

ORIGINAL

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FILED IN THE  
UNITED STATES DISTRICT COURT  
DISTRICT OF HAWAII

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Attorneys for the United  
States of America

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

UNITED STATES OF AMERICA,	)	MAGIS. NO. 06-0 <u>633</u> LEK
	)	
Plaintiff,	)	CRIMINAL COMPLAINT
	)	
VS.	)	
	)	
LEE NOBUO ANZAI,	)	
	)	
Defendant.	)	
_____	)	

CRIMINAL COMPLAINT

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

Count 1: On or about September 8, 2006 in the District of Hawaii, defendant above-named knowingly and intentionally distributed five (5) grams of methamphetamine, its salts, isomers, and salts of its isomers, a Schedule II controlled substance, in violation of 21 U.S.C. 841(a)(1) and 841(b)(1)(B).

Count 2: On or about September 14, 2006 in the District of Hawaii, defendant above-named knowingly and intentionally distributed five (5) grams of methamphetamine, its salts, isomers, and salts of its isomers, a Schedule II controlled substance, in violation of 21 U.S.C. 841(a)(1) and 841(b)(1)(B).

Count 3: On or about September 19, 2006 in the District of Hawaii, defendant above-named knowingly and intentionally distributed fifty (50) grams of methamphetamine, its salts,


isomers, and salts of its isomers, a Schedule II controlled substance, in violation of 21 U.S.C. 841(a)(1) and 841(b)(1)(A).

Count 4: On or about September 29, 2006 in the District of Hawaii, defendant above-named knowingly and intentionally distributed fifty (50) grams of methamphetamine, its salts, isomers, and salts of its isomers, a Schedule II controlled substance, in violation of 21 U.S.C. 841(a)(1) and 841(b)(1)(A).

Count 5: On or about October 10, 2006 in the District of Hawaii, defendant above-named knowingly and intentionally distributed fifty (50) grams of methamphetamine, its salts, isomers, and salts of its isomers, a Schedule II controlled substance, in violation of 21 U.S.C. 841(a)(1) and 841(b)(1)(A).

I further state that I am a DEA 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 11th day of October  
2006, at Honolulu, Hawaii.

  
\_\_\_\_\_  
CLEMENT B.K. SZE  
COMPLAINANT

  
\_\_\_\_\_  
BARRY M. KURREN  
United States Magistrate Judge

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

CLEMENT B.K. SZE, after being duly sworn, deposes and states as follows:

1. I am Special Agent with the U.S. Drug Enforcement Administration (DEA), currently assigned to Honolulu, HI.

2. Defendant Lee Nobuo Anzai (hereinafter "Lee Anzai") is presently employed as a teacher at Leilehua High School.

3. In this case, a cooperating individual ("CI") had provided DEA with information about Lee Anzai. In addition, there was also a Deputy Sheriff acting in an undercover capacity, posing as a purchaser of illegal drugs (hereinafter "UC"). According to the CI, he/she also owed a \$3,000 drug debt to Lee Anzai for an ounce of methamphetamine he/she had previously purchased from Anzai. Whenever he/she needed to contact Lee Anzai, the CI would call a particular cellphone number.

(A) A subscriber check with Verizon Wireless indicated that the current subscriber of this particular cellphone number is Sherri Anzai, who is the wife of Lee Anzai. All of the telephonic communication with Lee Anzai described in this affidavit was to and from this particular cellphone.

COUNT 1:

**CONTROLLED PURCHASE OF ABOUT ONE  
OUNCE OF METHAMPHETAMINE, 9/8/06**

4. On Friday, September 8, 2006, at about 9:05 p.m., the CI telephoned Lee Anzai. There was no answer, so the CI left a voice mail message to the effect of "we go take care of that, of what I owe you and da kine [that is, the prior drug debt], I like pick up if can" [that is, the CI wanted to buy more drugs], and "let me know, give me a call, okay".

5. On September 8, 2006 at about 9:15 p.m., Lee Anzai called the CI. Lee Anzai advised that he wanted to talk story with the CI; the CI said he/she would call him later.

6. On September 8, 2006 at about 10:10 p.m., the CI called Lee Anzai. In this call, the two agreed to meet at Kamehameha Shopping Center in Kalihi. The CI asked "you get, oh, what?", and Lee Anzai gave responses as "ah, I get a little bit", "like what?", "like just for smoke?" [that is, Anzai was asking if the CI only wanted a user quantity of methamphetamine]. The CI said, "no, one O [that is, one ounce], yeah, I like pick up", and "I like pick up, too, 'cause I gotta make money ..." Lee Anzai said that "I can try call my friend, the stuff is not the best

but...", and "you like I front 'em?" [that is, give the methamphetamine to the CI on credit], and "I can get 'em for about 25" [that is, \$2,500 per ounce].

7. During a follow-up call from Lee Anzai at about 10:21 p.m. on September 8, 2006, Lee Anzai told the CI, "um, ... one, but 28" [that is, the price would be \$2,800 for the ounce, not the "25" quoted in the earlier call], and "what do you want me to do? Do you want me to go grab it for you?" The CI indicated his/her assent. Lee Anzai also indicated that he would have to stop at Nimitz first. The two also discussed the debt the CI owed to Lee Anzai, with the CI indicating he would make a partial payment of \$1,000.

8. For this meeting with Lee Anzai, the CI was also accompanied by the UC. The UC had \$3,800, of which \$2,800 was to purchase one ounce of methamphetamine from Lee Anzai, and \$1,000 was to pay down the CI's \$3,000 drug debt to Anzai.

9. The CI met with Lee Anzai at Kamehameha Shopping Center on the night of September 8, 2006. Lee Anzai initially gave the CI approximately 1/8 ounce of methamphetamine, which he/she took to the UC; the UC then gave the CI \$1,400 (one-half of the \$2,800 purchase price for the ounce), which the CI handed to Lee Anzai. Lee Anzai then gave the remainder of the ounce to the CI, which he/she in turn delivered to the UC. The UC then provided the CI with \$1,400 (the remaining amount owed for the ounce), and the additional \$1,000 in part payment for the CI's debt, all of which the CI delivered to Lee Anzai. The CI subsequently introduced Lee Anzai to the UC (the latter using the nickname "Duke"). After engaging in some conversation, Lee Anzai drove away.

