

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

v.

DUNSTON FOOTE, (SOPHIA JONES), *et. al.*,

Defendants.

**Notice of Omnibus Motion
For Defendant Sophia Jones**

S2 11 CR 16 (CS)

S I R S:

PLEASE TAKE NOTICE that upon the annexed affirmation of MARILYN S. READER, ESQ., attorney for SOPHIA JONES, the annexed exhibits, and upon all prior proceedings had herein, the defendant will move this Court before the Honorable Cathy Seibel, United States District Court Judge for the Southern District of New York, on November 11, 2011, or at such other date and time as may be specified by the Court, at the United States Court House, 300 Quarropas Street, White Plains, New York 10601 for an ORDER:

1) Pursuant to FRCrP Rules 14, granting severance of defendant's trial from that of her co-defendants on the grounds that the government improperly joined offenses and defendants, and a joint trial of defendant with her co-defendants would prejudice the defendant Sophia Jones;

2) Pursuant to FRCrP 7(f), directing the government to provided a Bill of Particulars as sought by Sam A. Schmidt, Esq., counsel for codefendant Conrad Deslandes;

3) Directing the government to respond to the Demand for Discovery made by defendant, Sophia Jones, and annexed hereto as Exhibit 1;

4) Suppressing property unconstitutionally seized from defendant pursuant to *Mapp v. Ohio*, 367 U.S. 643 (1961), or in the alternative, ordering that a pre-trial hearing be conducted to determine the validity of search warrant issued for the search of defendant's residence and garage, vehicle and the seizure of property;

5) Granting a pre-trial *James hearing* to determine the existence of a conspiracy, whether defendant Jones is part of a conspiracy, and the admissibility of statements which the government intends to offer as co-conspirators' declarations;

6) Directing the government to disclose any Federal Rules of Evidence Rule 404(b) material it intends to introduce during the trial;

7) Directing the government to provide Defendant Sophia Jones with information as to any and all promises provided to government witnesses;

8) Directing the government to provide any and all evidence that a witness is suffering from mental or physical disability and if he currently is, or in the past has been, under the care of a psychiatrist, psychologist or psychiatric social worker to provide the name and address of the treating professional and the dates of such treatment;

9) Granting the application of Defendant Sophia Jones to join in the motions of other defendants; and

10) Pursuant to FRCP 12(f), permitting Defendant to submit additional motions if

necessary and applicable.

DATED: Larchmont, New York
July 29, 2011

Yours, etc.

A handwritten signature in black ink, appearing to read 'Marilyn S. Reader', with a stylized, flowing script.

MARILYN S. READER, ESQ. (msr 8437)
Attorney for the Defendant Sophia Jones
94 No. Chatsworth Avenue
Larchmont, New York 10538
(914) 834-9569; email: msr2@aol.com

TO: Hon. Cathy Seibel
Judge, U.S.D.C., S.D.N.Y.

Preet Bharara, Esq.
United States Attorney for the
Southern District of New York
Attn: AUSA Rebecca Mermelstein
AUSA John Collins

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

v.

DUNSTON FOOTE, (**SOPHIA JONES**), *et al.*,

Defendants.

**OMNIBUS MOTION
AFFIRMATION**

S2 11 CR 16 (CS)

STATE OF NEW YORK)
) ss:
COUNTY OF WESTCHESTER)

I, MARILYN S. READER, hereby declare under the penalty of perjury, pursuant to 28 U.S.C. §1746, that the following is true and correct:

1. I am an attorney admitted to practice before the United States District Court for the Southern District of New York and I have been appointed to represent SOPHIA JONES a/k/a/ “Bridgette” in this case. I make and submit this Affirmation in support of pre-trial motions on behalf of SOPHIA JONES for an order (1) severing his trial from that of his co-defendants, (2) directing the government to provided a Bill of Particulars submitted by Sam Schmidt, Esq. on behalf of all non-core defendants, (3) directing the government to respond to the Demand for Discovery made by defendant on June 11, 2011 and June 15, 2011, (4) suppressing property unconstitutionally seized from defendant pursuant to *Mapp v. Ohio*, 367 U.S. 643 (1961), or in the alternative, ordering that a pre-trial hearing be conducted to determine the validity of search warrant issued for the search of defendant’s residence and garage, vehicle and the seizure of

property; (5) granting a pre-trial hearing to determine the admissibility of statements which the government intends to offer as co-conspirators' declarations, (6) directing the government to disclose any Federal Rules of Evidence Rule 404(b) material it intends to introduce during the trial, (7) directing the government to provide Defendant, SOPHIA JONES, with information as to any and all promises provided to government witnesses, (8) directing the government to provide evidence that a witness is suffering from mental or physical disability, and if a witness currently is or in the past has been under the care of a psychiatrist, psychologist or psychiatric social worker to provide the name and address of the treating professional, and (9) granting defendant's application to join in the motions of other defendants.

2. I make this affirmation on the basis of information and belief based on the indictment, the discovery I have received from the government and conversations with the defendant, various co-counsel and the government's counsel.

3. The one count Indictment charges JONES as a non-core member of a conspiracy to distribute large quantities of marijuana in violation of 21 U.S.C. § 846.

4. Jones is one of twenty-six defendants named in the indictment. She is not named as a core member of the conspiracy. Jones is married to and lives with co-defendant Jeffrey Gentles a/k/a "Frankie." Frankie is alleged to be a core member of the conspiracy.

5. The discovery disclosed to defendants includes thousands of recorded wiretapped conversations between and among defendants and other people. Of these thousands of conversations, in only two conversations, Jones and Frankie discuss Jones giving packages to codefendant Sophia Moore. On about September 15, 2010, Jones telephones Frankie to tell him Moore called her and asked "if Frankie still has something for Moore, and that she wants two."

Frankie said, “No, I will see what can go on for tomorrow.” Then on October 16, 2010 at approximately 7:47 p.m., Frankie telephoned Jones and told her “Sophia [Moore] is coming to check you, two (2), two is in the bag for you hear?” In this conversation, Frankie told Jones he left two packages for Moore and told Jones to give them to Moore when she comes to the house. The reported total value of the October 16, 2010 packages is \$50.

6. Moore is Jones’s sister-in-law. They live around the corner from each other and frequently get together socially and as a family.

7. In addition, there are two conversations on September 16 and 17, 2010 relating to a large carton shipped to Frankie filled with bricks, stones, and fabric debris. On September 16, 2010 at approximately 2 p.m., Frankie telephones Sophia at the doctor’s office where she had worked as an assistant for many years. He vents his frustration and confusion about the content of the box he received earlier that day.

8. The larger carton contained smaller boxes filled with the mysterious debris. Because Frankie is illiterate, when Jones returned home from her job, he asked Jones to read the brand names on the smaller boxes packed inside the larger carton to the person who shipped it. To accommodate Frankie, on September 17, 2010, Sophia Jones tells a person named Cash one is a Huggies box and another is a Pampers box.

9. On October 17, 2010 at 12:20 p.m., Frankie called Jones at her workplace at the doctor’s office and told Jones not to leave anything behind in the car because someone has been breaking windows of parked cars on their block and stealing things.

MOTION FOR SEVERANCE

10. In the indictment the government has lumped together as one alleged conspiracy

what really is, at best, many conspiracies.

Discretionary severance pursuant to F.R.Cr.P. 14:

11. I have received in discovery line sheets and cd's of thousands of recorded wiretapped telephone conversations. One of the wiretapped mobile phones belonged to her husband Frankie, an alleged core member of the conspiracy. Although there are numerous conversations between the two relating to issues about their schedules, household and children, there no more than about five conversations that one may reasonably infer discuss anything related to illegal drugs. They are described *supra* in paragraphs 4 through 8.

12. None of the evidence presented in discovery has Jones performing any other actions allegedly related to the conspiracy than once on September 15, 2010 relaying a message from Moore, her sister-in-law, to Frankie asking if Frankie had something for her; once on October 16, 2010 Frankie telephoned and told her to give her sister-in-law two small packages Frankie left for Moore; and then on the September 17, 2010, speaking to a person named Cash and reading the brand names off the boxes stuffed with the mysterious debris packed inside the carton delivered to Frankie on September 16, 2010.

13. Defendant Jones is charged with minimal activity relating to the conspiracy. Except for the two conversations on September 15 and October 16 between Frankie and Jones, Jones never discusses the delivery of drugs to anyone. In the September 15 conversation, Jones is relating to Frankie Moore's question to her whether Frankie left something for her, and in the October 16 conversation Frankie tells Jones to give her sister-in-law Moore the two small packages he left for Moore in the bag. None of the recorded conversations or reported surveillance includes any evidence Jones delivered drugs to anyone else or even to Moore on any

other occasion. Nor does Jones perform any acts usually performed by someone involved in a conspiracy to distribute large quantities of drug. Jones does not discuss shipments, purchases, prices, or quantities of drugs with anyone.¹

14. The risk is great that a jury may fail to distinguish between the massive material of evidence against the co-defendants and the sparse evidence against Jones. Regardless of all efforts by the Court to instruct the jury, it is likely the jury will apply the mounds of evidence against others to Jones simply because she is associated with them in the indictment. This risk is magnified by the mounds of evidence against Jones's husband who lived with Jones and their children. There is a surfeit of evidence that incriminates her husband and includes his meeting people on the driveway, in the garage, and sometimes inside the residence at 25A Seabring Avenue, Spring Valley, where Jones resides with Frankie and their children. There is evidence Frankie allegedly stored his stock of marijuana in the garage or in a shed in the rear of the property. No such evidence exists relating to Jones. Such a prejudicial "spill over" can only be avoided by severing Jones's trial from that of her co-defendants.

15. At her trial, Jones intends to call codefendants, including her husband, Jeffrey Gentles a/k/a "Frankie," her sister-in-law Sophia Moore, her sister Natalie Brown, and others codefendants as witnesses for the defense. It is expected they would all testify that Jones played no role in any conspiracy to distribute marijuana, and that Jones was a hard-working, diligent full-time nurse's assistant, and when not working was a devoted mother who spent many hours each week attending her children's extracurricular sporting events and volunteering her services

¹ On October 17, 2010, Jones speaks to a woman named Cash and lists the brand names of the smaller boxes packed with debris inside the larger carton Frankie received the day before.

² The Demand Letters were identical except for the recipient's address: the July 11, 2011 letter addressed the letter to AUSA Rebecca Mermelstein at One St. Andrew's Plaza, New York, New

to the school and youth sport programs. However, Jones cannot call as defense witnesses any of these co-defendants unless her trial is severed from theirs and they have been tried first. Otherwise, each would be compelled to exercise his Fifth Amendment right and refuse to testify.

16. If defendant's trial is not severed from her co-defendants' trial or trials, the risk is great that a jury might convict Jones not based on evidence of her wrongdoing but merely because of her intimate relationship with Frankie and the quantity of evidence against both Frankie and hers co-defendants.

MOTION FOR BILL OF PARTICULARS

17. Jones joins in the request for a Bill of Particulars sought in a letter dated July 22, 2011 by Sam A. Schmidt, Esq., counsel for codefendant Conrad Deslandes. This demand for a Bill of Particulars was made on behalf of all alleged non-core members of the alleged conspiracy.

MOTION TO COMPEL THE GOVERNMENT TO RESPOND TO DISCOVERY DEMANDS

18. In letters dated July 11 and July 15, 2011², your affiant demanded discovery and inspection pursuant to F.R.Cr.P. Rules 12 and 16. A copy of defendant's Demand for Discovery letter is attached as Exhibit 1.

19. On July 21, 2011, I received a response that failed to respond to the specific demands. It reflexively and broadly acknowledged being aware of the government's obligations

² The Demand Letters were identical except for the recipient's address: the July 11, 2011 letter addressed the letter to AUSA Rebecca Mermelstein at One St. Andrew's Plaza, New York, New York 10007, and July 15, 2011 to the U.S. Attorney's Office at 300 Quarropas Street, White Plains, New York 10601.

under *Brady* and under Rule 16. A copy of the government's response is attached as Exhibit 2.

20. The government relies on having delivered masses of discovery in the numerous cd and dvd discs it has disclosed to defendants, and thereby asserts it has responded to defendants' discovery demands. With such an assertion, the government is asking this Court to partake in a sham.

21. It is necessary, and expected by the courts and attorneys, that a response to discovery demands is made to each paragraph of the discovery letter. Item by item the government is required to provide the information and produce the documents. If the government believes it has a right because of privilege, statute or case law not to disclose a particular item, then the government is required to state this objection in response to a specific item demanded, identifying the document it refuses to disclose. If the government has already provided a document demanded, then it is incumbent upon the government's counsel to advise defense counsel that in response to discovery demand "X" documents specifically described by the government's counsel will be found as documents marked by specific Bates numbers on a dvd disclosed on a particular date.

22. Dumping on defense counsel tens of thousands of digital paper is not a substitute for providing proper discovery. In fact, affiant submits this is a tactic employed by the government's counsel to eschew his or her obligation to provide discovery. Instead, the government hopes to bury possibly important material in masses of prosaic and meaningless documents, and to conceal the fact that documents that should have been disclosed to defense counsel may have been withheld. It is impossible for defense counsel to sort through this mass of material and determine if and how it applies to the specific demands in the discovery letter, and specifically

how it applies to Jones's defense. Defense counsel cannot discern if materials demanded have not been produced, unless the government specifically declares such refusal in response to a particular demand. It is inconceivable that, while putting together 26 sets of discovery, the government's counsel has not inventoried every item on each dvd or mailing, the defendant to which it applies, and noted for herself or himself whether the government counsel intends to introduce the document at trial. The defendants are facing serious charges, the legal issues are complex, and out of respect for this Court and the system of justice, the government's counsel should not be permitted to reduce providing meaningful discovery to gamesmanship.

23. Moreover, defendant requests this Court to direct the government to disclose all promises of consideration or aid made to a government witness or member of his or her family, including assistance for an illegal alien to remain in the United States; and to provide evidence that a witness is suffering from mental or physical disability, and if a witness currently is or in the past has been under the care of a psychiatrist, psychologist or psychiatric social worker to provide the name and address of the treating professional.

MOTION TO SUPPRESS PHYSICAL EVIDENCE

23. On January 13, 2011, Drug Enforcement Administration agents and Spring Valley Police Department police officers searched defendant's and codefendant Gentles's (Frankie's) home and car, and seized a small quantity of marijuana and other property. The search was conducted pursuant to a search warrant. A copy of the search warrant is attached as Exhibit 3.

24. Defendant anticipates the Government intends to offer at trial property seized from the defendant's residence, garage, shed and curtilage, or vehicles, including but not limited

to a quantity of marijuana, two cell phones, several address/phone books, shrink wrap, and other objects.

25. The factual basis presented to establish probable cause included the following: On one occasion, on September 9, 2010, codefendant Fitzroy Norris Kelly bicycled to defendant's home, rode his bike into the garage where he met with Frankie. The warrant affidavit alleges Kelly rode out of the garage "with a package stuck in the top of his pants." (Warrant affidavit at 31, ¶14). Shortly after Kelly rode away from the house a Spring Valley police officer arrested Kelly for possessing marijuana. The Spring Valley police confirmed the contents were marijuana.

26. While Kelly was observed with marijuana in his waistband when he left Frankie, it is as likely that Kelly had the marijuana on his person before he met with Frankie as that he did not have it. The warrant affidavit does not indicate affirmatively that Kelly rode onto defendant's property without a package of marijuana in his possession.

27. The search warrant affidavit also relates various telephone conversations between Frankie and other persons in which the government contends Frankie and the others were using coded language to discuss the delivery and shipment of drugs. In addition, the law enforcement agents describe activity observed by surveillance cameras or police officers. The reported activity includes numerous times codefendant Foote or others have met Frankie on the driveway, by the garage or in the backyard of the property, and law enforcement officers observed Frankie receive a package from or give a package to the visitor. Often the warrant describes nothing more than walking to the garage or to the back of the house and returning to vehicles in the front, without seeing any exchange of packages or money. Law enforcement

officers also observed Frankie receive deliveries from UPS or other commercial delivery companies. The warrant affidavit's affiant, applying his training and experience, interprets such innocent and prosaic events as the criminal act of receiving drugs. *See* Warrant affidavit ("warrant aff.") at 30-42.

28. The warrant affidavit also details several times Natalie Brown came to the premises, spoke to Frankie, entered the residence and left carrying a package. On September 9, 2011, Brown drove to the residence, entered and left carrying "a brown paper bag," (warrant aff. at 33, ¶16a); on October 3, 2011, Brown was seen leaving the residence carrying "a white package" (warrant aff. at 36, ¶21). The warrant's affiant opines with mere conjecture, guess, and "hopeful assumptions" that these packages contain marijuana. There are no statements or reliable observations of the content of these packages to enable anyone to reasonably conclude Brown received packages containing marijuana or any other contraband. Natalie Brown is defendant Sophia Jones's sister and Frankie's sister-in-law. As a very close relative, it is completely natural that Brown may be picking up or dropping off commonplace, legal objects.

29. The packages are described as a brown bag, a white bag, and brown carton – all of which are descriptions that fail to clearly and reliably establish probable cause to support a search of defendant's premises and seizure of property. The DEA agent who attested to the warrant affidavit does not indicate DEA or another law enforcement agency ever opened a package to be delivered to Frankie by UPS or any other commercial shipper and uncovered marijuana or other illegal content.

30. Defendant submits the home, garage, and vehicles were searched and property was seized in violation of the Fourth Amendment of the United States Constitution and

Constitution. Specifically, defendant submits the affidavits on which each search warrant was obtained failed to establish the required probable cause to support an order to search defendant's home, defendant's garage, or vehicles and to seize property. *See Mapp v. Ohio*, 367 U.S. 643 (1961).

31. Defendant requests this Court to suppress all direct and indirect evidence obtained as illegal fruits of unlawful seizures of defendant's property, or in the alternative conduct a pretrial hearing to determine the validity of the search warrant. *See Brown v. Illinois*, 422 U.S. 590 (1975); *U.S. v. Wong Sun*, 371 U.S. 471 (1963); and *Mapp v. Ohio*, 367 U.S. 643 (1961).

**DISCLOSURE OF GOVERNMENT'S INTENT
TO INTRODUCE EVIDENCE OF OTHER
"BAD ACTS" OR MISCONDUCT PURSUANT TO FRE 404(b).**

32. Federal Rule of Evidence 404(b) provides a defendant in a criminal case is entitled, upon request, to "reasonable notice" of the prosecution's intent to introduce evidence pursuant to that rule. Defendant has made such a request. In response to defendant's demand for rule 404(b) evidence, the government has directed defense counsel in its letter dated July 21, 2011 "to make an application or motion to the Court." While defense counsel believes her letter demand is sufficient, to ensure defendant's rights to such evidence are preserved, defendant respectfully requests this Court to direct the government to disclose any evidence of "bad acts" or misconduct relating to Jones that the government intends to present at trial by February 5, 2012 or such other sufficiently early date set by this Court.

**THE COURT SHOULD ALLOW DEFENDANT
TO JOIN IN PRETRIAL MOTIONS
FILED ON BEHALF OF HIS CODEFENDANTS**

33. Pretrial motions will be filed by co-counsel on behalf of other defendants. Accordingly, Jones seeks leave of the Court to join in all appropriate motions made by co-counsel on behalf of other defendants which do not conflict with the motions presented on behalf of defendant, Jones.

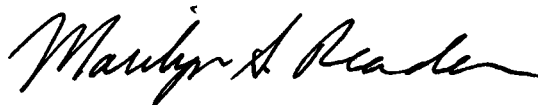
**DEFENDANT SHOULD BE PERMITTED TO
FILE ADDITIONAL MOTIONS DETERMINED
TO BE NECESSARY OR APPLICABLE**

34. Defendant respectfully seeks permission to reserve the right to file additional motions that may become necessary or applicable to him on the basis of additional information. Several motions filed herewith request the production of information by the government that might trigger the need for additional motions to be filed on behalf of the defendant. Under FRCrP 12(f), the Court may grant leave to file motions previously not raised for good cause shown. The disclosure or discovery of new information necessitating such motions would constitute good cause.

WHEREFORE, the undersigned respectfully requests that the Court grant the relief requested.

DATED: Larchmont, New York
July 29, 2011

Respectfully yours,

A handwritten signature in black ink, appearing to read "Marilyn S. Reader". The signature is fluid and cursive, with a large initial "M" and a long, sweeping underline.

MARILYN S. READER (MSR 8437)

MARILYN S. READER
ATTORNEY-AT-LAW
94 North Chatsworth Avenue
Larchmont, New York 10538
(914) 834-9569
email: msr2@aol.com

ADMITTED TO PRACTICE IN
NEW YORK, PENNSYLVANIA AND
NEW JERSEY

July 15, 2011

Same letter as one dated July 11, 2011 but addressed to the White Plains office:

AUSA Rebecca Mermelstein
Assistant United States Attorneys
Southern District of New York
300 Quarropas Street
White Plains, New York 10601

Re: *United States v. Foote, (Sophia Jones), et. al.*, S2 11 CR 16 (CM).

