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*United States Attorney's Office
District of Idaho*

Federal Fentanyl Enforcement

Idaho Association of Counties

January 30, 2024

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- 1. Federal Drug Statutes**
 - 2. Special Assistant U.S. Attorney Program**
 - 3. Case Examples**
-


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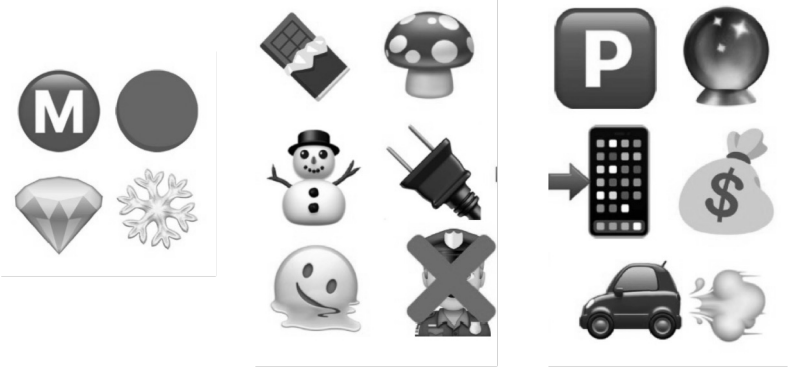
Fentanyl Trends




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Use of Social Media



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1. Federal Drug Statutes

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Possession with Intent to Distribute
21 U.S.C. §841(a)(1)

- 1. The defendant knowingly possessed fentanyl**
- 2. The defendant possessed it with the intent to distribute to another person**

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Distribution

21 U.S.C. § 841(a)(1)

- 1. The defendant knowingly distributed fentanyl**
- 2. The defendant knew it was fentanyl or some other federally controlled substance**

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Conspiracy to Distribute

21 U.S.C. §§ 841(a)(1) & 846

- 1. There was an agreement between two or more persons to distribute fentanyl**
- 2. The defendant joined in the agreement knowing its purpose and intending to help accomplish that purpose**

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Penalties and Mandatory Minimums for Fentanyl

- Up to 40 grams / = up to 20 years prison
- 40-400 grams / \geq 400 pills = min. 5 to 40 years
- 400 grams or more / \geq 4000 pills = min. 10 to life
- Fentanyl pills weigh approx. 1/10 gram

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Distribution Resulting in Death or Serious Bodily Injury 21 U.S.C. § 841(a)(1)



1. The defendant knowingly distributed fentanyl
 2. The defendant knew that it was fentanyl or some other prohibited drug
 3. Death or serious bodily injury resulted from the use of the fentanyl
- Foreseeability not an element.
U.S. v. Houston, 406 F.3d 1124 (9th Cir. 2005).
 - Penalty: min. 20 years to life

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Challenges Proving Distribution Resulting in Death Cases

1. **Proving it was the defendant who was the source of the fatal dose and not some other drug source (most users have multiple sources)**
2. **Cause of Death:**
 - a) **Need autopsy and toxicology**
 - b) **Rule out other health issues**
 - c) **Multi-drug overdose – need to prove the death would not have occurred but for the target drug**

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2. Special Assistant U.S. Attorney Program

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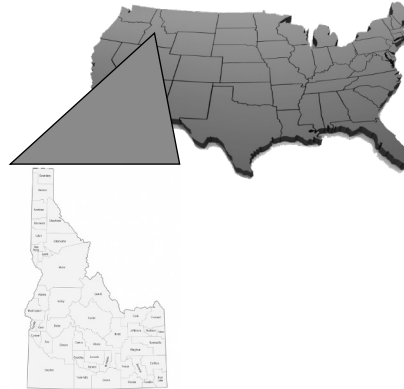


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DOJ National and Local Operational Levels

- **“Main Justice”:**
Criminal Fraud,
Consumer Protection,
Federal Programs, etc.
- **U.S. Attorney’s Office:**
Criminal, Civil, and
Asset Recovery Divisions



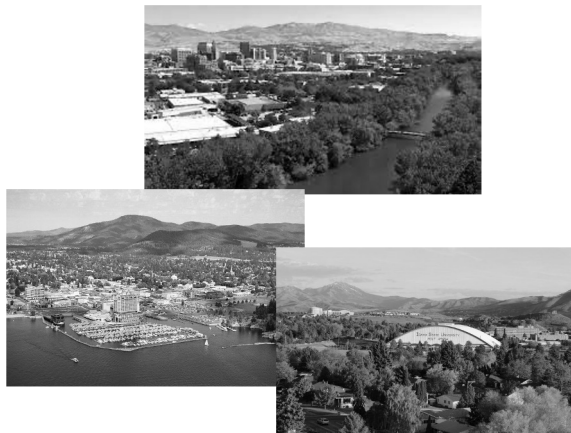
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Our Profile



