

EXHIBIT N

ORIGINAL

UNITED STATES DISTRICT COURT
District of Hawaii

UNITED STATES DISTRICT COURT
DISTRICT OF HAWAII

APR 04 2012

at 2 o'clock and 25 min. P.M.
SUE BEITIA, CLERK

UNITED STATES OF AMERICA)
)
 V.)
)
)
)
 FALEFIA FUAMATU)
 Defendant)

Case Number: MAG 12-00331-05

ORDER SETTING CONDITIONS OF RELEASE

IT IS ORDERED that the defendant's release is subject to these conditions:

- (1) The defendant must not violate any federal, state or local law while on release.
- (2) The defendant must cooperate in the collection of a DNA sample if the collection is authorized by 42 U.S.C. § 14135a.
- (3) The defendant must immediately advise the court, defense counsel, and the U.S. attorney in writing before any change in address or telephone number.
- (4) The defendant must appear in court as required and must surrender to serve any sentence imposed

The defendant must appear at *(if blank, to be notified)*

US Courthouse, 300 Ala Moana Blvd. Honolulu, Hawaii
(Place)

AS DIRECTED

Date and Time

Release on Personal Recognizance or Unsecured Bond

IT IS FURTHER ORDERED that the defendant be released on condition that:

- (✓) (5) The defendant promises to appear in court as required and surrender to serve any sentence imposed.
- (✓) (6) The defendant executes an unsecured bond binding the defendant to pay to the United States the sum of FIFTY THOUSAND dollars (\$50,000.00) in the event of a failure to appear as required or surrender to serve any sentence imposed.

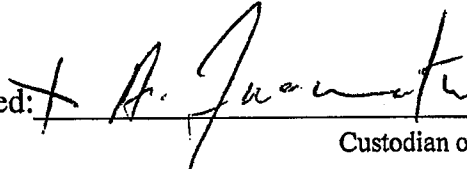
Additional Conditions of Release

Upon finding that release by one of the above methods will not by itself reasonably assure the defendant's appearance and the safety of other persons or the community, IT IS FURTHER ORDERED that the defendant's release is subject to the conditions marked below:

(✓) (7) The defendant is placed in the custody of:

(Name of person or organization) King Fuamatu
(City and State) Pearl City, Hawaii

who agrees (a) to supervise the defendant in accordance with all conditions of release, (b) to use every effort to assure the appearance of the defendant at all scheduled court proceedings, and (c) to notify the court immediately in the event the defendant violates any conditions of release or disappears.

Signed: 
Custodian or Proxy

The defendant shall:

- (7b) Comply with pretrial services supervision, and abide by all conditions of release as directed by Pretrial Services.
- (7c) Maintain or actively seek employment, as directed by Pretrial Services.
- (7g2) Do not apply for/obtain a passport.
- (7j) Maintain residence with/at: King Fuamata.
- (7m1) Contact is prohibited directly, indirectly, or through third parties with: co-defendants, co-conspirators, or witnesses in this and any related case. The U.S. Attorney's Office will provide Pretrial Services with initial and updated lists of names of persons with whom contact is prohibited. **Contact is permitted with family members but not to discuss the case.**
- (7p2) Comply with the Location Monitoring program under the direction of Pretrial Services. The Court authorizes release under the HOME DETENTION restriction which restricts you to your residence at all times except for employment, education, religious services, medical, substance abuse or mental health treatment, attorney visits, court appearances, court-ordered obligations, or other activities pre-approved by Pretrial Services.
- (7p4) You must abide by the program requirements and instructions of Pretrial Services related to the proper operation of the specified Location Monitoring technology: RADIO FREQUENCY (RF)/TRADITIONAL ELECTRONIC MONITORING.

