

**AFFIDAVIT OF IRS-CI SPECIAL AGENT JEFF NOVITZKY
IN SUPPORT OF SEARCH WARRANT**

I, Jeff Novitzky, being first duly sworn, hereby depose and state as follows:

I. Introduction

1. This affidavit is submitted in support of a request for a search warrant on the residence of Jason Grimsley, a current Major League Baseball player with the Arizona Diamondbacks baseball team, in connection with Grimsley's and other Major League Baseball (MLB) players' illegal receipt of the prescription drugs anabolic steroids, human growth hormone (HGH), and amphetamines, the illegal distribution of such drugs, and the money laundering of proceeds of said transactions. This affidavit will set forth facts that I believe establish probable cause of Grimsley's role in violations of Title 21 U.S.C. Section 844 (the illegal possession of controlled substances including anabolic steroids and amphetamines) and Title 21 U.S.C. Section 331c (the illegal receipt of human growth hormone). This affidavit will also establish probable cause that evidence of the above-listed violations, as well as evidence of the illegal distribution of these drugs (Title 21 U.S.C. 846, the illegal distribution of anabolic steroids and amphetamines) and evidence of federal money laundering violations (Title 18 U.S.C. Section 1956) will be located at Grimsley's residence, for which this search warrant is sought, located at 10792 East Fanfol Lane, Scottsdale, Arizona, and described in detail in attachment A to this affidavit.

2. The evidence presented in this affidavit will detail Jason Grimsley's illegal receipt of a United States Postal parcel package containing two "kits" of human growth hormone on April 19, 2006, at his residence located at 10792 East Fanfol Lane, Scottsdale, Arizona. The

delivery of the human growth hormone was made to Grimsley by a United States Postal Inspector as part of a joint controlled delivery and search warrant operation conducted by IRS-Criminal Investigation, FDA-Office of Criminal Investigation, the FBI, and United States Postal Inspection Service. Upon Grimsley's receipt of the package on April 19, 2006, an "anticipatory search warrant" that had been signed by United States Magistrate Judge Edward Voss on April 18, 2006, went into effect on Grimsley's residence. However, instead of immediately searching Grimsley's residence, I offered Grimsley the option of cooperating with the federal investigation and accompanying agents to another location for an extensive debriefing, in part to keep the existence of the search warrant and Grimsley's cooperation from other occupants in his house and adjacent neighbors to his residence. Grimsley agreed to cooperate with the investigation and retrieved the just-received package of human growth hormone from a rear area of the house. Because of Grimsley's retrieval of the package and his agreement to answer questions at another location, no searching of Grimsley's residence occurred and the only evidence obtained was the package of human growth hormone, which Grimsley retrieved himself. Once at the alternate location, agents interviewed Grimsley for approximately two hours. During the interview, Grimsley provided extensive statements regarding his receipt and use of anabolic steroids, amphetamines and human growth hormone over the last several years for the purpose of athletic performance enhancement. Grimsley also provided details about his knowledge of other Major League Baseball players receipt and use of athletic performance-enhancing drugs, including several described close acquaintances. At the request of agents, Grimsley also made a recorded phone call to his supplier of human growth hormone that corroborated a portion of his statements regarding illegal athletic

performance-enhancing drug distribution.

3. Approximately one week after Grimsley's extensive cooperation with agents on April 19, 2006, Grimsley, through a retained attorney, informed the United States Attorney's Office that he no longer wanted to cooperate with the investigation.

II. Affiant's Background

4. I have been a special agent with IRS-Criminal Investigation (IRS-CI) for 13 years. During my 13 years with IRS-CI, I have conducted and/or participated in hundreds of criminal investigations involving income tax violations, money laundering violations, currency violations and other federal financial crimes. Additionally, I have extensive experience in investigations involving illegal drug distribution organizations, including those distributing athletic performance-enhancing drugs such as human growth hormone and anabolic steroids. I was the lead agent on the BALCO Laboratories investigation, a high profile federal criminal investigation involving the illegal distribution of anabolic steroids and human growth hormone to dozens of high profile professional athletes throughout the country and the world, as well as the laundering of monetary instruments thereof. I have participated in the execution of in excess of one hundred search warrants and have personally written affidavits in support of search warrants on 39 different locations.

