

**AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT**

I, Andrew Cohen, Special Agent with the Federal Bureau of Investigation (FBI), being duly sworn, deposes and states under penalty of perjury that the following is true to the best of my information, knowledge, and belief.

**INTRODUCTION AND AGENT BACKGROUND**

1. Your Affiant and other law enforcement officers are involved in an investigation of potential violations of federal law, including violations of Title 21, United States Code, Section 841(a)(1) (Distribution of Fentanyl Resulting in Death, Distribution of Controlled Substances, and Possession of Controlled Substances with Intent to Distribute); Title 21, United States Code, Section 846 (Conspiracy to Distribute Controlled Substances, Including Fentanyl, Resulting in Death); Title 21, United States Code, Section 859 (Distribution of Controlled Substances, Including Fentanyl, to Persons Under Age Twenty-One) (the “Subject Offenses”).

2. I am a Special Agent with the Federal Bureau of Investigation (FBI) and have been since 2014. I have experience investigating a wide variety of federal criminal violations to include narcotics crimes, violent crimes, and other federal violations. As a Special Agent, I have received training and gained experience in interviewing techniques, arrest procedures, search warrant applications, the execution of search and seizures, narcotics distribution, computer crimes, and various other criminal laws and procedures. As part of my duties, I investigate individuals who have participated in narcotics distribution networks in violation of Title 21, United States Code, Sections 841(a)(1) and 846, among other federal statutes. I have recovered illegal narcotics in other investigations including methamphetamine, heroin, cocaine, MDMA, and fentanyl and I am familiar with drug trafficking methods.

3. The facts in this affidavit come from my personal observations, my training and experience, my review of documents, and information obtained from other agents and witnesses. Particularly, I have relied on information and reports from investigators of the Colorado Springs Police Department (CSPD). This affidavit is intended to show merely that there is probable cause for the requested criminal complaint and arrest warrants and does not set forth all of my knowledge about this matter. Much of this investigation is documented with CSPD Case 22-4898.

4. In summary and as will be set forth below, Juvenile #1, a 16-year-old male, likely overdosed on fentanyl in Colorado Springs, Colorado, on or about January 31, 2022. The investigation to date suggests that, for some length of time prior to his death, Douglas Floyd, Marlene McGuire, and Maria Conchie-Davis conspired to sell Juvenile #1 and his two friends (Juvenile #2 and Juvenile #3) fentanyl and other drugs.<sup>1</sup>

5. One of these adults, Maria Conchie-Davis (a/k/a “CeCe”), is Juvenile #1’s biological mother. Text message evidence, call detail records, physical location data, and information obtained in interviews will be presented below. This affidavit will provide the necessary background information to establish an unlawful relationship revolving around drug distribution between adults and children, and particularly focus on events that took place on January 30, 2022. This affidavit will also establish probable cause to support the sole count of the criminal complaint and the issuance of arrest warrants.

6. I submit probable cause exists to believe that, from a time unknown up to and including on or about February 21, 2022, in the State and District of Colorado, the defendants, DOUGLAS FLOYD and MARLENE MCGUIRE, and others both known and unknown, did

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<sup>1</sup> Juvenile #1’s, Juvenile #2’s, and Juvenile #3’s identities are known to me, but I have anonymized these individuals in this affidavit because they are juveniles and I anticipate this affidavit will be made public.

knowingly and intentionally combine, conspire, confederate, and agree, with interdependence, to distribute or possess with intent to distribute 50 grams or more of a mixture or substance containing a detectable amount of methamphetamine, a Schedule II controlled substance, in violation of 21 U.S.C. §§ 841(a)(1), 841(b)(1)(B)(viii), and 846.

### **PROBABLE CAUSE**

#### *Background of the Adult Suspects*

7. **Marlene McGuire, a/k/a “M”** (YOB: 1964): I have reviewed a criminal history for McGuire as it relates to her prior felony convictions. The information I have reviewed includes:

a. In El Paso County (Colorado) case 16CR2955, she was convicted of a Class 2 Drug Felony for the distribution of a Controlled Substance and was sentenced to five years in the Colorado Department of Corrections (CDOC) on August 25, 2017.

b. In El Paso County (Colorado) case 12CR2955, she was convicted of a Class 5 Felony for Forgery and was sentenced to a two-year deferred sentence on June 19, 2013.

c. In El Paso County (Colorado) case 09CR3415, she was convicted of a Class 4 Felony for possession of a Controlled Substance and was sentenced to a two-year deferred sentence on December 13, 2011.