(A) On 9/8/06, Lee Anzai was operating a Nissan automobile, Hawaii license plate #NBN-139. This automobile is hereinafter referred-to as the "subject vehicle". According to Hawaii registration records, Lee Anzai is also the current registered owner of the subject vehicle.

10. The suspected methamphetamine received from Lee Anzai on September 8, 2006 was determined by the DEA Southwest Laboratory to be 27.5 grams (net weight) of 86% pure d-methamphetamine hydrochloride, which is a methamphetamine salt [amount of pure drug: 23.6 grams].

(A) For equivalency purposes, there are about 28.35 grams in one ounce.

**COUNT 2:**  
**CONTROLLED PURCHASE OF ABOUT TWO**  
**OUNCES OF METHAMPHETAMINE, 9/14/06**

11. On September 12, 2006 at about 9:35 p.m., the CI left a voice mail message for Lee Anzai, to the effect that Duke (that is, the UC) was looking for 2 - 3 ounces for Thursday and that he also wanted to know the price.

12. On Thursday, September 14, 2006, at about 8:25 p.m., the CI telephoned Lee Anzai. During this call, Lee Anzai advised the CI that "32 one" [that is, the price was \$3,200 for one ounce], that "it's all good, tell 'em [that is, tell "Duke"], it's good stuff", that "I not making too much", and that "only get 2, brah [that is, two ounces of methamphetamine]". The CI agreed to make the buy. The agreed-upon meeting place would be the Waipio Shopping Center/Foodland in Waipahu) later that night. In addition, Lee Anzai also indicated that he could possibly get a lower price from a different source of supply over the upcoming weekend; Lee Anzai said "I supposed to get the load on, ah, Friday, Friday or Saturday, Friday or Saturday or Sunday, that one from my other guy", and that this would be "anywhere from 28 to 3" [that is, \$2,800 - 3,000 an ounce], "depending on how cheap he give 'em to me". Lee Anzai added that "just tell 'em [that is, "Duke"] I not trying fo' make too much money, I just trying to make my money back", and "28, we go shoot for that" [that is, \$2,800 per ounce], and "yeah, I get 2 [that is, two ounce of methamphetamine]".

13. For this transaction, the UC was provided with \$7,000 in cash, of which \$6,400 was to purchase two ounces of methamphetamine from Lee Anzai and the remaining \$600 would go to paying off the CI's drug debt to Lee Anzai.

14. After meeting at the Waipio Shopping Center on the night of September 14, 2006, the CI/UC's vehicle and Lee Anzai's subject vehicle were parked next to each other. Lee Anzai provided the UC and CI with a rolled-up newspaper, in which was concealed the methamphetamine. The UC handed over the \$7,000 to Lee Anzai, indicating that the extra \$600 was to help pay off the CI's drug debt. After a short conversation, they went their separate ways.

15. The suspected methamphetamine received from Lee Anzai on September 14, 2006 was determined by the DEA Southwest Laboratory to be 55.2 grams (net weight) of 81% pure d-methamphetamine hydrchloride [amount of pure drug: 44.7 grams].

**COUNT 3:**  
**CONTROLLED PURCHASE OF APPROXIMATELY**  
**FIVE OUNCES OF METHAMPHETAMINE, 9/19/06:**

16. On Saturday, September 16, 2006, at about 11:18 a.m., the UC telephoned Lee Anzai. During this call, Lee Anzai said that he was a teacher and also worked part-time for a hotel. Lee Anzai also indicated that "today, brah" [that is, he could do the methamphetamine transaction today]. In response to the UC's question of "what kind of stuff get?", Lee Anzai said "the aku, the aku stay in, the big aku, I just gotta cut 'em up and bleed 'em little bit" [that is, he has obtained the methamphetamine (code-named as "aku") from his other supplier, consistent with what Anzai had said in the prior telephone call on 9/14/06]. When the UC asked "what kind of numbers we looking at, but?" [that is, what's the price], Lee Anzai said, "that I can get back to you".

17. At about 7:30 p.m. on Saturday, September 16, 2006, the UC telephoned Lee Anzai. When the UC inquired "so what's going on?", Lee Anzai said "um, it's all good, dog, ready to roll already". When the UC asked "okay, what kind of stuff we looking at, what we get?", Lee Anzai responded "the most I could get is, ah, half [that is, ½ pound of methamphetamine, or 8 ounces]. The following conversation occurred:

UC: Half?

Lee Anzai: Half of a P [that is, the letter "P"].

UC: Yeah, half P?

Lee Anzai: Huh?

UC: Half P? 8 Z's? [that is, "Z" = ounces]

Lee Anzai: Half P, 8 Z's.

The two also discussed the pricing for the methamphetamine:

UC: What are the numbers we looking at?

Lee Anzai: Total 'em, including if can the rest of the remainder ... 22 ... 22 4 [that is, \$22,400, which includes the remaining balance of the CI's drug debt].

UC: 22 4?

Lee Anzai further clarified what he meant on the pricing:

Lee Anzai: The thing 21 [that is, the price for the eight ounces of methamphetamine itself was \$21,000]

UC: Came out to 21?

Lee Anzai: Yeah.

Lee Anzai later commented that this "comes out to about 26 per ..." [that is, \$2,600 times 8 ounces = \$20,800, or rounded up to \$21,000], and "actually, the guy charging me 25 [that is, \$2,500], I only goin' make, ah ...". The UC said "I no like stress you out", and Lee Anzai answered "no, no, I just praying everything go smooth, you know what I mean?"