- (7u1) Do not use or possess illicit drugs, and do not be in the presence of illicit drug use or drug users/traffickers.
- (7v1) To ensure compliance with the restriction on illicit drug use, submit to random drug detection testing as approved by Pretrial Services.
- (7y) You must contribute toward the costs of the services required by this bond, to the extent you are financially able to do so, as determined by Pretrial Services.
- (7z) You are required to clear all warrants by: **as directed by Pretrial Services.**
- (9a) In conjunction with the Ho'okele program, the Court authorizes the defendant to participate in voluntary stress and anxiety counseling as arranged by Pretrial Services.

Release is delayed until the third party custodian returns from travel, approximately two weeks.

ADVICE OF PENALTIES AND SANCTIONS

TO THE DEFENDANT:

YOU ARE ADVISED OF THE FOLLOWING PENALTIES AND SANCTIONS:

Violating any of the foregoing conditions of release may result in the immediate issuance of a warrant for your arrest, a revocation of your release, an order of detention, a forfeiture of any bond, and a prosecution for contempt of court and could result in imprisonment, a fine, or both.

While on release, if you commit a federal felony offense the punishment is an additional prison term of not more than ten years and for a federal misdemeanor offense the punishment is an additional prison term of not more than one year. This sentence will be consecutive (i.e., in addition to) to any other sentence you receive.

It is a crime punishable by up to ten years in prison, and a \$250,000 fine, or both, to: obstruct a criminal investigation; tamper with a witness, victim, or informant; retaliate or attempt to retaliate against a witness, victim, or informant; or intimidate or attempt to intimidate a witness, victim, juror, informant, or officer of the court. The penalties for tampering, retaliation, or intimidation are significantly more serious if they involve a killing or attempted killing.

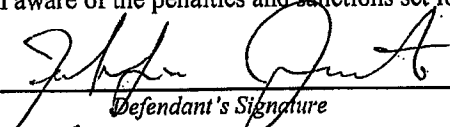
If, after release, you knowingly fail to appear as the conditions of release require, or to surrender to serve a sentence, you may be prosecuted for failing to appear or surrender and additional punishment may be imposed. If you are convicted of:

- (1) an offense punishable by death, life imprisonment, or imprisonment for a term of fifteen years or more – you will be fined not more than \$250,000 or imprisoned for not more than 10 years, or both;
- (2) an offense punishable by imprisonment for a term of five years or more, but less than fifteen years – you will be fined not more than \$250,000 or imprisoned for not more than five years, or both;
- (3) any other felony – you will be fined not more than \$250,000 or imprisoned not more than two years, or both;
- (4) a misdemeanor – you will be fined not more than \$100,000 or imprisoned not more than one year, or both.

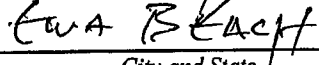
A term of imprisonment imposed for failure to appear or surrender will be consecutive to any other sentence you receive. In addition, a failure to appear or surrender may result in the forfeiture of any bond posted.

Acknowledgment of the Defendant

I acknowledge that I am the defendant in this case and that I am aware of the conditions of release. I promise to obey all conditions of release, to appear as directed, and surrender to serve any sentence imposed. I am aware of the penalties and sanctions set forth above.



Defendant's Signature

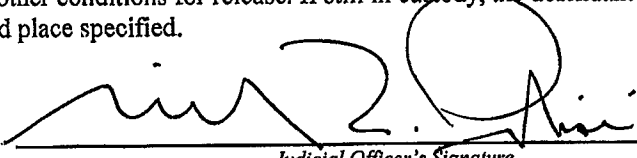


City and State

Directions to the United States Marshal

- The defendant is ORDERED released after processing.
- The United States marshal is ORDERED to keep the defendant in custody until notified by the clerk or judge that the defendant has posted bond and/or complied with all other conditions for release. If still in custody, the defendant must be produced before the appropriate judge at the time and place specified.