- **Boise,
Coeur d’Alene,
Pocatello**
- **34 attorneys,
33 staff**
- **19 criminal AUSAs
3 criminal SAUSAs
7 civil AUSAs
1 asset recovery chief
1 appellate chief**

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SAUSA Overview

- **Opportunity to target local crime problem through the federal criminal justice system**
- **SAUSA = “special” AUSA**
- **TVP = Treasure Valley Partnership**
- **EIP = Eastern Idaho Partnership**
- **HIDTA = High-Intensity Drug Trafficking Area (Ada, Canyon, Kootenai, Bannock)**

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Treasure Valley Partnership “Gang” SAUSA

- Started in 2007 working with Metro Violent Crime Task Force
- Key metrics:
 - 531 total defendants prosecuted since 2007
 - over 2,000 years of federal prison time
 - \$3M annual cost avoidance to the state/local criminal justice system
- Public safety outcome: dismantling of gangs leading to drastic decrease in drive-by shootings in Canyon County

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HIDTA SAUSA

- Started in ___ working with BANDIT Task Force and others
- Key metrics:
 - ___ total defendants prosecuted since 2016
 - approx. ___ years of federal prison time
 - \$___ annual cost avoidance to the state/local criminal justice system
- Public safety outcome: take down of several drug trafficking organizations with connections to trans-continental organized crime

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Eastern Idaho Partnership SAUSA

- **Started in 2016 working with BADGES Task Force**
- **Key metrics:**
 - **200 total defendants prosecuted since 2016**
 - **approx. 750 years of federal prison time**
 - **\$2.5M annual cost avoidance to the state/local criminal justice system**
- **Public safety outcome: intelligence gathered and responses developed for increasingly-used drug/gun corridor in Eastern Idaho**

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3. Case Examples

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Nampa Woman Sentenced to 12 Years in Federal Prison for Possession with Intent to Distribute 15 Pounds of Fentanyl

BOISE – Wathana Insixiengmay, 34, of Nampa, was sentenced to 144 months in federal prison for possessing, with the intent to distribute, 15 pounds of fentanyl, U.S. Attorney Josh Hurwit announced today.

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Wilder Man Sentenced to more than 10 years for Possession with Intent to Distribute Methamphetamine, Heroin, Cocaine, and Fentanyl

According to court records, James Donovan Conour, 44, of Wilder, sold another person one pound of methamphetamine in exchange for \$3,000 on January 21, 2021. Three months later, law enforcement officers learned that Conour was distributing controlled substances from a residence in Caldwell, Idaho. Law enforcement officers executed a search of the residence and found 25 pounds of methamphetamine, one and a half pounds of heroin, one pound of cocaine, 20 grams of psilocybin (commonly referred to as mushrooms), and several thousand fentanyl pills. Law enforcement officers also found tools commonly used by drug traffickers to repack their controlled substances for sale such as a digital scale and empty zip loc baggies. In addition to the seized controlled substances, law enforcement officers also seized \$10,395 in illicit drug proceeds and a Jaguar model XF used to transport controlled substances.

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TVP GANG SAUSA



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**Idaho's U.S. Attorney Announces Federal Prison Sentences
for Four Fentanyl Dealers**

*Four Defendants Sentenced to Serve a Collective 47 Years in Federal Prison for Dealing
Fentanyl, Among Other Drug and Firearms Crimes*

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EIP SAUSA




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Fentanyl Traffickers in East Idaho Sentenced to Federal Prison


POCATELLO – U.S. Attorney for the District of Idaho Josh Hurwit announced the result of two separate fentanyl trafficking cases in Eastern Idaho today. An Arizona man was sentenced to nine years in federal prison for conspiracy to distribute fentanyl. Additionally, a Pocatello man was sentenced to three years in federal prison for assisting in the distribution of methamphetamine and fentanyl.


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Gordy Dowd, 16



Michael Stabile, 15


Chandler Lee Black, 20



Matthew Parker, 36


Rochelle Drosche, 28



Zachary Taylor, 26


Aiden Mullin, 18

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