Dear Ms. Mermelstein:

The defendant SOPHIA JONES acknowledges receipt of various tape recordings, lab reports, search warrants and related documents. We, however, make the following request for discovery and inspection pursuant to Fed. R. Crim. P. 16, the Fifth and Sixth Amendments to the United States Constitution, *Brady v. Maryland*, 373 U.S. 83 (1963), *Gales v. Maryland*, 386 U.S. 66 (1967), *United States v. Agurs*, 427 U.S. 97 (1967), *United States v. Bagley*, 469 U.S. 1016 (1985) and Rule 3 of the Criminal Rules for the Southern District of New York for any documents, items, materials we should have received and have not received to date.

We request that the Department of Justice make inquiry of all agencies of the United States government and New York State law enforcement involved in this case that might possess the requested information, including but not limited to the Federal Bureau of Investigations (FBI), New York State Police, Rockland County Police Department, Spring Valley Police Department, Alcohol, Tobacco and Firearms Agency ("ATF") and the Drug Enforcement Administration Task Force ("DEA").

We also request that the government preserve and maintain all relevant notes, including original handwritten notes, reports and recordings prepared by or for government agents or prosecutors, as well as any document, paper, tangible object, tape recording or other potential item of evidence which is now or may hereafter come within the government's possession, the production of which is requested in this letter.

Exhibit 1

Marilyn S. Reader, Esq.
Re: Defendant's demand letter
U.S. v. Foote (Sophia Jones), S2 11 CR 16 (CS)

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We request that you respond in writing to this request within thirty (30) days and that the materials described below be furnished promptly so that we can file appropriate motions, if any. We further request that you notify us specifically and promptly of any materials which you do not intend to make available so that we can discuss the production of such materials and, if necessary and appropriate, seek a ruling from the Court. In this way, possible litigation over discovery and *Brady* issues will be facilitated.

As to each of our requests, please state in writing by reference to the paragraphs in this letter whether the government agrees to such request and if not, please state the reasons why the request is being denied. As to each request which the government intends to comply with at a future date, please state when the government intends to comply with such request. If the government opposes providing the requested information, please advise us so that we may present this to Judge for her decision.

1. Any relevant written or recorded statements by defendants, including but not limited to the original reports and notes of the ATF, DEA, or FBI agents or other law enforcement officials. Fed. R. Crim. P. 16(a)(1)(A). This request specifically includes the testimony of any defendants and unindicted co-conspirators before a federal Grand Jury in the Southern District of New York which eventually indicted defendant(s).

2. We acknowledge receipt of a statement defendant is alleged to have made to law enforcement officers shortly after her arrest on January 13, 2011 at approximately 5:30 a.m. We request disclosure of any additional statements allegedly made by defendant, which has to date not been presented to defendant's counsel.

3. The identity of any law enforcement personnel, including but not limited to Assistant United States Attorneys, federal agents, and state law enforcement persons, who were present at the time any statement referred to in Request No. 1 was made.

4. Any statement, confession or admission, relating directly or indirectly to the charges in this case, made by any co-defendant to investigation officers or to third persons. This request includes any statement, confession or admission which may have been incorporated in any report, memorandum, transcript, or other document or recording prepared by federal, state, or local government agents or attorneys, or by any other person working in conjunction with such agents or attorneys. This request also encompasses statements made by any defendant to third parties who then made a statement to the government in which the defendant's remarks were repeated or reported and included in the third party's statement. See *United States v. Thevis*, 84 F.R.D. 46, 55 (N.D. Ga. 1979). This request also encompasses any statements made

Marilyn S. Reader, Esq.
Re: Defendant's demand letter
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by any agents of any defendant to government officers or attorneys that the government considers to be statements made by a defendant.

5. Any written or recorded statement, or the substance of any written or oral statement, made by any defendant that directly or indirectly inculcates any co-defendant, the use at trial of which would raise issues under *Bruton v. United States*, 391 U.S. 123 (1968).

6. All documents which the government intends to use at trial as evidence in its case in chief. Fed. R. Crim. P. 16(a)(1)(C). This includes not only those items which will be marked and offered into evidence, but all those documents which will be relied upon or referred to in any way by any witness called by the government during its case in chief. *United States v. Turkish*, 456 F. Supp. 874, 882 (S.D.N.Y. 1978). We request that any documents in this category be specifically identified from among the mass of documents that should be produced pursuant to defendants' Rule 16 requests, both to enable counsel to prepare effectively for trial and to afford the defendant an opportunity to move to suppress any evidence the government intends to use in its case in chief. See Fed. R. Crim P. 12(b)(3) and 12 (d)(2).

a. any and all tape recordings of conversations between your confidential informants and the defendants or between any undercover officers or other law enforcement officials or those cooperating with said officials and the defendants; and

b. all documents which relate to the crimes alleged in the indictment, *e.g.*, the conspiracy to distribute marijuana, including but not limited to, communications between cooperating witnesses or undercover agents and defendants.

7. All results of reports of physical or mental examinations, scientific tests or experiments, or copies thereof, which were conducted in connection with any investigation of the charges contained in the Indictment, Fed. R. Crim.P. 16(A)(1)(D), including but not limited to:

a. All fingerprint and palmprint exemplars, fingerprint samples, comparisons and opinions of fingerprint experts, and all documents that relate to those opinions.

b. All psychological tests performed upon any government witness, and all documents that refer or related to such tests:

c. All polygraph examinations, psychological stress evaluations, hypnotic procedures, or any other scientific procedures devised to determine whether a subject is telling the truth, or to refresh a witness' memory, and all documents that refer or relate to such examinations;

Marilyn S. Reader, Esq.
Re: Defendant's demand letter
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d. All attempts at voice identification, by whatever means, upon which the government will rely, which are material to the defense of this case and which are exculpatory of any defendant.

8. Pursuant to the *Brady* obligation, and its progeny, including *United States v. Agurs*, 427 U.S. 96 (1976), defendants request immediate disclosure of all exculpatory or impeaching material in the government's possession, custody, or control, or otherwise known to the government, including without limitation:

a. Any and all records or information revealing prior criminal convictions or guilty verdicts or juvenile adjudications, including but not limited to relevant "rap sheets," of each witness the prosecutor intends to call at trial;

b. Any and all records and information revealing prior or subsequent misconduct, criminal acts or bad acts of any witness the prosecutor intends to call at trial.

c. Any and all allegations of prior or subsequent misconduct, criminal acts or bad acts of any witness the prosecutor intends to call at trial of which the prosecutor knows or through the exercise of reasonable diligence should have reason to know.

d. Any and all consideration or promises of consideration given during the course of the investigation and preparation of this matter by any law enforcement officials, including prosecutors or agents, police, or informers, to or on behalf of any witness, or on behalf of a relative of any such witness, the government intends to call at trial, or any such consideration or promises expected or hoped for by any such witness, or relative of any witness, at any future time. Such "consideration" refers to anything which arguably could be of value or use to a witness, or relative of the witness, including but not limited to formal or informal, direct or indirect, leniency; favorable treatment or recommendations or other assistance with respect to immigration status or permission to legally remain in the United States or to avoid removal or deportation, including receiving an S-visa, any pending or potential criminal, parole, probation, pardon, clemency, civil administrative, regulatory, disciplinary or other matter involving the local, state or federal government or agency thereof, any association, any other authority, or other parties; civil, criminal or tax immunity grants; relief from forfeiture; payments of money, rewards or fees, witness fees and special witness fees; provisions of food, clothing, transportation, legal services, alcohol or drug related rehabilitation

Marilyn S. Reader, Esq.
Re: Defendant's demand letter
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services or other benefits; placement in a "witness security" program; informer status of the witness; letters to anyone informing the recipient of the witness' or the relative's cooperation; recommendations concerning licensing, certification or registration; recommendations concerning federal aid or benefits; promises to take affirmative action to help the status of the witness, or relative of the witness, in a profession, business or employment or promises not to jeopardize such status; aid or efforts in securing or maintaining the business or employment of a witness, or a relative of the witness; and anything else which arguably could reveal any interest, motive or bias of the witness in favor of the prosecution or against any defendant or which could act as an inducement for the witness to testify falsely or to color his testimony;

e. Any and all statements -- formal and informal, oral or written -- by the prosecution, its agents and representatives to any person (including counsel for such persons) whom the prosecution intends to call as a witness at trial pertaining in any way to the possible or likely course or outcome of any government action -- or immigration matters against the witness, or anyone related by blood or marriage to the witness;

f. Any and all threats, express or implied, direct or indirect, or other coercion directed against any witness, or against a relative of such witness, whom the prosecutor intends to call at trial; criminal prosecutions, investigations, or potential prosecutions pending or which could be brought against any such witness, or relative of such witness; any probationary, parole, deferred prosecution or custodial status of any such witness, or relative of such witness; deportation or prosecution by Department of Homeland Security; and any civil tax court, court of claims, administrative, or other pending or potential legal disputes or transactions involving any such witness, or relative of such witness, and the state or federal government, any agency thereof or any regulatory body or association or over which the state or federal government, agency, body or association has real, apparent or perceived influence;

g. A list of any and all requests, demands or complaints made to the government by any witness which arguably could be developed on cross-examination to demonstrate any hope or expectation on the part of the witness for favorable governmental action in his behalf or on behalf of a relative of such witness, including immigration and removal status (regardless of whether or not the government has agreed to provide any favorable action);

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h. Copies of all documents, statements and any other evidence including, but not limited to, a written summary of all oral evidence and statements, now known to the government or which may become known or which through due diligence may be learned from the investigating agents or witnesses in this case or persons interviewed in connection with the investigation, which are exculpatory in nature or favorable to any defendant or which may lead to material which is exculpatory in nature or favorable to any defendant, or which tends to negate or mitigate the guilt of any defendant, as to the offenses charged, or which would tend to reduce the punishment therefor. Include the names, addresses, and telephone numbers of all persons who know or may know of any such favorable or exculpatory material or who may lead to persons or material which may be favorable or exculpatory. Also include all written or recorded statements or the substance of oral statements by any person which are in any way conceivably inconsistent with the testimony or expected testimony any witness will give at trial and any other evidence which otherwise reflects upon the credibility, competency, bias or motive of the government's witnesses, or the witnesses' bias or hostility with respect to any defendant;

i. With respect to each witness the government intends to call at trial, or any member of the immediate family of any such witness, copies of all indictments, complaints or information brought against such person by the federal, or any state or local government, all SEC, administrative, disciplinary, regulatory, licensing, tax, customs, or immigration proceedings brought by the federal, or any state or local government, or by any regulatory body or association and state what counts or actions have been the subject of guilty pleas, convictions, consent decrees, dismissals, or understandings to dismiss at a future date; the date or dates on which pleas of guilty, in any, took place; and the names of the judges or hearing officers before whom such pleas were taken. If the government does not have copies of all indictments, complaints, or proceedings, state the dates and places of arrests, hearings, indictments, and information, the charges brought, and the disposition of those charges or matters so far as it is known to the government;

j. With respect to each witness the government intends to call at trial, or any member of the immediate family of any such witness, a written summary of all charges or proceedings which could be brought by the federal, or any state or local government, but which have not or will not or which the witness believes have not or will not be brought because the witness is cooperating with or has cooperated with the government, or for

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any reason. Include copies of all memoranda of understanding between the government and its witnesses, whether by way of a letter to the attorney for a witness or otherwise;

k. Any material not otherwise listed which reflects or evidences the motivation of any witness either to cooperate with the government or any bias or hostility against any defendant;

l. All judicial proceedings in any criminal cases, and all Department of Homeland Security or ICE proceedings, or any regulatory, association or disciplinary proceedings of which the government knows or through the exercise of reasonable diligence should have reason to know in which testimony by any person has been given, regarding the misconduct, criminal acts or bad acts of any witness the government intends to call at the trial of this action;

m. Any statements or documents, including but not limited to judicial, regulatory, administrative, disciplinary, association or grand jury testimony, or federal, state or local tax returns, made or executed by any potential prosecution witness in the trial in this action, which the prosecution knows or through the exercise of reasonable diligence should have reason to know, is false;

n. Copies of all medical and psychiatric reports known to the prosecutor or which can reasonably be known to the prosecutor concerning any witness the prosecutor intends to call at trial which may arguably affect the witness' credibility or his ability to perceive, relate, or recall events;

o. All documents and other evidence regarding drug or alcohol usage and/or dependency by any individual the government intends to call as a witness at trial, including but not limited to records relating to treatment of such individual in any federal, state, city or military drug or detoxification program;

p. Any written or oral statements, whether or not reduced to writing, made by any potential prosecution witness which in any way contradicts or is inconsistent with or different from other oral or written statements he has made, and any such statements made by any person, whether a potential witness or not, which in any way contradicts, or is inconsistent with or different from any statements include any denial of knowledge that agreements were entered into, or any denial of knowledge that the defendant was aware of the existence of such agreements, if they were

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entered into;

q. Any requests prepared by the prosecution for permission to grant immunity or leniency for any witness, whether or not such request was granted;

r. Any and all other records and/or information which arguably could be helpful or useful to the defense in impeaching or otherwise detracting from the probative force of the prosecutor's evidence, including, without limitation, the records from any agencies for which any potential prosecution trial witness may previously have worked;

s. The same records and information requested in items (a) through (r) with respect to each non-witness declarant whose statements are offered in evidence, Fed.R.Evid. 806;

t. Any exculpatory information given before the grand jury or any regulatory or disciplinary commission, body or association relating to the charges against my client;

u. The names and addresses of all persons whom the prosecution, its agents or representatives believe to have relevant knowledge and/or information with reference to the charges contained in the Indictment but whom the prosecution does not propose to call as witnesses at trial;

v. Copies of any and all records of law enforcement agencies reflecting intra-departmental disciplinary action taken against any law enforcement official or agent who will testify at trial;

w. Any actions taken by any defendant to withdraw from, abandon, or renounce the conspiracy alleged in the Indictment; and

x. Any statement by a defendant, agent of any defendant, or unnamed co-conspirator that indicates a withdrawal from or a termination of the alleged conspiracy.

y. Any documents relating to any bank account, safety deposit box, post office box, or rental box opened by the cooperating witness or any government agent purported on behalf of any defendant; and

z. Any documents or records relating to any transfer of currency or money, purportedly on behalf of any defendant.

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9. As a predicate to motions pursuant to Fed.R.Crim.P. 12, and to other pre-trial motions, we request that you inform us:

- a. Whether any evidence not already disclosed is in the government's possession, custody, or control that was obtained by a search and seizure, and a description of such evidence;
- b. Whether any evidence in the government's possession, custody, or control was obtained through the use of a beeper, global position or other tracking device, and a description of such evidence;
- c. Whether any evidence in the government's possession, custody, or control not already disclosed was obtained through any electronic or mechanical surveillance or tape recording, and a description of such evidence;
- d. Whether any persons were present during grand jury proceedings, other than the grand jurors, witnesses, court reporters, and Assistant United States Attorneys;
- e. Whether any grand jury materials, including grand jury transcripts or any documents or information produced to the grand jury, were disclosed or released to any person other than the grand jurors, witnesses, court reporters, and Assistant United States Attorneys. If disclosure of any information or material before the grand jury was made, we also request a copy of any notifications made by the government's attorneys to the district court, pursuant to Rule 6(e)(3)(B) of the Federal Rules of Criminal Procedure, advising the court of the names of the persons to whom such disclosure was made and certifying that the attorney advised such persons of their obligations of secrecy. We also request a copy of any and all petitions requesting, or court orders permitting, the disclosure of any grand jury matter, information or material pursuant to Rules 6(e)(3)(C) and 6(e)(3)(D) of the Federal Rules of Criminal Procedure; and
- f. Whether, should a defendant testify in his own behalf, the government will attempt to rely upon specific instances of conduct for the purposes of impeachment, and a description of any such instance.

10. If any evidence was obtained through a search and seizure, electronic surveillance, a beeper, global position or other tracking device, or a mail cover, we request that the government disclose any documents not given to defendant, such as:

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- a. All applications for court orders for electronic or video surveillance, and applications for extensions thereof;
- b. All court orders pertaining to electronic or video surveillance and renewal orders;
- c. All interim reports by the government to the court on such surveillance;
- d. Logs of any such surveillance;
- e. All tapes resulting from such surveillance;
- f. All transcripts resulting from such surveillance, including currently available transcriptions, even if in draft form;
- g. All applications for extending the date for notification of such surveillance;
- h. All court orders extending the date for such notification;
- i. All papers submitted to the court concerning sealing of electronic or video surveillance tapes; and
- j. All consensual tape recordings and transcripts.

11. Pursuant to Fed.R.Evid. 1006, we request that we be advised whether the government will seek to offer any chart, summary, or calculation in evidence and that any said chart, summary, or calculation, as well as all writings, recordings, photographs, or other information on which such charts, summaries, or calculations are based, be made available for inspection and copying.

12. Pursuant to the Fifth and Sixth Amendments to the United States Constitution, Fed.R.Crim.P. 16(a)(1)(C), and Fed.R.Evid. 403 and 404(b), Federal Rules of Evidence, we request that the government disclose all evidence of other or similar crimes, wrongs, or acts, allegedly committed by a defendant, upon which the government intends to rely to prove motive, scheme, opportunity, intent, preparation, plan, knowledge, identity, or absence of mistake or accident.

13. Specify the dates of impanelment and adjournment of each grand jury that heard evidence concerning this case, the instructions provided to the grand jury before the Indictment was returned, the voting record and record (i.e., transcript) of return in open court of

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the Indictment, the time and date of return of the Indictment and the number of grand jurors present, and the dates that those members of the grand jury were present during the presentation of evidence and the dates on which those grand jurors were not present during the presentation of evidence.

14. We request that the government disclose the names and addresses of all persons whom the government does not intend to call as witnesses at trial but who were interviewed by the government or who testified before the grand jury with respect to any of the charges in the Indictment.

15. Pursuant to the provisions of Fed.R.Evid. 104, Fed.R.Crim.P. 12(d) and the defendants' rights to effective representation by counsel and a fair trial, disclosure of (i) any evidence which the defendants may be entitled to discover under Fed.R.Crim.P. 16, and (ii) whether the government intends to offer in its case in chief as a statement by any defendant any of the following:

- a. Any statement as to which any defendant manifests his adoption or belief in its truth, Fed.R.Evid. 801(d)(2)(B);
- b. Any statement made by another person which was purportedly authorized by any defendant, or is deemed to be an admission of any defendant, Fed.R.Evid. 801(d)(2)(C); and
- c. Any statement by an agent or servant of any defendant concerning a matter within the scope of his/her agency or employment made during the existence of such a relationship, Fed.R.Evid. 810(d)(2)(D).

16. We request disclosure of any statements upon which the government intends to rely to show any agreement between the conspirators alleged in the Indictment. Fed.R.Crim.P. 16; *United States v. Feola*, 651 F.Supp. 1068, 1134 (S.D.N.Y. 1987), *aff'd*, 875 F.2d 857 (2d Cir.), *cert. denied*, *Marin v. United States*, 493 U.S. 834 (1989).

17. We request the names and addresses of any government informant or cooperating witness whose testimony will be material to the defense and who was an active participant in the acts which are the subject of the Indictment.

18. We request that the government provide a copy of every press release issued by the United States Attorney's Office, the Department of Justice, or any other agency, department, or division of the government, which concerns or relates to the Indictment. We also request a transcript of (or an opportunity to view any videotape of or to hear any tape recording of) the press conference or conferences by any member of the entities listed above which concerns or relates to the Indictment.

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Each of these requests is of a continuing nature and calls for supplementation of any answer as soon as the government discovers additional responsive evidence, information or material.

Moreover, we reserve the right to supplement this letter with any additional discovery requests.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Marilyn S. Reader', with a stylized, flowing script.

MARILYN S. READER, ESQ.

MSR:hs



U.S. Department of Justice

United States Attorney
Southern District of New York

United States District Courthouse
300 Quarropas Street
White Plains, New York 10601

July 21, 2011

BY FACSIMILE

Marilyn S. Reader, Esq.
94 N. Chatsworth Avenue
Larchmont, NY 10538

Re: United States v. Sophia Jones
11 Cr. 16 (CS)

Dear Counsel:

We have received your letter of July 11, 2011 which requests materials subject to Fed. R. Crim. P. 16 and many items that are not subject to Rule 16. As you are aware and make reference to, we have previously made a number of Rule 16 productions and are aware of our continuing obligation under Rule 16 as well as our Brady obligations. To the extent that we receive materials subject to Rule 16 or information that is subject to Brady, we will provide you with discovery and/or inform you of information to which you are entitled under Brady. To the extent that you seek other items, you may make an application or motion to the Court.

Very truly yours,

PREET BHARARA
United States Attorney
Southern District of New York

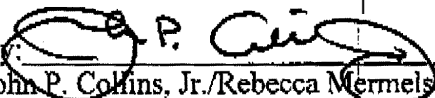
By: 
John P. Collins, Jr./Rebecca Mermelstein
Assistant United States Attorney
(914) 993-1919/1946

Exhibit 2
(Sophia Jones's Omnibus Motion)

UNITED STATES DISTRICT COURT

for the
Southern District of New York

In the Matter of the Search of
(Briefly describe the property to be searched
or identify the person by name and address)
CERTAIN PREMISES AND PROPERTY
(see attached rider for description)

Case No.

