

UNITED STATES DISTRICT COURT

for the

Northern District of Ohio

United States of America )

v. )

THOMAS A. WALKER JR. )

Case No. 5:21mj1126

FILED

1:15 pm Apr 20 2021
Clerk U.S. District Court
Northern District of Ohio
Akron

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of April 19, 2021 in the county of Summit in the Northern District of Ohio, the defendant(s) violated:

Code Section

Offense Description

Title 21, United States Code, Sections 841(a)(1) and (b)(1)(B)

Attempted possession with intent to distribute Fentanyl, a Schedule II Controlled Substance.

This criminal complaint is based on these facts:

SEE ATTACHED AFFIDAVIT

Continued on the attached sheet.

Marc A. Kudley signature

Complainant's signature

MARC A. KUDLEY, Postal Inspector, USPIS

Printed name and title

Sworn to via telephone after submission by reliable electronic means. Fed. R. Crim. P. 3, 4(d), and 4.1.

Date: 4/20/2021

City and state: Akron, Ohio



Kathleen B. Burke signature

Kathleen B. Burke, U.S. Magistrate Judge

**AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT**

I, Marc Kudley, DO HEREBY DEPOSE AND SAY:

**Introduction and Affiant Background**

1. I am a United States Postal Inspector, employed by the U.S. Postal Inspection Service (USPIS) since May 2012. I am a sworn Federal law enforcement officer empowered to investigate criminal activity involving or relating to the U.S. Postal Service (USPS) and/or U.S. Mail. I am presently assigned at the USPIS Cleveland, Ohio Field Office to the Contraband Interdictions and Investigations Group, which strives to protect the U.S. Mail from dangerous drugs and illegal contraband, specifically illicit drugs and firearms. I have received training in the detection and investigation of drug trafficking. Based on my training and experience investigating drug offenses, I am aware that certain quantities of drugs indicate whether the drugs are intended for personal use or distribution. I have worked drug trafficking investigations involving the U.S. Mails since August 2012, during which time I have been involved in narcotics investigations leading to prosecution in U.S. District Court, as well as state courts.
2. This affidavit is in support of a criminal complaint against THOMAS A. WALKER JR. (hereinafter "WALKER").
3. Because this affidavit is submitted for the limited purpose of supporting a criminal complaint and arrest warrant, I have not included each and every fact known concerning this investigation. I have set forth only the facts I believe necessary to establish probable cause that WALKER has committed violations of

- Title 21, United States Code, Sections 841(a)(1) and (b)(1)(B), that is attempted possession with intent to distribute Fentanyl, a Schedule II Controlled Substance.
4. I know based on training and experience that U.S. Mail is often used by narcotic traffickers to transport controlled substances, proceeds derived from the sale of controlled substances, and other contraband such as firearms. I know from my training and experience that the USPS Priority Mail Express system is commonly used to transport controlled substances, proceeds derived from the sale of controlled substances, and other contraband because Priority Mail Express provides traceability, reliability, and timely delivery. The guaranteed delivery timeframe of approximately one to two days for Priority Mail Express places time pressures on law enforcement agents to identify, search, and deliver these drug parcels in a timely manner.

**Probable Cause**

5. On April 15, 2021, while conducting parcel interdiction at the USPS Processing & Distribution Center in Akron, Ohio, I identified USPS Priority Mail Express parcel bearing tracking number EJ573144565US, addressed to T. Lewis, 559 East Ave, Akron, OH 44320, with a return address of J. Neal, 14104 Nepeta Trail, Fort Wayne, IN 46845 (hereinafter “the Subject Parcel”). I identified the Subject Parcel as a suspect drug parcel based on several characteristics, including but not limited to type of mail, origin, destination, and size.
6. The Subject Parcel is further described as a brown USPS Ready Post Mailing Carton with “Seal It. Sent It.” tape over the top and bottom seams. The Subject Parcel measured approximately 15” X 12” X 10” in size and weighed

approximately five pounds. The Subject Parcel was mailed on April 14, 2021 from the Tempe, Arizona 85284 Post Office and bore \$111.40 in U.S. Postage. Your affiant knows Arizona has historically been a source area for controlled substances mailed into Northern Ohio.