(A) As indicated earlier in this affidavit, the CI's prior drug debt to Lee Anzai was \$3,000. However, as a result of one payment of \$1,000 made on 9/8/06 and another \$600 made on 9/14/06 (as also described earlier in this affidavit), the remaining unpaid balance of this debt was \$1,400. Lee Anzai's suggested price of "22 4"-- that is, \$22,400-- took into account the \$1,400 necessary to make the final pay-off on the CI's drug debt and the "rounded-up" \$21,000 to purchase eight ounces of methamphetamine.

18. On Monday, September 18, 2006, at about 12:07 p.m., the UC telephoned Lee Anzai. The following discussion occurred during this call:

UC: Everything is the same?

Lee Anzai: Yeah, yeah, yeah, still the same.

UC: Okay, okay, 24, right, 22 4?

Lee Anzai: 22 4.

UC: And then the half P?

Lee Anzai: Excuse me?

UC: The half P?

Lee Anzai: Half P.

UC: Half P, 22 4, okay.

19. On Monday, September 18, 2006, at about 12:18 p.m., Lee

Anzai telephoned the UC. In this call, Lee Anzai wanted to increase the price to from \$22,400 to \$22,600 so he could make a bigger profit on this transaction, as follows:

Lee Anzai: Instead of 22 4, 22 6.

UC: Um, I can try.

Lee Anzai: You can try, that way, and then, um, I can make even 1.

UC: What you mean?

Lee Anzai: I can make like even 1 G [that is, \$1,000].

Lee Anzai further said that "if you can, I feel bad, but ..." and "if no can, that's fine". In other words, given that Lee Anzai was getting the eight ounces of methamphetamine at a unit price of \$2,500, and reselling it to the UC for \$2,600 per ounce, Lee Anzai's profit for this transaction would only be \$100 per ounce, or a total of \$800. However, by charging \$22,600 instead of \$22,400, then Lee Anzai's profit would go up \$200 to \$1,000, or as he put it "1 G".

20. On September 19, 2006 (Tuesday) at about 12:35 p.m., the UC called Lee Anzai. During this call, Lee Anzai indicated that he was presently on lunch break and that "the bell going ring in about 5 minutes". The UC joked that "make sure you not late for the bell, uh?", and Lee Anzai said "no, no, no, I stay in my room, it's all good". The UC asked "you get your own class room?", and Lee Anzai said "yeah". The UC also wanted to find out how much the price would be if less than eight ounces of methamphetamine was purchased, as follows:

UC: What kine numbers we looking at if I buy less than the 8 z's?

Lee Anzai: Ah, I don't know, I never even try yet.

UC: Can, oh, what?

Lee Anzai: Yeah, gotta. 'Cause the guy ... he was going send 'em home yesterday, he making wait one more day, though.

UC: You can call me back, or what?

Lee Anzai: Yeah, I call you right back and let me go

figure it out.

21. On September 19, 2006 (Tuesday) at about 1:27 p.m., Lee Anzai telephoned the UC. Lee Anzai said that "I can give 'em to you for 28 each ... if you like break 'em down" [that is, \$2,800 per ounce]. The UC confirmed "28 per Z?", and Lee Anzai replied back "per Z". The UC also asked "that's the lowest can go, 28?", and Lee Anzai said "depending how much you going grab".

22. On Tuesday, September 19, 2006, at about 1:33 p.m., the UC received another call from Lee Anzai. In this call, Lee Anzai and the UC agreed to a 5 ounce methamphetamine transaction at \$2,700 per ounce, or a total of \$13,500, plus paying-off the remaining \$1,400 owed on the CI's drug debt (totaling \$14,900, or rounded up to \$15,000). The following conversation occurred during this call:

Lee Anzai: Ah, I can give 'em to you for 27 ... that the only way I can give the guy money.

UC: That's cool, just let me try write ...

Lee Anzai: So it comes out, it came out to, what, 13 5, right? Adding dollar more so 500 more.

UC: 13 5 for the five akus? [that is, five ounces]

Lee Anzai: Plus, if you can, plus the 14 [that is, the \$1,400 remaining to be paid on the CI's drug debt].

UC: Okay, we can do something like that, that's cool.

Other pertinent conversation included the following:

UC: So, we go 27, 27 per aku?

Lee Anzai: Yeah.

UC: You going bring five of them?

Lee Anzai: I going bring five.

In addition, it appeared from the following discussion during this telephone call that Lee Anzai already had the five ounces in hand, such that he could proceed directly to the meeting site to complete the drug transaction, as opposed to having to pick up the drugs enroute.

UC: What time your class get out?

Lee Anzai: Ah, 2:20.

UC: 2:20?

Lee Anzai: Yup.

UC: Okay, what then you gotta go, you gotta go some place first or you gotta pick 'em up, or you get 'em?

Lee Anzai: Nope, nope, nope, nope, nope.

UC: You get 'em?

Lee Anzai: Yup.

UC: It's all good, ready to go.

Lee Anzai: Ready.

23. On September 19, 2006 at about 2:56 p.m., Lee Anzai telephoned the UC. In this call, Lee Anzai indicated "I rather him be there, too, you know what I mean, just for now" [that is, Anzai wanted the CI to also be present at this five ounce transaction].

24. The agreed-upon meeting place for this transaction was the Waipio Shopping Center near the Foodland.

25. At the Foodland-Waipio Shopping Center on September 19, 2006, Lee Anzai parked his subject vehicle next to the UC's vehicle. Lee Anzai tossed a yellow plastic bag into the rear of the CI/UC's vehicle. This yellow bag contained the five ounces of methamphetamine. The UC advised Lee Anzai that the money was in a white shopping bag, which was also in the rear of the CI/UC's vehicle. Lee Anzai then retrieved that white shopping bag (which contained the \$15,000) and then later departed.

(A) The suspected methamphetamine received from Lee Anzai on September 19, 2006 was later analyzed by the DEA Southwest Laboratory and determined to be 138.5 grams (net weight) of 86% pure d-methamphetamine hydrochloride [amount of pure drug: 119.1 grams].