III. Controlled Substances Statutes Pertinent To This Affidavit

5. As of September 2003, the term "anabolic steroid" was defined as any drug or hormonal substance, chemically and pharmacologically related to testosterone (other than estrogens, progestins, and corticosteroids) that promoted muscle growth, and included testosterone and nandrolone and their analogues. 21 U.S.C. Section 802(41)(A). In October,

2004, the definition of "anabolic steroid" was amended.

21 U.S.C. Section 802(41)(A) now reads as follows:

The term 'anabolic steroid' means any drug or hormonal substance, chemically and pharmacologically related to testosterone (other than estrogens, progestins, corticosteroids, and dehydroepiandrosterone), and includes--

- ``(i) androstenediol--
 - ``(I) 3B,17B-dihydroxy-5 α -androstane; and
 - ``(II) 3 α ,17B-dihydroxy-5 α -androstane;
- ``(ii) androstenedione (5 α -androst-3,17-dione);
- ``(iii) androstenediol--
 - ``(I) 1-androstenediol (3B,17B-dihydroxy-5 α -androst-1-ene);
 - ``(II) 1-androstenediol (3 α ,17B-dihydroxy-5 α -androst-1-ene);
 - ``(III) 4-androstenediol (3B,17B-dihydroxy-androst-4-ene); and
 - ``(IV) 5-androstenediol (3B,17B-dihydroxy-androst-5-ene);
- ``(iv) androstenedione--
 - ``(I) 1-androstenedione ([5 α]-androst-1-en-3,17-dione);
 - ``(II) 4-androstenedione (androst-4-en-3,17-dione); and
 - ``(III) 5-androstenedione (androst-5-en-3,17-dione);
- ``(v) bolasterone (7 α ,17 α -dimethyl-17B-hydroxyandrost-4-en-3-one);
- ``(vi) boldenone (17B-hydroxyandrost-1,4,-diene-3-one);
- ``(vii) calusterone (7B,17B-dimethyl-17b-hydroxyandrost-4-en-3-one);
- ``(viii) clostebol (4-chloro-17B-hydroxyandrost-4-en-3-one);
- ``(ix) dehydrochloromethyltestosterone (4-chloro-17B-hydroxy-17 α -methyl-androst-1,4-dien-3-one);
- ``(x) Δ 1-dihydrotestosterone (a.k.a. '1-testosterone') (17B-hydroxy-5 α -androst-1-en-3-one);
- ``(xi) 4-dihydrotestosterone (17B-hydroxy-androstan-3-one);
- ``(xii) drostanolone (17B-hydroxy-2 α -methyl-5 α -androstan-3-one);
- ``(xiii) ethylestrenol (17 α -ethyl-17B-hydroxyestr-4-ene);
- ``(xiv) fluoxymesterone (9-fluoro-17 α -methyl-11B,17B-dihydroxyandrost-4-en-3-one);
- ``(xv) formebolone (2-formyl-17 α -methyl-11 α ,17B-dihydroxyandrost-1,4-dien-3-one);
- ``(xvi) furazabol (17 α -methyl-17B-hydroxyandrostan[2,3-c]-furan);
- ``(xvii) 13B-ethyl-17 α -hydroxygon-4-en-3-one;
- ``(xviii) 4-hydroxytestosterone (4,17B-dihydroxy-androst-4-en-3-one);
- ``(xix) 4-hydroxy-19-nortestosterone (4,17B-dihydroxy-estr-4-en-3-one);
- ``(xx) mestanolone (17 α -methyl-17B-hydroxy-5 α -androstan-3-one);
- ``(xxi) mesterolone (1 α -methyl-17B-hydroxy-[5 α]-androstan-3-one);
- ``(xxii) methandienone (17 α -methyl-17B-hydroxyandrost-1,4-dien-3-one);
- ``(xxiii) methandriol (17 α -methyl-3B,17B-dihydroxyandrost-5-ene);
- ``(xxiv) methenolone (1-methyl-17B-hydroxy-5 α -androst-1-en-3-one);