COPY

APPLICATION FOR A SEARCH WARRANT

I, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property (identify the person or describe the property to be searched and give its location):

PLEASE SEE ATTACHED RIDER.

located in the Southern District of New York, there is now concealed (identify the person or describe the property to be seized):

PLEASE SEE ATTACHED SCHEDULE A.

The basis for the search under Fed. R. Crim. P. 41(c) is (check one or more):

☒ evidence of a crime;☒ contraband, fruits of crime, or other items illegally possessed;☒ property designed for use, intended for use, or used in committing a crime;☐ a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of:

Code Section	Offense Description
18 USC 922(g), 924(c)	unlawful possession and use of firearms; money laundering;
21 USC 841(a), 843(b), 846	conspiracy to distribute narcotics and possess with intent to distribute narcotics
18 U.S.C. 1956, 1957, 2	

The application is based on these facts:

PLEASE SEE ATTACHED AFFIDAVIT.

☒ Continued on the attached sheet.

☐ Delayed notice of _____ days (give exact ending date if more than 30 days: -----) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.

Sworn to before me and signed in my presence.

Date: Aug 1

cityandstate: _____

Applicant's signature

Mark J. Kadan Special Agent

Printed name and title

Hon. Lisa Margaret Smith
United States Magistrate Judge
United States District Court
Southern District of New York

Exhibit 3 (Sophia Jones Omnibus Motion)

RIDER

THE PREMISES KNOWN AND DESCRIBED AS (1) 25A SEABRING STREET, THE SHED LOCATED BEHIND 25A SEABRING STREET, AND THE BACKYARD AND CURTILAGE OF 25A SEABRING STREET, SPRING VALLEY, NEW YORK 10977, AND ANY CLOSED CONTAINERS FOUND THEREIN; (2) 9B BLAKESLEE PLACE, AND THE BACKYARD AND CURTILAGE OF 9B BLAKESLEE PLACE, HILLBURN, NEW YORK 10901, AND ANY CLOSED CONTAINERS FOUND THEREIN; (3) 16 ORMIAN DRIVE, POMONA, NEW YORK 10970, AND ANY CLOSED CONTAINERS FOUND THEREIN; (4) 45B CLINTON STREET, NANUET, NEW YORK 10954, AND ANY CLOSED CONTAINERS FOUND THEREIN; (5) 14 LAFAYETTE STREET, SECOND FLOOR APARTMENT, SPRING VALLEY, NEW YORK 10977, AND ANY CLOSED CONTAINERS FOUND THEREIN; (6) 33 NORTH MAIN STREET, SECOND FLOOR, SPRING VALLEY, NEW YORK 10977, AND ANY CLOSED CONTAINERS FOUND THEREIN; (7) 43 NORTH MADISON STREET, SPRING VALLEY, NEW YORK 10977, AND ANY CLOSED CONTAINERS FOUND THEREIN; (8) THE 2009 TAN TOYOTA HIGHLANDER SUBURBAN WITH NEW YORK LICENSE PLATE ESY3390, REGISTERED TO NATALEE BROWN, 60E ECKERSON DRIVE, #30A, SPRING VALLEY, NEW YORK 10977, AND ANY CLOSED CONTAINERS FOUND THEREIN; (9) THE 2000 GRAY BMW FOUR-DOOR SEDAN, WITH NEW YORK LICENSE PLATE EXZ6630, REGISTERED TO DEBORAH GRIFFITH, 16 ORMIAN DRIVE, POMONA, NEW YORK 10970, AND ANY CLOSED CONTAINERS FOUND THEREIN; (10) THE 2008 RED HONDA ACCORD, WITH NEW YORK LICENSE PLATE EKK6845, REGISTERED TO DEBORAH GRIFFITH, 16 ORMIAN DRIVE, POMONA, NEW YORK 10970, AND ANY CLOSED CONTAINERS FOUND THEREIN; AND (11) THE 2006 BROWN HONDA ACCORD, WITH NEW YORK LICENSE PLATE EAC3338, REGISTERED TO PATRICK THOMAS, 16 ORMIAN DRIVE, POMONA, NEW YORK 10970 (collectively, the "SUBJECT PREMISES")

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

**IN THE MATTER OF THE APPLICATION
OF THE UNITED STATES OF AMERICA
FOR SEARCH AND SEIZURE WARRANTS
FOR CERTAIN PREMISES AND PROPERTY**

TO BE FILED UNDER SEAL

AFFIDAVIT IN SUPPORT OF
SEARCH AND SEIZURE
WARRANTS

STATE OF NEW YORK
COUNTY OF WESTCHESTER
SOUTHERN DISTRICT OF NEW YORK

ss.:

MARK KADAN, a Special Agent with the Drug Enforcement
Administration, being duly sworn, deposes and states:

INTRODUCTION

1. I am an "investigative or law enforcement officer" of the United States within the meaning of Section 2510(7) of Title 18, United States Code, that is, an officer of the United States who is empowered by law to conduct investigations of and to make arrests for offenses enumerated in Section 2516, Title 18, United States Code. I have been a Special Agent with the Drug Enforcement Administration ("DEA") since May 1998 and am currently assigned to the Westchester County Drug Enforcement Task Force (the "Task Force"), which is comprised of special agents from the DEA and police officers from local police departments. I have conducted numerous investigations of unlawful drug trafficking in violation of 21 U.S.C. §§ 841, 841(a)(1), 843(b), and 846, and have conducted or participated in wire and physical surveillance, surveillance of undercover transactions, the introduction of undercover agents, the execution of search warrants, debriefings of informants and

reviews of taped conversations and drug records. I have also participated in investigations that have included the interception of wire communications, and I have reviewed taped conversations and drug records relating to narcotics trafficking. Through my training, education and experience, I have become familiar with the manner in which illegal drugs are transported, stored, and distributed and the methods of payment for such drugs.

2. I have been involved in the investigation of this matter, and I am familiar with the information contained in this affidavit based on my own personal participation in the investigation, my review of recording , photographs, and other documentary evidence, conversations I have had with others about this matter, including other law enforcement officers, and my training and experience. Because this affidavit is being submitted for the limited purpose of establishing probable cause to search and seize the premises described below, I have not included herein the details of every aspect of the investigation. Where actions, conversations, statements of others, and the contents of documents are related herein, they are related in substance and in part, except where otherwise indicated.

3. I respectfully submit this affidavit in support of an application for search and seizure warrants for the premises known and described as: THE PREMISES KNOWN AND DESCRIBED AS (1)

25A SEABRING STREET, THE SHED LOCATED BEHIND 25A SEABRING STREET, AND THE BACKYARD AND CURTILAGE OF 25A SEABRING STREET, SPRING VALLEY, NEW YORK 10977, AND ANY CLOSED CONTAINERS FOUND THEREIN; (2) 9B BLAKESLEE PLACE, AND THE BACKYARD AND CURTILAGE OF 9B BLAKESLEE PLACE, HILLBURN, NEW YORK 10901, AND ANY CLOSED CONTAINERS FOUND THEREIN; (3) 16 ORMIAN DRIVE, POMONA, NEW YORK 10970, AND ANY CLOSED CONTAINERS FOUND THEREIN; (4) 45B CLINTON STREET, NANUET, NEW YORK 10954, AND ANY CLOSED CONTAINERS FOUND THEREIN; (5) 14 LAFAYETTE STREET, SECOND FLOOR APARTMENT, SPRING VALLEY, NEW YORK 10977, AND ANY CLOSED CONTAINERS FOUND THEREIN; (6) 33 NORTH MAIN STREET, SECOND FLOOR, SPRING VALLEY, NEW YORK 10977, AND ANY CLOSED CONTAINERS FOUND THEREIN; (7) 43 NORTH MADISON STREET, SPRING VALLEY, NEW YORK 10977, AND ANY CLOSED CONTAINERS FOUND THEREIN; (8) THE 2009 TAN TOYOTA HIGHLANDER SUBURBAN WITH NEW YORK LICENSE PLATE ESY3390, REGISTERED TO NATALEE BROWN, 60E ECKERSON DRIVE, #30A, SPRING VALLEY, NEW YORK 10977, AND ANY CLOSED CONTAINERS FOUND THEREIN; (9) THE 2000 GRAY BMW FOUR-DOOR SEDAN, WITH NEW YORK LICENSE PLATE EXZ6630, REGISTERED TO DEBORAH GRIFFITH, 16 ORMIAN DRIVE, POMONA, NEW YORK 10970, AND ANY CLOSED CONTAINERS FOUND THEREIN; (10) THE 2008 RED HONDA ACCORD, WITH NEW YORK LICENSE PLATE EKK6845, REGISTERED TO DEBORAH GRIFFITH, 16 ORMIAN DRIVE, POMONA, NEW YORK 10970, AND ANY CLOSED CONTAINERS FOUND THEREIN; AND (11) THE 2006 BROWN HONDA ACCORD, WITH NEW YORK LICENSE PLATE EAC3338, REGISTERED TO PATRICK THOMAS, 16 ORMIAN DRIVE, POMONA, NEW YORK 10970

(collectively, the "SUBJECT PREMISES"). Based on the facts set forth in this affidavit, there is probable cause to believe that there is presently located within the SUBJECT PREMISES fruits, evidence, and instrumentalities of violations of federal law, including offenses involving:

a. participation in a conspiracy to distribute and possess with intent to distribute controlled substances, in violation of Title 21, United States Code, Sections 812; 841(a)(1), 843(b), and 846;

b. distribution and possession with intent to distribute controlled substances, in violation of Title 21, United States Code, Sections 812 and 841(a)(1);

c. money laundering, in violation of Title 18, United States Code, Sections 1956 and 1957;

d. the possession of firearms by prohibited persons and the use of firearms in furtherance of narcotics trafficking offenses, in violation of Title 18, United States Code, Sections 922(g)(1), 922(g)(5), and 924(c); and

e. aiding or abetting in the crimes described above (except for 18 U.S.C. § 846, the crime of conspiracy), in violation of Title 18, United States Code, Section 2.

Such evidence may consist of the items set forth in Schedule A of the Search Warrant.

BACKGROUND OF THE INVESTIGATION

4. Since in or about June 2010, the DEA, Immigration and Customs Enforcement ("ICE"), the United States Postal Service ("USPS"), and the Police Departments of Spring Valley, Ramapo, Suffern, and Clarkstown have been investigating a narcotics trafficking organization (the "FOOTE ORGANIZATION") operating in and around Rockland County, New York, which is led by, among others, DUNSTON FOOTE, a/k/a "Killa," a/k/a "Mush." Other law enforcement officers and I have obtained information about the FOOTE ORGANIZATION through, among other sources, a confidential informant ("CI");¹ physical surveillance; pole camera surveillance; bank and credit card records; Western Union records; records from the United Parcel Service, the United States Postal Service, and Federal Express; records from the Department of Motor Vehicles; analysis of telephone records and cell site location information; and wire and electronic communications of the TARGET SUBJECTS intercepted over cellular

telephones used by core members of the Foote Organization.

5. During various time periods beginning in or about August 2010 through the present, DEA Task Force officers and other law enforcement officers have monitored and recorded telephone conversations and text messages pursuant to orders issued by the Honorable Cathy Seibel, United States District Judge, on seven cellphones, used by members of the Foote Organization, including: three phones used by DUNSTON FOOTE, a/k/a "Killa," a/k/a "Mush," ("TARGET CELLPHONE 1," "TARGET CELLPHONE 2," and "TARGET CELLPHONE 4"), one phone used by FNU LNU, a/k/a "Frankie," ("TARGET CELLPHONE 3"), two phones used by RODNEY MUSHINGTON, a/k/a "Mark Brown," a/k/a "Diego," a/k/a "Struggo," a/k/a "Bobby," ("TARGET CELLPHONE 5" and "TARGET CELLPHONE 6"), and one phone used by STEVEN RICHARD, a/k/a "Troy," ("TARGET CELLPHONE 7") (collectively, the "TARGET CELLPHONES" and the "Prior Court Orders").²

6. As a result of the investigation, a grand jury in the Southern District of New York returned a one-count sealed indictment on January 11, 2011, charging twenty-six members of the FOOTE ORGANIZATION with participating in a conspiracy to distribute and possess with intent to distribute narcotics, specifically, 1,000 kilograms and more of marijuana, in violation of 21 U.S.C. §§ 812, 841(a)(1), 846 (the "Indictment"). The

² Interception of communications over TARGET CELLPHONE 2, TARGET CELLPHONE 5, TARGET CELLPHONE 6, and TARGET CELLPHONE 7 pursuant to the Prior Court Orders is ongoing.

defendants charged in the Indictment are: DUNSTON FOOTE, a/k/a "Killa," a/k/a "Mush," RODNEY MUSHINGTON, a/k/a "Mark Brown," a/k/a "Diego," a/k/a "Struggo," a/k/a "Bobby," STEVEN RICHARD, a/k/a "Troy," FNU LNU, a/k/a "Frankie," CLOVAL TAYLOR, a/k/a "Clove," NATALIE BROWN, a/k/a "Danisha," DEBORAH GRIFFITH, FITZROY NORRIS KELLY, a/k/a "Ants," TROY MONTGOMERY, a/k/a "Scrapie," DROMYNEAK MONTGOMERY, a/k/a "Drommie," KENMAR CHAMBERS, a/k/a "Black," SOPHIA JONES, a/k/a "Bridget," SOPHIA MOORE, JASON ALLEN, ZOLANI WORREL, HEROLD LUMA, MICHAELANGE ZAMOR, a/k/a "Mickey," a/k/a "Fatboy," DERRICK GARWOOD, a/k/a "Bingy," RUGHENS DESVARIEUX, a/k/a "Raymond," a/k/a "Smokey," MORRIS JACKSON, a/k/a "Cat," JOSE LUISE ALOMAR, a/k/a "McGiva," and PATRICK THOMAS, a/k/a "Blacks," IAN SMITH, a/k/a "Chiggs," CONRAD DESLANDES, a/k/a "Liar," HENRY SAPPLETON, a/k/a "Sam," a/k/a "Sembo," and ROBERT BLACKWOOD, a/k/a "Quarter." Some of the defendants charged in the Indictment reside at the locations and/or own and operate the businesses and vehicles that are the subjects of this application for a search warrant.

7. As charged in the Indictment, the drug trafficking activities of the Foote Organization were conducted as follows:

a. Core members of the Foote Organization, including DUNSTON FOOTE, a/k/a "Killa," a/k/a "Mush," RODNEY MUSHINGTON, a/k/a "Mark Brown," a/k/a "Diego," a/k/a "Struggo," a/k/a "Bobby," STEVEN RICHARD, a/k/a "Troy," FNU LNU, a/k/a "Frankie," (collectively, the "Core Members") regularly obtained

supplies of hundreds of pounds of marijuana through their associates, including MORRIS JACKSON, a/k/a "Cat," JOSE LUISE ALOMAR, a/k/a "McGiva," PATRICK THOMAS, a/k/a "Blacks," IAN SMITH, a/k/a "Chiggs," CONRAD DESLANDES, a/k/a "Liar," HENRY SAPPLETON, a/k/a "Sam," a/k/a "Sembo," and ROBERT BLACKWOOD, a/k/a "Quarter," (collectively, the "Associates"). The Core Members and the Associates arranged for and assisted with the transportation of the marijuana by mail and by automobile to locations in New York and New Jersey, and then further distributed the marijuana to stash houses and sale locations in and around Spring Valley, Ramapo, Clarkstown, Mount Vernon, and Bronx, New York, among other locations.

b. Core Members of the Foote Organization also provided and delivered the marijuana, in amounts ranging from a quarter pound to multiple pounds, to each other and to members of the Distribution Network, including CLOVAL TAYLOR, a/k/a "Clove," NATALIE BROWN, a/k/a "Danisha," DEBORAH GRIFFITH, FITZROY .NORRIS KELLY, a/k/a "Ants," TROY MONTGOMERY, a/k/a "Scrapie," DROMYNEAK MONTGOMERY, a/k/a "Drommie," KENMAR CHAMBERS, a/k/a "Black," SOPHIA JONES, a/k/a "Bridget," SOPHIA MOORE, JASON ALLEN, ZOLANI WORREL, HEROLD LUMA, MICHAELANGE ZAMOR, a/k/a "Mickey," a/k/a "Fatboy," DERRICK GARWOOD, a/k/a "Bingy," RUGHENS DESVARIEUX, a/k/a "Raymond," a/k/a "Smokey," (collectively, the "Distribution Network"). These narcotics transactions and deliveries were often arranged via telephone conversations, during which the

members of the Foote Organization agreed upon the time and place to meet to transfer or obtain the drugs. Distribution Network members repeatedly ordered and obtained drugs from the Core Members and often obtained drugs from the Core Members on consignment.

8. Some of the communications intercepted over the TARGET CELLPHONES pursuant to the Prior Court Orders are described below. The descriptions of these calls are based upon my review of the logs and summaries completed by the agents and officers monitoring the calls, and, in some cases, preliminary draft transcripts, which are subject to further review. In addition, some conversations or parts of conversations took place in a Jamaican Patois dialect. The descriptions of those conversations are based on preliminary translations and transcriptions and are also subject to further review. The descriptions of the summaries and transcripts are provided only in substance and in part.

9. From my review of calls intercepted pursuant to the Prior Court Orders, I believe that the following intercepted communications, among others, are evidence of violations of federal law committed by members of the FOOTE ORGANIZATION, including drug trafficking; money laundering; the unlawful possession and use of firearms; and identification and immigration fraud offenses. For example:

Communications Related to Drug Trafficking

a, On or about August 24, 2010, DUNSTON FOOTE, a/k/a "Killa," a/k/a "Mush," received an incoming call from a person referred to as "Teggay" in other intercepted calls (TARGET CELLPHONE 2 Session 1797). During that call, FOOTE engaged in a conversation with an Unidentified Male ("UM") that was heard in the background of the phone call. During that conversation, the UM asked FOOTE "ten minutes?" and FOOTE responded "You'll have to be back here." The UM said "Yeah, I'm coming back, I'm going in my house and coming back here." FOOTE then said "Alright. I have very nice coke [U/I] buy something and [U/I] go . . . " The UM responded "Alright, [U/I] like ten minutes?" and FOOTE said "No, you have to give me like ten minutes 'cause I have to bag it up . . . " Based on my experience and participation in this investigation, I believe that this conversation shows that FOOTE was selling narcotics to another person.

b. On or about October 14, 2010, FOOTE placed an outgoing call to an individual identified on other intercepted calls as "Mackerel" (TARGET CELLPHONE 1 Session 407). During the call, "Mackerel" said, "I have about two pounds of weed I sold a quarter pound . . . since this morning . . . but no weed is about . . . you see because there was a whole heap of rain." FOOTE responded, "you all cut it before the time . . . We have five trees that we are waiting on next month." "Mackerel" asked, "like in the house?" FOOTE responded, "are you mad, man? Around

the house, not inside . . . outside." "Mackerel" asked, "you plant them in your yard?" FOOTE said, "yeah." "Mackerel" said, "then suppose the police . . ." FOOTE said, "nobody can't see it man, it's good . . . where it is."

c. On or about October 16, 2010, FOOTE placed an outgoing to "Mackerel" (TARGET CELLPHONE 1 Session 481). During the call, "Mackerel" asked, "you are burning a high grade?" FOOTE said, "I am not burning nothing here right now." "Mackerel" said, "my uncle who I always take it from he has none . . . his crop is done here now . . . he is planting back." FOOTE responded, "it is a war going on across the border and the men are not letting nothing through . . . that is why I am trying to do what I am doing fast, cause I do not know when the thing is going to lock down." Based on my experience and my participation in this investigation, I believe that FOOTE and "Mackerel" were discussing marijuana, and discussing that "Mackerel's" uncle was regrowing his crop of marijuana. In addition, I further believe that FOOTE was complaining that it is difficult to bring marijuana over the border into the United States.

d. On or about December 19, 2010, MUSHINGTON received an incoming call from FOOTE (TARGET CELLPHONE 5 Session 4621). During the call, MUSHINGTON asked, "you never run out?" FOOTE said, "no sir . . . because I was not pushing it, cause I did not have no other option . . . that is why I was not rushing my little thing . . . I am just going to deal with two up front

and have one go on." MUSHINGTON said, "I think they had something for my uncle, you know, he say he push a one thing still for in the week here." Later in the conversation, MUSHINGTON said, "next month I want to start going over there . they give me some good price." FOOTE said, "the best thing that." MUSHINGTON said, "I want to go over there so to set up a little freight thing." Later in the conversation, MUSHINGTON said, "it is nice . . . thing the man have you know. The man is saying the most he get his things for is six or five bills . five eighty per month, you know?" FOOTE said, "then I tell you man, for those price there brother, that is what is doing it, that is what I worry about, you know, the number we are paying for the kind of quality . . . it does not worth it, we should get the best." MUSHINGTON said, "that is why my uncle came out here yesterday and bring some clothes and . . . give him a spliff out of it. Homeboy say the man say the thing bad." FOOTE said, "you do not know nobody like . would want no regular and those things." MUSHINGTON said, "it is long time nobody ask me about it." FOOTE said, "my brethren called me yesterday tell me he has some good reggae still, but he is talking about six dollars for them too." MUSHINGTON said, "what you say? Down on this side here?" FOOTE said, "down by Vernon there, he say he has a portion, Friday he got it, about a grand . it is a long time I do not really deal with those things there, he is saying it look good and pass for an eight dollar." Based on my

experience and participation in this investigation, I believe that MUSHINGTON and FOOTE discussed FOOTE selling narcotics at a steady pace, discussed the possibility and cost of shipping narcotics by freight, and discussed the cost and quality of additional narcotics they might purchase.