26. At about 4:22 p.m. on September 19, 2006, the UC telephoned Lee Anzai. In this call, the UC inquired "everything was all good, uh?", to which Lee Anzai replied "yeah, well, I

nevah count 'em yet" [that is, the money].

**RELEVANT TELEPHONE CALLS DURING  
THE PERIOD SEPTEMBER 20 - 27, 2006  
BETWEEN LEE ANZAI AND THE UC:**

27. On September 20, 2006 at about 4:12 p.m., the UC received an incoming call from Lee Anzai. During this call, the following conversation occurred:

Lee Anzai: Just wanted fo' ask you one question. My friend told me, you not one cop, eh?

UC: Crazy bull, what make you think that, brah. What's up with that, man?

Lee Anzai: No, I tell you right now, my friend, I just talk to my friend, he said if we ask a person that, they cannot lie.

UC: Fuck, beats me, brah.

Lee Anzai: Huh?

UC: fuck, beats me, I don't know if that true or not.

Lee Anzai: No, that's what he said. They can't use it in court, that's why.

To explain why he asked this question about the UC being a cop, Lee Anzai also added, "I neva mean for come out like that, you know, it's all good, dog, I just wanted fo' try 'em out, fo' see if it really works".

UC: Brah, I tell you, I not one cop, now you making me nervous, bull.

Lee Anzai: No way, fuck, why I going make you nervous?

UC: Fuck, I don't know, 'cause you ask me that kine questions, bull.

Lee Anzai: 'Cause you one big mothah fuckah, and ah, I wouldn't know, you know what I mean, I'm selling to you, I'm selling to you.

\* \* \*

UC: Maybe you not one school teacher.

Lee Anzai: Fuck you, I show you my badge, cuz, I show you my badge, my fucking DOE, my DOE fucking badge, brah.

UC: Not your DOE police badge?

Lee Anzai: No more such thing, cuz.

UC: How long you been teaching?

Lee Anzai: Oh, let's see, six years already.

UC: Six years, all at the same place?

Lee Anzai: Yeah, Leilehua, Leilehua.

UC: Why, you one cop?

Lee Anzai: Nope.

UC: Okay, you sure, I going use that against you, too, then, brah.

Lee Anzai: Are you one cop?

UC: I not one cop, brah.

28. As indicated in the prior telephone discussions reported earlier in this affidavit, Lee Anzai had eight ounces of methamphetamine for sale, of which the UC had purchased five on September 19. This meant that Lee Anzai had three ounces remaining. On September 22, 2005 at about 8:41 p.m., the UC telephoned Lee Anzai. During this call, as reported below, Lee Anzai indicated that he had only two ounces remaining (that is, he had sold one ounce to someone else since September 29):

Lee Anzai: I get 2 of 'em, I was wondering if, 'um, you needed 'em?

UC: Um, let me try call you back, brah, you get 2, what is that, from the 3 you had earlier?

Lee Anzai: Right.

UC: Okay, what is the price on those 2?

Lee Anzai: I give 'em to you for like, I guess, ah, let's see, like 52, maybe. [that is, \$5,200 for the total, or \$2,600 per ounce]

UC: What is that?

Lee Anzai: 52 for the two. If you can help me out, 52.

UC: 52 for the two?

Lee Anzai: Yeah, or try do it that way.

29. On September 26, 2006 at about 9:44 p.m., the UC contacted Lee Anzai, during which call the following conversation occurred:

UC: What, you get some more stuff or what, get some more akus? Need some more.

Lee Anzai: No, not right now [that is, Anzai had apparently sold to someone else the two ounces discussed in the prior 9/22 telephone call].

UC: Nothing right now?

Lee Anzai: I nevah talk to 'em for a while already, three days [that is, Anzai hasn't talked to his drug supplier recently].

UC: So what, you might, get some more?

Lee Anzai: Yeah, I keep you updated, I let you know, brah.

UC: Okay.

Lee Anzai: Why, you ready?

UC: Yeah, ready already, from yesterday, but not feeling too good.

Lee Anzai: About the same?

UC: What's that?

Lee Anzai: About the same?

UC: Yeah, maybe about 2 or 3 [that is, ounces].

Lee Anzai: Just 2 or 3? Yeah?

UC: Little bit, you know, maybe more, depends, you know, depends, you know, what kine price you can give me first.

Lee Anzai: Roger that, roger that, I'll call you back, then.

30. On September 26, 2006 at about 10:26 p.m.; Lee Anzai telephoned the UC. Lee Anzai indicated that "they went run away, cuz", and "I think they went back for little bit". In response to the UC's question of "where's back?", Lee Anzai said "back to the mainland". Lee Anzai also talked about having "another friend". In other words, Lee Anzai's methamphetamine supplier for the prior transactions had gone back to the mainland and he (Anzai) was looking for a different source of supply. The following discussion about methamphetamine use also occurred during this call:

Lee Anzai: Why, you no need worry, 'cause you no party, eh?

UC: What you mean?

Lee Anzai: You no smoke, uh?

UC: No, no, no, I no smoke, it's all about the business, it's all about the business.

Lee Anzai: See, that's the smartest person, you know what I mean?

UC: Yeah.

Lee Anzai: No, seriously.

UC: Yeah, that's what I hear.

Lee Anzai: 'Cause that's what, ah, I cannot do, I gotta smoke.

UC: Oh, yeah?

\* \* \*

UC: Yeah, but what about fo', da kine, for you, your, um, work? [that is, Anzai's job as a teacher]

Lee Anzai: What about 'em?

UC: They no check?

Lee Anzai: Not yet, I keep it all good, I hope.

\* \* \*

Lee Anzai: Fucking, I been getting away with, uh, I been getting away with the drinking of Clorox, cuz, how many years already.

UC: Fo' real, brah? You drink that?

Lee Anzai: That's what I been doing.

