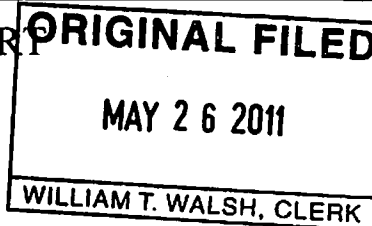


UNITED STATES DISTRICT COURT
for the
District of New Jersey



United States of America
v.
Jerome Thomas

Case No. 11-5674 (KMW)

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 May 3, 2011 through May 25, 2011 in the county of Camden and Burlington in the
District of New Jersey, the defendant(s) violated:

Code Section
Title 21, United States Code,
Section 846

Offense Description
Conspiracy to distribute and possess with intent to distribute more than five kilograms of cocaine as more particularly described in Attachment A

This criminal complaint is based on these facts:

SEE ATTACHMENT B

☒ Continued on the attached sheet.

Complainant's signature

Patrick Finegan, ATF Special Agent
Printed name and title

Sworn to before me and signed in my presence.

Date: 05/26/2011

Judge's signature

City and state: Camden, New Jersey

Karen M. Williams, U.S. Magistrate Judge
Printed name and title

CONTENTS APPROVED

UNITED STATES ATTORNEY

By: _____



Matthew J. Skahill
Assistant U.S. Attorney

Date: May 26, 2011

ATTACHMENT A

COUNT ONE

Between on or about May 3, 2011 and continuing to on or about May 25, 2011, in Camden and Burlington Counties, in the District of New Jersey and elsewhere, the defendants,

**JEROME THOMAS,
MALCOLM LEWIS BROWN, and
JAFFAR A. MUHAMMAD**

did knowingly and intentionally conspire and agree with each other and others, known and unknown, to distribute and to possess with intent to distribute more than five (5) kilograms of a mixture and substance containing cocaine, a Schedule II controlled substance, contrary to Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(A).

In violation of Title 21, United States Code, Section 846.

COUNT TWO

On or about May 25, 2011, in Burlington County, in the District of New Jersey, and elsewhere, the defendant,

MALCOLM LEWIS BROWN,

having been convicted of a crime punishable by imprisonment for a term exceeding one year in a court in the State of New Jersey, did knowingly possess in and affecting commerce a firearm, namely, an INA 38 special, 5 shot revolver, bearing serial 040039.

In violation of 18 U.S.C. §§ 922(g)(1) and 2.

ATTACHMENT B

I, Patrick Finegan (the "affiant"), state that I am a Special Agent with the Bureau of Alcohol, Tobacco, Firearms and Explosives ("ATF") and have been so employed since 2005. I am currently assigned to the Camden Resident Agency of the ATF where I investigate weapons offenses and other violations of federal law. I have personally participated in this investigation and am aware of the facts contained herein based upon my own investigation as well as information provided to me by other law enforcement officers having knowledge of the case from their participation in the investigation as well. During my employment as an ATF Special Agent, I have personally participated in various types of investigative activity, including, but not limited to, the following: (a) physical surveillance; (b) the debriefing of defendants, witnesses, informant and other individuals who have knowledge concerning violations of federal firearms, laws; (c) undercover operations; (d) the execution of search warrants; (e) the consensual monitoring and recording of conversations; (f) the court authorized interception of both wire and electronic communications (i.e., Title III wiretaps) ; and (g) the handling and maintenance of evidence. Since this Affidavit is submitted for the sole purpose of establishing probable cause to support the issuance of a complaint, I have not necessarily included each and every fact known by the Government concerning this investigation. Except as otherwise indicated, the actions, conversations, and statements of others identified in this affidavit are reported in substance and in part.

BACKGROUND OF THE INVESTIGATION

1. Beginning in April 2011, I have been participating in a criminal investigation into JEROME MARVIN THOMAS (hereinafter "THOMAS") and others for their suspected participation in a number of armed robberies in the Camden County, New Jersey area.

2. Specifically, on or about April 20, 2011, law enforcement officers from the ATF Camden Field Office received information from the Gloucester Township Police Department (hereinafter, the "GTPD") regarding members of a violent organization conducting "home invasion" robberies. In summary, law enforcement officers learned: (a) the organization consists of between two and four African-American males; (b) the members wear masks and gloves and restrain their victims with plastic "zip" ties and/or cords; (c) the organization targets the homes of area business owners; (d) members enter the homes armed and steal cash and jewelry during the robberies; and (e) beginning in approximately February of 2011, home invasion robberies have occurred in several towns within both the Camden and Gloucester County New Jersey

areas.