e. On or about December 30, 2010, RODNEY MUSHINGTON, a/k/a "Mark Brown," a/k/a "Diego," a/k/a "Struggo," a/k/a "Bobby," placed an outgoing call to a person identified on other intercepted calls as "Reese" (TARGET CELLPHONE 6 Session 593). During the call, "Reese" said, "I would love to get a nice little one so I can try to put my paper into something where I can see something back." MUSHINGTON said, "this year I am touching the road . because I want to go over . to set up the little freight thing." "Reese" said, "once you do it right you have no . . . problem." MUSHINGTON said, "yeah even if it's once or twice a month." "Reese" said, "at least you can program a situation where you have full control over it you don't have you wait because that is the problem when you are working with somebody situation it's like you have to wait all the time." MUSHINGTON said, "because he has his people . . . and I have my people . . . now my brethren is getting the food even cheaper than what he is getting it for . . . and he has a boy that he is dealing with straight a man turn him onto a boy that is dealing with straight and it's a lot of good shit that the man is getting . . . because Homeboy a get a six twenty I

give him you know . Homeboy is getting the food for five eighty, five ninety . so that is a big difference right there . . . forty dollars big difference that." "Reese" said, "you know how thing you can get with that, it's a extra plate of food." Based on my experience and participation in this investigation, I believe that "paper;" means "money," "food" means "drugs," and that MUSHINGTON said that (1) he wanted to go set up a supply of narcotics to be shipped by freight and (2) he has a new supplier who can sell him drugs at a better price.

f. On or about December 17, 2010, STEVEN RICHARD, a/k/a "Troy," placed an outgoing call to a telephone number ending in 9098 and spoke to an unidentified male ("UM") (TARGET CELLPHONE 7 Session 104). During the call, RICHARD said, "you are not learning man . . . you are on the rush, rush thing . you must slow down man and . deal with it the right way." The UM said, "listen to what I am saying. Even though I got messed up, a youth has twenty-two dollars for me and he disappeared . . right now I is mad to go back to Miami to look for him." RICHARD said, "you need to mess with the right people man, so is this a new guy?" The UM said "he moved to Buffalo and came back to Ft. Lauderdale . . . so boom, I shot him a thing like before Thanksgiving, a little, a little remember how you said you wanted to try it with that youth?" RICHARD said, "yeah." The UM said, "that same way I shot him a little five thing . . . sorry I shot him a little ten thing boom, he took a

week and dusted it off . then I went boom, I shot a thirty. thing see? Reggie Miller you know . . because I lmost lost them . . . the man kind of did me a favor still, I even gave him a two food because the drive was even trying to steal it." Later in the conversation, the UM said, "it was him who called me and told me that he found the man, and tell the man that he called the driver saying that there is no one by that name living there and he cannot release, the man said yo I want my things . . . the man said well give me your I.D. and sign for it, the man gave him his I.D. and signed for it I said . . . you're brave! . So I said to my youth, listen to what, just take two of them for yourself because God knows you risked yourself and I was not going to risk . . . my freedom for that." Based on my experience and participation in this investigation, I believe that RICHARD and the UM were complaining about collecting narcotics proceeds from third parties to whom RICHARD and the UM provided narcotics in the past. I further believe that the UM was talking about a third party who signed for a delivery of narcotics or other contraband.

Communications Relating to Identification and Immigration Fraud

a. On or about September 4, 2010, FOOTE placed an outgoing call to a person referred to during the call as "Monica" (TARGET CELLPHONE 1 Session 123). During that conversation, FOOTE told "Monica" that he had sent a large amount of money to

Jamaica for "Fatta" to come into the United States, and that "Fatta" was arrested, spent time in jail, and was deported to Jamaica. FOOTE said that he had put "Fatta" on a link in Jamaica and that if "Fatta" was smart, he could use that link to "eat food." FOOTE also said that he had sent some clothes and two barrels to Jamaica that they could sell and make some money. FOOTE said "they" sold "14 grands" at one time and that three of them were quarreling about it. FOOTE said that some people wondered how he had survived here for so long and had not gotten into trouble. Based on my experience and participation in this investigation, I believe that to "eat food" refers to obtaining drugs and/or money and that FOOTE's reference to sending clothes and barrels to Jamaica to sell was code for sending guns or other contraband.

b. On or about October 11, 2010, FOOTE received an incoming call from a phone number ending in 8527 and spoke with an unidentified male ("UM") (TARGET CELLPHONE 4 Session 305). During that call, the UM said "One of the books, the three of them is for information technology 2,500 and the reading book is 2,000 and other book is 395,000." FOOTE asked "How much is the total?" and the UM answered "the total . . . hold on, I'm going to count . . . 3,095." FOOTE said "what? . . . count everything," and the UM said "4,897." FOOTE said "A five that. . I will link up with you tomorrow to give you that. I'm on the

road." On or about October 12, 2010, FOOTE received an incoming call over TARGET CELLPHONE 4 from the same phone number and spoke with the UM (Session 332). During that call, FOOTE asked the UM "are you going to get the book for [U/I] that girl?" and the UM said "Yeah, I'll have to go line it up, yes." FOOTE said "[U/I] 'cause I'll have to send that food to give to you too." Based on my experience and participation in this investigation, I believe that FOOTE and the UM were using code to discuss the cost of certain contraband, and that the reference to "books" may be code for fake passports.

c. On or about November 20, 2010, FOOTE placed an outgoing call to "Mackerel" (TARGET CELLPHONE 1 Session 1660). During that call, FOOTE told "Mackerel," "it is better . come straight, find a link and buy a visa and come to foreign that is why I can't fly out . because I did not come here on a visa . . . I am not going to lie to you. Visa is the best thing . . you come here and you find a girl and sort out yourself fast with the visa. Six months you get your green card . . . it is a simple thing man from you reach here I can get a girl give to marry." Later in the conversation, FOOTE said, "the man . short up on the people them thing and put me into a whole lot of debits . . . he gave me some food to get a four thing on him . . he want a four thing and just say bum and give him a thirteen." Based on my experience and participation in this

investigation, I believe that "foreign" is a reference to the United States and that FOOTE told "Mackerel" that if he came to the United States, FOOTE would find a citizen to marry "Mackerel" in order to get "Mackerel" a green card. I also believe that "four thing" and "thirteen" are references to quantities of narcotics.

d. On or about December 29, 2010, FOOTE placed an outgoing call to a number ending in 1012 and spoke to an unidentified male ("UM") (TARGET CELLPHONE 2 Session 12984). During the call, the UM asked, "did your thing finish already?" FOOTE said, "no man, probably tonight . . . I am waiting on a little man to come through." The UM asked, "that's how you doing .it man?" FOOTE said, "what do you think? I don't have time to . waste." The UM said, "I put them out on the road . I don't have anything in my house." FOOTE said, "you already know me, I am on the street with these men, you know? I am on a different thing but if you . . . push fire, fire will blaze." The UM said, "it's a two thing I have in here I put everything on the road . . . it's a nice little thing, I can sell it fast." Later in the conversation, the UM said, "I don't have any ride . I need a license too. That is the next thing because I can't get to move sometimes." FOOTE said, "it's five grand you know." The UM asked, "five hundred? Everything?" FOOTE said, I will get it concrete and let you know." The UM

said, "okay, I want to be able to move around. If it is that, I am in." FOOTE said, "the man said if you have the money now you can move tomorrow morning." The UM asked, "for everything? the bird too?" FOOTE asked, "bird?" The UM said, "no, you were telling me five grand, five grand for what? . I thought it was a full package you were getting." FOOTE said, "yes, but you cannot go to Jamaica." Based on my experience and participation in this investigation, I believe that "thing" and "two thing" refer to a quantity of narcotics and that FOOTE and the UM were discussing narcotics sales. I also believe that the UM said he needed to get a fake driver's license, that FOOTE said he knew someone who could get one for \$5,000, that the UM asked if for \$5,000 he could get identification that would enable him to fly to Jamaica (i.e., a passport) and that FOOTE told the UM that the identification he could get for that price would not permit the UM to travel by plane.

Communications Related to Firearms Possession and Use

a. On or about September 10, 2010, FNU LNU, a/k/a "Frankie," placed an outgoing call to TROY MONTGOMERY, a/k/a "Scrapie" (TARGET CELLPHONE 3 Session 195). TROY MONTGOMERY told FOOTE, "I have to sort that out yesterday and me and Drommie go for . almost war yesterday because of the same situation. . I had to go for my gun for Drommie yesterday." TROY MONTGOMERY complained that "they are at the Studio and they are running the

Studio reckless." Based on my experience and participation in this investigation, I believe that "Drommie" is TROY MONTGOMERY's brother DROMYNEAK MONTGOMERY, a/k/a "Drommie," and, as described in detail below, I believe that the "Studio" is a reference to a recording studio used by members of the FOOTE ORGANIZATION, located at 43 North Madison in Spring Valley, New York.

b. On or about October 7, 2010, "Frankie" placed an outgoing call to TROY MONTGOMERY (TARGET CELLPHONE 3 Session 1273). During the call, "Frankie" asked "it's you who have his machine?" TROY MONTGOMERY said, "yeah." "Frankie" said, "I was searching down the whole place for it." TROY MONTGOMERY responded, "but that is here." Based on my experience and participation in this investigation, I believe that "machine" is code for a firearm.

c. On or about October 8, 2010, "Frankie" received a phone call from a person identified in other intercepted calls as "Peter" (TARGET CELLPHONE 3 Session 1297). During the call, "Frankie" told "Peter" that "Troy" went to fight "Antsman." "Frankie" said that he picked up "Troy" but did not know if "Antsman" called the police. "Troy" said that "Antsman" had \$2300 for him, but "Peter" said that "Troy" owes a lot of people. "Frankie" says that "Troy" told him that if he sees "Antsman," he is going to run over him with his car. Based on my experience and participation in this investigation, I believe that "Antsman"

is FITZROY NORRIS KELLY, a/k/a "Ants," and that "Frankie" and "Peter" were discussing TROY MONTGOMERY's threats against KELLY because KELLY owed "Troy" money for narcotics.

d. On or about October 21, 2010, FOOTE placed an outgoing call to "Mackerel" (TARGET CELLPHONE 1 Session 626). During that call, FOOTE told "Mackerel" that in the 1990's he "kicked off with some boys" and that one of the boys threw away the "machine" and FOOTE picked it up so that he alone had a machine. FOOTE said a lot of people were afraid of him after he "put it on a boy" in the middle of the day in front of other people. FOOTE said the boys were still afraid of him, and he had not touched a machine since he came back. Based on my experience and my participation in this investigation, I believe that "machine" refers to a firearm and that FOOTE was describing an incident in which he shot at another person in public in the middle of the day.³

e. On or about November 15, 2010, MUSHINGTON received an incoming call from a phone number ending in 2682 and spoke to an unidentified male ("UM") (TARGET CELLPHONE 5 Session 3). During the call, MUSHINGTON said, "a little man came in with

FOOTE's statement that he has not "touched" a gun recently is consistent with my experience that higher-ranking narcotics dealers often have lower-ranking members offer protection or commit acts of violence at their direction, thus obviating the need for leaders of drug-trafficking organizations to handle firearms.

some new things . . . and he said that he wants five bills for one, because since the other day, he was telling me that he wants two more. I said yow . . . a man has some new things, brand brand new in the box." The UM asked, "you did not grab anything?" MUSHINGTON said, "I grabbed one of them a while ago." The UM asked, "it is what? 9th street?" MUSHINGTON said, "45th Street . . . I grabbed one for him also. I grabbed a 40 street for him too." Based on my experience and participation in this investigation, I believe that 9th Street, 45th Street and 40th street each refer to a caliber of gun and that MUSHINGTON and the UM were discussing the purchase and sale of firearms.

Intercepted Communications Related to Money Laundering

a. On or about October 4, 2010, FOOTE placed a call to "Mackerel" and told "Mackerel" to "take this name" and provided the name "Deborah Toote Griffith" (TARGET CELLPHONE 1 Session 152). FOOTE explained that "they put a middle name now . . . they wanted to spell Foote but they put a 'T' instead 'F.'" FOOTE also told "Mackerel" that "it's 500" and provided a control number of "4909687." FOOTE told "Mackerel," "you are going to pick up the [U/I] I'm just giving you the name that it is coming from."

b. On or about October 6, 2010, FOOTE placed an outgoing call to "Teggay" and asked, "you have a pen near you?" (TARGET CELLPHONE 1 Session 196). FOOTE then gave "Teggay" the

number 204 495 1522. FOOTE told "Teggay" "they made a mistake with the name but just take it like this: it's Mark Garfield to Garfield Brown." "Teggay" asked, "how much is it?" and FOOTE said it was "950."

c. On or about October 6, 2010, FOOTE placed an outgoing call to a phone number ending in 8527 and spoke to an unidentified male ("UM") (TARGET CELLPHONE 1 Session 197). During the call, FOOTE told the UM, "take this number here for me 691 310 2202." FOOTE said "it come from Kim . . . and it is 9." Later in the conversation, FOOTE said, "tomorrow the rest is coming dog, cause everything can't come one day."

d. On or about October 9, 2010 FOOTE placed an outgoing call to "Mackerel" and told "Mackerel," "this number here . . . 961 390 1040" (TARGET CELLPHONE 1 Session 272). FOOTE said, "that is coming from . . . Kim Knowles . . . that is six dollar." Later in the conversation, FOOTE said, "alright, take this one here now . 164 311 7914 . . . that one is coming from Debbie Robinson."

e. On or about October 21, 2010, FOOTE received an incoming call from a phone number ending in 3555 and spoke with DEBORAH GRIFFITH (TARGET CELLPHONE 4 Session 743). GRIFFITH asked FOOTE if he knew that he "left some money up there" and FOOTE said he left it "to be sent a yard." GRIFFITH offered to send this money and FOOTE told her to send it to "Jeffery James."

Later the same day, FOOTE received an incoming call from the same number and spoke with GRIFFITH again (TARGET CELLPHONE 4 Session 749). GRIFFITH asked if FOOTE wanted her "to send it now or wait" and FOOTE said "yeah, send it to me, send the information, send the number and tpe name that you sent it from. That's it." GRIFFITH said "OK so send the money now?" and FOOTE said "Oh, you never send it yet?" GRIFFITH said "no, I am right in here now." FOOTE said "Yeah man, deal with it right now and call me back [U/I] and I are on the phone." A few minutes later, FOOTE received an incoming text message from the same phone number used by GRIFFITH in the previous calls, which stated "Deborah foote 9599702184" (TARGET CELLPHONE 4 Session 751). FOOTE then received an incoming call from the same number and spoke with GRIFFITH, who told FOOTE that she sent the text message to him and to "Mackerel," and that the money was sent to the name "Jeffery James" (TARGET CELLPHONE 4 Session 752). "Debbie" asked FOOTE to call her to let her know whether "Mackerel" received the text information for him to pick up the money.

f. Ba\$ed on my review of records maintained by Western Union, I know that since approximately January 2009, more than \$75,000 has been sent via Western Union money wire transfers to Jamaica using the names identified in the above-referenced intercepted calls, as well as the names of some of the members of the FOOTE ORGANIZATION, including, among others, DUNSTON FOOTE,

CLOVAL TAYLOR, DEBORAH GRIFFITH, and NATALIE BROWN. Accordingly, I believe that the intercepted calls described above are related to the wiring of money from New York to Jamaica via Western Union, and I believe that the sums being wired are the proceeds of illegal narcotics trafficking.

10. Based on my experience and participation in this investigation, including my review of the above-referenced evidence, I believe that members of the FOOTE ORGANIZATION are involved in the distribution of, and possession with intent to distribute, controlled substances, including, specifically, marijuana, and the use of wire facilities to facilitate the same, conspiracy to do the same and attempts to do the same, in violation of 21 U.S.C. §§ 841(a)(1), 843(b), and 846, and money laundering and aiding and abetting in the same, in violation of 18 U.S.C. §§ 1956, 1957, and 2. I also believe that members of the FOOTE ORGANIZATION are involved in the distribution of firearms, possession of firearms by convicted felons and aliens, and use of firearms in furtherance of a narcotics-trafficking crime, in violation of 18 U.S.C. §§ 922(a)(1)(A), 922(g)(1), 922(g)(5)(A), and 924(c). Finally, I believe that members of the FOOTE ORGANIZATION are involved in bringing in or harboring certain aliens and obtaining and transferring fraudulent passports or other identification and/or immigration documents, and aiding and abetting in the same, in violation of 18 U.S.C. §

1028, and 8 U.S.C. § 1324. Based on my training and experience and my participation in this investigation, I believe there is probable cause to believe that evidence of these crimes will be found at the SUBJECT PREMISES.

THE SUBJECT PREMISES

11. I have personally observed the SUBJECT PREMISES. The SUBJECT PREMISES include the premises known and described as:

a. 25A Seabring Street, Spring Valley, New York, 10977 (the "Seabring House"), the shed located behind 25A Seabring Street, Spring Valley, New York 10977 (the "Shed"), and the backyard and curtilage of 25A Seabring Street, Spring Valley, New York 10977 (collectively, "PREMISES 1"), and any closed containers found therein. 25A Seabring is a two story, single-family residence that is attached to another single family residence in the fashion of a duplex, on the east side of Seabring Street between Clinton Street to the north and Tallman Street to the south. The front door of the Seabring House faces west. The Seabring House is gray/blue with dark blue shutters and a blue wooden front door with a white storm door attached. There are two white columns on either side of the front door. There are five windows in the front of the house that face west - three on the second floor and two on the first floor. The garage door is dark blue and also faces west. Where the driveway meets the street, there is a black mailbox with the number "25" on both

sides. There is a brown wooden fence that starts near the garage of the Seabring House and runs along the north side of the property. The Shed is located in the backyard of the Seabring House and is a small, tan outbuilding that appears to be attached or in close proximity to the back of the Seabring House. The Shed is the only enclosed outbuilding in the backyard of the Seabring House.

b. 9B Blakeslee Place, Hillburn, New York 10901, and the backyard and curtilage of 9B Blakeslee Place, Hillburn, New York ("PREMISES 2" or the "Foote Residence"), and any closed containers found therein. PREMISES 2 is a semi-attached two-story, single-family residence on the northeast side of Blakeslee Place. PREMISES 2 has tan siding with a brown shingle roof. In front of the house, a concrete path leads to a raised wooden deck and a white front door with a white storm door in front of it. The number "9B" is written to the right of the front door, below a white globe-shaped light fixture. A stone driveway and a path on the south side of PREMISES 2 leads to the rear of the house which is accessed by a raised deck.

c. 16 Ormian Drive, Pomona, New York 10970 ("PREMISES 3" or the "Thomas Residence"), and any closed containers found therein. PREMISES 3 is a split-level home with brown stucco siding. The front door of PREMISES 3 is accessed by a short set of stairs with white railings. The front door is a

brown wood door with stained glass windows inset in the door and on the sides of the door, and a semi-circular window is above the door. There is a mailbox at the end of the driveway with the number "16" on the mailbox.

d. 45B Clinton Street, Nanuet, New York 10954 ("PREMISES 4" or the "Taylor Residence"), and any closed containers found therein. PREMISES 4 is the west half of a white two-story, two-family, raised ranch duplex with black shutters located on the northwest corner of Clinton Street at the intersection of Clinton Street and Second Avenue. The number "45" and the letter "B" are written in black on the garage of PREMISES 4. PREMISES 4 is entered by a western facing door located to the right of the garage door.

e. 14 Lafayette Street, Second Floor Apartment, Spring Valley, New York 10977 ("PREMISES 5" or the "Kelly Residence"), and any closed containers found therein. PREMISES 5 is the second floor apartment of a two-story duplex with yellow siding, white shutters, and a wooden porch. PREMISES 5 is located on the east side of Lafayette Street, between Clinton Street and White Street. There are two front doors on the building, and the entrance to PREMISES 5 is the door on the right, when facing the house. The number "14" is posted to the right of the front door of PREMISES 5, when facing the house.

f. 33 North Main Street, Second Floor, Spring

Valley, New York 10977 ("PREMISES 6" or the "Pub"), and any closed containers found therein. PREMISES 6 is located on the second floor of a yellow, two story commercial building, at the intersection of West Church Street and North Main Street. The entrance to PREMISES 6 is a grey door facing West Church Street with the number "15" written in black.⁴

g. 43 North Madison Avenue, Spring Valley, New York 10977 ("PREMISES 7" or the "Studio"), and any closed containers found therein. PREMISES 7 is a white building located on the west side of North Madison Avenue near the intersection of Lawler Boulevard. The number "43" is posted on the front of the left side of the building. The entrance to PREMISES 7 is at the back of the building. PREMISES 7 has four windows facing North Madison Avenue.

h. The 2009 tan Toyota Highlander Suburban with New York license plate ESY3390, registered to Natalee Brown, 60E Eckerson Drive, #30A, Spring Valley, New York 10977 ("VEHICLE 1" or the "Highlander") and any closed containers found therein.

i. The 2000 gray BMW four-door sedan, with New York license plate EXZ6630, registered to Deborah Griffith, 16 Ormian Drive, Pomona, New York 10970 ("VEHICLE 2" or the "BMW"),

⁴ The ground floor of 33 North Main Street is occupied by a hair salon that is accessed through a separate door on North Main Street, and the hair salodoes not contain an entrance to the second floor.

and any closed containers found therein.

j. The 2008 red Honda Accord, with New York license plate EKK6845, registered to Deborah Griffith, 16 Ormian Drive, Pomona, New York 10970 ("VEHICLE 3" or the "Red Accord"), and any closed containers found therein.

k. The 2006 brown Honda Accord, with New York License Plate EAC3338, registered to Patrick Thomas, 16 Ormian Drive, Pomona, New York 10970 ("VEHICLE 4" or the "Brown Accord"), and any closed containers found therein.