Date: 4-3-12



Judicial Officer's Signature

Richard L. Puglisi, United States Magistrate Judge
Printed name and title

ORIGINAL

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

UNITED STATES OF AMERICA,) MAGIS. NO. 12-0331 BMK
)
Plaintiff,) CRIMINAL COMPLAINT
)
VS.)
)
Walter DOMINGUEZ,)
Larry CHUNG,)
Lloyd TALIA,)
Sifatutupu FUAMATU, and)
Falefia FUAMATU,)
)
Defendants.)

FILED IN THE
UNITED STATES DISTRICT COURT
DISTRICT OF HAWAII
MAR 27 2012
at 9 o'clock and 05 min. 9 M.
SUE BEITIA, CLERK

CRIMINAL COMPLAINT

I, the undersigned complainant, being duly sworn, state the following is true and correct to the best of my knowledge and belief.

Between at least on or about June of 2011 up to and including January of 2012, in the District of Hawaii and elsewhere, defendants Walter DOMINGUEZ, Larry CHUNG, Lloyd TALIA, Sifatutupu FUAMATU and Falefia FUAMATU knowingly and intentionally combined, conspired, confederated and agreed together with each other and others known and unknown, to commit the following offense against the United States: to possess with intent to distribute 50 grams or more of methamphetamine, its salts, isomers, and salts of its isomers, in violation of 21 U.S.C. 841 (a) (1) and (b) (1) (A)

All in violation of Title 21, United States Code, Section 846.

I further state that I am an HSI Special Agent and that this Complaint is based upon the facts set forth in the attached "Affidavit in Support of Criminal Complaint", which is incorporated herein by reference.

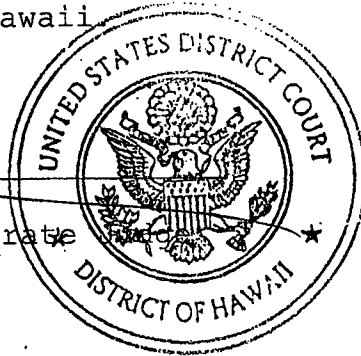
Sworn to before me and subscribed in my presence, this 26rd day of March 2012, at Honolulu, Hawaii



MARC MATO
COMPLAINANT



BARRY M. KURBEN
United States Magistrate



AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

MARC MATO, after being duly sworn, deposes and states as follows:

1. I am a Special Agent with U.S. Homeland Security Investigations (HSI), currently assigned to the Special Agent in Charge (SAC) Honolulu Office, Hawaii.
2. Title 21 United States Code, Section 801 of the Controlled Substance Act (CSA) lists federally controlled substances. The most recent issue of Title 21 Code of Federal Regulations (CFR) lists amphetamine and methamphetamine as a Schedule II narcotic, defined as a drug or other substance that has a high potential for abuse or other substance that has a currently accepted medical use in treatment in the United States or a currently accepted medical use with severe restrictions.
3. Title 21 United States Code, Section 844 states that, it shall be unlawful for any person knowingly or intentionally to possess a controlled substance unless such substance was obtained directly, or pursuant to a valid prescription or order, from a practitioner, while acting in the course of his professional practice, or except as otherwise authorized.
4. Title 21 United States Code, Section 841 states that, it shall be unlawful for any person knowingly or intentionally to manufacture, distribute, or dispense, or possess with intent to manufacture, distribute, or dispense, a controlled substance; or to create, distribute, or dispense, or possess with intent to distribute or dispense, a counterfeit substance.
5. Title 21 United States Code, Section 846 states that any person who attempts or conspires to commit any offense as defined in Title 21 shall be subject to those same penalties based on the fact that the commission of which was the object of the attempt or conspiracy.
6. On or about August 17, 2011 a Confidential Source (CS#1) provided information to federal agents concerning a drug trafficking organization headed by John TAI (hereinafter referred to "TAI DTO"). CS#1 identified Walter DOMINGUEZ as the TAI DTO's source of supply for crystal methamphetamine. According to CS#1, Walter DOMINGUEZ lives in California and gets his drugs from Mexico. CS #1 identified Larry CHUNG as the primary distributor of methamphetamine for the organization in Hawaii. CS#1 identified Lloyd TALIA as an individual who

