and/or contraband, in violation of Title 21, United States Code, Section 841(a)(1).

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:

Code Section

Offense Description

Title 21, Section 841(a)(1)

The application is based on these facts:

As set forth in the attached Affidavit of Postal Inspector Martin J. Cernelich

- ☒ Continued on the attached sheet.  
☐ 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.

Applicant's signature

Martin J. Cernelich, Postal Inspector

Printed name and title

Sworn to before me and signed in my presence.

Date: August 6, 2013City and state: Toledo, Ohio

Judge's signature

Vernelis K. Armstrong, U. S. Magistrate Judge

Printed name and title



STATE OF OHIO )

) SS:

COUNTY OF LUCAS )

3:13 MJ 7084

UNITED STATES POSTAL INSPECTION SERVICE

I, MARTIN J. CERNELICH, DO HEREBY DEPOSE AND SAY:

I am a United States Postal Inspector and have been so employed for over 24 years, presently assigned at Cleveland, Ohio to investigate Prohibited Mailing offenses. I have received training in the detection and investigation of drug trafficking. I have worked Prohibited Mailing (Narcotics) investigations for approximately 18 years, during which time I was involved in narcotics investigations leading to prosecution in U. S. District Court as well as state courts.

Your affiant knows based on training and experience that U.S. Mail is often used by narcotic traffickers to transport controlled substances. Your affiant knows based on training and experience that U.S. Postal Service Express Mail is commonly used to transport controlled substances because narcotic traffickers can track the parcels from mailing to delivery.

On Saturday, July 27, 2013, your affiant was contacted by Special Agent Mark Ellinwood from the Ohio Bureau of Criminal Investigation (BCI). Special Agent Ellinwood advised that he had received information from the Drug Enforcement Administration, Office of Special Investigations, that several International Express Mail parcels originating from China, suspected to contain 3,4-methylenedioxymethamphetamine, commonly known as MDMA or Ecstasy, or other Schedule I controlled substances commonly used in the production of K2, Spice, and/or bath salts, were enroute to an address in Bowling Green, Ohio 43402. DEA provided the name and address information on the packages and requested a parcel watch be initiated at the provided delivery address. Agent Ellinwood provided your affiant with the delivery name and address, Zak Berkel, [REDACTED], Bowling Green, OH 43402.

On Monday, July 29, 2013, your affiant contacted the Bowling Green Post Office and initiated a parcel watch for the provided delivery address instructing the Post Office to contact Postal Inspectors if they received any parcels for Zak Berkel at [REDACTED], Bowling Green, OH 43402.

On August 1, 2013, your affiant was contacted by the Bowling Green, OH Post Office, who informed your affiant that they had received two International Express Mail parcels, both originating from China, both addressed to Zak Berkel, [REDACTED], Bowling Green, OH 43402. Your affiant instructed the Bowling Green Post Office to hold the parcels for recovery and further investigation by law enforcement.

The first parcel is described as a U. S. Postal Service International Express Mail parcel bearing label no. EE839167326CN addressed to Zak Berkel, [REDACTED], Bowling Green OH 43402 with a return address of Lin Peng, 5<sup>th</sup> Hanzhong Men Street, Nan Jing China. It is further described as a white plastic mailer containing what appears to be a box. The parcel measures 6.5" x 9" x 5" and weighs approximately 4.8 lbs. The parcel was mailed on or about July 28, 2013, from Nan Jing, China.

The second parcel is described as a U. S. Postal Service International Express Mail parcel bearing label no. EE839167330CN addressed to Zak Berke [REDACTED], Bowling Green OH 43402 with a return address of Li Ping, 4<sup>th</sup> Hanzhong Men Street, Nan Jing China. It is further described as a white plastic mailer containing what

*[Handwritten signature]*



appears to be a box. The parcel measures 5.5" x 7.5" x 4.5" and weighs approximately 2.5 lbs. The parcel was mailed on or about July 28, 2013, from Nan Jing, China.

Your affiant knows based on training and experience that China has become a common origination area for controlled substances sent through the U.S. Mail with the Northern Ohio area being a common destination point for controlled substances sent through the U.S. Mail.

On August 2, 2013, Special Agent/Narcotic Canine Handler Mark Ellinwood responded to the Bowling Green, OH Post Office along with narcotic detection canine "Agi". The subject parcels were subjected to "Agi". According to Special Agent Ellinwood, Agi gave a positive alert on the subject parcels, meaning Agi detected the odor of an illegal drug emanating from the parcels.

On April 23, 2010, Special Agent Ellinwood and a female Dutch Shepherd by the name of "Agi" completed a 160 hour Narcotics Detection Police K-9 Course at the Shallow Creek Kennels, in Sharpsville, Pennsylvania. During this time, "Agi" was trained to detect and alert to the odors of Marijuana, Cocaine, Heroin, Methamphetamine, Hashish, MDMA and their derivatives. At the same time, Special Agent Ellinwood was trained to handle a drug detector dog, namely "Agi" and to read her alerts and indications. Canine "Agi" was trained as a passive indication narcotics detection canine. "Agi" was certified in narcotics detection on the following dates:

Ohio Peace Officer Training Council, State of Ohio, on April 29, 2010  
North American Police Work Dog Association on April 23, 2010  
North American Police Work Dog Association on June 3, 2011  
Ohio Peace Officer Training Council, State of Ohio, on May 16, 2012  
North American Police Work Dog Association on June 12, 2013

Since April 29, 2010, "Agi" has been used numerous times and has been responsible for the numerous seizures of marijuana, cocaine, crack cocaine and heroin.

Based on the information contained herein, your affiant maintains there is probable cause to believe that the U. S. Postal Service International Express Mail parcels bearing label no. EE839167326CN addressed to Zak Berkel, ~~██~~, Bowling Green OH 43402 with a return address of Lin Peng, 5<sup>th</sup> Hanzhong Men Street, Nan Jing China and label no. EE839167330CN addressed to Zak Berkel, ~~██~~, Bowling Green OH 43402 with a return address of Li Ping, 4<sup>th</sup> Hanzhong Men Street, Nan Jing China contain controlled substances which are evidence thereof, and/or contraband, in violation of Title 21, United States Code, Section 841(a)(1).



MARTIN J. CERNECH  
POSTAL INSPECTOR

SUBSCRIBED AND SWORN TO BEFORE ME  
THIS 6TH DAY OF AUGUST, 2013, AT  
TOLEDO, LUCAS COUNTY, OHIO



VERNELIS K. ARMSTRONG  
U. S. MAGISTRATE JUDGE

Toledo, Ohio