### United States District Court

# FOR THE NORTHERN DISTRICT OF CALIFORNIA

**VENUE: OAKLAND** 

**FILED** 

Aug 16 2023

Mark B. Busby
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO

UNITED STATES OF AMERICA,

٧.

DANIEL JAMES HARRIS and DEVON CHRISTOPHER WENGER

#### DEFENDANT(S).

### **INDICTMENT**

21 U.S.C. §§ 846, 841(a)(1), and (b)(1)(E)(i) – Conspiracy to Distribute and Possess with Intent to Distribute Anabolic Steroids; 21 U.S.C. §§ 846, 841(a)(1), and (b)(1)(E)(i) – Attempted Possession with Intent to

Distribute Anabolic Steroids; 21 U.S.C. §§ 841(a)(1) and (b)(1)(E)(i) – Possession with Intent to Distribute

Anabolic Steroids;

18 U.S.C. § 1519 – Destruction, Alteration, and Falsification of Records in Federal Investigations

21 U.S.C. § 853 - Forfeiture Allegation

A true bill.		
/s/ Foreperson of the Grand Jury		
	Foreman	
Filed in open court this 16th	day of	
August	<u>:</u> n	
	Buttern J-Sims	
	Brittany Sims, Clerk	
John Isrem	Bail,	
	•	
<u> Իլօր/. Magistrate Judge Li</u>	sa J. Cisneros	

**FILED** ISMAIL J. RAMSEY (CABN 189820) 1 United States Attorney 2 Aug 16 2023 3 Mark B. Busby 4 CLERK, U.S. DISTRICT COURT NORTHERN DISTRICT OF CALIFORNIA 5 SAN FRANCISCO 6 7 8 UNITED STATES DISTRICT COURT 9 NORTHERN DISTRICT OF CALIFORNIA OAKLAND DIVISION 10 UNITED STATES OF AMERICA, CASE NO. 4:23-cr-00268 HSG 11 Plaintiff. **VIOLATIONS:** 12  $\overline{21}$  U.S.C. §§ 846, 841(a)(1), and (b)(1)(E)(i) – 13 v. Conspiracy to Distribute and Possess with Intent to Distribute Anabolic Steroids; 21 U.S.C. §§ 846, 841(a)(1), and (b)(1)(E)(i) – 14 DANIEL JAMES HARRIS and Attempted Possession with Intent to Distribute DEVON CHRISTOPHER WENGER, 15 Anabolic Steroids; Defendants. 21 U.S.C. §§ 841(a)(1) and (b)(1)(E)(i) – Possession 16 with Intent to Distribute Anabolic Steroids; 18 U.S.C. § 1519 – Destruction, Alteration, and Falsification of Records in Federal Investigations; 17 21 U.S.C. § 853 – Forfeiture Allegation 18 19 20 INDICTMENT 21 **Introductory Allegations** 22 At all times relevant to this Indictment: 23 1. The Antioch Police Department ("APD") was the police department for the city of 24 Antioch, located in the Northern District of California. 25 2. Daniel James HARRIS was a police officer with the APD in the city of Antioch, California. 26 27 3. Devon Christopher WENGER was a police officer with the APD in the city of Antioch, 28 California.

**INDICTMENT** 

- 4. HARRIS and WENGER communicated by text message about the delivery of anabolic steroids, including on or about March 2, 2022 and March 9, 2022, to coordinate such an expected delivery to customer B.M. WENGER also communicated with B.M. by text message about this expected delivery on or about March 2, 2022.
- 5. At around 8:03 a.m. on March 23, 2022, local law enforcement and special agents with the Federal Bureau of Investigation notified WENGER that they were outside his residence in order to execute a search warrant. At around 9:00 a.m., law enforcement seized an Apple iPhone 12 from WENGER pursuant to a search warrant issued by the Superior Court for Contra Costa County, State of California.
- 6. As revealed by a subsequent electronic forensic review of the Apple iPhone 12, WENGER's text messaging conversations with HARRIS and with B.M. were selectively deleted prior to the seizure of WENGER's phone.