- ``(xxv) 17 α -methyl-3B, 17B-dihydroxy-5 α -androstandane;
- ``(xxvi) 17 α -methyl-3 α ,17B-dihydroxy-5 α -androstandane;
- ``(xxvii) 17 α -methyl-3B,17B-dihydroxyandrostand-4-ene.
- ``(xxviii) 17 α -methyl-4-hydroxyandrost-4-ene-17 β -hydroxyestr-4-en-3-one);
- ``(xxix) methyldienolone (17 α -methyl-17B-hydroxyestr-4,9(10)-dien-3-one);
- ``(xxx) methyltrienolone (17 α -methyl-17B-hydroxyestr-4,9,11-trien-3-one);
- ``(xxxi) methyltestosterone (17 α -methyl-17B-hydroxyandrostand-4-en-3-one);
- ``(xxxii) mibolerone (7 α ,17 α -dimethyl-17B-hydroxyestr-4-en-3-one);
- ``(xxxiii) 17 α -methyl- Δ 1-dihydrotestosterone (17B-hydroxy-17 α -methyl-5 α -androstand-1-en-3-one) (a.k.a. `17-a-methyl-1-testosterone');
- ``(xxxiv) nandrolone (17B-hydroxyestr-4-en-3-one);
- ``(xxxv) norandrostenediol--
 - ``(I) 19-nor-4-androstenediol (3B, 17B-dihydroxyestr-4-ene);
 - ``(II) 19-nor-4-androstenediol (3 α , 17B- dihydroxyestr-4-ene);
 - ``(III) 19-nor-5-androstenediol (3B, 17B- dihydroxyestr-5-ene); and
 - ``(IV) 19-nor-5-androstenediol (3 α , 17B- dihydroxyestr-5-ene);
- ``(xxxvi) norandrostenedione--
 - ``(I) 19-nor-4-androstenedione (estr-4-en-3,17- dione); and
 - ``(II) 19-nor-5-androstenedione (estr-5-en-3,17- dione);
- ``(xxxvii) norbolethone (13B,17 α -diethyl-17B-hydroxygon-4- en-3-one);
- ``(xxxviii) norclostebol (4-chloro-17B-hydroxyestr-4-en-3- one);
- ``(xxxix) norethandrolone (17 α -ethyl-17B-hydroxyestr-4-en-3-one);
- ``(xl) normethandrolone (17 α -methyl-17B-hydroxyestr-4-en-3-one);
- ``(xli) oxandrolone (17 α -methyl-17B-hydroxy-2-oxa-[5 α]-androstand-3-one);
- ``(xlii) oxymesterone (17 α -methyl-4,17B-dihydroxyandrostand-4-en-3-one);
- ``(xliii) oxymetholone (17 α -methyl-2-hydroxymethylene-17B-hydroxy-[5 α]-androstand-3-one);
- ``(xliv) stanozolol (17 α -methyl-17 α -hydroxy-[5 α]-androstand-2- eno[3,2-c]-pyrazole);
- ``(xlv) stenbolone (17B-hydroxy-2-methyl-[5 α]-androstand-1-en- 3-one);
- ``(xlvi) testolactone (13-hydroxy-3-oxo-13,17-secoandrosta-1,4-dien-17-oic acid lactone);
- ``(xlvii) testosterone (17B-hydroxyandrostand-4-en-3-one);
- ``(xlviii) tetrahydrogestrinone (13,17 α -diethyl-17B- hydroxygon-4,9,11-trien-3-one);
- ``(xlix) trenbolone (17B-hydroxyestr-4,9,11-trien-3-one); and
- ``(xlix) any salt, ester, or ether of a drug or substance described in this paragraph.

6. Anabolic steroids are Schedule III Controlled Substances. 21 U.S.C. Section 812(b), Schedule III (e); 21 C.F.R. Section 1308.13(f). Anabolic steroids are also prescription drugs, in that because of their toxicity, and other potentiality for harmful effect, or the method of their

use, or the collateral measures necessary to their use, they are not safe for use except under the supervision of a practitioner licensed by law to administer such drugs. 21 U.S.C. Section 353(b)(1)(A).

7. With certain exceptions authorized by law, it is unlawful for any person to knowingly or intentionally manufacture, distribute, or dispense, or possess with intent to manufacture, distribute, or dispense, a controlled substance. 21 U.S.C. Section 841(a)(1).

8. Amphetamines are Schedule III Controlled Substances (Title 21 U.S.C. Section 812(b), Schedule III (a)(1)).

9. It is unlawful for any person knowingly or intentionally to possess a controlled substance unless such substance was obtained directly, or pursuant to a valid prescription or order, from a practitioner, while acting in the course of his professional practice (Title 21 U.S.C. Section 844(a)).

10. Finally, the distribution of a controlled substance, including anabolic steroids and amphetamines, is defined as a "specified unlawful activity" under the federal money laundering statute, Title 18 U.S.C. Section 1956. As such, certain financial transactions with the proceeds of steroid distribution constitute federal money laundering violations under said statute.