3. Law enforcement officers at ATF learned that the GTPD had identified three individuals believed to be participating in the Camden and Gloucester County home invasion robberies. The first individual was identified as THOMAS a/k/a "Rome". The second and third individuals, who have not been charged in this criminal complaint, are identified as Co-conspirator #1, and Co-conspirator #2. Special Agents assigned to the Camden Field Office learned that:

a. On or about March 30, 2011, officers from the GTPD responded to a reported incident of "road rage" and pulled over a car driven by THOMAS. According to officers who conducted the stop, a passenger in the car (the only other occupant aside from THOMAS), exited the vehicle and fled as the car was being stopped. Officers obtained a state court issued search warrant and searched the vehicle where they found white plastic zip ties, two black ski masks, rubber gloves, dark winter caps, and a cellular telephone.¹ I know from my training and experience that plastic zip ties are often used by violent criminals to restrain victims during robberies. Law enforcement officers also noted that the zip ties, ski masks, rubber gloves and winter caps matched the description of items used in a home investigation in Clementon, New Jersey in mid-March, 2011. In fact, according to law enforcement, the same brand of plastic zip ties that were used in the Clementon robbery were found in THOMAS' car on March 30, 2011. THOMAS was found to have a stun gun in his possession. Officers searched for the passenger of the car that fled on foot but did not find him. Officers, using a police canine, did recover two handguns approximately 50 yards from the vehicle.

b. Camden County Prosecutor's Office investigators executed a search warrant on the cellular telephone found in THOMAS' car on March 30, 2011. On the cellular telephone were numerous text messages. One message, received on March 2, 2011 at 12:08 p.m. from "Rome" stated, in substance and in part, "[g]rab some large zips." The telephone also contained a text message, received on March 18, 2011 at 12:34 p.m. wherein the person sending the message referred to Co-conspirator #1 by his nickname. Based on the text messages, my training and experience and my participation in this investigation, I believe that the cellular telephone belongs to Co-conspirator #1 and the text sent on March 2, 2011 came from THOMAS in which he instructed

¹ Also found in the car was a plastic bag containing eleven small baggies containing a white rock-like substance.

Co-conspirator #1 to bring him some large zip ties.

c. According to law enforcement officers, on March 7, 2011 – only five days after the text message instructing the recipient to “[g]rab some large zips” referenced in Paragraph 3(b) above – a home invasion-style armed robbery was reported in Clementon, New Jersey. According to law enforcement officers, this robbery – which was of a “cash-for-gold” business in Clementon – was performed by two African American males, armed with hand guns, who restrained the victim-employee with large plastic zip ties and stole the business’ money from a safe. An eyewitness outside the business saw a dark blue Dodge Magnum with large chrome wheels and a tinted rear window leaving the area about the time of the robbery.²

d. Special Agents assigned to the Camden Field Office interviewed a GTPD confidential source of information (hereinafter, the “GTPD CS”). The GTPD CS is an associate of Co-conspirator #2. During the interview, ATF special agents inquired about the three suspected members of the home invasion crew, THOMAS, Co-conspirator #1, and Co-conspirator #2. According to the GTPD CS, THOMAS, Co-conspirator #1, and Co-conspirator #2 are a home invasion “crew.” The GTPD CS told special agents that the “crew” is said to make large profits conducting home invasion robberies and the members of the “crew” drive expensive cars believed to be purchased with profits derived from the home invasions and the sale of cocaine.

THE ATF’S PROACTIVE INVESTIGATION

4. In connection with this investigation, I interviewed a confidential source of information (“CS-1”). CS-1 is a target of a separate ATF investigation that revealed that he/she was involved in firearms trafficking in Camden County, New Jersey. After CS-1 was told that he/she was a target of an ATF investigation, he/she began cooperating with law enforcement. Specifically, CS-1 has been providing information to law enforcement officers since

² As referenced in Paragraphs 15 and 18 below, THOMAS is known to drive a car matching this description. For example, special agents from the ATF observed THOMAS arrive to a meeting with the UC on May 16, 2011 in a blue Dodge Magnum with a New Jersey registration M85AEC (registered to Jerome M. THOMAS of Lindenwold, New Jersey.) See Paragraph 18, below. Also, CS-1 reported that, on May 9, 2011, THOMAS drove a blue Dodge Magnum with aftermarket wheels and tires to a meeting between CS-1 and THOMAS. See Paragraph 15, below.

approximately November of 2010. CS-1 has proven to be a reliable source of information in the past.