<u>COUNT ONE</u>: (21 U.S.C. §§ 846, 841(a)(1) and (b)(1)(E)(i) – Conspiracy to Distribute and Possess with Intent to Distribute Anabolic Steroids)

- 7. Paragraphs 1 through 6 of this Indictment are re-alleged and incorporated as if fully set forth here.
- 8. Beginning on a date unknown, but no later than in or about November 2019, and continuing through in or about March 2022, in the Northern District of California and elsewhere, the defendants,

## DANIEL JAMES HARRIS and DEVON CHRISTOPHER WENGER,

and others known and unknown to the Grand Jury, did knowingly and intentionally conspire to distribute and possess with intent to distribute anabolic steroids, Schedule III controlled substances, in violation of

Title 21, United States Code, Sections 846, 841(a)(1), and (b)(1)(E)(i).

COUNT TWO: (21 U.S.C. §§ 846, 841(a)(1) and (b)(1)(E)(i) – Attempted Possession with Intent to Distribute Anabolic Steroids)

9. Paragraphs 1 through 4 of this Indictment are re-alleged and incorporated as if fully set forth here.

1	10. On or about March 1, 2022, in the Northern District of California, the defendant,		
2	DANIEL JAMES HARRIS,		
3	did knowingly and intentionally attempt to possess with intent to distribute anabolic steroids, Schedule		
4	III controlled substances, in violation of Title 21, United States Code, Sections 846, 841(a)(1), and		
5	(b)(1)(E)(i).		
<ul><li>6</li><li>7</li></ul>	COUNT THREE: (21 U.S.C. § 841(a)(1) and (b)(1)(E)(i) – Possession with Intent to Distribute Anabolic Steroids)		
8	11. Paragraphs 1 through 4 of this Indictment are re-alleged and incorporated as if fully set		
9	forth here.		
0	12. On or about March 23, 2022, in the Northern District of California, the defendant,		
1	DANIEL JAMES HARRIS,		
12	did knowingly and intentionally possess with intent to distribute anabolic steroids, Schedule III		
13	controlled substances, in violation of Title 21, United States Code, Section 841(a)(1) and (b)(1)(E)(i).		
14	COUNT FOUR: (18 U.S.C. § 1519 – Destruction, Alteration, and Falsification of Records in Federal Investigations)		
16	13. Paragraphs 1 through 6 of this Indictment are re-alleged and incorporated as if fully set		
17	forth here.		
18	14. In or about March 2022, in the Northern District of California, the defendant,		
9	DEVON CHRISTOPHER WENGER,		
20	did knowingly alter, destroy, mutilate, conceal, cover up, falsify, and make a false entry in any record,		
21	document, and tangible object, to wit, text messaging communications stored on his Apple iPhone 12,		
22	with the intent to impede, obstruct, and influence the investigation and proper administration of any		
23	matter within the jurisdiction of the Federal Bureau of Investigation, an agency of the United States, and		
24	in relation to or contemplation of any such matter or case, in violation of Title 18, United States Code,		
25	Section 1519.		
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1	FORFEITURE ALLEGATION: (21 U.S.C. § 853(a))			
2	15. The allegations contained above are hereby re-alleged and incorporated by reference for			
3	the purpose of alleging forfeiture pursuant to Title 21, United States Code, Section 853(a).			
4	16. Upon conviction of any of the offenses alleged in Counts One through Three above, the			
5	defendant,			
6 7	DANIEL JAMES HARRIS and DEVON CHRISTOPHER WENGER			
8	shall forfeit to the United States all right, title, and interest in any property constituting and derived from			
9	any proceeds defendant obtained, directly or indirectly, as a result of such violations, and any property			
10	used, or intended to be used, in any manner or part, to commit or to facilitate the commission of such			
11	violations, including but not limited to a forfeiture money judgment. If any of the property described			
12	above, as a result of any act or omission of the defendant:			
13	a. cannot be located upon exercise of due diligence;			
14	b. has been transferred or sold to, or deposited with, a third party;			
15	c. has been placed beyond the jurisdiction of the court;			
16	d. has been substantially diminished in value; or			
17	e. has been commingled with other property which cannot be divided without			
18	difficulty,			
19	the United States of America shall be entitled to forfeiture of substitute property pursuant to Title 21,			
20	United States Code, Section 853(p).			
21	All pursuant to Title 21, United States Code, Section 853, and Federal Rule of Criminal			
22	Procedure 32.2.			
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1	DATED: August 16, 2023	A TRUE BILL.
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3		/s/ FOREPERSON
4		San Francisco
5	ISMAIL J. RAMSEY United States Attorney	
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7	/s/ ERIC CHENG	_
8	LAJAY KRISHNAMURTHY	
9	ALETHEA SARGENT Assistant United States Attorneys	
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INDICTMENT