facilitates the transportation of the drugs in Hawaii and collects and consolidates drug proceeds for transportation back to California. CS#1 further stated that Sifatutupu FUAMATU and Falefia FUAMATU receive the TAI DTO's drug proceeds from CHUNG and then covertly transport the proceeds to Walter DOMINGUEZ in California. According to CS#1, Walter DOMINGUEZ arranges for the transportation of the drugs from California to Hawaii by utilizing an employee of Delta Airlines or the Transportation Security Administration to bypass security and place approximately thirty to forty pound shipments of drugs in checked luggage. This occurs after the luggage has been through security screening. A courier who has checked the luggage then flies to Honolulu, claims the luggage, and takes a taxi to a Waikiki hotel. The courier then sends Walter DOMINGUEZ an encrypted email stating that the shipment has arrived and telling him what room number the courier is in. Walter DOMINGUEZ then sends John TAI or Larry CHUNG an encrypted email and forwards the information that was provided to Walter DOMINGUEZ. According to CS#1, Jordan FONOTI, Lloyd TALIA or another member of the TAI DTO is sent to the hotel to obtain the drugs and take the drugs to a "stash house." On June 23, 2011, CS#1, Jordan FONOTI, and seven other defendants were charged in a superseding indictment in Cr. No. 11-00506 DAE with participating in the same methamphetamine distribution conspiracy.

7. CS#1 stated that on or about May 28, 2011, Walter DOMINGUEZ sent a shipment of approximately 174 pounds of crystal methamphetamine to Larry CHUNG in Hawaii. On September 23, 2011, Homeland Security Investigations (HSI) Special Agents were able to obtain a Blackberry cellular telephone belonging to John TAI (hereinafter referred to as "John TAI's Blackberry"). John TAI's Blackberry is capable of sending Pretty Good Privacy (PGP) encrypted emails and can only communicate with other Blackberry telephones on the Berrylogic.net network in PIN to PIN mode. Since September 23, 2011, an HSI Special Agent has been communicating in an undercover capacity with members of the TAI DTO; to include Walter DOMINGUEZ, Lloyd TALIA, and Larry CHUNG, posing as Gertrude Sale, John TAI's common law wife.

8. John TAI's Blackberry contained a drug ledger showing that John TAI purchased one hundred seventy four (174) pounds of crystal methamphetamine from Walter DOMINGUEZ which was sent to Larry CHUNG in Hawaii. The drug ledger also indicated payments that Larry CHUNG made to John TAI to pay Walter DOMINGUEZ for the drugs. John TAI's Blackberry also contained the following

email message that was sent from Larry CHUNG on September 13, 2011.

"I'm praying everyday too for him and all of us ! Waiting on paisa too ! Waiting on work for the O , should be soon . I have a mill already ! We owed paisa 600 on the M before we can take ours ! We'll be there soon enough .

CS#1 was able to read the email and translate it. The following is the translation:

"This is a message from Larry CHUNG. He is telling Gertrude Sale that he is praying for John TAI and that he is waiting on Walter DOMINGUEZ to send more drugs to Oahu. Larry CHUNG has one million dollars collected from the sale of the previous shipment of drugs. Larry CHUNG and John TAI owe Walter DOMINGUEZ \$600,000 for a load of drugs that went to Maui before Larry CHUNG and John TAI can take their cut."

9. On June 1, 2011, eight members of the TAI DTO were arrested after having been charged in the original indictment in Cr. No. 11-00506 DAE with conspiring to distribute and possess with intent to distribute methamphetamine. On September 15, 2011, one of the defendants, Jordan FONOTI, provided a statement about his involvement in the TAI DTO. Jordan FONOTI admitted to delivering drugs on at least two occasions to a person who he knew as "Pearl City." Jordan FONOTI later positively identified "Pearl City" as Larry CHUNG from a driver's license photograph. Jordan FONOTI also admitted to transporting approximately two hundred thousand dollars (\$200,000) of drug proceeds from Hawaii to John TAI's residence in California in January of 2011. According to FONOTI, John TAI paid for his airfare and gave him five hundred dollars (\$500) for transporting the money. Federal agents subpoenaed airline records and were able to corroborate that Jordan FONOTI traveled from Hawaii to California during in January of 2011.