THE SEABRING HOUSE, SHED, BACKYARD, AND CURTILAGE (PREMISES 1)
AND VEHICLE 1 AND VEHICLE 2

12. Based on my experience and participation in this investigation, including my review of the intercepted communications and surveillance images described herein, I believe that FNU LNU, a/k/a "Frankie," and SOPHIA JONES, a/k/a "Bridget," reside at the Seabring House, and that the Seabring House is used as a stash house and sale location for the FOOTE ORGANIZATION. I further believe that FOOTE, "Frankie," and other members of the FOOTE ORGANIZATION transport narcotics to and from PREMISES 1 using VEHICLE 1, VEHICLE 2, and VEHICLE 3, and keep narcotics, records relating to the distribution of narcotics, the proceeds of narcotics sales, and firearms in and around PREMISES 1. I further believe that "Frankie" and JONES may possess documents and records relating to identification and immigration fraud and money laundering in PREMISES 1.

13. Based on my conversations with a Sergeant at the Spring Valley Police Department ("SVPD Sergeant 1"), I learned that a pole camera was installed in or about August 2010 across the street from the Seabring House and facing the Seabring House, and has been recording video surveillance of the front of PREMISES 1 since that time ("Pole Camera 1"). According to SVPD Sergeant 1, SVPD Sergeant 1 has regularly reviewed images from Pole Camera 1, and has seen activity consistent with narcotics-trafficking at PREMISES 1, including meetings between members of the FOOTE ORGANIZATION and packages brought into and out of PREMISES 1 by members of the FOOTE ORGANIZATION on multiple occasions. For example:

September 9, 2010 Transactions and Arrest

14. According to SVPD Sergeant 1 and his review of surveillance images from Pole Camera 1, on or about September 9, 2010:

a. A black male identified as FITZROY NORRIS KELLY, a/k/a "Ants,"⁵ arrived at PREMISES 1 on a bicycle and went inside the garage of the Seabring House. KELLY then rode out of the garage on his bicycle with a package stuck in the top of his pants.

b. Immediately after leaving PREMISES 1, KELLY

According to SVPD Sergeant 1, SVPD Sergeant 1 had previously arrested FITZROY NORRIS KELLY, a/k/a "Ants," for narcotics offenses.

was stopped by another law enforcement officer ("SVPD Officer 1"), who saw that KELLY was carrying a large ziplock bag in his waistband that contained a substance that appeared to be marijuana. SVPD Officer 1 seized the bag and its contents; field tested and weighed the substance in the bag; and found that it tested positive for the presence of marijuana and weighed approximately 113 grams. KELLY was arrested and charged with criminal possession of marijuana under New York Penal Law Section 221.10.

15. From my review of communications intercepted pursuant to the Prior Court Orders, I learned that on or about September 9, 2010:

a. "Frankie" received an incoming call from a phone number ending in 2548 and spoke with a man who told "Frankie" that the police just "picked up" a man a few blocks away from "Frankie." "Frankie" said "alright, let me go clean up the place then because this is where he is coming from" (TARGET CELLPHONE 3 Session 169).

b. Later that day, FOOTE placed an outgoing call to NATALIE BROWN, a/k/a "Danisha" (TARGET CELLPHONE 2 Session 3059). During that call, FOOTE told BROWN that he was hearing vibes that he didn't like - specifically, that "Frankie" had called him and told him that "a little man just came and checked him . . . and got a thing and he got a call that they just sucked

off the little man." FOOTE said "that's why I'm telling you all to get the place clean up." Based on my experience and participation in this investigation, I believe that "sucked off" is slang for arrested, and that, in response to learning about the arrest, "Frankie" called FOOTE and told FOOTE that KELLY had been arrested after obtaining drugs from PREMISES 1. I also believe that, during the calls described above, FOOTE told BROWN to get rid of any drugs inside PREMISES 1.

16. From my conversations with SVPD Sergeant 1 and his review of surveillance images from Pole Camera 1, I learned that on or about September 9, 2010:

a. NATALIE BROWN, a/k/a "Danisha," arrived at PREMISES 1 in a light gray Toyota Sequoia, with New York license plate DYL2173, registered to Sophia Jones at Seabring Street, Spring Valley, New York 10977 ("the "Sequoia"), and went inside the Seabring House.⁶ Shortly thereafter, BROWN walked out of the Seabring House carrying a brown paper bag, got into the Sequoia, and drove away. Based on my training and experience and my participation in this investigation, I believe that BROWN was

⁶ According to the account records for the phone number used by NATALIE BROWN, a/k/a "Danisha," (ending in the numbers 9741), the subscriber name provided on the account is "Natalee Brown." In addition, according to SVPD Sergeant 1, SVPD Sergeant 1 compared the photograph of "Natalee Brown" maintained by the New York State DMV with the woman in the surveillance images described in this paragraph and they appear to be the same person.

removing narcotics from PREMISES 1 after KELLY's arrest, in an effort to evade detection by law enforcement.

September 16, 2010 Transaction

17. From my review of communications intercepted pursuant to the Prior Court Orders, I learned that on or about September 15, 2010:

a. FOOTE placed an outgoing call to NATALIE BROWN, a/k/a "Danisha," and told BROWN "she called me and said boy, the youths said it was not yesterday it is going to be Thursday. So I said, .he just gave me a tracking number a while ago. I didn't even track it or nothing yet . because I'm angry" (TARGET CELLPHONE 2 Session 3727). Later in the conversation FOOTE told BROWN "they were supposed to drop the thing yesterday but I don't know what happened but the man is telling me that is it suppose to come Thursday because the guy did it for 7 days."

b. Later that day, FOOTE placed an outgoing call to "Frankie," and told "Frankie" that he "tracked the thing" but that "they rescheduled it for tomorrow" (TARGET CELLPHONE 2 Session 3746 and TARGET CELLPHONE 3 Session 393). FOOTE said he had "to make sure" because he "didn't want to line up a rental and those things for no reason."

c. Based on my experience and participation in this investigation, I believe that FOOTE, BROWN, and "Frankie"

were discussing the arrival of a shipment of narcotics.

18. According to a Sergeant with the Ramapo Police Department ("RPD Sergeant 1"), on September 16, 2010, RPD Sergeant 1 saw FOOTE outside _of PREMISES 3 (the Foote Residence) in a red Buick Enclave bearing Florida license plate S912UA. According to RPD Sergeant 1, RPD Sergeant 1 reviewed records maintained by Avis car rental company, which showed that the license plate and description of the car used by FOOTE on September 16, 2010 matched the license plate and description of a car rented by Avis (the "Enclave Rental Car").

19. According to SVPD Sergeant 1, later that day, FOOTE arrived at PREMISES 1 in the Enclave Rental Car and reversed the Enclave Rental Car into the driveway of PREMISES 1. "Frankie" walked out of PREMISES 1 and walked over to the Enclave Rental Car. Shortly thereafter, FOOTE removed a package from the driver's side backseat of the Enclave Rental Car and carried it inside PREMISES 1, and "Frankie" also removed a large brown box and carried it inside PREMISES 1. Based on my experience and participation in this investigation, I believe that FOOTE and "Frankie" transported a quantity of narcotics into PREMISES 1.

October 3, 2010 Transaction

20. Based on my review of communications intercepted pursuant to the Prior Court Orders, I learned that on or about the night of October 2, 2010, at approximately 10:40 p.m., FOOTE

called NATALIE BROWN, a/k/a "Danisha" (TARGET CELLPHONE 2 Session 5292) and told BROWN that "he picked up a thing for me . . . and I know he was leaving and that is why I was calling him . normally when the man is leaving out of towri and I am not going, the man let me know certain things and I let him know certain things back." Based on my experience and my participation in this investigation, I believe that FOOTE told BROWN that "Frankie" had obtained a package of narcotics.

21. According to SVPD Sergeant 1 and his review of surveillance images captured on Pole Camera 1, the following morning (October 3, 2010) at approximately 8:02a.m., BROWN arrived at PREMISES 1 in VEHICLE 1 (the Highlander). BROWN got out of VEHICLE 1, and went inside the Seabring House. Shortly thereafter, BROWN walked out of the Seabring House carrying a white package, got into VEHICLE 1, and drove away. Based on my experience and my participation in this investigation, I believe that BROWN obtained a quantity of narcotics at PREMISES 1.

October 5, 2010 Transactions

22. From my review of communications intercepted pursuant to the Prior Court Orders, I learned that on October 5, 2010, "Frankie" placed an outgoing call to FITZROY NORRIS KELLY, a/k/a "Ants," and told KELLY to come and see him (TARGET CELLPHONE 3 Session 1196). KELLY said, "I am cooking but your thing is safe." "Frankie" responded, "no it's something I want

to show you," and KELLY said "I am coming, I am coming right now, let me turn off the stove."

23. According to SVPD Sergeant 1 and his review of surveillance images captured by Pole Camera 1, I learned that shortly thereafter, KELLY arrived at PREMISES 1 on a bicycle and went into the garage of PREMISES 1. The garage door closed and, a few minutes later, the garage door opened and KELLY rode out on his bicycle. As KELLY left PREMISES 1, another SVPD officer observed a bulge in the waistband area of KELLY's pants. Based on my experience and my participation in this investigation, I believe that KELLY obtained a quantity of narcotics at PREMISES 1.

24. Furthermore, from my review of communications intercepted pursuant to the Prior Court Orders, I learned that on the same day, "Frankie" received an incoming call from a person identified in other conversations as "Robert" (TARGET CELLPHONE 3 Session 1180). During the call, "Robert" told "Frankie" that he had "to come check you because . . . this little brethren here now that I am working with, because he is a stranger, it's a little tot the man is giving me at all times because he feels like it is taking long to turn." "Robert" told "Frankie" that "Robert" would "be there" in "about half an hour." Shortly thereafter "Frankie" received another incoming call from the same number and spoke to "Robert" again (TARGET CELLPHONE 3 Session

1181). During the call, "Robert" told "Frankie," "Yo, I am outside." "Frankie" responded, "Yo, give me a minute." Based on my experience and participation in this investigation, I believe that "Robert" was complaining that his supplier gave him only small quantities of drugs because the supplier believed "Robert" took too long to sell those amounts, and "Robert" told "Frankie" he would meet him to obtain drugs from "Frankie."

25. According to SVPD Sergeant 1 and his review of surveillance images captured from Pole Camera 1, at or near the same time, a Mercedes with New York license plate FEC 8756 registered to "Robert Savage" (the "Mercedes") arrived at PREMISES 1, and "Frankie" walked out of the Seabring House and got into the Mercedes. Shortly thereafter, "Frankie" and the driver of the Mercedes got out of the car and walked through the gate into the backyard of PREMISES 1. Approximately two minutes later, the driver of the Mercedes returned to the Mercedes and drove away. Based on my experience and my participation in this investigation, I believe that "Robert" and "Frankie" engaged in a narcotics transaction at PREMISES 1, and specifically, in or near the Shed in the backyard of the Seabring House.

October 16 and 22, 2010 Transactions

26. According to SVPD Sergeant 1 and his review of surveillance images captured on Pole Camera 1, I learned that on October 16, 2010, a yellow Toyota pickup truck (the "Pickup

Truck"), driven by a black male (the "Pickup Driver"), arrived at PREMISES 1. "Frankie" was a passenger in the Pickup Truck. Frankie got out of the Pickup Truck and walked into the backyard of PREMISES 1. Shortly thereafter, the Pickup Driver got out of the pickup truck and followed "Frankie" to the backyard. A few minutes later, "Frankie" and the Pickup Driver returned to the Pickup Truck, and "Frankie" was carrying a white bag. They got into the Pickup Truck and drove away. Based on my experience and my participation in this investigation, I believe that the Pickup Driver and "Frankie" engaged in a narcotics transaction in or near the Shed in the backyard of the Seabring House.

27. According to SVPD Sergeant 1 and his review of surveillance images captured on Pole Camera 1, I learned that on October 22, 2010, a small sedan (the "Sedan"), driven by a black male wearing what appeared to be a mechanic's uniform (the "Sedan Driver"), pulled into the driveway of PREMISES 1. The Sedan Driver met "Frankie" at the top of the driveway and both men went into the backyard of PREMISES 1. Moments later, they returned to the driveway of PREMISES 1, and "Frankie" was holding what appeared to be money in his hand. The Sedan Driver then got into the Sedan and drove away. Based on my experience and my participation in this investigation, I believe that the Sedan Driver and "Frankie" engaged in a narcotics transaction in or near the Shed in the backyard of the Seabring House.

November 1, 2010 Transaction

28. From my review of communications intercepted pursuant to the Prior Court Orders, I learned that on or about November 1, 2010, FOOTE placed an outgoing call to "Frankie" and told "Frankie" that he was "on the Ends" and that he was "going to back up around there so you just take out a laundry bag from out of the car" (TARGET CELLPHONE 2 Session 7699 and TARGET CELLPHONE 3 Session 1909). Based on my experience and my participation in this investigation, I believe that "the Ends" referred to PREMISES 1, a stash house used by the FOOTE ORGANIZATION, and that FOOTE told "Frankie" he would be delivering narcotics to PREMISES 1.

29. According to SVPD Sergeant 1 and his review of surveillance images captured by Pole Camera 1, very soon after the call described in the paragraph above, FOOTE arrived at PREMISES 1 in VEHICLE 2 (the BMW). FOOTE reversed the BMW into the driveway of PREMISES 1, and stopped near the garage door of PREMISES 1. The garage door opened, "Frankie" came out of PREMISES 1, took a blue bag out of the trunk of VEHICLE 2, carried the bag into the garage of PREMISES 1, and then closed the garage door. FOOTE then drove away in VEHICLE 2. Based on my experience and my participation in this investigation, I believe that FOOTE delivered a quantity of narcotics to "Frankie"

at PREMISES 1.⁷

November 13, 2010 Transaction

30. According to SVPD Sergeant 1 and his review of surveillance images captured on Pole Camera 1, I learned that on November 13, 2010, FITZROY NORRIS KELLY, a/k/a "Ants," arrived at PREMISES 1 and entered through the front door of the Seabring House. Moments later, KELLY left through the front door and walked around the side of PREMISES 1 to the backyard. KELLY remained in the backyard for approximately 1 minute and then returned to the front of PREMISES 1. Based on my experience and my participation in this investigation, I believe that KELLY obtained a quantity of narcotics from the Shed in the backyard of the Seabring House.

31. Accordingly, I believe that PREMISES 1 is used as a stash house and sale location for narcotics-trafficking offenses, that VEHICLE 1 and VEHICLE 2, among others, have been used in furtherance of narcotics trafficking activities, and that evidence of such crimes will be found in and around PREMISES 1

⁷ In addition, I believe that members of the FOOTE ORGANIZATION routinely store contraband related to narcotics and firearms offenses in the garage of PREMISES 1. For example, based on my review of communications intercepted pursuant to the Prior Court Orders, I learned that on or about November 24, 2010, "Frankie" received an incoming call from an individual identified on other intercepted calls as "Kareem," believed to be "Frankie's" son (TARGET CELLPHONE 3 Session 2507). During the call, "Frankie" said, "I am not going to want anybody in the garage, you hear . . . Make sure you stare that because remember the something I have in there."

and in VEHICLE 1 and VEHICLE 2.

**THE FOOTE RESIDENCE, BACKYARD, AND CURTILAGE {PREMISES 2}
AND VEHICLE 2, VEHICLE 3, AND VEHICLE 4**

32. Based on my experience and participation in this investigation, including my review-of the intercepted communications and surveillance images described herein, I believe that DUNSTON FOOTE, a/k/a "Killa," a/k/a "Mush," and DEBORAH GRIFFITH, reside at PREMISES 2, transport narcotics to and from PREMISES 2 using VEHICLE 2, VEHICLE 3, and VEHICLE 4, and keep narcotics, records relating to the distribution of narcotics, the proceeds of narcotics sales, and firearms in and around PREMISES 2.⁸ I further believe that FOOTE and GRIFFITH may possess documents and records relating to identification and immigration fraud and money laundering in PREMISES 2, VEHICLE 2, VEHICLE 3, and VEHICLE 4.

33. According to RPD Sergeant 1, a pole camera was installed in or about August 2010 across the street from PREMISES 2, facing PREMISES 2, and has been recording video surveillance of the front of PREMISES 2 since that time ("Pole Camera 2"). According to RPD Sergeant 1, RPD Sergeant 1 has regularly reviewed images from Pole Camera 2, and has seen activity consistent with the receipt and distribution of narcotics

According to records maintained by Orange and Rockland Utilities Company, "Deborah Griffith" is the customer of record at PREMISES 2.

occurring at PREMISES 2. Specifically, among other things, members of the FOOTE ORGANIZATION have met at PREMISES 2 and brought packages believed to contain narcotics into and out of PREMISES 2 on multiple occasions. For example:

October 12, 2010 Transaction

34. According to RPD Sergeant 1 and his review of surveillance images from Pole Camera 3, on or about October 12, 2010, FOOTE walked out of PREMISES 2 and placed a large blue bag inside VEHICLE 3 (the Red Accord).

35. From my review of communications intercepted pursuant to the Prior Court Orders, I learned that the same day FOOTE received an incoming call from DEBORAH GRIFFITH (TARGET CELLPHONE 4 Session 332). GRIFFITH said "):eah, I'm on my way. Where am I coming?" and FOOTE told her "All right, just go by Frankie . . . [U/I] get it from you, yes." Shortly thereafter, FOOTE received another call from GRIFFITH, who said "You said Frankie's right?# and FOOTE said "Yeah, Yeah." GRIFFITH said "Okay, I'm here," and FOOTE told her "All right, back in the driveway." GRIFFITH said "I don't know how to reverse back. You know that, right?" and FOOTE said "Just drive . . . oh, all right, all right, I'm coming now. . . I'm coming."

36. Based on my conversations with SVPD Sergeant 1 and from his review of surveillance images from Pole Camera 1, I learned that at or near the time of the above call between FOOTE

and GRIFFITH, VEHICLE 3 arrived at PREMISES 1 (the Seabring House) and pulled up towards the garage. "Frankie" opened the garage door of PREMISES 1. FOOTE ran up to the passenger side of VEHICLE 3, removed the blue bag from VEHICLE 3, and carried it into the garage of PREMISES 1. VEHICLE 3 then drove away, and FOOTE and "Frankie" remained at PREMISES 1.

37. Based on my experience and participation in this investigation, I believe that FOOTE and GRIFFITH delivered a quantity of narcotics from PREMISES 2 to PREMISES 1 using VEHICLE 3.

October 22 and 23, 2010 Transactions

38. Based on my review of calls intercepted pursuant to the October 1 Order, I learned that on or about October 22, 2010:

a. FOOTE placed an outgoing call to RODNEY MUSHINGTON, a/k/a "Mark Brown," a/k/a "Diego," a/k/a "Struggo," a/k/a "Bobby" (TARGET CELLPHONE 2 Session 6658). During that call, MUSHINGTON asked FOOTE about "the thing tomorrow" and told FOOTE that another man "was saying he has five little boys on one of them, you know? . . . From a brother in Brooklyn . . . But it is not marked, so I guess you are going to have to chop it." Based on my experience and my participation in this investigation, I know that "little boys" was used by members of the FOOTE ORGANIZATION as code for a quantity of narcotics and I

believe that MUSHINGTON and FOOTE were arranging to meet for a narcotics transaction.

b. FOOTE placed an outgoing call to MUSHINGTON (TARGET CELLPHONE 2 Session 6732). During the call, MUSHINGTON told FOOTE to listen for him to come in the morning and that he will link FOOTE in the morning. The next day, FOOTE received a call from MUSHINGTON, who said that he was waiting for certain people to arrive, but that they were lost.