IV. Illegal Receipt of Human Growth Hormone Statute Pertinent To This Affidavit

11. Title 21 U.S.C. Section 331c, prohibits the receipt in interstate commerce of any food, drug, device, or cosmetic that is adulterated or misbranded, and the delivery or proffered delivery thereof for pay or otherwise. Among the definitions of a misbranded drug under this statute, is a drug that is a prescription drug dispensed without a prescription (Title 21 U.S.C.

Section 353(b)(1)). This investigation involves the receipt of athletic performance-enhancing drugs by professional athletes, including the drug human growth hormone (HGH). I know from speaking with employees of the FDA and experts in the medical community that there is no approved valid medical reason for a prescription of human growth hormone to an otherwise healthy professional athlete. Specifically, I have learned that the Food and Drug Administration (FDA), the agency that determines approved medical reasons for prescribing certain drugs, has only approved human growth hormone for persons with dwarfism and muscle-wasting diseases, such as AIDS and cancer, where the maintenance of muscle structure is important to an individual's health. The facts presented in this affidavit will show that the recipients of human growth hormone were Major League Baseball players and not individuals with the above described medical ailments.

12. I have learned through this investigation and others involving the distribution of athletic performance-enhancing drugs to professional athletes, that the most common brand of human growth hormone used by athletes in order to help improve their athletic performance is a brand named "Serostim" that is manufactured by the drug company Serano. The Serano brand of human growth hormone is packaged in a box which is often referred to by the drug's illegal distributors and illegal users as a "kit." A "kit" of HGH is a small box typically containing seven vials of human growth hormone in a powder form and seven vials of sterile water. The vials are contained in a cardboard cutout within the cardboard box. The package is referred to as a "kit" due to fact that it is necessary to draw the sterile water out of each vial and mix it into the vials containing the powdered human growth hormone in order to administer the drug. Thus the term "kit", which is commonly defined as a set of parts to be

assembled or worked up.

V. Background of Jason Grimsley Investigation

13. A search of public information on the Internet revealed that the 2006 season will be Jason Grimsley's 15th year of participation in Major League Baseball. His Major League Baseball career, beginning in 1989, has included stints with the major league clubs of the Philadelphia Phillies, Cleveland Indians, California Angels, New York Yankees, Kansas City Royals, Baltimore Orioles and currently the Arizona Diamondbacks.

14. On April 18, 2006, an "anticipatory" search warrant was signed by United States Magistrate Judge Edward Voss. This "anticipatory" search warrant went into effect on April 19, 2006 after a United States Postal parcel containing two "kits" of human growth hormone was delivered and accepted into the residence of Jason Grimsley. Agents were previously aware of the shipment of human growth hormone that Grimsley was expecting. Upon making contact with Grimsley at his doorway, who was earlier retrieved from inside the residence by his wife, I informed him of the search warrant on his residence and my knowledge that the United States Postal parcel just received at his residence contained human growth hormone. Because of a desire to gain Grimsley's cooperation in a covert manner, the execution of the warrant was performed in a "low-key" fashion, with a minimal number of agents approaching Grimsley's door and the summoning of Grimsley through his wife, who first answered the door, as opposed to a normal entry and sweep of the residence by agents to secure it for safety purposes. I immediately expressed my desire for Grimsley's cooperation with the investigation. I told Grimsley that if he cooperated, agents would continue to execute the search warrant in this "low-key" manner and expose the existence of the search to as few

people as possible. I suggested that if he wanted to cooperate, he could retrieve the package containing the human growth hormone from his residence and then subsequently accompany agents to another location (instead of in his residence) for questioning. IRS-CI Agent Erwin Rogers, FBI Agent Heather Young, and I waited in the entryway area of Grimsley's residence while he retrieved the package of human growth hormone from a rear room. After retrieving the package and turning it over to agents, Grimsley agreed to accompany agents to another location to answer questions. He stated that he had guests in his house and desired that they know as little as possible. The executing agents abided by Grimsley's request in this regard.

15. After Grimsley retrieved the package containing the human growth hormone, agents retreated to the outside porch area in the front of the residence and waited for Grimsley to get dressed. Other than a brief period of time in the inside entryway of the residence, no other agent-entry or agent-searching of Grimsley's residence was performed.

