

## AFFIDAVIT

Your affiant, Christopher Wells, being duly sworn, deposes and states:

1. On Friday, November 21, 2008, your affiant received a call from Courtney TUCKER, a witness in case 08-20112-CR-GOLD, indicating that she received a phone call from an investigator representing Ali SHAYGAN earlier in the day. TUCKER stated that she was advised by the investigator that based on the information she provided to the government regarding her association with SHAYGAN in an interview on August 15, 2008, federal prosecutors were planning to make her appear as though she was a drug abuser and possibly a drug distributor during the trial. TUCKER stated the investigator advised her that she was possibly subject to federal prosecution for her involvement with SHAYGAN. TUCKER stated she was very concerned because she was not a drug abuser or drug distributor. Furthermore, TUCKER stated that she was very concerned that she could be charged by the government based on the statements made by SHAYGAN's investigator.

2. That same day, after receiving the aforementioned information, I contacted AUSA Sean CRONIN and advised him of the information provided by TUCKER.

3. On Monday, November 24, 2008, I was advised by AUSA Sean CRONIN the United States Attorney's Office would look into these allegations. At that time, CRONIN informed me that the United States Attorney's Office authorized recordings to be made by two witnesses—Carlos VENTO and Trinity CLENDENING. Moreover, CRONIN indicated that he was not to have any further involvement in the inquiry and provided the telephone number to AUSA Karen GILBERT, whom he indicated was now the point of contact.

4. On or about December 1, 2008, based upon prior approval, I advised VENTO to record any future conversations with the defense team, including investigators. On December 2, 2008, a DEA Task Force Officer provided a recording device to VENTO. On approximately the same date, based on prior approval, I advised CLENDENING to record any future conversations with members of the defense team, including investigators. Although a recording device was offered to CLENDENING, he indicated that he would record the conversations utilizing a recording device he had on a landline, thus, no recording device was provided to CLENDENING by DEA.

5. On December 9, 2008, I was advised by VENTO that he had made a recording of his conversation with defense investigator Michael GRAFF.

6. That same date, because I had not learned the identity of the AUSA assigned to the investigation, I contacted CRONIN. CRONIN advised me that all information regarding any recording made by any witness needed to be coordinated through GILBERT. I did not communicate to CRONIN who had been recorded by

VENTO, nor the substance of any recording. Nor at the time was I aware of the substance of the recording.

7. That same date, I advised GILBERT that VENTO had made a recording. GILBERT advised me not to discuss the substance of any meeting or recording with other agents or members of the trial team.

8. On December 10, 2008, I traveled to West Palm Beach and collected the digital recorder provided to VENTO. Prior to obtaining the recording device, I was unaware of the contents of the recording.

9. That same date, I transported the recording device to the United States Attorney's Office in Miami and met with GILBERT. On that recording, GRAFF, investigator for the defense team, explained that he had been attempting to contact VENTO via telephone and had made multiple visits to VENTO's listed home address. In addition, GRAFF stated that contacting VENTO had been a priority of the SHAYGAN defense team for the past two months. At the conclusion of the conversation, GRAFF advised VENTO that SHAYGAN's attorneys would like to meet with him face-to-face as soon as possible. After reviewing this tape, the contents were never disclosed to AUSA's CRONIN or Andrea HOFFMAN. The recorder was not reissued to VENTO.

10. On or about December 21, 2008, I received a voicemail from CLENDENING. CLENDENING's voicemail indicated that he attempted to record a conversation with a member of the defense team; he further indicated that the recording device "came unplugged" and he only captured a "small piece" of the conversation.


11. On or about December 29, 2008, I contacted CLENDENING via telephone and confirmed the substance of his voicemail in that he attempted to record a conversation with a member of the defense team but the recording device came "unplugged." He again mentioned that he only recorded a small portion of the conversation. During this conversation he confirmed that the conversation was not recorded, but he indicated that the conversation regarded setting a face-to-face meeting. Based upon the aforementioned recording malfunction and the indicated lack of content, the recording was not requested from, nor provided by, CLENDENING. The contents of my conversation with CLENDENING were not discussed with either AUSA CRONIN or HOFFMAN.

12. On or about January 5, 2009, after returning to Florida from annual leave, I was notified by the Assistant Special Agent In Charge, DEA Miami Field Division, that the potential witness tampering inquiry was being assigned to a senior special agent within a separate DEA group. At that point, other than debriefing the newly assigned DEA agent, I was instructed not to participate in any future efforts of the DEA inquiry.

13. On or about January 8, 2009, I met with Senior Special Agent Jim Brown and advised him of the witness tampering inquiry that was being conducted as a result of the information relayed by TUCKER. Moreover, I advised BROWN about the recording

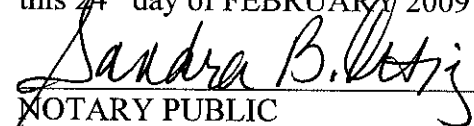
obtained by VENTO; the malfunction of the recording attempted by CLENDENING. I also gave BROWN all known contact information for potential witnesses. At no time during my involvement in this inquiry were other recordings made by VENTO, nor were face-to-face meetings setup between the witnesses and the defense team. I was not made aware of the second recording made by CLENDENING—utilizing his own recording equipment—until Thursday, February 19, 2009, during his cross-examination by the defense team.

**FURTHER AFFIANT SAYETH NAUGHT**



CHRISTOPHER WELLS,  
SPECIAL AGENT  
DRUG ENFORCEMENT ADMINISTRATION

Subscribed and sworn to before me  
this 24<sup>th</sup> day of FEBRUARY 2009

  
NOTARY PUBLIC