8. **Douglas Floyd, a/k/a “Doug”** (YOB: 1969): I have reviewed a criminal history for Floyd as it relates to his prior felony convictions. The information I have reviewed includes:

a. In El Paso County (Colorado) case 15CR5152, he was convicted of a Class 4 Drug Felony for possession of a Controlled Substance and sentenced to three years probation on January 19, 2016.

b. In El Paso County (Colorado) case 15CR3802, he was convicted of a Class 4 Drug Felony for possession of a controlled substance and sentenced to three years probation on January 19, 2016.

c. In El Paso County (Colorado) case 14CR2537, he was convicted of a Class 6 Felony for Forged Instrument-possession and sentenced to three years probation on January 19, 2016.

d. In El Paso County (Colorado) case 13CR1659, he was convicted of a Class 6 Felony for Trespass and sentenced to three years probation on January 19, 2016.

e. In El Paso County (Colorado) case 08CR3464, he was convicted of a Class 6 felony for Contraband-introduction and was given an 18-month deferred sentence on October 29, 2008.

9. **Maria Davis-Conchie, a/k/a “CeCe” (YOB: 1974):** CeCe is Juvenile #1’s biological mother. I have reviewed a criminal history for CeCe as it relates to her prior felony convictions. The information I have reviewed includes:

a. In Douglas County (Colorado) case 17CR127, she was convicted of a Class 4 Drug Felony for possession of a Controlled substance and sentenced to two years CDOC on September 13, 2016.

b. In El Paso County (Colorado) case 16CR3937, she was convicted of a Class 4 Felony for Fraud and sentenced to three years CDOC on May 1, 2018.

c. In El Paso County (Colorado) case 16CR593, she was convicted of a Class 6 Felony for False info to pawnbroker and sentenced to 18 months CDOC on May 1, 2018.

d. In El Paso County (Colorado) case 11CR2713, she was convicted of a Class 6 Felony for Theft and given a two-year deferred sentence on April 23, 2014.

10. The criminal history of the above adults is provided by way of background information and is not meant to be a sole determining factor in probable cause for the requested warrants. However, each of the adults mentioned in this affidavit does have prior criminal history involving illegal drugs.

*Death of Juvenile #1 on January 31, 2022*

11. In February of 2022, FBI Special Agents were contacted by the CSPD Metro Vice, Narcotics, and Intelligence (MVNI) unit regarding an ongoing investigation related to an apparent fentanyl overdose death. According to the CSPD, on January 31, 2022, the CSPD and emergency medical services were called to an address in Colorado Springs, Colorado, on the report of an unresponsive male. First responders found a juvenile male in a bedroom. The male, subsequently identified as Juvenile #1 (YOB: 2005), was found to be deceased.

12. The El Paso County Coroner/Medical Examiner's Office performed an autopsy on Juvenile #1. Neither the toxicology screen nor the medical examiner's report have been released yet.

13. CSPD officers searched Juvenile #1's room and located a small plastic baggie containing two blue pills. The quantity of pills is significant as it relates to their acquisition and is discussed below. The blue pills had the markings "M" and "30" on them. These pills have

been submitted to a laboratory for a formal analysis, but the results have not yet been returned. Based on my training and experience I expect the result to return positive for the presence of fentanyl.



*Plastic baggie containing blue pills located in Juvenile #1's dresser drawer on January 31, 2022*

#### *Information About Fentanyl*

14. Based on prior drug investigations, the FBI and CSPD know fentanyl to be a powerful synthetic opioid which has a very similar effect on the human body to other opiates and opioids.

15. Many illicit fentanyl compounds have been manufactured to mirror the appearance of prescription opioids, specifically the Mallinckrodt Pharmaceuticals 30mg Oxycodone Hydrochloride, which command a much higher price per weight on the illicit market than heroin. Fentanyl pills which are sold under the guise of oxycodone 30mg tablets are blue in color and have imprints which say "M" and "30." Because of these physical characteristics, they are often referred to by drug users and drug dealers as "blues," "M30s," or "30s." I know some drug users and drug dealers also refer to them as "percs" or "perks." I believe these nicknames are derived from brand name Percocet oxycodone tablets, however, I believe many drug dealers

and drug users use the terms “percs” and “perks” without knowing their origin. Over time, I have started to see drug dealers and drug users actually refer to these round, blue pills with imprints which say “M” and “30” as “fent” or “fentanyl,” an acknowledgment that the controlled substance in these pills is indeed fentanyl and not oxycodone.

16. According to a U.S. Drug Enforcement Administration website<sup>2</sup>, fentanyl is about 100 times more potent than morphine. This relative strength often results in inconsistent dosages when they are not mixed in a compound with the standards of care in the commercial industry. As a result, it is common for fentanyl compounds, when sold as prescription opioids or other controlled substances such as heroin, to either have significantly more or less of an effect on the human body than a regular dose would be expected to have. According to the same DEA website, 42% of pills tested for fentanyl contained at least 2 mg of fentanyl, which is considered a potentially lethal dose.

17. I have recovered tens of thousands of these round, blue pills bearing the imprints “M” and “30” in the course of my career, and have had the opportunity to debrief small, medium, and large dealers of these pills. I have also conducted debriefings with users of these pills. These debriefings, in combination with formal training, contribute to my knowledge of fentanyl, including but not limited to its street, wholesale, and retail values; the different methods of use of fentanyl; and its addiction level.