\* \* \*

Lee Anzai: You don't drink it.

UC: What do you do then? You just what?

Lee Anzai: You put some [that is, Clorox] on your fingah, and then you let 'em dry, and then when you go and then you take like one of those cleansing drinks like you buy at GNC, pound that, choke water, then right when you to take the test, piss in the cup, then you stick your fingah inside, swosh 'em around little bit, close 'em up.

UC: It's all good to go.

Lee Anzai: All my four years in college.

Lee Anzai also indicated in this telephone call that he had played catcher at HPU (that is, Hawaii Pacific University).

(A) Honolulu Star Bulletin "Scoreboard" highlights, dating back to 1998 - 99 and available on the internet, reported on baseball statistics for HPU player "Lee Anzai". In other words, Lee Anzai's admitted use of methamphetamine went back at least some 7 - 8 years to the 1998 - 99 time frame.

31. On September 27, 2006 at about 9:30 p.m., Lee Anzai called the UC. In this call, Lee Anzai, speaking of prices for methamphetamine, said "it's still high for the good one, as why, like right now like the one I sold you, it's good, no more cut

[that is, no cutting/diluting agent to reduce the drug's purity], but it's not, no more that ... the good taste".

Lee Anzai: Fuck that, I not going pick up for 32 [that is, \$3,200 an ounce], there's no way we can make money.

UC: Or me.

Lee Anzai: I no can even make hundred dollars kine, like fuck that.

\* \* \*

Lee Anzai: The Mexican, he's gone, I think he went back home for a little bit, he going come back, but last time I talk to him, it's all good.

\* \* \*

Lee Anzai: the fucking shit not the best, brah.

UC: What's that?

Lee Anzai: The one I was dumping to you.

UC: Uh, huh.

Lee Anzai: It's not the best, you know what I mean, could be better.

\* \* \*

Lee Anzai: Remember the one time I sold you two [that is, the two ounce transaction on September 14]?

UC: Yep.

\* \* \*

Lee Anzai: That one, I nevah make nothing, that one I nevah making nothing, because I was just doing it so you would pay me back da ... but then, you gave me 7 or whatever happens, so it was cool. I nevah make shit off of the dope [that is, it was cool because even though Anzai did not make a profit on the drug sale itself, the CI's prior debt of \$3,000 was paid off in full].

\* \* \*

Lee Anzai: 'Cause we did 'em three times, uh? [that is, three drug transactions to date, on 9/8, 9/14, and 9/19, as previously described in this affidavit]

UC: Yeah, three times.

Lee Anzai: The first was the Mexican's one, the second time was my friend, my other friend, the one I said he's charging 32 [that is, Anzai was explaining who his methamphetamine suppliers were for the 9/8 and 9/14 transactions].

UC: Yeah.

Lee Anzai: And then the third one was the Mexican [that is, the 9/19 transaction].

UC: This one is one totally different one? [that is, there will be a different source of supply for the anticipated, upcoming methamphetamine sale]

Lee Anzai: Yeah.

Talking about the supplier for this upcoming transaction, Lee Anzai also said "this guy get good stuff right here".

COUNT 4:

**CONTROLLED PURCHASE OF APPROXIMATELY THREE  
OUNCES OF METHAMPHETAMINE, 9/29/06**

32. On Thursday, September 28, 2006 at about 12:02 p.m., Lee Anzai called the UC. The following conversation occurred:

Lee Anzai: 'Um, I going meet my friend right now, but he still nevah talk numbers to me yet [that is, price], but I told 'em around three, eh [that is, 3 ounces]?

UC: Yeah, yeah, three probably, at least three.

\* \* \*

UC: What you up to, today?

Lee Anzai: Ah, I just got off of work. I just going on my lunch break, so I just going run down to Aiea.

UC: You working today?

Lee Anzai: Ah, no, I working now, at the school, but pau, lunch right now.

33. On September 28, 2006 at about 4:08 p.m., the UC called Lee Anzai. The following discussion occurred:

Lee Anzai: I don't know, 'um, yeah, it's kinda high, you know [that is, the price of methamphetamine].

UC: What we talking, kinda high?

Lee Anzai: talking 3 [that is, \$3,000 per ounce].

UC: 3 even?

Lee Anzai: 3 even, brah.

UC: That's the lowest can go?

Lee Anzai: That's the lowest can go.

UC: Okay, then, how much get, but?

Lee Anzai: The stuff is deadly.

UC: The stuff is what?

Lee Anzai: Deadly.

UC: The stuff is deadly? Okay, I'll take your word for it.

Lee Anzai: I tried 'em.

UC: You tried 'em?

Lee Anzai: Yeah, I tried 'em.

\* \* \*

UC: So, how much get?

Lee Anzai: I don't know, fucking what you wanted, 2 or 3? [that is, 2 - 3 ounces]

UC: Get at least 3?

Lee Anzai: I can try, that's what you like?

UC: Yeah, try go fo' 3.

34. On September 28, 2006 at about 4:23 p.m., Lee Anzai tried to call the UC, but there was a bad connection. The UC then called Lee Anzai back. In this call, Lee Anzai reported that he was not making any profit because his supplier's price was so high:

UC: You get 'em already or ...

Lee Anzai: No, no, no, I going grab 'em when I go to town, I gotta do one incognito trip.

UC: Okay.

\* \* \*

UC: So what, still the same, couldn't go lower? [that is, the price]

Lee Anzai: Nah, brah, yeah.

UC: 3 each? [\$3,000 per ounce]

Lee Anzai: Um, 'eh, I not making nothing, dog. I mean, he just expensive, this guy. Fucking he wanted to charge 32 [that is, \$3,200 per ounce].

35. In the UC's subsequent call to Lee Anzai on September 28, 2006 at about 8:54 p.m., Lee Anzai said "cancel for today" and that it would be "tomorrow, dog".