10. On or about September 29, 2011, HSI agents interviewed a second Confidential Source (CS#2) concerning the TAI DTO. CS#2 stated that in July of 2011, he/she received \$500,000 of drug proceeds from Walter DOMINGUEZ. On September 30, 2011, CS#2 turned over \$48,080 in TAI DTO drug proceeds to federal agents. CS#2 stated that this money was owed to John TAI for the shipment of drugs from California to Hawaii.

11. On or about October 14, 2011, CS#2 participated in a consensually recorded meeting with Larry CHUNG. Larry CHUNG and CS#2 discussed how much money was owed to the TAI DTO. At one

point in the conversation, Larry CHUNG displayed his encrypted Blackberry to CS#2 and sent him/her two emails in CS#2's presence. Larry CHUNG stated that CS#2 was owed five hundred and sixteen thousand dollars (\$516,000) in drug proceeds and that CHUNG had in his possession one hundred and twenty nine (129) pounds of crystal methamphetamine that was sent from California to Hawaii by Walter DOMINGUEZ. Larry CHUNG further stated that the one hundred twenty nine (129) pounds consisted of ninety nine (99) pounds for Oahu and thirty (30) pounds for Maui. This meeting was set up by federal agents posing as Gertrude Sale, John TAI's common law wife, utilizing John TAI's encrypted Blackberry telephone.

12. On or about October 14, 2011, CS#2 participated in a consensually recorded meeting with Falefia FUAMATU and Sifatutupu FUAMATU. During the meeting, Falefia FUAMATU and Sifatutupu FUAMATU openly talked about how they transported drug proceeds from Hawaii to California. Falefia FUAMATU stated that Walter DOMINGUEZ paid them approximately \$6,000 per trip to transport the drug proceeds from Hawaii to California. According to CS#2, Sifatutupu FUAMATU is employed by Delta Airlines as a ramp service agent. Federal agents were able to corroborate that Sifatutupu FUAMATU is so employed and that as part of her duties, Sifatutupu FUAMATU holds a State of Hawaii, Department of Transportation, Area of Operations swipe card. This card allows Sifatutupu FUAMATU to access parts of the airport that are not accessible to the general public, like the internal baggage carousels and the runway. Sifatutupu FUAMATU also has the ability to use her card to bypass security checkpoints and enter the gate area without being screened by TSA or any other type of airport security.

13. On or about October 14, 2011, CS#2 surrendered \$32,190 of TAI DTO drug proceeds to federal agents. CS#2 stated that this money was obtained by the sale of illegal drugs in Hawaii.

14. On or about October 19, 2011, CS#2 surrendered \$100,120 of TAI DTO drug proceeds to federal agents. CS#2 stated that this money was part of the \$500,000 in drug proceeds that he/she received from Walter DOMINGUEZ on September 29, 2011.

15. On or about November 18, 2011, CS#2 participated in a consensually recorded meeting with Sifatutupu FUAMATU. Sifatutupu FUAMATU told CS#2 how she uses her State of Hawaii Air Operations Area security badge to bypass the Transportation

Security Administration's security checkpoints with drug proceeds.

16. On or about November 18, 2011, CS#2 participated in a consensually recorded meeting with Lloyd TALIA. Lloyd TALIA gave CS#2 \$80,000 in drug proceeds. Lloyd TALIA stated that the money was from Larry CHUNG for a ninety nine (99) pound load of crystal methamphetamine that was previously sent to Hawaii.

