

AO 91 (Rev. 02/09) Criminal Complaint

UNITED STATES DISTRICT COURT

for the District of Colorado

United States of America v. Christopher Bartkowicz

Case No. 10-mj-1031-NLM

Defendant

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date of 02/12/2010 in the county of Douglas in the District of Colorado, the defendant violated 21 U. S. C. § 841(a)(1), an offense described as follows:

manufacture, distribute, or dispense, or possess with intent to manufacture, distribute, or dispense a controlled substance, to wit: 224 marijuana plants

This criminal complaint is based on these facts:

Continued on the attached sheet.

S/A [Signature]

Complainant's signature

Special Agent Michael Tonozzi/DEA

Printed name and title

Sworn to before me and signed in my presence.

Date: 2/16/10

[Signature]

Judge's signature

City and state: Denver, CO

KRISTEN L. MIX U.S. MAGISTRATE JUDGE DISTRICT OF COLORADO

AFFIDAVIT IN SUPPORT OF ARREST WARRANT

Michael Tonozzi, "your affiant" is a Special Agent with the Drug Enforcement Administration (hereinafter "DEA"), United States Department of Justice, and being duly sworn, states the following:

1. Your affiant is an "investigative or law enforcement officer" within the meaning of Section 2510(7) of Title 18, United States Code, and is authorized by law to conduct investigations and make arrests for offenses enumerated in Title 18, United States Code, Section 2516.

2. Your affiant is employed as a Special Agent of the DEA, United States Department of Justice, and has been since November of 1997. During employment with the DEA, your affiant has been the lead investigator in several multi-jurisdictional drug investigations, as well as directly participated and/or assisted in multiple drug investigations led by other federal, state, and local law enforcement officers. These investigations involved the importation, possession, transportation, distribution, manufacturing of controlled substances, money laundering, cultivation of marijuana, as well as conspiracy to commit these offenses. Additionally, these investigations featured the use of a myriad of investigative tools to include but not limited to physical and electronic surveillance, confidential source (CS) recruitment and management, undercover

transactions, the execution of search warrants, and the arrest and prosecution of drug traffickers.

3. During the course of these investigations, your affiant has spoken on numerous occasions with confidential sources, suspects, and experienced narcotics investigators concerning the methods and practices utilized by drug traffickers involved in the cultivation of marijuana. Your affiant has also attended a specific training course focused on the cultivation of marijuana. As a result, your affiant is experienced in the means and methods used by persons and drug trafficking organizations to grow, purchase, store, and distribute marijuana that are involved in the cultivation of marijuana.

4. Your affiant submits this affidavit in connection with an application seeking an arrest warrant for the defendant CHRISTOPHER BARTKOWICZ and states that, based on the following information contained below, the defendant has committed violations of 21 United States Code, Sections 841(a)(1) and 841(b)(1)(B)(vii), specifically knowingly and intentionally manufacturing a controlled substance, to wit, 100 or more marijuana plants. The facts supporting this allegation are as follows.

5. On February 12, 2010, your affiant read an article printed from the internet, dated February 12, 2010, from "9news.com" titled "The jungle of pot in your neighbor's

basement" that referred to an individual who was operating a marijuana cultivation operation. The reporter who wrote the article interviewed "Chris BARTKOWICZ" (here after "BARTKOWICZ"). The article stated that BARTKOWICZ was operating a large marijuana cultivation operation in the basement of his \$637,000 Highlands Ranch home. BARTKOWICZ told the journalist in the article that he has grown in his home for more than a year and said he has "been going full steam since day one."

6. The journalist describes the operation in the article and continues to quote BARTKOWICZ. The description of the marijuana cultivation operation and BARTKOWICZ' remarks are as follows. The marijuana cultivation operation consists of utilizing three rooms in his basement that provide varying amounts of light to plants. The article also describes a jungle of electrical wires and water hoses from room to room. BARTKOWICZ told the journalist that the marijuana cultivation is on a "four-month growing cycle" and BARTKOWICZ described the process of creating new or starter (marijuana) plants he calls "clones" by clipping off a leaf from a large (marijuana) plant. BARTKOWICZ informed the journalist that it (the marijuana cultivation process) takes about 60 days for the plants to bloom or grow buds that contain the ingredient THC.

7. In addition, the article stated that BARTKOWICZ provided an electrical bill to the journalist that showed he owed \$3,694.92 for the last two months (of service).

