

AO 91 (Rev. 01/09) Criminal Complaint

UNITED STATES DISTRICT COURT

for the District of Rhode Island

United States of America v:

Damon Graham

Defendant

Case No. 1:13-MJ-264A

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 of 07/17/2013 in the county of in the District of Rhode Island, the defendant violated U. S. C. § see below, an offense described as follows:

- Conspiracy to distribute a mixture or substance containing a detectable amount of cocaine base in violation of 21 USC §§ 841(a)(1),(b)(1)(C) and 21 USC § 846;
Conspiracy to possess with intent to distribute 28 grams or more of a mixture or substance containing a detectable amount of cocaine base in violation of 21 USC §§ 841(a)(1), (b)(1)(B) & 21 USC § 846; and
Possession of firearm after conviction of an offense punishable by more than one year in violation of 18 USC §§ 922(g)(1) and 924(a)(2).

This criminal complaint is based on these facts:

See attached Affidavit of David Verity, Task Force Officer - Drug Enforcement Administration (TFO-DEA).

Continued on the attached sheet.

Complainant's signature
David Verity -TFO-DEA
Printed name and title

Sworn to before me and signed in my presence.

Date: 7/18/13

Judge's signature

City and state: Providence, Rhode Island

Lincoln D. Almond, U.S. Magistrate Judge
Printed name and title

AFFIDAVIT

I, David Verity, being duly sworn, depose and state the following:

1. I am a Task Force Officer of the Drug Enforcement Administration (DEA) and have been so employed for over 1 year. I am also employed as a detective with the Warwick Police Department for the past 14 years. I am currently assigned to the Special Operation Group and have been so for the past 5 years. During my tenure as a federal and local law enforcement officer, I have participated in investigations which include the illegal distribution of controlled substances and crimes of violence perpetrated in furtherance of organized criminal activity. In addition, I have coordinated controlled purchases of illegal drugs utilizing confidential sources, cooperating witnesses and undercover police officers. I have written, obtained and coordinated the execution of search and arrest warrants pertaining to individuals involved in the distribution of illegal drugs. I have conducted electronic as well as physical surveillance of individuals involved in illegal drug distribution. I have also analyzed records documenting the purchase and sale of illegal drugs, provided testimony both in Grand Jury proceedings and District Court proceedings, and spoken with informants and subjects, as well as other local, state and federal law enforcement officers, regarding the manner in which drug distributors obtain, finance, store, manufacture, transport, and distribute their illegal drugs. I have participated fully in this investigation and, as a result, am thoroughly familiar with the information contained herein.

2. This affidavit is submitted in support of arrest warrants and criminal complaints against Damon Graham (GRAHAM), a/k/a "Wise" and "W", of Narragansett, Rhode Island, born in 1979, and Ashley Sekator Graham (SEKATOR-GRAHAM), of Narragansett, Rhode Island, born in 1982, for knowingly, intentionally and willfully conspiring to distribute a mixture

or substance containing a detectable amount of cocaine base and conspiring to possess with intent to distribute 28 grams or more of a mixture or substance containing a detectable amount of cocaine base in violation of 21 U.S.C. §§ 841(a)(1), (b)(1)(C) and (b)(1)(B), all in violation of 21 U.S.C. § 846. This affidavit is also submitted in support of an additional charge against GRAHAM for possession of a firearm having previously been convicted of an offense punishable by imprisonment of more than one year in violation of 18 U.S.C. §§ 922(g)(1) and 924(a)(2).

3. This affidavit sets forth facts and evidence that are relevant to the requested arrest warrants and criminal complaints, but does not set forth all of the facts and evidence that have been gathered during the course of the investigation of this matter. I have participated in the investigation described herein, and have received information from other members of the DEA, state, and local law enforcement agents involved in this case.

4. Your affiant and members of the South Kingstown Police Department have been investigating GRAHAM and SEKATOR-GRAHAM for the illegal trafficking of controlled substances in the Towns of South Kingstown and Narragansett. As part of this investigation, a cooperating witness (CW) was utilized to make controlled purchases from these individuals. This CW has been proven reliable in the past by providing credible information that has resulted in arrests and narcotics seizures.

5. On July 3, 2013, the CW made a controlled purchase of suspected crack cocaine from GRAHAM. The CW was searched prior to controlled purchase and was negative for any illegal narcotics. The CW contacted GRAHAM by cell phone and arranged to meet GRAHAM to make the purchase. GRAHAM instructed the CW to walk down High Street in South Kingstown. GRAHAM subsequently called the CW and further instructed him to turn around and walk

towards Columbia Street. A few minutes later, GRAHAM picked up the CW on Columbia Street in front of the South Kingstown High School in a black 2001 Nissan Maxima bearing Connecticut registration, 7962CG. In front of the high school, the CW provided \$100.00 of South Kingstown Police funds to GRAHAM in exchange for crack cocaine. GRAHAM then drove the CW down Columbia Street and dropped him off at 108 Church Street. The transaction took less than two minutes and was visually monitored by members of the investigation. The transaction was also audio recorded and monitored. The substance GRAHAM sold to the CW was turned over to detectives and subsequently field tested. The field test indicated the presence of cocaine. Your affiant was advised by members of the investigative team that based upon their training and experience, along with their familiarity with cocaine in its various forms, that the substance seized appeared to be crack cocaine. The CW positively identified GRAHAM, a subject he also knows as "Wise" and/or "W."

