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**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF WYOMING**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

**\$67,781.00 UNITED STATES
CURRENCY,**

Defendant.

and

XIOMARA GUERRA-RABADAN

Claimant.

Civil No. 21-CV-17-J

PLAINTIFF'S EXPERT WITNESS DESIGNATION

The United States, through Assistant United States Attorney Jonathan C. Coppom, submits this Expert Witness Designation under Fed. R. Civ. P. 26(a)(2)(B). Prior to submitting this designation, the United States conferred with Anthony Capozzi, counsel for the claimant, who stipulated a written report need not accompany this designation because discovery is

ongoing. Fed. R. Civ. P. 26(a)(2)(B). The United States, in accordance with this Court's Order, (ECF No. 18), designates the following expert witnesses:

A. Individuals retained or specially employed to provide expert testimony under Fed. R. Civ.

P. 26(a)(2)(B):

1. David A. Tyree, United States Drug Enforcement Agency (DEA)
1201 Airport Parkway
Cheyenne, Wyoming 82001
307-251-1978
David.A.Tyree@usdoj.gov

Special Agent (SA) David A. Tyree is the resident agent in charge of the DEA in Northern Colorado and Wyoming. He has worked drug enforcement cases with the DEA since 1999 within the continental United States and internationally in foreign countries. His experience and training encompass both international and domestic drug trafficking organizations. He is an expert in "Drug Trafficking" and "Money Laundering." A copy of his curriculum vitae is attached to this designation and more fully sets out his training and experience.

The United States anticipates SA Tyree will testify regarding the general nature and characteristics of international and domestic drug trafficking organizations. This testimony will include: how they are structured; how they earn and launder money; how they employ drug and money mules; the street value of various narcotics, including marijuana; and methods of creating or growing illicit substances, including marijuana. He will also testify regarding common attributes of drug and money mules including identifying characteristics that are common during law enforcement encounters with such mules. Those characteristics include routine but short trips across the United States, the presence of bulk cash, the presence of illicit substances, the

presence of firearms, structuring of deposits to avoid reporting requirements to federal authorities, and other common characteristics.

Regarding this case, SA Tyree has not had an opportunity to review responses to the United States' most recent interrogatories and requests for admission and production because the deadline to respond is after the United States' expert designation deadline. His ultimate opinion on the source and nature of the funds, and how claimant came to reside in a vehicle with them, cannot be finalized until he has had an opportunity to review those materials. At this time, however, the United States anticipates SA Tyree would testify that he is aware of facts indicating the claimant drove as much as 133,000 miles in an approximate twoyear period prior to the seizure of the funds at the center of this action. He also would testify he is aware one or more drug detection canine's made a positive indication on claimant's vehicle, an AK-47 style pistol was found in the vehicle, and the \$67,781 was near the firearm. He is aware claimant represented there was about \$20,000 in her vehicle, which represented proceeds from the sale of a 2016 Honda Civic. He is also aware claimant now represents the \$67,781—not \$20,000—is the proceeds of two vehicles, babysitting, gifts, and income from another individual. At this time, it is his opinion those facts, including her changed story, are consistent with claimant being a drug or money mule involved in drug trafficking. It is also his opinion these facts indicate the money is drug proceeds.

SA Tyree will also testify he identified that claimant holds a bank account that was making large utility payments for a home in California. SA Tyree identified those payments as being consistent with a marijuana grow operation. SA Tyree later learned local law enforcement executed a search warrant on the home and recovered over 600 marijuana plants. SA Tyree's

opinion, as of this filing, is that those facts are further consistent with the \$67,781 in this case being the proceeds of the sale and distribution of illegal substances and inconsistent with selling two cars, babysitting, and receiving small cash gifts from claimant's sister since 2017. After SA Tyree reviews updated discovery, the United States will amend this anticipated testimony to the extent his opinion has changed due to his review of those materials.

- B. The United States may call any expert witness listed by Plaintiff.
- C. The United States reserves the right to amend or disclose additional demonstratives, or to use demonstratives disclosed by the Plaintiff.
- D. The United States reserves the right to name additional expert witnesses or amend its designation in light of investigation, discovery, or Orders of the Court.
- E. The United States reserves the right to name other experts for impeachment or rebuttal.
- F. The United States may supplement this designation in accordance with the Federal Rules of Civil Procedure.

DATED this 15th day of October 2021.

L. ROBERT MURRAY
Acting United States Attorney

By: /s/ Jonathan C. Coppom
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