16. At that time, the agents at the residence as well as several other agents waiting nearby were informed that the search warrant was finished because of Grimsley's agreement to cooperate and accompany agents to another location to answer questions. FBI Special Agent Young and I accompanied Grimsley in his truck for the drive to the alternate location to conduct the interview. Once at the alternate location, FBI agent Young, IRS-CI Special Agent Rogers, FDA-OCI Special Agent Amy Scott, and I were present for the questioning of Grimsley. At no time was Grimsley placed under arrest or restrained in any way. Grimsley was informed that he was free to leave at any time during the interview, but rather chose to stay and cooperate with the investigation. Throughout the course of the approximate next two hours, Grimsley voluntarily provided agents with the following information:

Grimsley stated that throughout the course of his Major League Baseball career, he has purchased and used the athletic performance-enhancing drugs, anabolic steroids, amphetamines, Clenbuterol, and human growth hormone. He added that he has placed orders and received drugs, similar to the order and April 19, 2006 receipt of human growth hormone, on approximately ten to twelve occasions.

Grimsley stated that he purchased and used the anabolic steroid Deca-Durabolin, shortly after his shoulder surgery in 2000 and that he used the steroid at that time because of its healing abilities.

Grimsley stated that he also purchased and used the drug Clenbuterol. According to Grimsley, Clenbuterol raises the body temperature and increases metabolism. Grimsley stated that he received the Clenbuterol through the United States mail and that he paid for the Clenbuterol with a personal check.

Grimsley stated that since Major League Baseball began its drug testing for steroids and amphetamines, the only drug that he has used is human growth hormone. Grimsley added that he began

using human growth hormone for its healing abilities, and that the two "kits" he received on April 19, 2006 were intended to be his season supply of human growth hormone. Grimsley typically paid \$1600 for each "kit" of human growth hormone. I produced a check in the amount of \$3200 from Grimsley's bank account, that was written on July 20, 2004. I had earlier obtained this check as part of my ongoing investigation. Grimsley identified the check as a payment for a prior purchase of two boxes of human growth hormone.

Grimsley stated that during Major League Baseball's 2003 drug-testing program for anabolic steroids, he tested positive. Grimsley stated that Major League Baseball Players' Union representative Gene Orza told him about the positive test. Although Grimsley stated that he used the anabolic steroid Deca-Durabolin in the past, he felt that his positive test in 2003 was a result of using 1-AD, a prohormone that he purchased and used from the "Eco-Labs" website.

Grimsley described himself as a former user of amphetamines, which he referred to as "greenies" and "beans." Grimsley further stated that "they work." He has seen other players taking

amphetamines. He stated "everybody had greenies. That's like aspirin." Grimsley stated that until last year, Major League clubhouses had coffee pots labeled "leaded" and "unleaded" for the players, indicating coffee with amphetamines and without.

Grimsley identified, in his words, "Latin players," as a major source for the amphetamines within baseball. He stated that it was common knowledge that you could get amphetamines from "Latin players." He stated that he got amphetamines from "Latin players" whenever he needed them. He stated that "Latin players" had boxes of them.

Grimsley stated that amphetamines also came from players on the California teams that could easily go into Mexico and get them. Grimsley stated that while he was with the California Angels, an individual who sold bats and gloves would come around the clubhouse with a supply of two-toned green amphetamines, or "greenies." Grimsley did not remember this individual's name.

When asked what other current or former Major League Baseball players used athletic performance-enhancing drugs Grimsley named former players Allen Watson and David Segui. Grimsley

stated that this past winter, Segui told him of a doctor in Florida that he was using at a “wellness center” to obtain human growth hormone. Segui told him, “if you are going to do this, you should do it right.” Segui told Grimsley that he has blood work done with this doctor. Segui first told Grimsley about the doctor in Florida last winter.

Grimsley was asked about his knowledge of other Major League Baseball players who took anabolic steroids. Grimsley named, Geronimo Berroa, Jose Canseco (whom he stated was a teammate with the New York Yankees), Glen Allen Hill (whom Grimsley stated was very obvious and had the worst back acne he’d ever seen), and Lenny Dykstra as anabolic steroid users. Grimsley also stated that Dykstra had a doctor in Colorado that supplied him (Dykstra) with amphetamines.

Grimsley stated that Pete Incaviglia was a former teammate that always had a supply of amphetamines.