#### *Summary of the Initial Investigation*

18. Juvenile #2 (YOB: 2005) and Juvenile #3 (YOB: 2006) were identified as close friends of Juvenile #1 through interviews of family members and consent searches of electronic

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<sup>2</sup> Available at <https://www.dea.gov/resources/facts-about-fentanyl> (last accessed on February 23, 2022).

devices. Indeed, Juvenile #2 and Juvenile #3 were with Juvenile #1 on the evening of January 30, 2022, before he died.

19. Investigators conducted several interviews with Juvenile #2 and Juvenile #3 throughout the course of the investigation, which will be discussed below in more detail. Not all the statements they made are included in this affidavit, and the court should be aware that Juvenile #2 and Juvenile #3 provided false or incomplete information to law enforcement in the early stages of the investigation.

20. Investigators believe the information eventually collected from Juvenile #2 and Juvenile #3, and included in this affidavit, is reliable for the purpose of contributing to probable cause for the requested criminal complaint and arrest warrant. In making this assertion, I have considered that both individuals are children, have had limited or no interaction with law enforcement, and were concerned about getting in trouble. As the investigation continued, investigators became aware that Juvenile #2 and Juvenile #3 are also drug users. During some interactions with law enforcement, they limited their own disclosures regarding drug use, seemingly because they were afraid of legal and parental repercussions.

21. Law enforcement separately met with the parents of Juvenile #2 and Juvenile #3 and expressed concerns about the information provided by each of the boys. The parents were largely cooperative and provided consent to search the boys' cellular telephones.

22. Each of the boys also agreed to participate in separate interviews with an FBI forensic child examiner. The interviews were conducted back-to-back on the same day, and Juvenile #2 and Juvenile #3 would not have had time to discuss the answers to law enforcement's questions at that time. Their interviews were generally consistent with one another.

23. During their interviews, they each admitted to previously providing untruthful and/or incomplete information. As it relates to the specific facts in support of the requested warrants, some information obtained from Juvenile #2 and Juvenile #3 has been independently corroborated by the FBI or CSPD to further bolster the accuracy and veracity of their statements. For these reasons, I consider the information in this affidavit which was provided by Juvenile #2 and Juvenile #3 to be reliable.

24. Investigators also developed information related to Douglas Floyd, Marlene McGuire, and Maria Davis-Conchie, a/k/a "CeCe." Based on the evidence discussed below, investigators believe that, for a several months prior to Juvenile #1's death, CeCe provided illegal drugs to Juvenile #1, Juvenile #2, and Juvenile #3, including Xanax, marijuana, and fentanyl. CeCe ultimately introduced some of her controlled substance suppliers, Floyd and McGuire, to the three boys and the boys then purchased illegal drugs directly from Floyd and McGuire.

25. The evidence to date supports that, on January 30, 2022, at approximately 7:20 p.m., Floyd and/or McGuire sold four fentanyl pills in a plastic baggie to Juvenile #1, Juvenile #2, and Juvenile #3 for approximately \$40, at a fire station located at 5110 Bradley Circle, Colorado Springs, Colorado.

26. The three boys used one of the fentanyl pills together after purchasing them on the evening of January 30, 2022. Juvenile #2 and Juvenile #3 dropped Juvenile #1 off at his residence, and Juvenile #1 had the remaining three blue pills. I submit that Juvenile #1 likely used one of the pills later that evening or early on January 31, 2022, which caused his overdose and death. As mentioned and pictured above, CSPD officers recovered the two remaining suspected fentanyl pills in a plastic baggie in Juvenile #1's dresser drawer.

*Forensic Interview of Juvenile #2*

27. On February 11, 2022, Juvenile #2 conducted a forensic interview with the FBI. Juvenile #2 explained he, Juvenile #1, and Juvenile #3 were all friends. Juvenile #2 met Juvenile #1 and Juvenile #3 through mutual friends even though they went to different schools. Juvenile #2, Juvenile #1, and Juvenile #3 used drugs together on the weekends. They have experimented with marijuana, ecstasy, and recently began to smoke what Juvenile #2 said were Percocet pills.

28. Juvenile #1 provided the Percocet pills for himself and his friends to smoke. Juvenile #2 knew Juvenile #1 acquired the pills through a connection with Juvenile #1's mother, CeCe. CeCe had given and/or sold Juvenile #1, Juvenile #2, and Juvenile #3 other drugs in the past, and CeCe knew drug dealers by the names of Marlene and Doug. CeCe eventually introduced Juvenile #1 to Marlene and Doug, and Juvenile #1 purchased pills with Juvenile #2 and Juvenile #3 from both Marlene and Doug multiple times over the several months prior to Juvenile #1's death.

29. Juvenile #1 communicated with Doug or Marlene on Juvenile #2's cellular telephone, and Doug would sell one pill for \$10. Juvenile #2 was able to describe Doug as an older white male with a beard and ear piercings who drove an older white pickup truck. Juvenile #2 was shown a photograph with no identifying information of Douglas Floyd, and positively identified Floyd as the "Doug" who sold Juvenile #1 the blue pills.