7. I made inquiries with CLEAR, an electronic database that has proven reliable in previous investigations in determining the legitimacy of name, address, and phone number information, concerning the delivery address of 559 East Ave, Akron, OH 44320, and was unable to associate an individual with the first initial "T" and last name Lewis at the address.
8. According to CLEAR, WALKER was associated with the delivery address. According to the Summit County Clerk of Courts website, on October 22, 2013, WALKER pled guilty to felony 3 possession of heroin and was sentenced to 30 months incarceration.
9. I also made inquiries with CLEAR concerning the return address of 14104 Nepeta Trail, Fort Wayne, IN 46845, and was unable to associate an individual with the first initial "J" and last name Neal at the address. According to internet searches it appears the listed return address is not a valid address.
10. The Subject Parcel listed a return address in Fort Wayne, Indiana, but was mailed from a post office in Tempe, Arizona. I know based on experience, that individuals using the U.S. Mail to distribute controlled substances will sometimes list a return address in a non-drug source and non-border state, such as Indiana, in attempt to disguise that the parcel was actually mailed from a known drug source and border state such as Arizona.

11. I know based on training and experience, that individuals using the U. S. Mails for the purpose of transporting controlled substances will often place fictitious address, name and/or phone number information, different variations of their names, or no names at all on these parcels, to conceal their true identities from law enforcement should the parcel be seized.
12. On April 15, 2021 at the USFIS office in Akron, Ohio, the Subject Parcel was placed into a lineup containing several blank parcels which emanated no narcotics odors. Narcotic detection canine "Bella", handled by Detective Carney was allowed to examine the lineup. According to Detective Carney, Bella gave a positive alert on the Subject Parcel and none of the blank parcels. According to Detective Carney, this positive alert meant Bella detected the odor of an illegal drug emanating from the Subject Parcel.
13. Detective Carney has been State Certified as a Narcotics Canine handler and he and narcotics canine Bella have worked together since May 2020. Detective Carney and canine Bella were both certified in June 2020 by the Ohio Peace Officers Training Academy (OPOTA) as a specialty purpose K-9 team, narcotic detection. During this time, Bella was trained and certified to alert to the presence of the odors from marijuana, cocaine, heroin, methamphetamine and their derivatives. Detective Carney has been trained how to handle a detector K-9 and read their alerts. According to Detective Carney, Bella is a reliable K-9 assist unit.
14. I know based on training and experience that individuals who regularly handle controlled substances often leave the scent of controlled substances, which

narcotic canines are trained to indicate alert, on the box, contents of the box, and/or other packaging material they handle.

15. On April 15, 2021 in U.S. District Court in the Northern District of Ohio, Eastern Division, I obtained a federal search warrant (4:21M6115) from the Honorable Magistrate Judge Carmen E. Henderson for the Subject Parcel. On April 16, 2021, the search warrant was executed, resulting in the seizure of approximately 70 grams of round blue pills marked as “M” on one side and “30” on the other side, wrapped in clear cellophane in a clear zip lock bag. The pills were concealed in a package of rolled up tee shirts. The markings on the pills correspond to Oxycodone Hydrochloride 30 milligram pills. Based on my experience with the seizure of pills of similar shape, color, and markings, I suspected the pills were intentionally disguised as Oxycodone Hydrochloride, but contained Fentanyl.
16. On April 16, 2021, I transferred the blue round pills to Detective Carney. Detective Carney then transferred the pills to the City of Akron Police Division Forensic Laboratory for chemistry examination. On April 16, 2021, Detective Carney was advised by the City of Akron Police Division Forensic Laboratory that one of the blue round pills was tested and was found to contain Fentanyl.
17. On April 15, 2021, an individual using phone number 234-237-9484 subscribed to receive text message alerts from the USPS regarding the delivery status of the Subject Parcel. According to CLEAR, phone number 234-237-9484 was subscribed to WALKER at 559 East Avenue, Akron, OH 44320.

18. I identified WALKER had enrolled in an on-line USPS account and that account was used to track the Subject Parcel. The USPS on-line account had a username of Tommy2Earz, listed an address of 559 East Avenue, Akron, OH 44320, and listed a phone number of 234-237-9484, the same phone number that subscribed to received text alerts from the USPS for the Subject Parcel.
19. From April 17, 2021 through April 19, 2021, the USPS on-line account in WALKER's name was logged into by several Internet Protocol (IP) addresses associated with Charter Communications. Furthermore, according to USPS business records, the same IP addresses associated with Charter Communications that were used to log into the USPS account, were also used to track the delivery status of the Subject Parcel using USPS.com or the USPS smartphone application. In other words, the USPS on-line account in WALKER's name was used to track the delivery status of the Subject Parcel several times between April 17, 2021 and April 19, 2021. Based on the foregoing, I believe WALKER was the intended recipient of the Fentanyl pills mailed inside the Subject Parcel to 559 East Avenue in Akron, Ohio. The address of 559 East Avenue in Akron, Ohio was also listed as WALKER's residence on his Ohio Driver's License.
20. On April 19, 2021, members of the USPIS, Drug Enforcement Administration (DEA), Summit County Drug Unit (SCDU), and Akron Police Department (APD) conducted a controlled delivery of the Subject Parcel to 559 East Avenue in Akron, Ohio. Prior to the controlled delivery, I removed the pills from the Subject Parcel.