Grimsley described a conversation he had last year with his Baltimore Orioles’ teammates Sammy Sosa, Miguel Tejada and Rafael Palmeiro. Grimsley stated that the topic of the

conversation among the four was how they were going to play the baseball season next year when Major League Baseball banned the use of amphetamines and began testing for them.

Grimsley stated that while a teammate of Rafael Palmeiro last season with the Baltimore Orioles, Palmeiro talked openly about his (Palmeiro's) use of amphetamines.

Grimsley identified several other Major League Baseball players by name whom he suspected of using either anabolic steroids or human growth hormone.

Grimsley stated that Brian MacNamee, a former employee of the New York Yankees and personal fitness trainer to several Major League Baseball players, once referred him to an amphetamine source. Grimsley stated that after this referral he secured amphetamines, anabolic steroids, and human growth hormone from MacNamee's referred source.

Although Grimsley has never referred anyone to the source he got from MacNamee, Grimsley stated that he is sure that "boatloads" of players in baseball use this same source.

Grimsley also identified Chuck Knoblauch, a former Major League Baseball player, as one of his better friends in baseball. Grimsley stated that knows Knoblauch used human growth hormone and knows that Knoblauch obtained the human growth hormone from the same source that Grimsley obtained his from. Grimsley also told agents about an incident in Tampa, Florida involving Major League Baseball players and the use of illegal drugs.

17. Upon the conclusion of the questioning of Jason Grimsley, Grimsley agreed to make a recorded telephone call to corroborate some of the information that he provided. Grimsley placed the telephone call to his supplier of human growth hormone from his cellular phone in the presence of agents, who overheard Grimsley's part of the conversation. In sum and substance, Grimsley confirmed the receipt of the package of human growth hormone to his supplier. Grimsley successfully completed the recorded telephone call which corroborated some of the information he provided to agents.

VI. Probable Cause of Jason Grimsley's Violations of Federal Criminal Law

18. As detailed extensively in the above statements provided by Grimsley, as well as Grimsley's receipt of the package containing two "kits" of human growth hormone on April 19, 2006, there is probable cause to believe that Jason Grimsley regularly illegally possessed anabolic steroids, amphetamines, and human growth hormone over the past six years in violation of Title 21 U.S.C. 844 (illegal possession of anabolic steroids and amphetamines)

and Title 21 U.S.C. 331c (illegal possession of human growth hormone). The source(s) that Grimsley identified receiving the drugs from were not doctors, and Grimsley told agents he was taking them for athletic performance-enhancing purposes including the rapid healing of injuries in an attempt to begin competing faster after such injuries.

VII. Probable Cause That Evidence of Multiple Federal Criminal Violations Will Be Located At Grimsley's Residence at 10792 East Fanfol Lane, Scottsdale, Arizona

19. Although Jason Grimsley received his last known drug shipment consisting of human growth hormone on April 19, 2006 (turned over to agents on that same date), I believe that based upon Grimsley's receipt of drugs on that date, and his extensive statements to agents about his illegal drug possession and the illegal drug possession of other known acquaintances over the last several years, probable cause exists that evidence of multiple federal criminal violations, including illegal possession of drugs, illegal distribution of drugs and money laundering of said profits, will be present within Grimsley's residence at 10792 East Fanfol Lane, Scottsdale, Arizona.

20. Among the statements provided by Grimsley during his extensive debriefing, was the statement that he estimated that he has made drug purchases similar to the order of human growth hormone he received on April 19, 2006, on approximately 10 to 12 other occasions over the last several years. He also identified receiving other drug shipments in the mail and making payments for those drugs with personal checks. Because of this, I believe that there is probable cause that over the last several years Grimsley has made at least 10 to 12 phone calls in order to procure athletic performance-enhancing drugs for himself. I believe there is probable cause that Grimsley received packages of athletic performance-enhancing drugs

through the United States mail on at least 10 to 12 occasions over that time. I further believe there is probable cause that during this time Grimsley wrote at least 10 to 12 personal checks as payments for athletic performance-enhancing drugs.

21. Accordingly, I believe that phone records exist of the telephone calls to order the drugs, that shipping records and/or material were generated as a result of each shipment of drugs and that financial records exist, including bank statements and cancelled checks, reflecting Grimsley's payment for the drugs, all constituting evidence of Grimsley's illegal possession of these drugs. Although some of these described records or material may be several years old and not currently present in Grimsley's residence, other items are likely present at his residence which can lead to the retrieval of the specifically related evidence, and thus constitute evidence themselves. These items would include phone books, cellphones and telephone records, which would either specifically reflect telephone orders for drugs or at least reflect telephone numbers used to facilitate past drug orders. They would also include banking documents and items, such as bank statements, checkbooks, check registers, ATM and debit cards, which would identify current and former banking and checking accounts used by Grimsley during the time of his drug purchases and payments. There is probable cause that the identification of such accounts would lead to the identification of the payments made by Grimsley to his drug supplier(s).