36. On Friday, September 29, 2006 at about 10:52 a.m., the UC called Lee Anzai. In this call, Lee Anzai said that he "stay at work right now" and after asking whether the UC was busy today, Lee Anzai said "let me go try call my friend".

37. At about 11:05 a.m. of September 29, 2006, Lee Anzai telephoned the UC. The following conversation occurred:

Lee Anzai: Um, I gotta meet 'em at, yeah, I gotta meet 'em at about, like 1:30, so if you can meet me right after that, maybe.

UC: 1:30, you gotta meet 'em, where you goin' meet 'em at?

Lee Anzai: Well, in Waikiki.

UC: Oh, Waikiki?

Lee Anzai: Yeah.

\* \* \*

Lee Anzai: Three.

UC: What's that?

Lee Anzai: Three, ah, each [that is, \$3,000 per ounce].

UC: Three, yeah.

\* \* \*

UC: Three each, and how much you goin' get, three, eh?

Lee Anzai: Three, eh, you like? [that is, three ounces]

UC: Okay.

Lee Anzai: I told 'em three.

UC: So three for three each. [that is, three ounces for \$3,000 each]

Lee Anzai: Yep.

38. During a call the UC placed to Lee Anzai at about 1:17 p.m. on September 29, 2006, the two agreed to meet at Daiei at 2:00 p.m. However, Lee Anzai then called the UC back and changed the meeting location to the Russ K. Makaha Quiksilver Boardriders Club (1714 Kapiolani Blvd).

39. At the agreed-upon location on September 29, 2006, Lee Anzai parked his subject vehicle next to the UC's vehicle. Lee Anzai threw the rolled-up newspaper (which contained the methamphetamine) into the UC's vehicle. The UC's purchase money was contained in a Starbucks bag located in the rear of the UC's vehicle, and the UC advised Lee Anzai that the bag was for him (Anzai then retrieved the bag). Shortly thereafter, the UC and Lee Anzai then went their separate ways.

40. The suspected methamphetamine obtained from Lee Anzai (packaged in three plastic bags) on September 29, 2006 was field-

tested, with a positive result for the presence of methamphetamine. It was also determined that each of the ounce-sized bags was about one gram short.

41. At about 10:27 p.m. on September 29, 2006, the UC telephoned Lee Anzai, in which call the UC discussed the shortage in the amount of methamphetamine provided on this date, as follows:

UC: Eh, what everything was all right, oh, what?

Lee Anzai: I think so, yeah.

UC: My stuff was short, brah.

Lee Anzai: No shit?

UC: Yeah, brah, I went straight to my friend's house afta' dat, 'cause I no can take 'em home. Eh, I went to my friend house and weigh 'em up and was short, brah.

Lee Anzai: Okay, which one?

UC: Um, actually all of 'em was short, da three, da three bags about one gram short each.

Lee Anzai: No shit?

After hearing this, Lee Anzai attempted to reassure the UC, saying "that cool to know, that's cool to know, I'll let 'em know" and "I'll make it all good, I'll make it all good".

**RELEVANT TELEPHONE CALLS BETWEEN  
LEE ANZAI AND THE UC DURING THE  
PERIOD OCTOBER 4 - 7, 2006:**

42. On Wednesday, October 4, 2006 at about 6:33 p.m., Lee Anzai telephoned the UC (NOTE: the UC had previously left voice messages on October 3 to call him/her). In this call, Lee Anzai indicated that he has been in Las Vegas since Tuesday (that is, October 3), and would be returning back on Saturday night (October 7); Lee Anzai said that he had taken a "Vacations Hawaii" tour package. The two also discussed acquiring more methamphetamine, as follows:

UC: So what, you going get some more stuff, or what, when you come back?

Lee Anzai: I don't know, we shall see, brah. I mean, can, yeah. I going try see if I can do 'em up here [that is, in Las Vegas], though, but fuck, my friend not calling me back. I had to hunt down his number and shit.

UC: What's that?

Lee Anzai: I had to hunt down his number for just to get ahold of him. I finally got ahold of him, and he told me he going, ah, call me back. I waiting for his call.

\* \* \*

Lee Anzai: But then, I don't know fucking how much I going bring back, unless you like me mail 'em?

UC: Up to you, brah, let me know.

Lee Anzai: You like me mail 'em to your house?

UC: No, no frick dat, I'll give you another place, you know what I mean?

Lee Anzai: Depends, 'cause I don't know if I have time fo' pack 'em, 'cause I have to pack 'em one certain way. If anything, I must bring something back, you know what I mean? Like, minor kine, though. Something fo', maybe make, make back my losses.

\* \* \*

UC: Well, let me know, if you can, if you can get some big akus, we can set 'em up, you know what I mean? At least, the thing going already be here before you come back, or something, if you can do 'em that way. [that is, mail the methamphetamine in Hawaii]

Lee Anzai: Yeah, well that's why, see I still nevah make contact with nobody yet.

43. On Thursday, October 5, 2006, at about 3:52 p.m., the UC telephoned Lee Anzai. In this call, the following discussion occurred:

Lee Anzai: No more ahi yet. I have no idea [that is, Anzai was using the name of another fish (ahi) as the

codename for methamphetamine].

UC: What's that?

Lee Anzai: I have no idea, no more ahi.

UC: No more ahis?

Lee Anzai: No more.

\* \* \*

Lee Anzai: Well, ah, that's why, um, I going try call back home, try work on something down there [that is, Anzai is talking about contacting a methamphetamine supplier in Hawaii].

UC: Oh, Oh, okay, shoots.

Lee Anzai: But nothing up here, so far.

UC: Nothing big then, only small kine?

Lee Anzai: I don't know, depends how much you like. I know you like 'em bigger, 'cause cheaper, but hard [that is, Anzai knew that there was a discount for purchasing larger lots of methamphetamine, but he was presently having a hard time getting it].

UC: Cheaper from where you stay [that is, methamphetamine prices in Las Vegas were lower than in Hawaii].

Lee Anzai: Right. Hard, but right now, I cannot get ahold of anybody.