21. During the controlled delivery, undercover officers conducted surveillance on the residence located at 559 East Avenue. At approximately 12:50 p.m., an undercover Postal Inspector acting as a USPS carrier arrived at 559 East Avenue in a USPS delivery and parked in the driveway. The Inspector carried the Subject Parcel to the front door and knocked on the front door of the residence. After no answer, the Subject Parcel was left on the porch in front of the front door. At approximately 1:15 p.m., an African-American male wearing a white shirt and black pants opened the front door and kicked the Subject Parcel. The individual left the Subject Parcel on the front porch and went back inside the residence.
22. At approximately 2:07 p.m., an individual wearing a purple or blue jacket, later identified as WALKER, opened the front door and retrieved mail from the mailbox that was mounted on the porch next to the front door. WALKER left the Subject Parcel on the porch and went back inside the residence.
23. At approximately 2:10 p.m., a black Chevrolet small sport utility vehicle (SUV) with Ohio license plate HTF2674 arrived at 559 East Avenue and parked in the driveway between houses obstructing the view of investigators. The vehicle was identified as a 2019 Chevrolet Trax registered to Lakeyda Gardner.
24. At approximately 2:17 p.m., the black Chevrolet Trax departed 559 East Avenue. The vehicle was occupied by an African-American female driver and an unknown individual believed to be WALKER based on information later ascertained by investigators. The Subject Parcel remained on the porch.
25. At approximately 2:18 p.m., a green Infinity sedan arrived at 559 East Avenue, occupied by a driver, hereinafter "Individual 1" and a passenger, hereinafter



- “Individual 2.” Individual 2 exited the front passenger seat of the vehicle and retrieved the Subject Parcel from the porch at 559 East Avenue. The individual placed the Subject Parcel in the Infinity and the vehicle departed the residence.
26. Investigators followed the Infinity for several minutes and at approximately 2:23 p.m., the Infinity was stopped by APD officers near the intersection of Tyler Street and Fess Avenue. Investigators were unable to locate the Subject Parcel inside the vehicle. I recovered the Subject Parcel one block over near the intersection of White Avenue and Fess Avenue. The Subject Parcel was unopened. It appeared that the Subject Parcel was thrown out of the vehicle’s window before the vehicle was stopped by APD officers.
27. In the presence of Detective Carney, I advised Individual 1 of his Miranda Rights by reading my USPIS Miranda Rights cards. Individual 1 advised he understood his rights and willingly answered questions presented by investigators. Individual 1 said he was hanging out with Individual 2 when Individual 2 received a call from an unknown person. Individual 1 said the caller asked Individual 2 to retrieve a package. Individual 1 said Individual 2 asked for a ride to 559 East Avenue. Individual 1 said he drove Individual 2 to 559 East Avenue, where Individual 2 retrieved a package from the porch and placed it in the back of the Infinity sedan. Individual 1 said they drove away from the residence and identified the police were following them. Individual 1 said Individual 2 threw the package out of the passenger side window before being stopped by the police.
28. Individual 2’s cellular phone was recovered from the floorboard on the front passenger side of the Infinity sedan. The cellular phone screen was illuminated

and showed the contact for “Flaps(2)” with the phone number of 234-237-9484. The screen indicated calls from “Flaps(2)” at 1:59 p.m. and 2:14 p.m. I immediately recognized this phone number as the phone number that subscribed to receive text message alerts from the USPS for the Subject Parcel, which I believed to be used by WALKER.

29. In the presence of Detective Carney, I advised Individual 2 of his Miranda Rights by reading my USPIS Miranda Rights cards. Individual 2 advised he understood his rights and willingly answered questions presented by investigators. Individual 2 stated he received a call from WALKER, where WALKER said he was with his girlfriend and asked if Individual 2 would retrieve the Subject Parcel at 559 East Avenue.

30. Individual 2 stated the cellular phone number saved as the contact “Flaps(2)” in his cellular phone belonged to WALKER. Individual 2 stated he retrieved the Subject Parcel on behalf of WALKER and was supposed to bring the Subject Parcel to WALKER. Individual 2 stated WALKER was currently driving around with his girlfriend in a black Chevrolet small SUV. Individual 2 stated he retrieved the Subject Parcel as a favor for WALKER and did not know what the box contained. Individual 2 stated he threw the Subject Parcel out of the Infinity window when he saw the police were following them. Individual 2 said he figured something was wrong with the box. Individual 2 identified the Ohio Driver’s License photograph of THOMAS A. WALKER, JR. as WALKER also known as “Flaps(2).”