30. Juvenile #2 was shown a photograph of CeCe with no identifying information and positively identified CeCe as Juvenile #1's mother.

31. Juvenile #2 was also shown a photograph of Marlene with no identifying information, but he could not positively identify her. He provided the name of Marlene in an uncertain voice and stated he believed the photo he was shown was of her.

32. On January 30, 2022, Juvenile #2, Juvenile #1, and Juvenile #3 traveled to a fire station to purchase four Percocet pills from Doug for \$40. Juvenile #1 had arranged for the transaction using Juvenile #2's cellular telephone. When the boys arrived at the fire station, Juvenile #1 got out of the vehicle and exchanged cash for the pills. When Juvenile #1 got back in the car, he had a small plastic baggie with four blue pills in it.

33. Juvenile #2, Juvenile #1, and Juvenile #3 used one of the pills together. Juvenile #2 drove Juvenile #1 back to his residence and dropped him off. Juvenile #1 had the small plastic baggie with three remaining blue pills in it. Investigators suspect these pills contained fentanyl, and one of them was ultimately responsible for Juvenile #1's death. Juvenile #2 was shown a photograph of the two pills recovered from Juvenile #1's room in a plastic baggie and Juvenile #2 acknowledged those were the "percs" they purchased from Doug and/or Marlene.

34. I was able to corroborate parts of Juvenile #2's information by reviewing call detail records from Floyd's cell phone, and physical location data from Juvenile #2's cell phone. These items are discussed below in more detail.

#### *Forensic Interview of Juvenile #3*

35. On February 11, 2022, Juvenile #3 also conducted a forensic interview with the FBI. Juvenile #3 had known Juvenile #1 since the 6th grade and considered him a good friend. They had previously gotten in trouble together for smoking marijuana when they were about 13 years old.

36. Juvenile #3 was familiar with CeCe. Juvenile #1 was embarrassed about his mother's prior criminal history and had originally told Juvenile #3 that CeCe was actually his

aunt. Juvenile #1 eventually told Juvenile #3 the truth about CeCe and, after she was released from jail, she wanted to get back into Juvenile #1's life.

37. Juvenile #1 started using drugs with CeCe some time ago. CeCe would provide Juvenile #1 and Juvenile #3 with Xanax and provided them cautionary instructions to not use too many of them. For some period, Juvenile #1 and Juvenile #3 would use Xanax every weekend.

38. Juvenile #3 recalled an incident approximately one year ago when he overdosed on Xanax and had to be taken to the hospital. Juvenile #3 told investigators CeCe had given him the Xanax. The complete circumstances of this incident have not been fully investigated and, as such, are not described further in this affidavit.

39. CeCe would sell the boys the Xanax pills for \$7 per pill. CeCe had several dealers that would come to her apartment to deliver the drugs. One of the dealers was a male named Doug, who Juvenile #3 described as a white male in his 40s to 50s with a goatee, white hair, and piercings. Juvenile #3 ultimately was shown a photograph with no identifying information of Douglas Floyd and positively identified Floyd as "Doug."

40. Juvenile #3 was shown a photograph of CeCe without any identifying information and positively identified her.

41. Juvenile #3 was also shown a photograph of Marlene McGuire without any identifying information, and positively identified her.

42. Juvenile #1 got the idea about smoking Percocets from school, and asked CeCe if she could get any for them. Juvenile #1, Juvenile #2, and Juvenile #3 smoked Percocet for the first time at Juvenile #2's house. After the second time they used Percocet, Juvenile #1 told Juvenile #3 the pills were fake and they were actually fentanyl. Juvenile #2 believed CeCe told

Juvenile #1 they were fake pills. CeCe also said she didn't want them doing Percocet, but Juvenile #2 said she gave them the phone number to get the Percocet from Marlene or Doug.

43. Juvenile #2, Juvenile #1, and Juvenile #3 would buy the pills at night down south. Juvenile #1 would text Marlene on Juvenile #2's phone to arrange the transaction. She would tell them when and where to meet, and they would drive to meet her. Juvenile #1 would get out of the car and get the pills from Marlene and then get back in the car. The pills were in clear plastic bags. Sometimes, the shades of blue were different, and they looked like they were going to fall apart. Sometimes, they would text Marlene and then Doug would show up to deliver the pills.

44. On January 30, 2022, Juvenile #3 went over to Juvenile #2's house. Juvenile #3 believed CeCe sent Juvenile #1 \$40 earlier through a Cash App on Juvenile #2's phone. Juvenile #1 sent messages to Marlene and/or Doug and, around 6:00 p.m. or 7:00 p.m., Marlene texted back and instructed them to go to the same spot they normally go.

45. When they arrived at the location, Juvenile #1 got out of the car and went to the passenger window of Doug's vehicle and picked up the four pills.