6. On July 9, 2013, a second controlled purchase was made by the CW. The CW was again searched prior to the controlled delivery and was found negative for any controlled substances. The CW called GRAHAM on his cell phone and arranged to make another purchase of cocaine. GRAHAM advised the CW to respond to the area of Main Street and Columbia Street in South Kingstown. Members of the surveillance team stationed at the residence of GRAHAM and SEKATOR-GRAHAM located at 77 Congdon Street in Narragansett observed GRAHAM exit the residence and put an item in a Lincoln SUV, color silver, with RI registration 427471 after speaking with the CW. SEKATOR-GRAHAM then exited the residence and entered the vehicle along with two young girls. SEKATOR-GRAHAM then drove from the residence and was continuously surveilled to the meeting location with the CW. The CW met with SEKATOR-GRAHAM on Mechanic Street in South Kingstown; he approached the driver's

side window of the silver Lincoln and SEKATOR-GRAHAM gave him a cigarette pack containing the suspect crack cocaine in exchange for \$100 of South Kingstown Police funds. The CW then walked away and was met by members of the investigation team. The CW handed over the cigarette pack containing the substance which appeared to be crack cocaine. This substance was later field tested and indicated a positive for the presence of cocaine. The transaction was also recorded and monitored. The CW positively identified SEKATOR-GRAHAM as the person that delivered the controlled substance.

7. On July 12, 2013, a State authorized search warrant was obtained for 77 Congdon Street in Narragansett, Rhode Island. This search warrant was executed on July 18, 2013. Your affiant, as well as, members of the DEA, Rhode Island State Police, Narragansett Police Department, South Kingstown Police Department and Bureau of ATF were present for the execution.

8. During the execution of the search warrant, the house was divided into two search teams. The first search team handled GRAHAM and SEKATOR-GRAHAM's master bedroom, as well as, the remainder of the top floor, which included a bathroom and two children's bedrooms. GRAHAM was initially located in this bedroom and taken into custody. ATF Agent Jamie Schiffer located a carry case containing a 9mm Ruger P95 pistol amongst clothes in the bottom drawer of a plastic drawer unit. The Ruger was unloaded but also in the carry case were two magazines for the firearm, both containing 9mm ammunition.

9. In the master bedroom, members of the search team also searched a white dresser at the foot of the bed. On top of the dresser was assorted cash, totaling \$701.00, and a box of clear plastic sandwich bags. In the top drawer of this dresser investigators located a large clear plastic bag which contained four divided clear plastic bags containing suspected crack cocaine. The

gross weight of these bags totaled 115.5 grams. Also in this top drawer was another plastic bag containing multiple individually wrapped smaller bags of suspected crack cocaine. The gross weight of this plastic bag was 14.3 grams. Additional items contained in this drawer included: a plate with a large yellowish white rock of crack cocaine on top and a razor blade with a lot of powdered crack cocaine residue; a digital scale and a wallet containing the Connecticut Driver's License for GRAHAM.

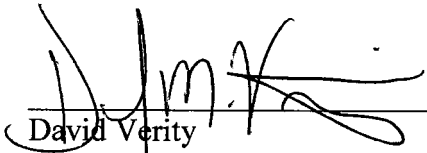
10. SEKATOR-GRAHAM's pocketbook was also located in the master bedroom. This pocketbook contained \$3,050.00 in U.S. currency, as well as, two Rhode Island Driver's Licenses for SEKATOR-GRAHAM. There was also a box of 9mm ammunition located in a drawer containing women's clothing.

11. A search of the remainder of the residence did not produce any additional controlled substances, firearms or contraband.

12. A subsequent field test of the controlled substances located in the master bedroom of the residence indicated the presence of cocaine. Your affiant was advised by members of the search team that based upon their training and experience the controlled substances seized from the residence appeared to be crack cocaine.


13. Bureau of Alcohol, Tobacco, Firearms, and Explosives Special Agent Jamie Schiffer, who has received specialized training regarding the manufacture of firearms, examined the 9mm Ruger seized from GRAHAM's bedroom and determined that it was a firearm as defined by federal statute and that it had been manufactured outside of the State of Rhode Island.

14. According to a NCIC criminal records check, GRAHAM was convicted of possession with intent to distribute cocaine base on or about September 25, 2000 and sentenced to 120 months prison, 60 months probation and \$100 fine.



David Verity
Task Force Officer
Drug Enforcement Administration

Subscribed and sworn to before me
at Providence, Rhode Island
this 18th day of July, 2013.



LINCOLN D. ALMOND
UNITED STATES MAGISTRATE JUDGE
DISTRICT OF RHODE ISLAND