39. According to RPD Sergeant 1 and his review of surveillance video from Pole Camera 2, on or about October 23, 2010:

a. Two cars reversed into the driveway of PREMISES 2: a 2009 silver Mercedes Benz with a Maryland license plate (the "Mercedes") and a Kia bearing a license plate that matched the license plate and description of a car rented by an Enterprise rental car company in Wayne, New Jersey (the "Kia").

b. A woman got out of the driver's side of the Mercedes (the "Mercedes Driver"), and a black male got out of the passenger's side (the "Mercedes Passenger"). A black male got out of the driver's side of the Kia (the "Kia Driver"). The Kia Driver walked to the back of PREMISES 2 and, shortly thereafter, returned to the driveway with FOOTE. The Mercedes Driver removed a bag from the trunk of the Mercedes, and put it inside the trunk of VEHICLE 2 (the BMW). A short time later, the Mercedes Driver

removed a bag from the trunk of VEHICLE 2 and put it in the Mercedes and walked to the back of PREMISES 2. The Mercedes Driver then walked back toward the cars with another bag, which she put inside the passenger's side door of the Mercedes.

c. According to cell site location information obtained for TARGET CELLPHONE 5 (used by MUSHINGTON), TARGET CELLPHONE 5 was located in the vicinity of PREMISES 2 at the time of the meeting on October 23, 2010 described above.

d. Based on my experience and participation in this case, I believe that MUSHINGTON and FOOTE met with other people at PREMISES 2 and, using VEHICLE 2, engaged in a narcotics transaction.

December 22, 2010 Transaction

40. According to RPD Sergeant 1 and his review of surveillance images from Pole Camera 2, I learned that on or about December 22, 2010:

a. FOOTE arrived at PREMISES 2 in a rental vehicle at approximately 4:15 a.m. and went inside PREMISES 2. FOOTE walked out of PREMISES 2 approximately 4 hours later, got into the rental vehicle, and drove away. Later that day, MUSHINGTON arrived at PREMISES 2 in a car bearing a New Jersey license plate and reversed the car into the driveway of PREMISES 2. MUSHINGTON removed a large brown box from the trunk of the car, and carried it to the rear of PREMISES 2. Shortly

thereafter, MUSHINGTON walked out of PREMISES 2, got back into the car and drove away.

Relevant Prior Searches

41. Based on my participation in this investigation and my conversations with a DEA Task Force Officer also involved in this investigation ("DEA Task Force Officer 1"), I learned that search warrants were executed on or about November 17, 2010, November 19, 2010, November 22, 2010, and November 23, 2010 for packages shipped via UPS from California or Arizona to an address in an industrial area of New Jersey (the "Seized Packages" and the "NJ Business"). According to DEA Task Force Officer 1, each of the Seized Packages was found to contain approximately 34-41 pounds of marijuana.

42. From my conversations with a UPS employee and other law enforcement officers, I learned that in the last two weeks of October, UPS delivered numerous boxes to the NJ Business, each weighing approximately 40 pounds and shipped from an address in either Arizona or California. I also learned that UPS is conducting an investigation of packages sent to the NJ Business based upon, among other things, information that: (1) fraudulent accounts are being used to send some of the boxes; and (2) the delivery of some of the packages are not acknowledged by a signature even though they are being delivered to a business.

43. Based on my review of communications intercepted

pursuant to the Prior Court Orders and physical surveillance conducted by other law enforcement officers, described below, I learned that FOOTE and his co-conspirators obtained packages at the NJ Business that had been shipped via UPS to the NJ Business in November 2010. For example:

44. According to DEA Task Force Officer 1, on or about Friday, November 19, 2010:

a. A UPS employee ("UPS Employee 1") working at a UPS Office in Seacaucus, New Jersey (the "UPS Office") informed DEA Task Force Officer 1 that 5 boxes with California return addresses arrived at the UPS OFFICE to be delivered to the NJ Business. The UPS Office delivered four of the boxes to the NJ Business, and the fifth box was seized by law enforcement pursuant to a search warrant (the "November 19 Box"). Later that day, DEA Task Force Officer 1 opened the November 19 Box, pursuant to a search warrant, and found a green leafy substance wrapped in plastic inside the box. DEA Task Force Officer 1 field tested and weighed the green leafy substance and found that it tested positive for the presence of marijuana and weighed approximately 41 pounds.

b. That morning, DEA Task Force Officer 1 and another DEA Agent ("DEA Agent 2") conducted surveillance in the vicinity of the NJ Business and DEA Task Force Officer 1 saw FOOTE arrive at the NJ Business in a black 2011 Chevrolet

Suburban (the "Suburban"). According to DEA Agent 2, at approximately 11:03 a.m., DEA Agent 2 saw black male wearing a blue jumpsuit, later identified as MORRIS JACKSON, a/k/a "Cat," (one of the Associates charged in the Indictment) carry two boxes out of the loading dock area of the NJ Business and place them in the trunk of the Suburban. FOOTE then drove away.

45. Based on my observation of the Seized Packages and my review of surveillance images from Pole Camera 1 and Pole Camera 2, I believe that the Seized Packages are similar in appearance to some of the packages FOOTE and his co-conspirators have transported into and out of PREMISES 1 and PREMISES 2. Furthermore, according to RPD Sergeant 1, RPD officers searched the trash that had been discarded at the curb outside of PREMISES 2 on approximately three occasions in November and December 2010. During those searches, law enforcement officers found a Western Union receipt and, on a different occasion, an empty brown shipping box, similar in appearance to the Seized Packages, from which the shipping labels had been removed.

46. According to RPD Sergeant 1 and his review of surveillance images captured by Pole Camera 2, I learned that on several different occasions between on or about November 10, 2010 and on or about November 15, 2010, FOOTE drove VEHICLE 4 (the Brown Accord) which is registered to "Patrick G. Smith" at PREMISES 3, and used VEHICLE 4 to transport packages. For

example, on or about November 15, 2010, FOOTE walked out of PREMISES 2 carrying a large brown cardboard box and placed it into the truck of VEHICLE 4. Later that day, FOOTE again walked out of PREMISES 2, placed a blue bag into VEHICLE 4, removed a different bag from VEHICLE 4 and then went back inside PREMISES 2.

47. Accordingly, I believe that DUNSTON FOOTE, a/k/a "Killa," a/k/a "Mush," and DEBORAH GRIFFITH reside at PREMISES 2 and are engaged in narcotics trafficking offenses; that VEHICLE 2, VEHICLE 3, and VEHICLE 4 have been used in furtherance of narcotics trafficking activities at or in the vicinity of PREMISES 2; and that evidence of such crimes will be found in and around PREMISES 2 and in VEHICLE 2, VEHICLE 3, and VEHICLE 4.⁹

THE THOMAS RESIDENCE (PREMISES 3) AND VEHICLE 4

48. Based on my experience and participation in this case, including my review of the intercepted calls, physical surveillance, and the surveillance images described herein (including the facts described above in paragraphs 41 through 46), I believe that PATRICK THOMAS, a/k/a "Blacks," resides at

⁹ As described above, in the context of a conversation about marijuana, FOOTE has discussed having "plants" located outside PREMISES 2 (see TARGET CELLPHONE 1 Session 407, supra) and evidence of narcotics distribution has been found in the trash outside of PREMISES 2. Accordingly, there is probable cause to believe that evidence of narcotics distribution activities will be found in the curtilage and backyard of PREMISES 2, and authorization to search the curtilage and backyard of PREMISES 2 is also sought.

PREMISES 3, has electronically tracked shipments of narcotics while in PREMISES 3, has used VEHICLE 4 or allowed VEHICLE 4 to be used to transport packages containing narcotics to and from stash locations used by the FOOTE ORGANIZATION, has received packages containing narcotics at PREMISES 3, and keeps records relating to the distribution of narcotics and the proceeds of narcotics sales at PREMISES 3 and in VEHICLE 4.

49. From my review of calls intercepted pursuant to the Prior Court Orders, I learned that:

a. On or about Monday, November 15, 2010, FOOTE received an incoming call from PATRICK THOMAS, a/k/a "Blacks," using a cellphone ending in the number 2461 (the "Thomas Cellphone")¹⁰ (TARGET CELLPHONE 4 Session 2185). During the call, THOMAS asked if they are good for Friday. FOOTE said yes, but they should do it today. FOOTE said if they do it today, they will get it Friday. THOMAS said, maybe, but he will shoot off some more. FOOTE asked again if they will do something today. THOMAS said definitely. Based on my experience and participation in this investigation, I believe that FOOTE and THOMAS were discussing shipments of narcotics, including shipments expected on Friday, November 19, 2010.

b. Later that day, FOOTE received an incoming

¹⁰ Unless otherwise noted, all calls involving PATRICK THOMAS, a/k/a "Blacks," referenced in this affidavit were conducted over the Thomas Cellphone.

call from THOMAS, and FOOTE asked THOMAS "what is going on?" (TARGET CELLPHONE 4 Session 2202). THOMAS said, "he wanted to do some today and some tomorrow." FOOTE said, "okay." THOMAS said, "you know if he do it tomorrow, it is like next week, Monday or so." FOOTE said, "yeah, yeah, he is going to call me when he comes off still, cause I had done touch him on that already." THOMAS said, "if we lick it off today, it is Friday he is going to get it, but what I am saying, he wants to lick off some tomorrow." FOOTE said, "just do what you are doing for today, same way and go on, cause it is good for today." THOMAS asked, "what is the limit we can send on it for . . . the day?" FOOTE said, "send a five or a six, I do not know, what do you want to do." Based on my experience and participation in this investigation, I believe that FOOTE and THOMAS were discussing the timing of shipments of narcotics.

c. On or about November 17, 2010, FOOTE received an incoming call from THOMAS (TARGET CELLPHONE 4 Session 2237). During the call, THOMAS told FOOTE that the "youth" was going to call THOMAS the following day to tell him "exactly how much boxes," and THOMAS said that he thought it was either three or four. FOOTE said "oh, for Friday" and THOMAS said "yeah." Later that morning, FOOTE placed an outgoing call to THOMAS (TARGET CELLPHONE 4 Session 2250). FOOTE told THOMAS that "he's good for Tuesday". THOMAS said "I am going to let him know how much of

those things for Friday, you hear?n and FOOTE said "yeah man, I will link you, I will link you before that.n Based on my experience and participation in this investigation, I believe that FOOTE and THOMAS were discussing packages of marijuana scheduled to arrive on Friday, November 19, 2010.

d. On or about November 19, 2010,¹¹ at approximately 11:19 a.m., FOOTE received a call from THOMAS (TARGET CELLPHONE 4 Session 2329). During the call, THOMAS asked, "Did you call me?n FOOTE responded, "I didn't call you in the morning man, they are still here going on, we have two of them, but I don't see the other one as yet . only two came from the thing already, one hasn't come in yet, so the boy said to give it some time until he comes back sir, so I am just going to kick back and wait.n Based on my experience and participation in this investigation, I believe that .FOOTE and THOMAS were discussing packages of marijuana scheduled to arrive on Friday, November 19, 2010, and that FOOTE had received 2 of the 3 boxes that he expected.

e. At approximately 11:49 a.m. the same day, FOOTE placed an outgoing call to THOMAS (TARGET CELLPHONE 2 Session 2330). During the call, FOOTE asked, "can you run a track on it for me?n THOMAS said, "yeah, I ran a check man, they

¹¹ November 19, 2010, was the date of the surveillance at the NJ Business and the search and seizure of a package, described in paragraphs 41 through 45 of this affidavit.

said it's there, they say . . . The three of them showed up." FOOTE said, "ok, ok." THOMAS said, "they showed up two [U/I] and one is what, ten o'clock or so." FOOTE said, "yeah, ten thirty as usual." THOMAS said, "and then the next one supposed to be there I ran a track on them and they say . . . it's there." FOOTE said, "alright, as long as you did that it's good." THOMAS said, "yeah, that's what I do, because I didn't want you to be there waiting and it don't come." Based on my experience and participation in this investigation, I believe that FOOTE and THOMAS were discussing packages of marijuana scheduled to arrive on Friday, November 19, 2010 and that THOMAS used a computer to determine the location of or "track" the progress of the shipment of one of the packages.

f. That afternoon, at approximately 12:50 p.m., FOOTE received an incoming call from THOMAS (TARGET CELLPHONE 4 Session 2337). During the call, THOMAS asked "they don't see it?" FOOTE said, "it did not come, they have not come back yet. That's how it goes man. The boys are gone to get lunch." THOMAS said, "yeah man, but it is definitely there, because I check on it." FOOTE said, "yeah man, it is 1 o'clock because I know how they deal with it. I know the schedule man."

g. At approximately 1:48 p.m., FOOTE placed a call to THOMAS (TARGET CELLPHONE 4 Session 2343). During the call, FOOTE said, "so it's going to come with the next ones on

Monday." THOMAS said, "alright, alright." FOOTE said, "I am leaving here now because I am over here too long." THOMAS said, "alright, I am here waiting then." Based on my experience and participation in this investigation, I believe that FOOTE said that one box of marijuana was delayed until Monday and said he was leaving the NJ Business where he had picked up two boxes of marijuana. I also believe that THOMAS said he was waiting at PREMISES 3 for FOOTE to arrive from the NJ Business.

h. Approximately 1 hour later, FOOTE placed a call to THOMAS (TARGET CELLPHONE 4 Session 2346). During the call, FOOTE said, "I am here man, but the blocks are fucked up, I have to go way around and come back to your block." THOMAS said, "yeah, you can't come through it." THOMAS said, "come down the one way, that is what we have to do." FOOTE said, "okay." THOMAS said, "alright I will be in the garage waiting on you." Based on my experience and participation in this investigation, I believe that FOOTE drove from the NJ Business to PREMISES 3 and met THOMAS in the garage of PREMISES 3.

50. According to map and driving directions obtained from an online source, the driving distance between the NJ Business and PREMISES 3 is approximately 43.9 miles, and the estimated driving time is approximately 1 hour. Accordingly, based on the intercepted communications and surveillance described above, I believe that FOOTE traveled from the NJ

Business to PREMISES 3 and transported at least one package containing narcotics to PREMISES 3.

51. In addition to the calls described above, from my review of communications intercepted pursuant to the Prior Court Orders, I learned that:

a. On or about November 22, 2010, FOOTE placed an outgoing call to THOMAS (TARGET CELLPHONE 4 Session 2514). During the call, FOOTE said, "I have the thing here now . . . check give the info on it, what's the info on it?" THOMAS said, "what, nothing don't come?" FOOTE said, "no, I want to know the info on it, just tell me, let me know what is going on." THOMAS said, "all right, all right, let me call you right back." FOOTE said, "where exactly it coming from?" THOMAS said, "over LA . . . Bruce, aah, is what, is what is name Bruce ahh, mailing something." FOOTE said, "Bruce mailing something, say it come from LA." A voice in the background said, "Fall?" FOOTE said, "Bruce Fall." THOMAS said, "yeah, yeah, yeah." FOOTE said, "ok, that is what I want to know, all right then."

b. On or about November 23, 2010, FOOTE received an incoming call from (TARGET CELLPHONE 4 Session 2610). During the call, FOOTE said, "come and gone already, them come already man, nothing at all, not even one piece a thing, one piece a load I see come off of it . . . I want you to check it back for me." THOMAS said, "alright, alright . . . it's weird man." FOOTE

said, "check it for me." THOMAS said, "alright, ok." Later that day, FOOTE called THOMAS and asked if THOMAS checked it back (TARGET CELLPHONE 4 Session 2638). THOMAS said no. FOOTE told him to check back on it in the night, and THOMAS said ok. A few minutes later, FOOTE received a call from THOMAS (TARGET CELLPHONE 4 Session 2640). THOMAS asked, "the one that was held back on Friday, that one there did come or you don't know?" FOOTE said, "I did not know if it was that one there, cause I was telling you yesterday to check it man, to see if it was that one there **that you got**" (emphasis added). THOMAS said, "one of them they say it is in Jersey in transit . . . that means it was on it's way to the warehouse or whatever . and then . . . the other one was saying, out for delivery." FOOTE asked, "is it still saying that?" THOMAS said, "when he did check it, but I tell him to make a check on them again." That evening, FOOTE received a call from THOMAS (TARGET CELLPHONE 4 Session 2655). During the call, THOMAS said, "I just come off the phone with him . . . it is showing the two of them are there . . . you know, and scheduled for delivery tomorrow." FOOTE said, "alright, no problem." THOMAS said, "yeah, it is showing the two of them are there."

c. On or about the late morning of November 24, 2010, FOOTE received an incoming call from THOMAS (TARGET CELLPHONE 4 Session 2665). During the call THOMAS asked if FOOTE

received anything as yet, because it shows that two of them are out for delivery. At approximately 1:14 p.m., FOOTE placed an outgoing call to THOMAS (TARGET CELLPHONE 4 Session 2676).

During the call, THOMAS said, "it's funny . . . man, because you know, the two of them is showing that they are there and out for delivery."

52. According to RPD Sergeant 1, on or about January 6, 2011, an RPD Officer ("RPD Officer 1") and other law enforcement officers conducted physical surveillance in the vicinity of PREMISES 3. According to RPD Officer 1, VEHICLE 4 was parked in the driveway of PREMISES 3 and, at approximately 8:30a.m., a black male left PREMISES 3, got into VEHICLE 4 alone, and drove away.

53. According to RPD Sergeant 1, RPD Officer 1 stopped the driver of VEHICLE 4 after the driver failed to signal while making a turn, and approached the car. The black male driving VEHICLE 4 identified himself to RPD Officer 1 as "Patrick G. Thomas" and showed RPD Officer 1 a driver's license bearing the name "Patrick G. Thomas" and the address of PREMISES 3.

54. From my review of cellsite location information and G.P.S. information obtained for the Thomas Cellphone, I learned that from on or about January 2, 2011 through on or about January 5, 2011, the Thomas Cellphone was located in the vicinity of PREMISES 3 during the evening and early morning hours. In

addition, I learned that as VEHICLE 4 drove away from PREMISES 3 on January 6, 2011, . G.P.S. and cellsite location information showed the Thomas Cellphone moving in the same direction as VEHICLE 4.

55. Accordingly, I believe that the user of the Thomas Cellphone is PATRICK THOMAS, a/k/a "Blacks," and that THOMAS resides at PREMISES 3. I further believe that THOMAS is engaged in narcotics-trafficking offenses; that VEHICLE 4 has been used by THOMAS and FOOTE in furtherance of narcotics trafficking activities; and that evidence of such crimes will be found at PREMISES 3 and in VEHICLE 4.

THE TAYLOR RESIDENCE (PREMISES 4)

56. Based on my experience and participation in this investigation, including my review of the intercepted communications and surveillance images described herein, I believe that CLOVAL TAYLOR, a/k/a "Clove," resides at PREMISES 4, transports narcotics into and out of PREMISES 4, and keeps a supply of narcotics, records relating to the distribution of narcotics, and the proceeds of narcotics sales in and around PREMISES 4.

57. Based on my review of communications intercepted pursuant to the Prior Court Orders, I learned that:

a. On or about December 4, 2010, FOOTE placed an outgoing call to CLOVAL TAYLOR, a/k/a "Clove," and asked TAYLOR

if the police were in the block and if the guys are in the house (TARGET CELLPHONE 2 Session 10388). TAYLOR told FOOTE that the police were just on the block and they shined a light on the house, and that "Jerky" was in the house. Based on my experience and participation in this investigation, I believe that FOOTE and TAYLOR were concerned about police presence near PREMISES 4.

b. On or about December 10, 2010, FOOTE received an incoming call from TAYLOR, during which TAYLOR said, "that thing I took from you the perfume not too right on it" (TARGET CELLPHONE 2 Session 10939). FOOTE said, "yeah, I don't know why." TAYLOR said, "I'll make sure I get something and blend it up still you know . . . I'm going to blend it up and stretch it out, so I go talk to him today and tell him that giving him a two, a two and a quarter, and just call it even." Based on my experience and participation in this investigation, I believe that "perfume" refers to the smell of the drugs, "two," and "two and a quarter" refer to quantities of narcotics, and that TAYLOR said that the narcotics he got from FOOTE did not smell right, but that he would mix it in with something else so that he could still sell it.

c. On or about December 23, 2010, FOOTE received an incoming call from TAYLOR (TARGET CELLPHONE 2 Session 12403). During the call, TAYLOR said, "Dog says he wants a one and a half thing." FOOTE said, "ok." TAYLOR said, "Dog is here waiting on

it, I don't know how long you are going to be." FOOTE asked, "ok, the boy is there?" TAYLOR said, "yeah." FOOTE said, "it will take about fifteen minutes man." Based on my experience and participation in this investigation, I believe that "one and a half thing" refers to a quantity of narcotics and that TAYLOR was ordering narcotics from FOOTE to sell to "Dog."