46. They went to Juvenile #2's house to smoke one of the pills. Juvenile #2 and Juvenile #3 then dropped off Juvenile #1 at his dad's house, and Juvenile #1 had the remaining three pills. They told Juvenile #1 not to use any more pills and he said he wouldn't use the pills without Juvenile #2 and Juvenile #3. One of the pills was a lighter shade of blue and maybe had a little yellow coloring to it.

47. Juvenile #3 was shown a photograph of the pills recovered from Juvenile #1's room and acknowledged those were the pills they purchased from Doug and or Marlene, but the pill that had a little yellow coloring to it was gone.

*Review of Juvenile #3's Cellular Telephone*

48. Data on Juvenile #3's cellular phone confirms he was the user of phone number (719) 344-4491 (Juvenile #3's Phone) during the relevant time period.

49. Text message content was located on Juvenile #3's phone with a contact named "CeCe." After reviewing the majority of the content in those messages, I submit it was likely Juvenile #1 who was using Juvenile #3's phone to communicate with Juvenile #1's mother. This does not exclude Juvenile #3 from having contact with CeCe, but, based on the totality of the messages, I believe the messages quoted and described below were likely between Juvenile #1 and his mother.

50. The following messages took place on or about January 3, 2022, between Juvenile #3's Phone and 719-504-2038 (Cece's Phone), which was named "CeCe" in Juvenile #3's contact list. There are other messages that occurred in between some of the below messages, and I have only listed certain messages to simplify the conversation. I did not intentionally leave out any messages that would be exculpatory in nature, or that I believe would give different contextual meaning to the messages below.

51. During the interviews with Juvenile #2 and Juvenile #3, investigators learned that Floyd charged Juvenile #1 and his friends \$10 per "Percocet." I know from other investigations that fentanyl pills which resemble prescription oxycodone pills (blue with "M" and "30" imprints) sell for between \$7 to \$15 per pill, depending on the quantity purchased, the relationship between the customer and the dealer, pill quality, dealer reputation, payment arrangements, and the local supply and demand.

52. I submit a fair interpretation of the text messages in the table below is that, on or about January 3, 2022, CeCe likely purchased 5 fentanyl pills for \$40 from Doug and delivered them to her son, Juvenile #2, and Juvenile #3.

53. Furthermore, the below messages also suggest Floyd and McGuire are partners in drug distribution.

Sender/Receiver	Message Text
Sent from Juvenile #3's Phone to CeCe's Phone	"May I just get her number mom please"
Sent from Juvenile #3's Phone to CeCe's Phone	"Or Doug's cuz u have me the wrong number"
Sent from Juvenile #3's Phone to CeCe's Phone	"That's all We need"
Sent from CeCe's Phone to Juvenile #3's Phone	"if and when she texts me back I will stop everything I'm doing and ask her if she can meet you. I'm in Boulder tonight so I doubt she will meet you son"
Sent from Juvenile #3's Phone to CeCe's Phone	"No your good I just wanna see if I could just go to her myself since she seen me in the car"
Sent from Juvenile #3's Phone to CeCe's Phone	"Just ask if I'm aloud to get her number and buy sum off her whenever you can possibly go home rest you been working but if you could do that it would be great"
Sent from Juvenile #3's Phone to CeCe's Phone	"Did you happen to get ahold of m?"
Sent from Juvenile #3's Phone to CeCe's Phone	"Were doing it rn... 40 bucks ... And we need 4 ..."
Sent from CeCe's Phone to Juvenile #3's Phone	"...he said he will do 5 for 40 ... THOSE ARE MY PRICES ONLY ... from him ... BUT I Need gas money to drive them all the way to you guys"
Sent from Juvenile #3's Phone to CeCe's Phone	"That's even better"
Sent from CeCe's Phone to Juvenile #3's Phone	"yeah NO SHIT SHERLICK"

54. When Juvenile #1 says "May I just get her number" and "get ahold of m?", I submit he means Marlene McGuire. When CeCe says "he will do 5 for 40", I submit she is discussing the prices of fentanyl pills, and "he" is Doug.

55. When Juvenile #1 says “I could just go to her myself since she seen me in the car”, it reasonably implies CeCe had taken Juvenile #1 with her to purchase illegal drugs from McGuire in the past.

*Review of Juvenile #2’s Cellular Telephone*

56. Data on Juvenile #2’s cellular phone confirms he was the user of phone number (719) 502-6879 (Juvenile #2’s Phone) during the relevant time period.

57. Juvenile #2 deleted most of the text message and call data from his cellular telephone prior to providing it to law enforcement. I was able to recover some text message content, specifically related to communication with CeCe’s Phone. I believe Juvenile #1 was primarily communicating with CeCe via Juvenile #2’s phone. For example, some of the messages referred to CeCe as “mom.”

