

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND

UNITED STATES OF AMERICA

v.

TYLER CRESPO

MAR 16

32

In violation of 21 U.S.C. §§ 841(a)(1) and
858

INDICTMENT

The Grand Jury charges that:

INTRODUCTION

At all times relevant to this Indictment unless herein stated:

1. Tyler CRESPO leased apartment # 301 at 656 Providence Street, West Warwick, RI. (Apartment # 301).
2. 656 Providence Street is a three story wood frame structure. The first floor consists of commercial space, and single bedroom apartments are located on the second and third stories.
3. CRESPO began a monthly lease of the Providence Street apartment in or about January, 2015. At various times between January 2015 and July 16, 2015, other persons resided on the second and third floors at 656 Providence Street. The residence is located in a residential zone.
4. On July 16, 2015, a search warrant was executed at Tyler CRESPO's apartment, Apartment # 301. From a common hallway, entry is made directly into the kitchen of Apartment # 301. A refrigerator and dishwasher were in the kitchen. In the

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U.S. DISTRICT COURT
DISTRICT OF RHODE ISLAND

refrigerator on July 16, 2015 was approximately 6,138.2 grams (gross weight) of butane hash oil ("BHO"). As described below, BHO is a highly concentrated form of Tetrahydrocannabinol, found within marihuana plants. Within the dishwasher, concealed in a plastic bag was \$13,950 in United States currency. An alcove within the kitchen area, located adjacent to the refrigerator, provided a space for storage. On the alcove were a 1.7 ft. vacuum oven and vacuum pump. The living area contained items necessary for a BHO manufacturing laboratory. This room contained among other items, a BHO extractor and associated hoses and clamps, approximately 15,184 grams (gross weight) of marihuana plant material also known as "trim," digital scales, two vacuum pumps, fire extinguishers and a journal. The handwritten journal contained entries starting with "Feb 7 2015" through "June 9th 2015". Entries in the journal documented butane levels, pressure levels, and volumes of hash oil produced. In proximity to the BHO extractor, there were tanks of butane gas. A blade fan, placed on the ground near the BHO extractor, was connected to a hose that led to a window in the living area. The windows in the living area were covered with opaque black plastic.

BUTANE HASH OIL

5. Tetrahydrocannabinol ("THC") is a Schedule I controlled substance found in marihuana plants. BHO is made by extracting THC from marihuana through the use of butane, a solvent. BHO contains a much higher concentration of THC than marihuana does.

6. BHO, a type of hashish oil, is typically a viscous, dark colored oil. It can

also exist as a dry, hardened resin commonly referred to as "shatter."

7. To extract THC from marijuana, manufacturers drip butane through a column or tube containing marijuana plant material that is then collected in a vessel. As the butane drips through the plant material, it extracts the THC from the plant material.

8. The substance or oil that collects in a vessel at the bottom of the tube is typically heated to hasten the evaporation of the butane from the oil. A vacuum oven is often used to further evaporate the butane from the BHO.

9. Butane is highly flammable. At various stages during the BHO manufacturing process, butane escapes into the air. It is heavier than air and tends to collect at ground level. When butane reaches a certain concentration in the air, it can ignite when exposed to a heat source, such as a spark or electrical arc.

BHO MANUFACTURING AT APARTMENT #301

10. On or about April 22, 2014, CRESPO spent \$7,936 to purchase the 1.7 ft. vacuum oven located in Apartment #301, as well as a vacuum pump and equipment parts to use in the manufacture of BHO.

11. On January 8, 2015, CRESPO paid \$18,500 for the BHO extractor located in Apartment #301, and \$2760.00 for equipment parts, to use in the manufacture of BHO.

12. On July 16, 2015 approximately 15,184 grams (gross weight) of marijuana suitable for use in the manufacture of BHO were stored at Apartment # 301.

13. On July 16, 2015 approximately 6,138.2 grams (gross weight) of

manufactured BHO were stored within the refrigerator at Apartment #301. The manufactured BHO was maintained in vials, jars, syringes, gel caps and on parchment paper.

COUNT 1 - ENDANGERING HUMAN LIFE WHILE ILLEGALLY MANUFACTURING CONTROLLED SUBSTANCE

14. The allegations contained in paragraphs 1 through 13 of this Indictment are realleged in this Count and are incorporated by reference as if fully set forth herein.

15. From a time unknown, up to and including July 16, 2015, in the District of Rhode Island, the defendant, TYLER CRESPO, while knowingly and intentionally manufacturing and attempting to manufacture, in violation of 21 U.S.C. § 841, a Schedule I controlled substance, to wit, tetrahydrocannabinols contained in hashish oil, did create a substantial risk of harm to human life during the manufacture of BHO using butane, a highly flammable gas, in violation of 21 U.S.C. § 858.

COUNT 2 - MANUFACTURE A CONTROLLED SUBSTANCE

16. The allegations contained in paragraphs 1 through 13 of this Indictment are realleged in this Count and are incorporated by reference as if fully set forth herein.

17. From a time unknown, up to and including July 16, 2015, in the District of Rhode Island, the defendant, TYLER CRESPO, did knowingly and intentionally manufacture a Schedule I controlled substance, to wit: tetrahydrocannabinols contained in one kilogram or more of hashish oil, in violation of 21 U.S.C. §§ 841(a)(1) and 841(b)(1)(C).