8. From this information, law enforcement was able to identify CHRISTOPHER BARTKOWICZ at 2006 Glenhaven Drive, Highlands Ranch, Colorado ("2006 Glenhaven Drive") and the location of the marijuana cultivation operation. Colorado Division of Motor Vehicle (DMV) driver's license information showed CHRISTOPHER BARTKOWICZ at 2006 Glenhaven Drive. A search of internet records also showed BARTKOWICZ associated to 2006 Glenhaven Drive.

9. On February 12, 2010, surveillance was established at 2006 Glenhaven Drive. During the surveillance, law enforcement observed an individual matching the physical description of BARTKOWICZ exit and return to 2006 Glenhaven Drive. Surveillance also observed a vehicle bearing Colorado license plate 894UMI parked in the driveway of 2006 Glenhaven Drive that per DMV records is registered to Chris BARTKOWICZ at this address.

10. On February 12, 2010, law enforcement contacted BARTKOWICZ at 2006 Glenhaven Drive and asked for consent to search the residence. BARTKOWICZ signed a consent to search form for 2006 Glenhaven Drive. BARTKOWICZ was also read his Miranda warnings. BARTKOWICZ also signed an "Advice of Rights" form, initialed each line of the Miranda warnings, signed the "Waiver of Rights" section of this document and voluntarily responded to questions of law enforcement. BARTKOWICZ stated that he had twenty marijuana care-giver certificates, but when asked to

produce those certificates he was only able to produce twelve and informed law enforcement that he thought he had some that would be arriving by mail.

11. Law enforcement conducted a search of 2006 Glenhaven Drive and seized approximately 224 marijuana plants (approximately 119 in various stages with root systems) and "clones" or "starter" plants (approximately 105). Your affiant was later informed that during the interview with law enforcement BARTKOWICZ stated he distributes marijuana to a dispensary and not directly to the individuals that he has Colorado state marijuana care giver licenses.

12. A search of BARTKOWICZ criminal history showed numerous arrests related to marijuana cultivation and possession to include: May 11, 1994 (manufacture and delivery of cannabis), August 16, 2004 (marijuana cultivation), January 12, 2005 (marijuana felony), June 10, 2006 (marijuana possession of eight ounces or more/ felony) and May 17, 2007 (marijuana felony). According to this same criminal history report, the offense on August 16, 2004, resulted in two years probation, ninety days in jail with thirty-one days credited for time served. The offense dated June 10, 2006, resulted in one year probation, ninety days in jail, with three days credited for time served. Your affiant was unable to locate the disposition of the other listed offenses prior to submission of this affidavit.

13. In addition, your affiant notes that 2006 Glenhaven Drive, Highlands Ranch, Colorado, is located within 1000 feet of a school, specifically Sand Creek Elementary School.

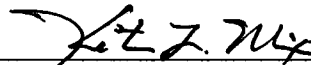
WHEREFORE, based on the foregoing information, your affiant respectfully requests a warrant of arrest be issued for CHRISTOPHER BARTKOWICZ for violation of 21 United States Code, Sections 841(a)(1) and 841(b)(1)(B)(vii).

I, Michael Tonozzi, Special Agent, with the Drug Enforcement Administration, being duly sworn according to law, does depose and say that facts stated in the foregoing affidavit are true to the best of my knowledge, information and belief.

S/A


MICHAEL TONOZZI SPECIAL AGENT
DRUG ENFORCEMENT ADMINISTRATION

SUBSCRIBED and SWORN to before me this 16th day of February, 2010.



UNITED STATES MAGISTRATE JUDGE
UNITED STATES DISTRICT COURT
DISTRICT OF COLORADO

**KRISTEN L. MIX
U.S. MAGISTRATE JUDGE
DISTRICT OF COLORADO**

Date: February 16, 2010

DEFENDANT: CHRISTOPHER BARTKOWICZ

DOB:

ADDRESS (CITY/STATE): Highlands Ranch, Colorado (Douglas County)

OFFENSE: Count One: Title 21, United States Code, 841(a)(1) - manufacture, distribute, or dispense, or possess with intent to manufacture, distribute, or dispense a controlled substance, to wit: 224 marijuana plants

LOCATION OF OFFENSE (COUNTY/STATE): Denver County, Denver, CO

PENALTY: Count One: NLT 5 years, NMT 40 years imprisonment; \$2,000,000 fine or both; NLT 4 years supervised release; \$100 special assessment fee

AGENT: Special Agent Michael Tonozzi
Drug Enforcement Administration

AUTHORIZED BY: Zachary H. Phillips
Assistant U.S. Attorney

ESTIMATED TIME OF TRIAL:

five days or less over five days other

THE GOVERNMENT

will seek detention in this case will not seek detention in this case

The statutory presumption of detention is applicable to this defendant.

OCDETF CASE: Yes No