58. On or about December 4 and 5, 2021, the following text conversation took place which suggests CeCe was providing marijuana to Juvenile #1 and his friends:

Sender/Receiver	Message Text
Sent from CeCe’s Phone to Juvenile #2’s Phone	“I can give you what’s left in my vape pen”
Sent from CeCe’s Phone to Juvenile #2’s Phone	“And a fat loaded bowl”
Sent from Juvenile #2’s Phone to CeCe’s Phone	“Okay I don’t have a dab pen tho”
Sent from CeCe’s Phone to Juvenile #2’s Phone	“No I’m giving you mine”
Sent from Juvenile #2’s Phone to CeCe’s Phone	“We’re otw ... Okay cool thank you mom”
Sent from Juvenile #2’s Phone to CeCe’s Phone	“Thanks momma I love u please stay in tact and we will come to you if u need we got no weed and wanna end the weekend off right”
Sent from CeCe’s Phone to Juvenile #2’s Phone	“Ok I’m trying”

59. On or about January 3, 2022, CeCe's Phone sent a text to Juvenile #2's phone which said, "719-517-6080" (Floyd's Phone), followed by "...that's Dougs number now leave me alone I'm driving and I'm stressed out son. I love you". As will be discussed below, an administrative subpoena returned that Douglas Floyd is indeed the subscriber for phone number (719) 517-6080.

60. On or about January 11, 2022, the following text conversation took place:

Sender/Receiver	Message Text
Sent from Juvenile #2's Phone to CeCe's Phone	"Can u get ahold of doug ?"
Sent from CeCe's Phone to Juvenile #2's Phone	"I'll try"
Sent from Juvenile #2's Phone to CeCe's Phone	"Okay thanks"
Sent from Juvenile #2's Phone to CeCe's Phone	"Appreciate it and just tell him to call my number if you do"
Sent from Juvenile #2's Phone to CeCe's Phone	"Did you get ahold of him ?"

61. On or about January 21, 2022, a text was sent from Juvenile #2's phone to CeCe's Phone that read, "...Can't you cashapp us like a little money.... I'm sorry I've just had a shitty ass day I wanna get high..." CeCe's Phone replied, "...sorry baby I won't have any money until Monday".

62. Location data was also recovered from Juvenile #2's phone, and I was able to map the location of the phone on January 30, 2021. The location data supports that Juvenile #2's phone traveled to a fire station located at 5110 Bradley Circle, Colorado Springs, Colorado, at approximately 7:17 p.m. and left at approximately 7:24 p.m. This information tends to support Juvenile #2's statements about when and where Juvenile #1, Juvenile #2, and Juvenile #3 purchased pills from Floyd on January 30, 2022.



67. I reviewed the call detail records collected from November 1, 2021, to February 3, 2022, for Floyd's Phone. Among others, I found records indicating communications with CeCe's Phone, Juvenile #2's Phone, and (719) 245-0803 (McGuire's Phone).

68. Specifically, on January 30, 2022, calls took place between Floyd's Phone and Juvenile #2's phone number at or about 6:07 p.m. and 6:42 p.m. Interviews conducted with Juvenile #2 and Juvenile #3 revealed the three boys met with Floyd on the evening of January 30, 2022, at a fire station. Physical location data from Juvenile #2's phone place them at a fire station located at 5110 Bradley Circle, Colorado Springs, Colorado, at approximately 7:20 p.m. on January 30, 2022.

69. Between approximately December 26, 2021, and January 30, 2022, I located approximately 281 call/text detail records between Floyd's Phone and Juvenile #2's Phone. Not all the calls appear to have connected or the records could indicate SMS messages.

70. Between approximately November 24, 2021, and January 10, 2022, I located approximately 208 call/text detail records between Floyd's Phone and CeCe's Phone. Not all the calls appear to have connected or the records could indicate SMS messages.

71. Between approximately November 22, 2021, and January 26, 2022, I located approximately 329 call/text detail records between Floyd's Phone and McGuire's Phone. Not all the calls appear to have connected or the records could indicate SMS messages.

72. I submit that Floyd's call detail records tend to support the information provided by Juvenile #2 and Juvenile #3 in their interviews. Furthermore, the frequency and length of the calls is consistent with the types of communication I have seen in other narcotics investigations.

*Association of (719) 245-0803 with Marlene McGuire*

73. Early in this investigation, Juvenile #3 informed law enforcement officers Marlene used phone number (719) 245-0803 (McGuire's Phone). Juvenile #3 said Juvenile #1 contacted Marlene on McGuire's Phone when Juvenile #1 was using either Juvenile #3's phone or Juvenile #2's phone.

74. I have reviewed results from an administrative subpoena from Juvenile #2's Phone. Within these results, I located approximately 172 call records between Juvenile #3's Phone and McGuire's Phone. These communications occurred between approximately January 19, 2022, and January 30, 2022.

75. I have reviewed results from an administrative subpoena from CeCe's Phone. In those records, I found communication between the dates of January 1, 2022, and January 11, 2022, between CeCe's Phone and McGuire's Phone. Specifically, there were approximately 46 calls or texts between these numbers during these dates.

76. I believe the contacts between Juvenile #2's phone and McGuire's Phone, as well as the communications between CeCe and McGuire's Phone corroborates Juvenile #3's assertion that McGuire's Phone is used by Marlene McGuire.