17. On or about November 19, 2011, federal agents received the following encrypted email on John TAI's Blackberry from Larry CHUNG.

"I have 500 right now and I'm getting more tonight and tomorrow! I hit paisa for tanspo ! Out of that I will hit u with what is to come to ur family for that uce ! And u have coming from mau that he's boys will drop to u also ! U will never be cut out of what belongs to ur husband that gave his life for all of us ! Paisa said that also".

CS#2 was shown this message and told federal agents this means that Larry CHUNG has five hundred thousand dollars (\$500,000) in drug proceeds and that he will be collecting that night and the next day. Larry CHUNG will contact Walter DOMINGUEZ (Paisa) and arrange for the transportation of money from Hawaii to California. Out of the money going up, Gertrude Sale and John TAI will get their share of the profits. There are more drug proceeds coming from the island of Maui that Walter DOMINGUEZ's couriers will transport to Gertrude Sale. Gertrude Sale and John TAI will never be excluded from receiving drug proceeds because John TAI went to prison for the DTO. Walter DOMINGUEZ also agreed with that.

18. On or about December 20, 2011, CS#2 participated in a consensually recorded meeting with Walter DOMINGUEZ. Walter DOMINGUEZ told CS#2 that he will not continue to send drugs to Hawaii until Larry CHUNG pays off his drug debt of one hundred sixty eight thousand dollars (\$168,000) to John TAI. Walter DOMINGUEZ told CS#2 that the one hundred seventy four (174) pound shipment of crystal methamphetamine was the biggest shipment that he has sent to Hawaii. Walter DOMINGUEZ further stated that he instructed Larry CHUNG and Lloyd TALIA to pay off the balance of that shipment of drugs before he sends another shipment. Walter DOMINGUEZ also stated that he instructed Larry

CHUNG to give Sifatutupu FUAMATU and Falefia FUAMATU \$10,000 out of his (DOMINGUEZ's) share of drug proceeds.

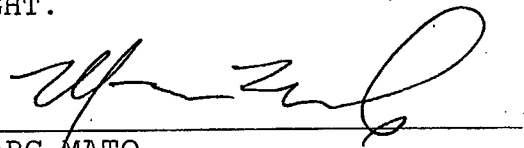
19. On January 11, 2012, law enforcement received an encrypted email on John TAI's Blackberry from Walter DOMINGUEZ. Walter DOMINGUEZ sent the following email stating that he had one hundred sixty three thousand dollars (\$163,000) for Gertrude Sale.

"Sorry sis.. Can I see u @8-815am I have 163k for you!!"

20. On or about January 12, 2012, CS#2 participated in a consensually recorded meeting with Walter DOMINGUEZ. Walter DOMINGUEZ stated that he recently sent sixty (60) pounds of crystal methamphetamine to Larry CHUNG in Hawaii and two packages of heroin to Lloyd TALIA in Alaska. Walter DOMINGUEZ also stated that CS#2 was owed one hundred sixty eight thousand dollars (\$168,000) for drugs that were delivered to Hawaii, but Sifatutupu FUAMATU took \$8,000 for car payments when she transported the money from Hawaii to California. During the meeting, Walter DOMINGUEZ gave CS#2 \$159,970.

Based on the foregoing, it is this affiant's belief that there is probable cause that Walter DOMINGUEZ, Larry CHUNG, Lloyd TALIA, Sifatutupu FUAMATU and Falefia FUAMATU knowingly and intentionally violated Title 21 United States Code, Section 846.


FURTHER AFFIANT SAYETH NAUGHT.



MARC MATO

This Criminal Complaint and Affidavit in support thereof were presented to, approved by, and probable cause to believe that the defendant above-named committed the charged crime found to exist by the undersigned Judicial Officer at 4:00 P.m. on March 26, 2012.

Subscribed and Sworn to Before Me
This 26rd day of March, 2012


BARRY M. KURREN
United States Magistrate Judge