31. At approximately 3:02 p.m., Individual 2 received a call from WALKER. Individual 2 told WALKER he retrieved the Subject Parcel from 559 East Avenue, but threw it out of the vehicle's window when he noticed he was being followed by the police. Walker stated, *"If they was on you, they wouldn't have let you get away."* I believe WALKER is implying that he knew the contents of the Subject Parcel (i.e. pills pressed with Fentanyl) were illegal and opined the police would not let them get away without trying to stop them. Individual 2 told WALKER he was paranoid and apologized for throwing the box out of the window. WALKER stated, *"Ain't no my bad. That's too much money."* Individual 2 told WALKER he would go back and try to locate the box.
32. While the official lab weight in grams of the pills seized in the Subject Parcel is pending, I believe the parcel contained hundreds of pills. From my experience, fake Oxycodone pills with the same markings that are pressed with fentanyl can be sold in Akron, Ohio for as much as \$40 a pill. As an example, if there were six hundred pills in the Subject Parcel and the sale price of each pill was \$40, the contents of the Subject Parcel could be worth \$24,000.
33. After this call, APD released Individual 1 from custody in the vicinity of the 800 block of Vernon Odom Boulevard. At approximately 3:35 p.m., Individual 2 called WALKER and told him he tried to locate the box, but could not find it. WALKER stated, *"Come on. You can't be serious. They would have never let you throw that box out of the car. They gonna pull you all over man. So now you telling me the box is gone? That big ass box just disappeared?"* As previously referenced, the Subject Parcel was a large brown cardboard box measuring

- approximately 15” X 12” X 10.” Therefore, I believe WALKER was referring to the Subject Parcel.
34. WALKER asked where the box was throw out and Individual 2 advised he threw it out in between Sheridan Street and Longview Avenue. WALKER stated, *“Where is the box? I am up here. A big ass box ain’t disappear like that.”* I heard a turn signal in the background indicating WALKER was in a vehicle.
35. WALKER then asked why Individual 1 was walking down the street. Investigators believe WALKER saw Individual 1 when he (WALKER) was driving around looking for the Subject Parcel. WALKER pulled up on Individual 1 when he was walking down the street while he (WALKER) was talking on his cellular phone to Individual 2. It was apparent that Individual 1 entered WALKER’s vehicle. The conversation between WALKER and Individual 1 could be overheard through the cellular phone. WALKER asked Individual 1 what happened. Individual 1 stated, *“They caught us”* and explained how they were stopped by the police and the police recovered the box. WALKER told Individual 1 that the vehicle he was driving was registered to a female with the first name Lakeyda. Investigators believed WALKER was driving around looking for the Subject Parcel in the black Chevrolet Trax registered to Lakeyda Gardner, the same vehicle that was observed at 559 East Avenue moments before the Infinity Sedan arrived to retrieve the Subject Parcel.
36. APD officers located the black Chevrolet Trax with Ohio plate HTF2674 in the vicinity of Vernon Odom Boulevard and Superior Ave. APD units stopped WALKER and took him into custody.

37. WALKER was transported to the APD for a formal recorded interview. Detective Carney advised WALKER of his Miranda Rights. WALKER advised he understood his rights and willingly answered questions presented by the investigators. WALKER stated he currently resided at 559 East Avenue. WALKER stated he had no knowledge or ownership interest in the Subject Parcel. WALKER said he opened the front door at 559 East Avenue and saw the box sitting on the porch when he retrieved his mail. WALKER said he kicked the box since it did not belong to him. WALKER said he was later picked-up by his girlfriend "Keyda" Gardner in the black Chevrolet SUV. WALKER stated he went to eat at the Sonic in Massillon, Ohio and had nothing to do with the box that was delivered to his residence. The interview was terminated.

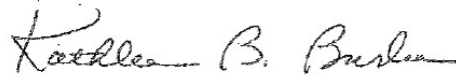
38. Based on the information contained in this affidavit, I believe there is probable cause to believe that on April 19, 2021, in the Northern District of Ohio, THOMAS A. WALKER JR., has committed violations of Title 21, United States Code, Sections 841(a)(1) and (b)(1)(B), that is attempted possession with intent to distribute Fentanyl, a Schedule II Controlled Substance.



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MARC A. KUDLEY  
POSTAL INSPECTOR

This affidavit was sworn to by the affiant, who attested to its contents by telephone, pursuant to Crim. R. 4.1 (b)(2)(A), after a PDF was transmitted by email, per Crim R. 4.1(d)(3), THIS 20<sup>th</sup> DAY of APRIL 2021.



Kathleen B. Burke, U.S. Magistrate Judge