77. The frequency of contacts between McGuire's Phone and Floyd's Phone tends to further confirm Juvenile #3's assertion that Marlene McGuire uses McGuire's Phone.

*Colorado Labor Records*

78. On February 14, 2022, I obtained labor records related to Douglas Floyd, Marlene McGuire, and Maria Davis-Conchie, a/k/a CeCe.

79. I learned that Douglas Floyd's most recent wage record was from the 4th quarter of 2019, when he was employed by Continental Milling Inc. and earned \$1,526 in wages for the quarter. Prior to that record, he was employed by SYNQ3 Restaurant Solutions in the 3rd quarter of 2016 and earned \$2,173 in wages for the quarter.

80. I learned that Marlene McGuire had labor records in 2016, 2017, 2018, 2020, and 2021 for Styles Salon Inc. During those wage periods, she earned anywhere between \$50 and \$1,400 for the quarter.

81. I learned that Maria Davis-Conchie, a/k/a CeCe, had labor records in the 4th quarter of 2020 and the 2nd quarter of 2019. She earned \$435 and \$420 in wages, respectively in each of those quarters.

82. I have used Colorado labor records in past investigations, and I am aware that individuals can have other income that is unreported to the state system, including but not limited to, lawful 1099 employment, lawful cash tips, and unlawful income such as proceeds from drug distribution.

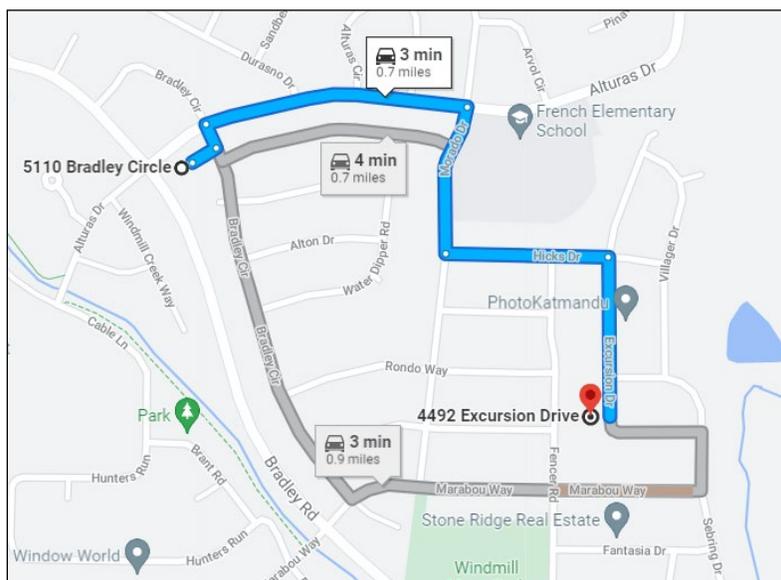
*Identification of 4492 Excursion Drive as Marlene McGuire's Residence*

83. I reviewed records from Colorado Springs Utilities for Marlene McGuire, Douglas Floyd, and Maria Davis-Conchie, a/k/a CeCe. I found the only person with current utility records was McGuire, and utilities were being provided to 4492 Excursion Drive, Colorado Springs, Colorado. This utility account has been in McGuire's name at 4492 Excursion Drive since 2001.

84. I obtained a Colorado Driver's License for McGuire, issued on May 29, 2021. The license listed 4492 Excursion Drive, Colorado Springs, CO 80911, as McGuire's address.

85. In El Paso County Court case 21R120, McGuire was issued a speeding ticket and was sentenced to a \$200 traffic fine on May 7, 2021. She listed 4492 Excursion Drive as her home with El Paso County court.

86. I located 4492 Excursion Drive, Colorado Springs, Colorado, on a Google map, and learned it was approximately .7 miles from 5110 Bradley Circle (the location Juvenile #2 and Juvenile #3 said they purchased pills from Floyd and McGuire).



*Driving directions from McGuire's residence to the fire station on Bradley Circle*

*Physical surveillance at 4492 Excursion Drive on February 15, 2022*

87. On February 15, 2022, Detectives from the CSPD conducted physical surveillance at 4492 Excursion Drive. During that surveillance, they observed a blue sedan parked in the driveway with Colorado license plate BSWF09, registered to a 2012 Dodge Avenger and Marlene McGuire at 4492 Excursion Drive, Colorado Springs, Colorado.

*Interview of Juvenile #4 on February 15, 2022*

88. On February 15, 2022, CSPD Detective Delcore conducted an interview with Juvenile #4.<sup>3</sup> Juvenile #4 is related to Douglas Floyd and told Detective Delcore that Floyd was “staying with” Marlene at her house. Juvenile #4 knew Marlene’s residence was on Excursion Drive but did not know the exact house numbers. Detective Delcore showed Juvenile #4 a photograph of 4492 Excursion Drive and Juvenile #4 immediately was able to positively identify it as Marlene’s residence.