\* \* \*

UC: If you get plenty, I go grab plenty from you.

Lee Anzai: Okay.

44. On Saturday, October 7, 2006, at about 12:50 p.m., Lee Anzai called the UC. In this call, the following conversation occurred:

Lee Anzai: No more ahi [that is, he couldn't get any methamphetamine].

UC: No more ahi?

Lee Anzai: Nothing.

UC: Nothing, dry?

Lee Anzai: Yeah, brah, one of da, one of da dog, one of da dogs went down [that is, his supplier got arrested, see remainder of the conversation below explaining this].

\* \* \*

UC: Went down hard?

Lee Anzai: Brah, yeah, the guy I was grabbing from, brah.

UC: What's that?

Lee Anzai: The guy I was grabbing from.

\* \* \*

Lee Anzai: I ain't got nothing [that is, Anzai was unable to get any methamphetamine while in Las Vegas].

\* \* \*

UC: That guy, the guy from over there ... [that is, asking about the supplier who got arrested]

Lee Anzai: Yeah, the 'um, the pinata guy [that is, the arrestee was Anzai's Mexican supplier mentioned in the earlier telephone calls reported in this affidavit].

UC: What's that?

Lee Anzai: Pinata guy.

\* \* \*

Lee Anzai: But, 'um, I don't know, fucking, my other friend can try, but that's when I get back [that is, Anzai will try to get more methamphetamine from his Hawaii supplier after he returned home from Las Vegas].

As indicated earlier in this affidavit, Lee Anzai had told the UC

during a 10/4 telephone call that he would be returning back to Hawaii on Saturday night (October 7).

COUNT 5:

**CONTROLLED PURCHASE OF ABOUT FOUR  
OUNCES OF METHAMPHETAMINE, 10/10/06**

45. At about 7:48 p.m. on Monday, October 9, 2006, Lee Anzai called the UC. In this call, the following conversation occurred:

Lee Anzai: Have enough to pick up maybe, ah, half.

UC: Half, half of what?

Lee Anzai: Half, half, half, half.

UC: Half P?

Lee Anzai: Eight, eight of 'em [that is, eight ounces, or a half pound, of methamphetamine].

UC: Eight Zs.

Lee Anzai: Yeah.

\* \* \*

UC: The thing high [that is, the price]?

Lee Anzai: It's little bit, well, he just gave me a quote on the ... I just went ask 'em how much for one half, right. He said, he's like, this one is pretty good, whatever, but he told me 18 5 [that is, \$18,500 for ½ pound].

UC: 18 5?

Lee Anzai: Yeah.

UC: That's pretty good.

\* \* \*

Lee Anzai: That's pretty good, uh?

UC: Yeah.

Lee Anzai: Yeah, some Bomb D, too [that is, short for Bomb Diggity, or good stuff].

UC: What's that?

Lee Anzai: Bomb D, so, like that's what's what he told me.

UC: Is this, is this, is this any from the, from the same one from before, or this is totally different from the other one? [that is, is this the same source of supply as in the prior deals]

Lee Anzai: This is from somebody else.

UC: Totally different?

Lee Anzai: Yeah, he's all good, though.

UC: Okay, you sure, I going trust you, that's why.

Lee Anzai: You only going be dealing with me.

\* \* \*

Lee Anzai: And you not going fucking, and I can trust you, right?

UC: Fuck no worry, brah.

Lee Anzai: Fucking, Duke, brah.

UC: Brah, I tell you, you making me all nervous, brah. You sure, you sure not one cop?

Lee Anzai: Fuck you.

UC: Okay, brah, just make sure, like I said.

Lee Anzai: Are you sure you not one, you sure you not one, you sure you not one?

UC: I'm positive I'm not one.

Lee Anzai: You straight up, dog?

UC: You know that, brah.

\* \* \*

UC: What about this guy, this guy is all good? [that is, Anzai's supplier]

Lee Anzai: Yeah, no worry, yup, all good, dog.

UC: So, 18 5 for the half P?

Lee Anzai: For the half P, I going try and see if I can get more.

46. At about 8:18 p.m. on Monday, October 9, 2006, Anzai again called the UC. In this call, the following discussion occurred:

Lee Anzai: Tomorrow, eh?

UC: Tomorrow, yeah, late, but gotta be.

\* \* \*

Lee Anzai: I gotta grab 'em tomorrow, anyway.

UC: Okay, when you going grab 'em, when you pau school?

Lee Anzai: Ah, sometime, yeah.

\* \* \*

UC: You sure that's good stuff, eh?

Lee Anzai: Yeah, yeah, yeah.

\* \* \*

Lee Anzai: I make sure that fucka weigh, too [that is, Anzai will make sure that the supplier weighs the methamphetamine; in other words, Anzai was giving assurances to the UC that the weight of this methamphetamine will be accurate, given that the last purchase on 9/29 was short].

UC: Weigh, okay, yeah.

Lee Anzai: I sorry about that, dog. He no weigh 'em, 'as why, in front of me [that is, Anzai is apologizing for the shortage on the last purchase].

UC: How the thing going be, you know?

Lee Anzai: What you mean?

UC: Going be, 1, 1, 1, 1, eight 1's? [that is, eight separately packaged ounces of methamphetamine]

Lee Anzai: I don't know, I don't know.

Towards the end of this telephone conversation, Lee Anzai indicated that the supply of methamphetamine may become more scarce shortly, and that the UC should sit on what he is buying, in anticipation of higher prices from the short supply, as follows:

Lee Anzai: What I heard, ah, not going have, you know, pretty soon.

UC: How come?

Lee Anzai: I don't know, that's just the word, brah.

UC: Oh, yeah?

Lee Anzai: So like he saying, he telling me that sure if you no like sit on 'em, or what?