5. When questioned by law enforcement, CS-1 admitted to being an associate of Co-conspirator #1. During a meeting in April 2011, ATF special agents assigned to the ATF Camden Field Office met with CS-1 and instructed CS-1 to meet with Co-conspirator #1 and discuss with Co-conspirator #1 an associate of CS-1 who is a disgruntled narcotics courier who is looking to recruit a "crew" to conduct a robbery of a narcotics "stash" house.

6. On April 21, 2011, CS-1 met with Co-conspirator #1 in a public location in the City of Camden, New Jersey. During the meeting, CS-1 and Co-conspirator #1 discussed, in substance and in part, that CS-1 knew a disgruntled narcotics courier who is looking to recruit a "crew" to conduct a robbery of a narcotics "stash" house. Specifically, CS-1 and Co-conspirator #1 discussed a proposed robbery of kilogram quantities of cocaine. Co-conspirator #1 informed CS-1 that Co-conspirator #1 was interested and asked CS-1 if Co-conspirator #1 could bring his associates to assist in the robbery. CS-1 informed Co-conspirator #1 he/she would arrange a meeting in the future with CS-1's associate to further discuss the robbery.

7. Later on this same date, CS-1 met with Co-conspirator #1 and Co-conspirator #1's associate, identified herein as Co-conspirator #3. This meeting took place at a public location in the City of Camden. During this meeting, Co-conspirator #3 referenced prior home invasion-type robberies committed by both Co-conspirator #3 and Co-conspirator #1. Co-conspirator #3 explained to CS-1 that, on one occasion Co-conspirator #3 committed a home invasion robbery where he "came up empty." Co-conspirator #3 further explained on another occasion Co-conspirator #1 committed a home invasion where Co-conspirator #1 obtained \$100,000 U.S. currency.

THE EVENTS OF MAY 3, 2011

8. On or about May 3, 2011, ATF Special Agents assigned to the Camden Field Office and an undercover officer working with ATF (hereinafter, the "UC") met with CS-1 in Cherry Hill, New Jersey. During the meeting, CS-1 was shown a photograph of Co-conspirator #3. CS-1 positively identified Co-conspirator #3 as the heavy-set black male present during the meeting with CS-1 and Co-conspirator #1 on April 21, 2011 when the three discussed the proposed robbery of a narcotics "stash" house. At the request of law enforcement, CS-1 placed a consensually-monitored telephone call to Co-conspirator #1. This telephone call was recorded and done in the presence of

ATF personnel and the UC. In sum and substance, CS-1 arranged a meeting between Co-conspirator #1 and the UC for later on May 3, 2011.

9. Later that day, the UC met with Co-conspirator #1 and Co-conspirator #3 in Camden, New Jersey. The meeting, which took place in an undercover vehicle, was audio and video recorded. Also present at the meeting – and wearing a concealed audio recording device – was CS-1. Specifically, at approximately 3:30 p.m., law enforcement surveillance observed Co-conspirator #1 arrive at the meeting in a vehicle, which Co-conspirator #1 was driving. The meeting between the UC, CS-1, Co-conspirator #1 and Co-conspirator #3 lasted approximately 20 minutes after which CS-1, Co-conspirator #1 and Co-conspirator #3 met in a separate vehicle.

10. During the meeting between the UC, CS-1, Co-conspirator #1 and Co-conspirator #3, the four discussed the possibility of robbing a narcotics “stash” house. The following is a detailed summary of the conversation as it relates to the robbery of cocaine from a stash house:

a. Co-conspirator #1 introduced himself to the UC by his nickname. This is the same nickname that appeared in the text message sent to Co-conspirator #1 referenced in paragraph 3(b) of this affidavit. The UC then asked Co-conspirator #1 if he was “down with this” (referring to the proposed robbery) and after Co-conspirator #1 nodded his head in agreement, the UC informed him that the UC was “scared” because what the UC was proposing was “dangerous.”

b. In summary, the UC posed as a drug courier. He told Co-conspirator #1 that the UC gets paid to “move shit” and that his employers owe him money.