58. Based on my conversations with a Sergeant at the Clarkstown Police Department ("CPD Sergeant 1"), I learned that a pole camera was installed in or about October 2010 across the street from PREMISES 4, facing PREMISES 4, and has been recording only intermittently since that time due to technical difficulties ("Pole Camera 3"). According to CPD Sergeant 1, CPD Sergeant 1 has regularly reviewed surveillance images from Pole Camera 3 and has seen TAYLOR engaged in activities consistent with narcotics distribution at PREMISES 4, including meeting other individuals and engaging in what appear to be narcotics transactions. For example, according to CPD Sergeant 1 and his review of surveillance images captured on Pole Camera 3:

a. On or about October 5, 2010, CLOVAL TAYLOR, a/k/a "Clove," drove to PREMISES 1 (the Seabring House), parked in front of PREMISES 1, and went inside. Just under one hour later, TAYLOR walked out of PREMISES 1 and drove to PREMISES 4, the Taylor Residence. Based on my experience and my participation in this investigation I believe that TAYLOR

obtained narcotics from PREMISES 1 and returned with the narcotics to PREMISES 4.

b. On or about November 12, 2010, a car driven by a black male arrived at PREMISES 4 and parked outside PREMISES 4. According to CPD Sergeant 1, CPD Sergeant 1 knew the driver to be a drug dealer based on previous interactions with law enforcement. TAYLOR walked up to the car, handed something to the driver, and received something in return. The driver then drove away from PREMISES 4. Based on my experience and my participation in this investigation, I believe that this exchange was consistent with a narcotics transaction.

c. On or about November 15, 2010, TAYLOR walked out of PREMISES 4, walked over to his mailbox at the end of the driveway, and removed an item from the mailbox and placed an item in the mailbox. TAYLOR then reentered PREMISES 4. Shortly thereafter, a car pulled into the driveway of PREMISES 4 and the driver removed an item from the mailbox of PREMISES 4 and drove away. Based on my experience and my participation in this investigation, I believe that this exchange was consistent with a narcotics transaction.

d. Later that same day, TAYLOR walked out of PREMISES 4 and met with a man in driveway ("UM-1"). While TAYLOR was speaking with UM-1 in the driveway, another man ("UM-2") walked up to the fence surrounding PREMISES 4. TAYLOR met UM-2 by the

fence and spoke to him briefly. TAYLOR then went to a dark blue Nissan parked in the driveway, reached into it, returned to the fence and handed something to UM-2. UM-2 then appeared to hand something to TAYLOR and left PREMISES 4. TAYLOR then returned to the driveway, spoke to UM-1, and went back inside PREMISES 4. Based on my experience and my participation in this investigation, I believe that this exchange was consistent with a narcotics transaction.

59. Accordingly, I believe that CLOVAL TAYLOR, a/k/a "Clove," is engaged in narcotics-trafficking offenses and resides at PREMISES 4, and that evidence of such crimes will be found in and around PREMISES 4.

THE KELLY RESIDENCE (PREMISES 5)

60. Based on my experience and participation in this investigation, including my review of the intercepted communications and surveillance images described herein, I believe that FITZROY NORRIS KELLY, a/k/a "Ants," resides at PREMISES 5, transports narcotics into and out of PREMISES 5, and keeps a supply of narcotics, records relating to the distribution of narcotics, and the proceeds of narcotics sales inside PREMISES 5.

61. According to SVPD Sergeant 1, at the time of KELLY's arrest for possession of marijuana in the vicinity of PREMISES 1 (described above), KELLY provided the address for

PREMISES 5 as his place of residence. In addition, SVPD officers have observed KELLY entering and exiting PREMISES 5 on a regular basis, including as recently as the last week of December 2010.

October 18, 2010 Transaction

62. According to SVPD Sergeant 1, on or about October 18, 2010, other SVPD Officers conducting physical surveillance outside PREMISES 1 and PREMISES 5 saw FOOTE and "Frankie" each separately leave PREMISES 1 and walk to and enter PREMISES 5.

63. From my review of calls intercepted pursuant to the Prior Court Orders, I learned that at or near the same time that day:

a. "Frankie" received an incoming call from a number ending in 6915 and spoke to an individual identified as ZOLANI WORRELL (TARGET CELLPHONE 3 Session 1536). During the call, WORREL told "Frankie" he would be by in about fifteen minutes. "Frankie" asked, "you want to check me down the road then?" WORREL said "alright" and asked, "hey are you moving with that thing for me?" "Frankie" responded, "alright."

b. Shortly thereafter, Frankie received another call from WORRELL, who said, "I am outside here" and "Frankie" said "come upstairs" (TARGET CELLPHONE 3 Session 1538). According to SVPD Sergeant 1, at or near the same time, a 2001 grey Mercedes arrived outside PREMISES 5

64. According to SVPD Sergeant 1, a few moments later,

"Frankie" walked out of PREMISES 5 and walked over to the driver of the 2001 grey Mercedes. "Frankie" and the driver, who was also a black male, appeared to confer briefly, after which the driver returned to his car and drove away. Based on my experience and my participation in this investigation, I believe that "Frankie" met WORREL outside of PREMISES 5 and engaged in a narcotics transaction.¹²

October 22, 2010 Transaction

65. According to CPD Sergeant 1, on or about the evening of October 22, 2010, during the investigation of an unrelated crime, officers of the Clarkstown Police Department searched the first floor apartment in the same building as PREMISES 5.

66. From my review of calls intercepted pursuant to the Prior Court Orders, I learned that the following day, on or about October 23, 2010:

¹² According to SVPD Sergeant 1, on or about October 19, 2010, an undercover officer of the Spring Valley Police Department ("SVPD UC") called the phone number used by WORREL the previous day and asked to purchase marijuana from WORREL. WORREL told the SVPD UC to come to his house on Pascack Road. When the SVPD UC arrived at WORREL's house, the SVPD UC called the same number, and told WORREL that the SVPD UC was in the driveway. The SVPD UC was then approached by a bald black man, of medium height with pock marks near his right eye, who handed the SVPD UC a ziplock bag containing marijuana and the SVPD gave the man \$100. According to SVPD Sergeant 1, SVPD Sergeant 1 reviewed video of the SVPD UC's purchase and identified the man who sold SVPD UC the marijuana as ZOLANI K. WORREL, an individual with prior narcotics convictions and known to SVPD Sergeant 1 as a drug dealer.

a. FOOTE placed an outgoing call to NATALIE BROWN, a/k/a "Danisha" (TARGET CELLPHONE 2 Session 6847). During the call, FOOTE told BROWN that he had thought there was going to be a raid and so he ran into the house to hide the chip. FOOTE said he didn't want the police to take his phone so he took the chip out and hid it and threw down the phone to pretend it was an old phone. FOOTE said the police had actually gone downstairs but that FOOTE had been trapped upstairs for an hour and a half or two hours because of the police presence.

b. FOOTE also received an incoming call from CLOVAL TAYLOR, a/k/a "Clove" (TARGET CELLPHONE 4 Session 856). During the call, FOOTE told TAYLOR that the cops had surrounded the whole place, and that they couldn't leave for two hours. FOOTE said the cops came for the bald headed guy downstairs and that they took him away along with his vehicle and a lot of his stuff. FOOTE said he thought they were getting a raid on the house.

67. Based on my experience and my participation in this investigation, I believe that FITZROY NORRIS KELLY, a/k/a "Ants," is engaged in narcotics-trafficking offenses and resides at PREMISES 5, and that evidence of such crimes will be found at PREMISES 5.

THE PUB (PREMISES 6)

68. Based on my experience and participation in this

investigation, including my review of the intercepted communications and surveillance images described herein, I believe that PREMISES 6 is a location referred to by members of the FOOTE ORGANIZATION as "the Pub" and used by members of the FOOTE ORGANIZATION to distribute narcotics.

69. From my review of calls intercepted pursuant to the Prior Court Orders, I learned that:

a. On or about September 18, 2010, FOOTE placed an outgoing call to "Frankie" (TARGET CELLPHONE 2 Session 4203). "Frankie" told FOOTE, "the boy, Damien, just came and was waiting on you." FOOTE asked, "ok, yes, what was he saying?" "Frankie" responded, "He said he would be at the Pub."

b. On or about October 3, 2010, FOOTE received an incoming call from a number ending in 1541 and spoke with an unidentified man ("UM") (TARGET CELLPHONE 2 Session 5348). During the call, FOOTE asked the UM, "you not on the Ends?" The UM responded, "I was out by the Pub, where are you?" FOOTE said, "go on the Ends." The UM asked, "where I go normally?" Based on my experience and participation in this investigation, I believe that the FOOTE was arranging to meet with the UM in order to engage in a narcotics transaction.

c. On or about October 4, 2010, "Frankie" received an incoming call from a number ending in 3598 and spoke to an unidentified male ("UM") (TARGET CELLPHONE 3 Session 1155).

"Frankie" said, "how were you doing chicken again last night . how you all doing chicken on a Sunday are you all idiots?" The UM responded, "those were going to sell." "Frankie" told the UM, "a man tell me that you were doing chicken and I says every fucking Sunday you all are doing chicken. What happens to Friday and Saturday? That's the time people get pay . . . and you will get support from the Pub." Based on my experience and my participation in this investigation, I believe that "chicken" is code for narcotics, and that "Frankie" told the UM that he could sell more narcotics on Friday or Saturdays at the Pub.

d. On or about October 5, 2010, FOOTE received an incoming call from an individual identified as DERRICK GARWOOD, a/k/a "Binghy" (TARGET CELLPHONE 4 Session 42). During the call, GARWOOD said to FOOTE, "half pint, you know that though, right?" FOOTE responded, "I know, I know I'm coming to give you" GARWOOD said, "I'm going to the Pub." FOOTE replied, "yeah, yeah, when I come out." Based on my experience and my participation in this investigation, I believe that GARWOOD ordered a quantity of narcotics from FOOTE and asked to meet FOOTE to obtain those narcotics at the Pub.

e. On or about October 8, 2010, FOOTE received an incoming call from CLOVAL TAYLOR, a/k/a "Clove" (TARGET CELLPHONE 4 Session 195). During that call, TAYLOR said that he was "in the Pub, hombre. What is the man saying?" FOOTE asked "You

don't have nothing for the brains down there? . You don't have nothing for the head, no head top down there?" TAYLOR responded "I don't know, man, [U/I] on my phone, man." FOOTE said "All right I [U/I] All right." Based on my experience and participation in this investigation, I believe that FOOTE was asking TAYLOR if he had marijuana at the Pub.

f. On or about November 11, 2010, "Frankie" received an incoming call from FOOTE at approximately 7:06 p.m. (TARGET CELLPHONE 3 Session 2218). During the call, FOOTE told "Frankie" to "come downstairs for a minute real fast." "Frankie" said "No, I am not there. Oh, oh, oh, where?" FOOTE said "Downstairs at the Pub, man." Based on my experience and participation in this investigation, I believe that FOOTE and "Frankie" were meeting at PREMISES 6.

g. On or about November 19, 2010, "Frankie" received an incoming call from an unidentified male ("UM") (TARGET CELLPHONE 3 Session 2383). During the call, the UM asked, "you see the brother that sell the three for twenty? What's his number? Where can I find him?" "Frankie" said, "I don't have it. He suppose to be down the road there though." The UM asked, "down by the Pub?" "Frankie" said, "yeah." Based on my experience and my participation in this investigation, I believe that the UM asked "Frankie" where he could find a certain person who sells narcotics and that "Frankie" told the UM the third

party was at the Pub.

h. On or about December 6, 2010, FOOTE placed an outgoing call to TAYLOR and asked TAYLOR "how's the vibes?" (TARGET CELLPHONE 2 Session 10581). TAYLOR told FOOTE "You know that is down, all right there we are, car, we come to pick up you know" FOOTE asked, "you don't get it yet?" TAYLOR said, "no, we are here, the guy gone to start it, but it good still." FOOTE said, "oh, I hear that the Pub don't open yet." Based on my experience and participation in this investigation, I believe that FOOTE and TAYLOR were discussing a narcotics transaction involving the "Pub."

August 11, 2010 Transaction

70. Based on my conversations with DEA Agent 3, I learned that on or about August 11, 2010, following intercepted communications indicating that FOOTE was receiving a supply of narcotics,¹³ DEA Agent 3 and other law enforcement officers conducted surveillance in and around PREMISES 1 and PREMISES 6, among other locations. According to DEA Agent 3:

¹³ For example, the prior afternoon, FOOTE received an incoming call from an unidentified male ("UM") using a phone number ending in the numbers 6994 (TARGET CELLPHONE 2 Session 364). During that call, the UM asked FOOTE if he was going to get "the suitcase." FOOTE stated that "his man" was in "Zona" and that if the UM didn't have anybody to bring it because "everybody is afraid" then FOOTE would carry it himself. The UM responded that they had "some girls that we use." Based on my experience and participation in this investigation, I believe that the UM and FOOTE were discussing obtaining a new supply of drugs from a supplier in Arizona.

a. FOOTE drove to the Bronx, New York, in VEHICLE 2, where he met with an unidentified female. Later that day, at approximately 5:59p.m., another law enforcement officer saw FOOTE arrive in VEHICLE 2 at PREMISES 1 (the Seabring House), enter PREMISES 1 carrying a white paper package in his hand, and leave PREMISES 1 in VEHICLE 2 about 7 minutes later.

b. Approximately 35 minutes later, DEA Agent 3 saw FOOTE and "Frankie" get out of VEHICLE 2 in the parking lot of PREMISES 6, and saw "Frankie" carrying a small black backpack. DEA Agent 3 saw FOOTE and "Frankie" speak to several black males outside of PREMISES 6 and then saw FOOTE and "Frankie" enter the door to PREMISES 6. Shortly thereafter, DEA Agent 3 saw FOOTE walk out of PREMISES 6 and speak to several males across the street from PREMISES 6, and then saw "Frankie" walk out of PREMISES 6 a few minutes later. At approximately 7:55p.m., DEA Agent 3 saw FOOTE get into VEHICLE 2 and drive away.

71. Based on my review of communications intercepted pursuant to the Prior Court Orders, I learned that on or about August 11, 2010, at or near the time FOOTE arrived at PREMISES 1, FOOTE placed an outgoing call to "Frankie" and asked "Frankie" "You're on the road?" (TARGET CELLPHONE 2 Session 565).

"Frankie" said "Yes, I'm around Dalton, I came to look for two peppers . . . and calaloo for Damian's thing." FOOTE said "I'm on the Ends, man," and "Frankie" said "yeah man, I'm here man .

. I'm coming in now." Based on my experience and participation in this investigation, I believe that "calaloo" refers to marijuana and that FOOTE told "Frankie" he was arriving at. PREMISES 1.

72. Based on the above-referenced facts, my experience, and my participation in this investigation, I believe that FOOTE and "Frankie" engaged in a narcotics transaction inside PREMISES 6.

October 4, 2010 Transaction

73. According to SVPD Sergeant 1, on or about October 4, 2010, an SVPD Officer conducting surveillance in the vicinity of Spring Valley High School observed FOOTE drive VEHICLE 3 (the Red Accord) to the Spring Valley High School parking lot and watch a football game. The SVPD Officer then saw FOOTE drive to PREMISES 2, the Foote Residence, in VEHICLE 3. Later that evening, at approximately 7:52p.m., the SVPD Officer saw VEHICLE 3 parked in the parking lot of PREMISES 6. Approximately 2 hours later, FOOTE walked out of PREMISES 6 with another man, and they both got into VEHICLE 3 and drove to PREMISES 1, the Seabring House.

74. From my review of calls intercepted pursuant to the Prior Court Orders, I learned that on or about the same day FOOTE placed an outgoing call to a number ending in 2708 and spoke to an individual identified on other intercepted calls as

"Reggie" (TARGET CELL:t:HONE 4 Session 12). "Reggie" asked FOOTE if he was going to the "Pub." FOOTE said he was going to a Spring Valley High School football game. "Reggie" asked FOOTE "what time the game start?" FdOTE said "it starts.4, 4:30." "Reggie" said "alright, so I will see you about 6:30 then?" and told FOOTE "I have something for you." Later that same day, at approximately 6:11p.m., FOOTE placed an outgoing call to the same number and again spoke to "Reggie" (TARGET CELLPHONE 4 Session 17). FOOTE asked "Reggie" "what's going on?" "Reggie" told FOOTE that he would "come soon." FOOTE asked, "you're still good though?" and "Reggie" said, "yeah."

January 8, 2011 Transaction

75. From my review of calls intercepted pursuant to the Prior Court Orders, I learned that on or about January 8, 2011, FOOTE placed an outgoing call to MICHAELANGE ZAMOR, a/k/a "Micky," a/k/a "Fatboy," during which ZAMOR said "I am coming to link you today still. I have everything, where are you going now, jersey?" (TARGET CELLPHONE 2 Session 14282). FOOTE said "I am not going anywhere, I am just going to check somebody in Spring Valley." ZAMOR said "Alright then, link me in the next hour." FOOTE then called CLOVAL TAYLOR, a/k/a "Clove" (TARGET CELLPHONE 2 Session 14303). "Clove" said, "I am here on the Ends waiting on you," and FOOTE responded, "okay, okay, I am downstairs here long time still humbre." Later, FOOTE called

ZAMOR and left a voicemail message in which FOOTE stated that FOOTE had been waiting and if ZAMOR did not want to deal with FOOTE, he should tell him (TARGET' CELLPHONE 2Session 14357). About 2 hours later, FOOTE received an incoming call from ZAMOR, who asked FOOTE "Where are you?" FOOTE responded "I am at the Pub humbre, come check me," and ZAMOR said "I am coming right now" (TARGET CELLPHONE 2 Session 14366).

76. According to SVPD Sergeant 1, at or near the time of FOOTE's conversation with ZAMOR during which FOOTE indicated that he was at the "Pub," cell site location information showed that FOOTE's cellphone (TARGET CELLPHONE 2) was located in the vicinity of PREMISES 6.

77. Furthermore, according to SVPD Sergeant 1, on or about January 10, 2011, a confidential informant ("CI") who was arrested for offenses unrelated to this investigation in September 2010 and who has provided reliable information in the past, told SVPD Sergeant 1 that the CI knew that Jamaicans, including, among others "Killa" and "Norris," "hang out" at PREMISES 6. Based on my participation in this investigation, I know that "Killa" is an alias used by DUNSTON FOOTE, and "Norris" is the middle name of and an alias used by FITZROY NORRIS KELLY.

78. Accordingly, I believe that FOOTE, "Frankie," and other members of the FOOTE ORGANIZATION meet at and have engaged in narcotics distribution activities at PREMISES 6, and that

evidence of such crimes will be found at PREMISES 6.

THE STUDIO (PREMISES 7)

79. Based on my experience and participation in this investigation, including my review of the intercepted communications and surveillance images described herein, I believe that PREMISES 7 is a location referred to by members of the FOOTE ORGANIZATION as "the Studio" and used by members of the FOOTE ORGANIZATION to distribute narcotics. For example, from my review of calls intercepted pursuant to the Prior Court Orders, I learned that:

a. On or about August 17, 2010, FOOTE placed an outgoing call to TROY MONTGOMERY, a/k/a "Scrapie" (TARGET CELLPHONE 2 Session 1180). During the call, FOOTE said that he had been waiting for "about an hour and a half." TROY MONTGOMERY said he was "opening up" the "Studio" and that FOOTE should have told him he was waiting because he would have left and "come check you and come back." Based on my experience and my participation in this investigation, I believe that TROY MONTGOMERY was talking about leaving the Studio to obtain narcotics from FOOTE, after which Troy planned to return to the Studio.

b. On or about August 20, 2010, FOOTE received an incoming call from "Frankie," who asked if FOOTE had gone to "link the man there" (TARGET CELLPHONE 2 Session 1406). FOOTE

asked, "who that?" and "Frankie" said, "Ahm . . . Studio."
"Frankie" asked "you supposed to link him on something else?"
FOOTE said yes, "because it is two cent he had wanted you know
. . he said a man is coming for a one." Based on my training and
experience and my participation in this investigation, I believe
that "two cent" and "one" refer to a quantity of narcotics, and
FOOTE was discussing bringing a man at the Studio a quantity of
narcotics.

c. On or about August 25, 2010, FOOTE received
an incoming call from DROMYNEAK MONTGOMERY, a/k/a "Drommie"
(TARGET CELLPHONE 2 Session 1926). During the call, DROMYNEAK
MONTGOMERY said, "ain't nothing big I want" and said he was "in
th Studio" and asked FOOTE to come see him. FOOTE said, "I'm
here, but you have to give me a minute though." DROMYNEAK
MONTGOMERY said, "I can reach down there." FOOTE responded "I
have it already, just give me a minute, I'm building a spliff."
Based on my experience and my participation in this
investigation, I believe that DROMYNEAK MONTGOMERY asked FOOTE to
bring a quantity of narcotics to the Studio, and FOOTE said he
was coming but had to finish rolling a cigarette of marijuana.

d. Or about September 4, 2010, FOOTE placed an
outgoing call to "Frankie" (TARGET CELLPHONE 2 Session 2695).
During that call, "Frankie" told FOOTE that a "Studio man come
check me . . . and short me ten dollars." FOOTE asked "what is

he taking, half?" and "Frankie" responded affirmatively. Based on my experience and my participation in this investigation, I believe that "Frankie" was discussing a drug sale with a person from "the Studio" in which he did not receive the full payment for the drugs.

e. On or about September 10, 2010, FNU LNU, a/k/a "Frankie," placed an outgoing call to TROY MONTGOMERY, a/k/a "Scrapie" (TARGET CELLPHONE 3 Session 195). TROY MONTGOMERY told FOOTE, "I have to sort that out yesterday and me and Drommie go for . . . almost war yesterday because of the same situation. . . I had to go for my gun for Drommie yesterday." TROY MONTGOMERY complained that "they are at the Studio and they are running the Studio reckless." Based on my experience and participation in this investigation, I believe that "Drommie" is TROY MONTGOMERY's brother DROMYNEAK MONTGOMERY, a/k/a "Drommie," and, as described in detail below, I believe that the "Studio" is a reference to a recording studio used by members of the FOOTE ORGANIZATION, located at 43 North Madison in Spring Valley, New York.

f. On or about September 17, 2010, FOOTE placed an outgoing call to DROMYNEAK MONTGOMERY, who told FOOTE, "I'm here you know . . . Studio, you know . . . you know what I told you?" (TARGET CELLPHONE 2 Session 3994). FOOTE responded, "two of the same?" DROMYNEAK MONTGOMERY said, "yeah." Based on my experience and my participation in this investigation, DROMYNEAK

MONTGOMERY asked FOOTE to bring him the same quantity of narcotics that FOOTE had given him on a previous occasion.