47. At about 11:40 a.m. on Tuesday, October 10, 2006, Lee Anzai telephoned the UC. In this call, Lee Anzai indicated that he was at school. According to Lee Anzai, the supplier wanted payment in full before he would give the methamphetamine to Anzai, and he wouldn't front anything in advance. Anzai indicated that he didn't have enough money to cover it all. When asked, Lee Anzai said that he had 14 (that is, \$14,000 of his own money) with which to cover the UC, but Anzai needed an additional 4 (that is, Anzai wanted the UC to provide \$4,000, such that Anzai could buy the full amount). The UC said that he would get back to Anzai.

48. At about 1:00 p.m. on October 10, 2006, a DEA Agent saw the subject vehicle parked in a parking lot at Leilehua High School.

49. At about 1:10 p.m. on Tuesday, October 10, 2006, the UC called Lee Anzai. In this call, the UC advised that he would have the 18 5 with him (that is, the \$18,500 to buy the ½ pound of methamphetamine, as previously agreed). The UC indicated that Anzai should bring what he can (that is, buy as much

methamphetamine as Anzai could from the supplier with his \$14,000) and the UC would buy it all and make up any difference. Lee Anzai indicated that he could pick the UC up, that is, to take him to the supplier, but the UC indicated that this was not possible. Both agreed to call each other later to finalize. A tentative meeting time of 8:00 p.m. that night was also discussed.

50. At about 2:25 p.m. on October 10, 2006, the surveilling DEA Agent saw Lee Anzai driving the subject vehicle away from Leilehua High School.

51. At about 5:45 p.m. on October 10, 2006, there was another telephone call between the UC and Lee Anzai. In this call, Lee Anzai indicated that he was still trying to get in touch with his supplier (that is to say, Anzai had not yet picked up the methamphetamine). Anzai also added that he thought the guy was asleep.

52. There were a series of later telephone calls on the night of October 10, as Lee Anzai explained to the UC his ongoing efforts to obtain the methamphetamine, as follows:

(A) At about 8:15 p.m., Lee Anzai was called by the UC. In this call, Anzai indicated that he got another guy (that is, a different supplier), but that it would be more expensive, 3 each (that is, \$3,000 per ounce).

(B) At about 8:30 p.m., Lee Anzai telephoned and told the UC that he only had 10 with him (that is, \$10,000 to buy the methamphetamine) and that he was going to Aiea to pick up.

(C) At about 9:45 p.m., Lee Anzai called and now said that he had 15 (that is, \$15,000), and the UC requested that he grab as much as he could with that money. Lee Anzai said that he was going to meet the guy right now.

(D) At about 10:00 p.m., Lee Anzai telephoned and told the UC he was going to Makiki. When the UC asked how much he could get, Lee Anzai indicated that he had to see it first and also indicated that the supplier did not want to talk prices on the phone.

53. In an incoming call at about 10:53 p.m. on October 10, Lee Anzai indicated that he could get 4 (that is, four ounces of methamphetamine) at 32 each (that is, \$3,200 per ounce, or a total of \$12,800 for the four). The UC indicated that he would take it, and that he would call Anzai back to set up a meeting

time and place.

54. In a subsequent telephone call, the UC and Lee Anzai agreed to meet at the Pali Longs Drugs parking lot.

55. On October 10, 2006 at about 11:48 p.m., Lee Anzai's subject vehicle was observed driving in the Pali Long Drugs parking lot and then parking very close to the UC's vehicle.

56. After a brief conversation, Lee Anzai then handed to the UC a yellow plastic bag, within which was contained the methamphetamine. Just before he handed the bag to the UC, Lee Anzai advised that it was about a "teen" short (that is, 1/16 ounce short of the agreed-upon four ounces), and for this reason, Lee Anzai was selling it for 12 5 (\$12,500) rather than 12 8 (\$12,800). Shortly thereafter, at about 11:55 p.m. on October 10, 2006, other law enforcement officers arrested Lee Anzai.

57. The suspected methamphetamine distributed by Lee Anzai on October 10, 2006 subsequently field-tested positive for the presence of methamphetamine.

58. After his arrest, a glass methamphetamine smoking pipe (with suspected residue visible in the ball portion) was found on Lee Anzai's person.

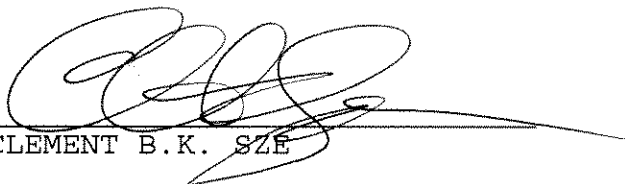
59. Additionally, a torch lighter (of the type typically used to smoke methamphetamine), a gram scale (of the type commonly utilized to weigh illegal drugs), and several plastic bags with crystalline residue therein (whose appearance was consistent with methamphetamine), were found in Lee Anzai's subject vehicle. There was also an estimated \$3,000 in cash in the subject vehicle.

60. Lee Anzai's residence in Mililani was also searched. Among the articles found there were a broken glass methamphetamine pipe (with suspected residue in the ball portion), a scale, several marijuana "bong" pipes, and a small

amount of marijuana.

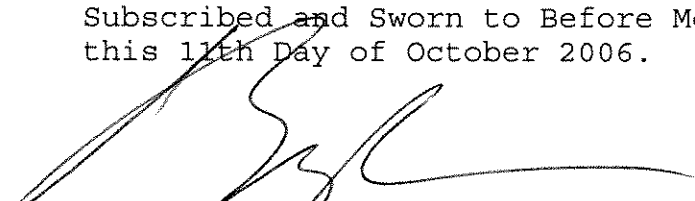
FURTHER AFFIANT SAYETH NAUGHT.

DATED: Honolulu, Hawaii, October 11, 2006.

  
CLEMENT B.K. SZE

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 crimes found to exist by the undersigned Judicial Officer at 4:20 a.m. on October 11, 2006.

Subscribed and Sworn to Before Me,  
this 11th Day of October 2006.

  
BARRY M. KURREN  
United States Magistrate Judge