*Arrest and Interview of CeCe on February 18, 2022*

89. CSPD Detective Genta applied for an arrest warrant for Maria Davis-Conchie, a/k/a “CeCe” in the 4th Judicial District, El Paso County, Colorado, based on facts learned during this investigation. The arrest warrant was granted on February 16, 2022, and charged CeCe with Contributing to the Delinquency of a Minor, a Class 4 Felony; Distribution of Controlled Substance to a Child/Special Offender, a Drug Felony Class 1; Distribution of a Controlled Substance, a Drug Felony Class 3; Distribution of Marijuana to a Child, a Drug Felony Class 4; and Child Abuse Resulting in Serious Bodily Injury, a Class 1 Misdemeanor.

90. CeCe was arrested by the CSPD on February 18, 2022, without incident. She was transported to the CSPD Police Operations Center and was interviewed by Detective Genta and me.

91. CeCe’s interview was audio and video recorded. CeCe was advised of her *Miranda* rights and, after expressing she understood those rights, she agreed to speak with

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<sup>3</sup> Juvenile #4 is a juvenile. I have omitted his/her identity to protect his/her privacy.

investigators without an attorney present. I do not believe CeCe provided fully truthful information, and I believe she lied to investigators to limit her criminal exposure.

92. During the interview, CeCe was shown photographs without any identifying information of Douglas Floyd and Marlene McGuire. She positively identified them and told investigators they sell drugs. CeCe said she believed they sold pills to Juvenile #1.

*Execution of a Federal Search Warrant at 4492 Excursion Drive*

93. On February 16, 2022, U.S. Magistrate Judge Scott T. Varholak authorized a search warrant granting the search of 4492 Excursion Drive, Colorado Springs, Colorado. The warrant was executed on February 21, 2022.

94. At the time of the warrant execution, Floyd and McGuire were present within the residence, and were both inside the master bedroom. McGuire's juvenile daughter was also present. Floyd and McGuire were ultimately arrested and transported to the CSPD Police Operations Center.

95. Investigators recovered several items of evidence from 4492 Excursion Drive, Colorado Springs, Colorado. This affidavit does not include all the evidence recovered and discusses the evidence in support of probable cause for the requested criminal complaint and arrest warrants.

96. Investigations recovered indicia that Floyd and McGuire occupied the residence. During the search and other parts of the investigation, investigators did not find any significant or credible evidence to suggest any other adults besides Floyd and McGuire live within 4492 Excursion Drive, Colorado Springs, Colorado, or that the recovered controlled substances belonged to anybody other than them.

97. Investigators recovered suspected methamphetamine, heroin, cocaine, pills, and mushrooms within 4492 Excursion Drive, along with plastic baggies, a large digital scale. Only one pill was recovered with the markings “M” an “30” on it.

98. Several different sizes of plastic baggies were recovered within the residence; however, upon initial examination, some appear consistent with the size and type of plastic baggie which was found in Juvenile #1’s dresser with suspected fentanyl pills and which is displayed earlier in this affidavit. I have not yet measured or conducted an in-depth comparison of the bags, but I have included photos below to enable the court to compare the appearance of the plastic baggies located on the master bedroom dresser at 4492 Excursion Drive with the appearance of the bag with the two blue pills from Juvenile #1’s dresser.



*Plastic Baggies from 4492 Excursion Drive*



*Plastic Baggie from Juvenile #1’s Room*

99. Investigators recovered a total of approximately 97 grams raw weight of a white crystalline substance consistent with methamphetamine. This total amount was derived from 19 different baggies packaged in distribution quantities. The 97 grams does not include any of the

packaging material. On February 22, 2022, the CSPD field tested the white crystalline substances. The substances tested presumptively positive for the presence of methamphetamine.

### CONCLUSION

100. Based on the aforementioned factual information, I respectfully submit that there is probable cause to believe, from a date unknown up to and including on or about February 21, 2022, in the State and District of Colorado, the defendants, DOUGLAS FLOYD and MARLENE MCGUIRE, and others both known and unknown, did knowingly and intentionally combine, conspire, confederate, and agree, with interdependence, to distribute and possess with intent to distribute 50 grams and more of a mixture and substance containing a detectable amount of methamphetamine, a Schedule II controlled substance, in violation of 21 U.S.C. § 841(a)(1) and (b)(1)(B)(viii), all in violation of 21 U.S.C § 846.

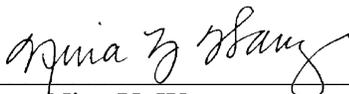
101. Therefore, I respectfully request the issuance of arrest warrants and a criminal complaint charging the same.

I, Andrew Cohen, being duly sworn according to law, depose and say that the facts stated in the foregoing affidavit are true and correct to the best of my knowledge, information and belief.

*s/Andrew Cohen*

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Andrew Cohen  
Special Agent, FBI

Submitted, attested to, and acknowledged by reliable electronic means on February 23, 2022.

  
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Hon. Nina Y. Wang  
United States Magistrate Judge  
District of Colorado

**Affidavit reviewed and submitted by Peter McNeilly, Assistant United States Attorney.**