FORFEITURE ALLEGATION

Upon conviction of one or more of the controlled substance offenses alleged in this Indictment, the Defendant, Tyler CRESPO shall forfeit to the United States, pursuant to 21 U.S.C. § 853, all right, title, and interest in any property constituting, or derived from, proceeds obtained, directly or indirectly, as a result of the violations of 21 U.S.C. § 841, and any property used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of the said violations, and a sum of money equal to the total amount of proceeds obtained as a result of the offenses, including, but not limited to, \$13,950 in United States currency.

If any of the above-described forfeitable property, as a result of any act or omission of the defendant, cannot be located upon the exercise of due diligence, has been transferred, sold to, or deposited with a third party, has been placed beyond the jurisdiction of the court, has been substantially diminished in value, or has been commingled with other property which cannot be divided without difficulty, it is the intent of the United States, pursuant to 21 U.S.C. § 853(p), to seek forfeiture of any other property of said defendant up to the value of the forfeitable property described above.

All in accordance with 21 U.S.C. § 853, and Fed. R. Crim. Proc. Rule 32.2(a).

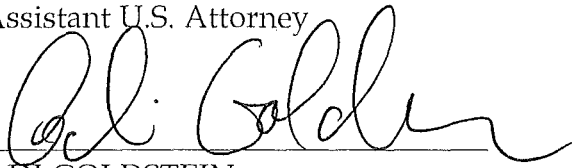
A TRUE BILL:

REDACTED

PETER F. NERONHA
United States Attorney



PAUL F. DALY, JR.
Assistant U.S. Attorney



ADI GOLDSTEIN
Assistant U.S. Attorney
Chief, Criminal Division

Dated: _____

3/29/16

DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURT.

BY: INFORMATION INDICTMENT COMPLAINT CASE NO. _____

Matter Sealed: Juvenile Other than Juvenile
 Pre-Indictment Plea Superseding Defendant Added
 Indictment Charges/Counts Added
 Information

Name of District Court, and/or Judge/Magistrate Location (City)
 UNITED STATES DISTRICT COURT RHODE ISLAND
 DISTRICT OF RHODE ISLAND Divisional Office

Name and Office of Person PETER F. NERONHA
 Furnishing Information on U.S. Atty Other U.S. Agency
 THIS FORM Phone No. (401) 709-5000
 Name of Asst. Paul F. Daly, Jr.
 U.S. Attorney
 (if assigned)

PROCEEDING

Name of Complainant Agency, or Person (& Title, if any)
 DEA: Alan Sims, Special Agent

person is awaiting trial in another Federal or State Court
 (give name of court)

this person/proceeding transferred from another district
 per (circle one) FRCrP 20, 21 or 40. Show District

this is a re prosecution of charges
 previously dismissed which were
 dismissed on motion of:
 U.S. Atty Defense

this prosecution relates to a
 pending case involving this same
 defendant. (Notice of Related
 Case must still be filed with the
 Clerk.)

prior proceedings or appearance(s)
 before U.S. Magistrate Judge
 regarding this defendant were
 recorded under

SHOW
 DOCKET NO.

MAG. JUDGE
 CASE NO.

Place of offense RHODE ISLAND County _____

USA vs.
 Defendant: TYLER CRESPO

REDACTED

Alien
 (if applicable)

Issue: Warrant Summons

Location Status:

Arrest Date _____ or Date Transferred to Federal Custody _____

- Currently in Federal Custody
- Currently in State Custody
- Writ Required
- Currently on bond
- Fugitive

Defense Counsel (if any): _____

- FPD CJA RET'D
- Appointed on Target Letter

This report amends AO 257 previously submitted

OFFENSE CHARGED - U.S.C. CITATION - STATUTORY MAXIMUM PENALTIES - ADDITIONAL INFORMATION OR COMMENTS

Total # of Counts 2

Set	Title & Section/Offense Level (Petty = 1 / Misdemeanor = 3 / Felony = 4)	Description of Offense Charged	Felony/Misd.
	See Attachment		<input type="checkbox"/> Felony <input type="checkbox"/> Misdemeanor
			<input type="checkbox"/> Felony <input type="checkbox"/> Misdemeanor
			<input type="checkbox"/> Felony <input type="checkbox"/> Misdemeanor
			<input type="checkbox"/> Felony <input type="checkbox"/> Misdemeanor
			<input type="checkbox"/> Felony <input type="checkbox"/> Misdemeanor

Trial: 1 week

**OFFENSE CHARGED – U.S.C. CITATION – STATUTORY MAXIMUM PENALTIES –
ADDITIONAL INFORMATION OR COMMENTS**

Total # of Counts: 2

Count Breakdown	Title & Section/Offense Level (Petty = 1/ Misdemeanor = 3/ Felony = 4)	Description of Offense Charged	Felony/Misd.
1	21 U.S.C. § 858	Endangering human life while illegally manufacturing a Schedule I controlled substance.	FELONY
	Imprisonment: 10 years Supervised Release: 3 years	Fine: \$250,000 Special Assessment: \$100	
2	21 U.S.C. § 841(a)(1) and (b)(1)(C)	Manufacture a controlled substance.	FELONY
	Imprisonment: 20 years Supervised Release: Life	Fine: \$1 million Special Assessment: \$100	