22. In addition to the evidence of Grimsley's personal illegal possession of multiple drugs, Grimsley's statements to agents made it evident that he has had close associations with other baseball players throughout the years that also illegally possessed athletic performance-enhancing drugs and other illegal drugs. His statements also show his extensive knowledge

of this drug possession and use by other players. Grimsley extensive personal knowledge of this additional information makes it likely that he communicated regularly with other former and current players and individuals about the use of illegal drugs. In fact, Grimsley made one such consensually recorded call while with agents on April 19, 2006, as detailed earlier in this affidavit. As such, contact information and phone records detailing Grimsley's potential conversations with others about drugs would prove useful to this investigation and would include address books, phone books, cellphones, phone messages, telephone call recordings, phone statements, and written phone messages and notes.

23. Although Jason Grimsley just joined the Arizona Diamondbacks this season and did not likely reside in Scottsdale, Arizona in past seasons, I am aware through my experience as an IRS-CI agent, that even while residing in new or temporary quarters, individuals typically keep cell phones, phone books, notes detailing conversations, numbers and addresses, phone bills, phone recordings and other phone related material. Items such as these belonging to Grimsley are likely to contain evidence of his illegal drug possession over the last several years and may further constitute evidence of others' drug distribution and illegal money laundering violations.

24. Additionally, based upon my thirteen years of experience as an IRS-Criminal Investigation Special Agent, including the excess of one hundred search warrants that I have participated in involving the search for financial records, I know that it is routine for individuals to keep personal financial records, and specifically records indicating their place of banking, at their places of residence, even if the residence is new or temporary. My experience has taught me that individuals almost always keep check books, debit cards, credit

cards, and other bank records which can indicate and identify banking sources, at their residences.

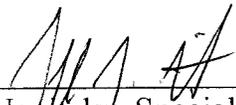
25. In addition to the above described evidence being related to violations of possession of athletic performance-enhancing drugs, there is probable cause that this same evidence relates to violations of the illegal distribution of such drugs (Title 21, U.S.C. 846) along with the related money laundering of said profits (Title 18 U.S.C. 1956). Grimsley's same contact and acquaintance records, phone related items, shipping documents or material and financial records, will identify the illegal supplier(s) of athletic performance-enhancing drugs as well as will identify possible money laundering transactions resulting from the drug payments received by the supplier(s) from Grimsley and others.

VIII. Conclusion

26. Accordingly, based upon the evidence presented in this affidavit, I respectfully submit that there is probable cause to believe, and I do believe, Jason Grimsley has committed violations of Title 21 U.S.C. 844 (illegal possession of anabolic steroids and amphetamines) and Title 21 U.S.C. 331c (illegal receipt of a misbranded drug, human growth hormone). I also believe that probable cause exists that evidence of this violation will be present at Grimsley's residence along with evidence of other related federal criminal violations, including Title 21 U.S.C. 846 (distribution of anabolic steroids and amphetamines) and Title 18 U.S.C. 1956 (Money Laundering). I also believe that based upon evidence presented in this affidavit that there is probable cause to believe that the items set forth in Attachment B to this affidavit (Items to Be Seized), constitute evidence of the above violations and will be found at the residence occupied by Jason Grimsley located at 10792 East Fanfol Lane, Scottsdale,

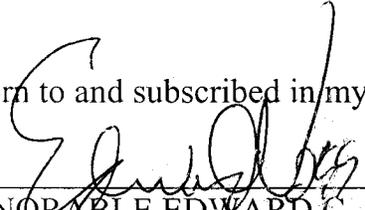
Arizona, as described more fully attachment A to this affidavit (Description of Property to be Searched).

27. I declare under penalty of perjury that the foregoing is true and correct and that this affidavit was executed at Phoenix, Arizona, on May 31, 2006.



Jeff Novitzky, Special Agent
IRS-Criminal Investigation

Sworn to and subscribed in my presence this 31st day of May, 2006.



HONORABLE EDWARD C. VOSS
United States Magistrate Judge