80. According to SVPD Sergeant 1, on or about October 6, 2010, a robbery suspect (the "Suspect"), was interviewed by SVPD officers about the robbery. The Suspect told the officers that at the time of the robbery he was on his way to record a rap song at "ihe Studio." The Suspect provided a description of the location of the "Studio" that matched the location of PREMISES 7. The Suspect said that "his man Troy" ran the Studio. The Suspect confirmed that "Troy's" full name was TROY MONTGOMERY and stated that Troy's brother, "Drommie," ran the Studio.

81. Accordingly, I believe that FOOTE, "Frankie, TROY MONTGOMERY, and DROMYNEAK MONTGOMERY, a/k/a "Drommie," have engaged in narcotics-trafficking offenses at PREMISES 7, and that evidence of such crimes will be found at PREMISES 7.

APPLICATION FOR A SEARCH WARRANT

82. Based on my training and experience, and my participation in this and other narcotics investigations, I know the following:

a. Narcotics traffickers often maintain, outside the normal banking system, large sums of cash received from the sale and distribution of controlled substances and in order to maintain and finance their ongoing business.

b. Narcotics traffickers frequently maintain

books, monetary instruments, records, receipts, notes, ledgers, airline tickets, money orders and wires, and other documents relating to the transportation, ordering, sale and distribution of controlled substances and maintain monetary instruments and other assets. Such documents and other items are generally maintained where narcotics traffickers have ready access to them, such as their residences, vehicles, stash houses, or other locations where they regularly conduct their narcotics business.

c. Narcotics traffickers may hide in secure locations within their residences or vehicles and conceal from law enforcement the following: proceeds of drug sales, records of drug and money transactions, firearms and other weapons, ammunition, caches of drugs and other contraband, other items containing or reflecting evidence of the processing or counting of drug proceeds, including but not limited to money counting machines, large amounts of currency, financial instruments, keys for safe deposit boxes, precious metals, jewelry and other items of value and/or proceeds of drug transactions and evidence of financial transactions relating to obtaining, transferring, hiding or spending large sums of money made from controlled substance trafficking activities.

d. When narcotics traffickers amass proceeds from the sale of controlled substances, they often attempt to legitimize these profits. Narcotics traffickers use various

methods to achieve this goal, and evidence of these efforts includes but is not limited to records from foreign and domestic banks and their attendant services, credit card records, records from the purchase of securities and other financial instruments, cashier's checks, money drafts, letters of credit, records from brokerage houses, real estate records, and documents and records relating to shell corporations and business fronts.

e. Narcotics traffickers commonly maintain, in books and documents or electronically, in computers, cellphones, blackberries, and personal data assistants, the names, addresses, telephone numbers and/or pager numbers, and e-mail addresses for their criminal associates. They also often maintain telephone billing records that evidence the placing of large numbers of calls each month, consistent with narcotics dealing.

f. Narcotics traffickers commonly have photographs of themselves, their associates, their property and their narcotics in their possession or in their residence. Such photographs may be in hard copy form or may be stored in digital form in cameras, cellphones, blackberries, computers, and other electronic devices.

g. To evade surveillance and law enforcement tracking through Department of Motor Vehicle Records, narcotics traffickers frequently rent vehicles and often, narcotics traffickers maintain records of such vehicle rentals at their

residences.

h. Narcotics traffickers commonly maintain numerous associated apartments or residences from which they conduct their business, commonly referred to as "stash locations." Narcotics traffickers frequently maintain records and other documents that evidence rental or lease agreements for such apartments. These documents constitute evidence of the association of the various apartments, and are themselves tools of the narcotics conspiracy. Drug traffickers frequently maintain such records in their residences and in the stash locations.

i. Narcotics traffickers usually keep paraphernalia for packaging, cutting, weighing and distributing controlled substances. These paraphernalia include, but are not limited to, scales, plastic and glassine bags and materials used for grinding and packaging marijuana or for cooking powder cocaine into crack.

j. Narcotics traffickers commonly use cellphones, blackberries, PDAs, other person handheld electronic devices, and laptop and desktop computers to communicate with, among others, their customers, their suppliers, and other criminal associates and to store phone numbers, text messages, emails, photographs, physical and email addresses, and other information that constitutes evidence of their narcotics

trafficking activities. Narcotics traffickers also commonly store records of the business of distributing and selling drugs, including information described in the preceding paragraphs above, on computers and computer discs, diskettes, thumbdrives, CDs, external hard drives, cassettes, tapes and other forms of digital media.

k. Narcotics traffickers often keep and store firearms, ammunition and other weapons on their persons and in accessible locations near where they store narcotics, records, proceeds, and other items related to their narcotics trafficking activities.

1. Narcotics traffickers frequently maintain items described in the preceding paragraphs inside safes, key-lock strong boxes, suitcases, containers, safe-deposit boxes and other instruments, which are further secured by combination and/or key locks of various kinds.

m. Narcotics traffickers frequently build "stash" places within their residences or other locations in order to store items described in the preceding paragraphi and

n. Narcotics traffickers also maintain identification documents, including driver's licenses, passports, and other travel documents, and social security cards. These identification documents may be authentic or fraudulent, to evade detection by law enforcement. Passports and other associated

identification documents are typically kept in the home and retained for long periods, or at least until the expiration date on the passport or other identification. Based on my training and experience I also know that individuals involved in passport and naturalization fraud often keep passports and other identity documents in closed and/or locked cabinets and other containers.

83. Based on the facts set forth in this affidavit, I respectfully submit that there is probable cause to believe that there is presently located within the SUBJECT PREMISES fruits, evidence, and instrumentalities of violations of federal law, including offenses involving:

a. participation in a conspiracy to distribute and possess with intent to distribute controlled substances, in violation of Title 21, United States Code, Sections 812; 841(a)(1), 843(b), and 846;

b. distribution and possession with intent to distribute controlled substances, in violation of Title 21, United States Code, Sections 812 and 841(a)(1);

c. money laundering, in violation of Title 18, United States Code, Sections 1956 and 1957;

d. the possession of firearms by prohibited persons and the use of firearms in furtherance of narcotics trafficking offenses, in violation of Title 18, United States Code, Sections 922(g)(1), 922(g)(5), and 924(c); and

e. aiding or abetting in the crimes described above (except for 18 U.S.C. § 846, the crime of conspiracy), in violation of Title 18, United States Code, Section 2.

84. Specifically, I believe there is probable cause to believe that the following items will be found at the SUBJECT PREMISES:

a. Controlled substances, including marijuana and cocaine, and any package or container capable of containing controlled substancesi

b. Paraphernalia used in the packaging, use, storage, transportation, and distribution of narcotics, including, scales, small plastic bags, razors, safes, duffle bags, any type of cloth bag, gym bag, luggage, suitcases, plastic and paper bags, zip-lock bags, cardboard boxes, and other packages that can be used in the storage, packaging, transportation and delivery of narcotics, firearms, weapons, or currencyi

c. Books, records, receipts, notes, ledgers and other documents and evidence relating to the transportation, ordering, purchase and distribution of controlled substances, including buyer and seller lists, pay-owe sheets and records of sales, log books, drug ledgers, personal telephone/address books and/or rolodexes and notes containing the names and addresses and telephone numbers of persons who are criminal associates and

customers and/or suppliers of narcotics, telephone answering pads, bank and financial records, mail envelopes and receipts, records relating to domestic and foreign travel (such as tickets, passports, visas, credit card receipts, travel schedules, frequent flyer cards and statements, receipts and records), storage records (such as storage locker receipts and safety deposit box rental records), Federal Express, UPS, U.S. Postal Service, and other mailing records and receipts, real estate and property records, property and car rental and lease agreements and receipts, written communications (such as notes, letters, faxes, and printed e-mails or fliers), and identification documents (including driver's licenses, passports, other travel documents, birth certificates, and social security cards);

d. United States currency, precious metals, gems, jewelry, and financial instruments and property, documents and records evidencing the obtaining, secreting, transfer, expenditure and/or concealment of money and assets derived from or to be used in the sale of narcotics, including receipts and records from any financial institutions, credit cards and credit card statements, bank statements and records, checks and checkbooks, financial and tax records, business records, money drafts, money orders and cashier check receipts, money wire transfer records and receipts, ATM records and receipts, stock and bond certificates and records, vehicle titles, registrations,

and purchase documents, property deeds, escrow papers, passbooks, safes and records of safety deposit boxes and storage lockers;

e. Photographs of persons involved in the use, possession, cultivation and/or trafficking of narcotics and firearms; photographs of narcotics, firearms, ammunition, and other weapons; photographs of property and/or other assets which may have been purchased or obtained with the proceeds of drug trafficking; and photographs of stash and shipping locations;

f. Indicia of occupancy, residency, and/or ownership of the premises, vehicles, and other property, including, but not limited to, utilities and telephone bills, mail, addressed envelopes and letters, and keys (including building, car, mailbox, safe, and safety deposit box keys);

g. All firearms, ammunition, and other weapons, and cases and containers designed to hold firearms, ammunition, and other weapons;

h. All cellphones, blackberries, PDAs, other personal handheld electronic devices, laptop and desktop computers, computer discs, diskettes, thumbdrives, CDs, external hard drives, cassettes, tapes, digital camera and audio/video recording devices, other forms of digital media, and the contents of the above items, and all charging equipment for any electronic devices seized;

i. Any safes, key-lock strong boxes, suitcases,

boxes, containers, and other instruments closed and/or secured by combination and/or key locks of various kinds that may contain items described in the above paragraphs of this Schedule, and their contents.

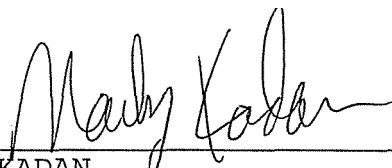
85. The authorized personnel will search the computer equipment and communication devices described in Schedule A within a reasonable amount of time from the date of execution of the warrant. If, after such a search has been conducted, it is determined that a computer equipment contains any evidence described in Schedule A, the Government will retain the computer equipment and devices. If it is determined that the computer equipment and devices are no longer necessary to retrieve and preserve the data, and the items are not subject to seizure pursuant to Federal Rule of Criminal Procedure 41(c), such equipment and/or devices will be returned within a reasonable time, not to exceed 60 days unless additional time is authorized by the Court.

86. In consideration of the above, I respectfully request that a warrant issue authorizing myself and other DEA agents, with proper assistance from other state and federal law enforcement agencies, to search the SUBJECT PREMISES, including locked or unlocked safes, cabinets, closets, desks, cellphones, computers, electronic/computer storage devices, and any other closed containers found therein, and to seize from the SUBJECT

PREMISES the items set forth in Schedule A. Because, as noted above, there is probable cause to believe that firearms are kept inside the SUBJECT PREMISES and the above-referenced defendants have been observed leaving the SUBJECT PREMISES before 5:00a.m., authority to execute the search warrant for the SUBJECT PREMISES anytime, day or night, is respectfully requested for good cause in accordance with Rule 41(e)(2)(A)(ii) of the Federal Rules of Criminal Procedure.

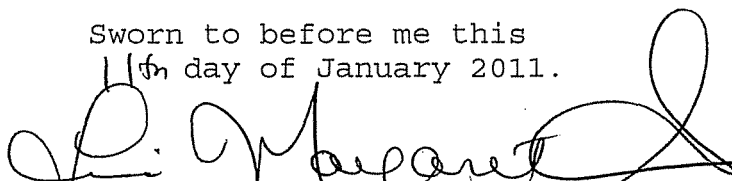
CONCLUSION

87. Based on the foregoing, I believe there is probable cause to believe that the SUBJECT PREMISES are likely to contain evidence concerning violations of the federal narcotics and firearms laws, among others. I therefore respectfully request that the Search Warrant sought in this affidavit issue pursuant to Rule 41 of the Federal Rules of Criminal Procedure, permitting authorized agents or officers to search the SUBJECT PREMISES for the items listed in Schedule A to the Search Warrant.



MARK KADAN
SPECIAL AGENT
DRUG ENFORCEMENT ADMINISTRATION

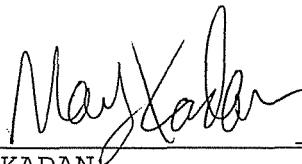
Sworn to before me this
11th day of January 2011.



UNITED STATES MAGISTRATE JUDGE
SOUTHERN DISTRICT OF NEW YORK

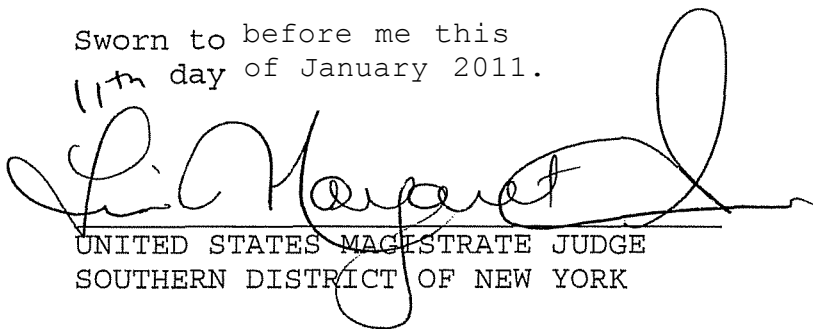
Request for Sealing

Because this investigation is ongoing and the defendants have not been apprehended, disclosure of the search warrant, this affidavit, and/or this application and the attachments thereto will seriously jeopardize the progress of the investigation and the safety of law enforcement. Accordingly, I respectfully request that the Court issue an order that the search warrant, this affidavit in support of application for search warrant, the application for search warrant, and all attachments thereto be filed under seal until further order of this Court.



MARK KADAN
SPECIAL AGENT
DRUG ENFORCEMENT ADMINISTRATION

Sworn to before me this
11th day of January 2011.



UNITED STATES MAGISTRATE JUDGE
SOUTHERN DISTRICT OF NEW YORK

Schedule A

PROPERTY TO BE SEIZED AT THE PREMISES KNOWN AND DESCRIBED AS (1) 25A SEABRING STREET, THE SHED LOCATED BEHIND 25A SEABRING STREET, AND THE BACKYARD AND CURTILAGE OF 25A SEABRING STREET, SPRING VALLEY, NEW YORK 10977, AND ANY CLOSED CONTAINERS FOUND THEREIN; (2) 9B BLAKESLEE PLACE, AND THE BACKYARD AND CURTILAGE OF 9B BLAKESLEE PLACE, HILLBURN, NEW YORK 10901, AND ANY CLOSED CONTAINERS FOUND THEREIN; (3) 16 ORMIAN DRIVE, POMONA, NEW YORK 10970, AND ANY CLOSED CONTAINERS FOUND THEREIN; (4) 45B CLINTON STREET, NANUET, NEW YORK 10954, AND ANY CLOSED CONTAINERS FOUND THEREIN; (5) 14 LAFAYETTE STREET, SECOND FLOOR APARTMENT, SPRING VALLEY, NEW YORK 10977, AND ANY CLOSED CONTAINERS FOUND THEREIN; (6) 33 NORTH MAIN STREET, SECOND FLOOR, SPRING VALLEY, NEW YORK 10977, AND ANY CLOSED CONTAINERS FOUND THEREIN; (7) 43 NORTH MADISON STREET, SPRING VALLEY, NEW YORK 10977, AND ANY CLOSED CONTAINERS FOUND THEREIN; (8) THE 2009 TAN TOYOTA HIGHLANDER SUBURBAN WITH NEW YORK LICENSE PLATE ESY3390, REG STERED NATALEE BROWN, 60E ECKERSON DRIVE, #30A, SPRING VALLEY, NEW YORK 10977, AND ANY CLOSED CONTAINERS FOUND THEREIN; (9) THE 2000 GRAY BMW FOUR-DOOR SEDAN, WITH NEW YORK LICENSE PLATE EXZ6630, REGISTERED TO DEBORAH GRIFFITH, 16 ORMIAN DRIVE, POMONA, NEW YORK 10970, AND ANY CLOSED CONTAINERS FOUND THEREIN; (10) THE 2008 RED HONDA ACCORD, WITH NEW YORK LICENSE PLATE EKK6845, REGISTERED TO DEBORAH GRIFFITH, 16 ORMIAN DRIVE, POMONA, NEW YORK 10970, AND ANY CLOSED CONTAINERS FOUND THEREIN; AND (11) THE 2006 BROWN HONDA ACCORD, WITH NEW YORK LICENSE PLATE EAC3338, REGISTERED TO PATRICK THOMAS, 16 ORMIAN DRIVE, POMONA, NEW YORK 10970:

1. Property, documents, and records that constitute fruits, evidence, and instrumentalities of violations of federal law, including offenses involving participation in a conspiracy to distribute and possess with intent to distribute controlled substances, in violation of Title 21, United States Code, Sections 812, 841(a)(1), 843(b), and 846; distribution and possession with intent to distribute controlled substances, in violation of Title 21, United States Code, Sections 812 and 841(a)(1); money laundering, in violation of Title 18, United States Code, Sections 1956 and 1957; the possession of firearms by prohibited persons and the use of firearms in furtherance of narcotics trafficking offenses, in violation of Title 18, United States Code, Sections 922(g)(1), 922(g)(5), and 924(c); and aiding or abetting in the crimes described above (except for 18 U.S.C. § 846, the crime of conspiracy), including:

a. Controlled substances, including marijuana and cocaine, and any package or container capable of containing controlled substances;

b. Paraphernalia used in the packaging, use, storage,

transportation, and distribution of narcotics, including, scales, small plastic bags, razors, safes, duffle bags, any type of cloth bag, gym bag, luggage, suitcases, plastic and paper bags, zip-lock bags, cardboard boxes, and other packages that can be used in the storage, packaging, transportation and delivery of narcotics, firearms, weapons, or currency;

c. Books, records, receipts, notes, ledgers and other documents and evidence relating to the transportation, ordering, purchase and distribution of controlled substances, including buyer and seller lists, pay-owe sheets and records of sales, log books, drug ledgers, personal telephone/address books and/or rolodexes and notes containing the names and addresses and telephone numbers of persons who are criminal associates and customers and/or suppliers of narcotics, telephone answering pads, bank and financial records, mail envelopes and receipts, records relating to domestic and foreign travel (such as tickets, passports, visas, credit card receipts, travel schedules, frequent flyer cards and statements, receipts and records), storage records (such as storage locker receipts and safety deposit box rental records), Federal Express, PPS, U.S. Postal Service, and other mailing records and receipts, real estate and property records, property and car rental and lease agreements and receipts, written communications (such as notes, letters, faxes, and printed e-mails or fliers), and identification documents (including driver's licenses, passports, other travel documents, birth certificates, and social security cards);

d. United States currency, precious metals, gems, jewelry, and financial instruments and property, documents and records evidencing the obtaining, secreting, transfer, expenditure and/or concealment of money and assets derived from or to be used in the sale of narcotics, including receipts and records from any financial institutions, credit cards and credit card statements, bank statements and records, checks and checkbooks, financial and tax records, business records, money drafts, money orders and cashier check receipts, money wire transfer records and receipts, ATM records and receipts, stock and bond certificates and records, vehicle titles, registrations, and purchase documents, property deeds, escrow papers, passbooks, safes and records of safety deposit boxes and storage lockers;

e. Photographs of persons involved in the use, possession, cultivation and/or trafficking of narcotics and firearms; photographs of narcotics, firearms, ammunition, and other weapons; photographs of property and/or other assets which may have been purchased or obtained for trafficking; and photographs of stash and shipping locations;

f. Indicia of occupancy, residency, and/or ownership of the premises, vehicles, and other property, including, but not limited to, utilities and telephone bills, mail, addressed

envelopes and letters, and keys (including building, car, mailbox, safe, and safety deposit box keys);

g. All firearms, ammunition, and other weapons, and cases and containers designed to hold firearms, ammunition, and other weapons;

h. All cellphones, blackberries, PDAs, other personal handheld electronic devices, laptop and desktop computers, computer discs, diskettes, thumbdrives, CDs, external hard drives, cassettes, tapes, digital camera and audio/video recording devices, other forms of digital media, and the contents of the above items, and all charging equipment for any electronic devices seized;

i. Any safes, key-lock strong boxes, suitcases, boxes, containers, and other instruments closed and/or secured by combination and/or key locks of various kinds that may contain items described in the above paragraphs of this Schedule, and their contents.

2. The authorized personnel will search the computer equipment and communication devices described in this schedule within a reasonable amount of time from the date of execution of the warrant. If, after such a search has been conducted, it is determined that a computer equipment contains any evidence described in this Schedule, the Government will retain the computer equipment and devices. If it is determined that the computer equipment and devices are no longer necessary to retrieve and preserve the data, and the items are not subject to seizure pursuant to Federal Rule of Criminal Procedure 41(c), such equipment and/or devices will be returned within a reasonable time, not to exceed 60 days unless additional time is authorized by the Court.