c. After a short time, Co-conspirator #3 entered the UC’s vehicle and Co-conspirator #1 asked the UC, in substance and in part, “what are we talking about.” The UC responded that his people “bring up fucking coke from San Antonio” that they get from the Mexican-United States border, they then pay the UC to pick up two or three kilograms of cocaine from different stash houses and take the cocaine somewhere else. The UC then informed Co-conspirator #1 and Co-conspirator #3 that one of the men he picks up the “coke” from is usually “armed” and that if the UC’s employer found out the UC was involved in the robbery, the UC and his family would be in danger of being killed. Later, the UC reiterated that one of the guards had a “gun.” Co-conspirator #1 also asked the UC if both “guys” (i.e., the guards) had a “hammer” to which the UC replied that just one of the guards was

armed. I know from my training and experience that the term "hammer" is common slang term for a firearm. The UC then went on to add that the two guards were "older Mexican dudes" in their 40's of medium build. Finally, Co-conspirator #1 asked the UC whether the "stash" house always had the same two guards, to which the UC replied yes.

d. Co-conspirator #1 then asked the UC whether, in substance and in part, "there [is] cash in there [stash house] or just coke" to which the UC replied, in substance and in part, "no cash, just coke, just coke." I know from my training and experience that the term "coke" is a slang term for cocaine, a Schedule II drug. Co-conspirator #1 then asked the UC about the amount of cocaine in the house. The UC replied, in substance and in part, "I've seen 15 bricks. I've been there and seen 20 bricks. It just depends on the f***** month." I know from my training and experience that the term "bricks," in this context, is a slang term for a kilogram of cocaine. The UC then stated "anywhere between 15 and 20 bricks" and informed Co-conspirator #1 and Co-conspirator #3 that the UC did not want that much and he just wanted his money that is owed to him.

e. Co-conspirator #1 then asked the UC if the narcotics "stash" house was in the "hood" and the UC replied that his employer moves the "stash" house around. Co-conspirator #3 then asked the UC, in substance and in part, "[h]ow many guards and what type of guns they have." Before the UC could fully reply to Co-conspirator #3's question, Co-conspirator #1 asked more questions about the stash house locations and the UC answered that the UC had picked up cocaine in "Cherry Hill" before.

f. Later in the conversation, the UC informed Co-conspirator #1 and Co-conspirator #3 that he wanted for them to "hit the house", to which Co-conspirator #1 replied by asking the UC, in substance and in part, "[s]o what's in it for me though." The UC replied that Co-conspirator #1 and Co-conspirator #3 "get anything between 15 and 20 keys" and that the UC just wanted three kilos. I know from my training and experience that "keys" is a slang term for kilograms of cocaine.

g. Later, when the UC explained to Co-conspirator #1 and Co-conspirator #3 that the UC could not be seen with "coke" after the robbery or else the UC's employer would suspect him of setting up the robbery, Co-conspirator #3 informed the UC that Co-conspirator #1 and Co-conspirator #3 could sell the cocaine for the UC.

h. Finally, the UC asked both Co-conspirator #1 and Co-

conspirator #3 whether they were "cool with doing this," referring to the proposed robbery of cocaine from a "stash" house guarded by an armed man, to which Co-conspirator #3 immediately replied, "[y]eah."

11. Co-conspirator #3 then exited the UC's vehicle. At that point, the UC asked Co-conspirator #1 if it was "just you two guys" that would perform the robbery and Co-conspirator #1 responded that Co-conspirator #3 might not be helping with the robbery. The meeting ended shortly after this exchange.

12. Once the UC departed the area, CS-1, Co-conspirator #1, and Co-conspirator #3 entered Co-conspirator #1's vehicle. Co-conspirator #1, Co-conspirator #3, and CS-1 discussed the proposed robbery further. This conversation was consensually-recorded by CS-1. During this conversation, both Co-conspirator #1 and Co-conspirator #3 questioned CS-1 about his/her relationship with the UC. Co-conspirator #3 also commented on the fact that the UC only wanted two to three kilograms of cocaine of the twenty kilograms the UC said were in the stash house. Specifically, Co-conspirator #3 stated as a question that, "[a]ll the UC] want is two to three bricks out of twenty bricks". Co-conspirator #1 responded by saying, "I don't understand this though, this is what I don't understand. When he gets the call, that's when he gonna tell us?" CS-1 informed both Co-conspirator #1 and Co-conspirator #3 he/she is unfamiliar with the details and only knows what the UC just explained.

a. Co-conspirator #3 then stated, in substance and in part, "[y]ou know what were gonna need, were gonna need two (2) more bullet proof vests". Co-conspirator #1 responded by saying that he "got one." Co-conspirator #3 stated, in substance and in part, that he "got one too". Co-conspirator #1 then stated that Co-conspirator #1 would "need a vest for my man though".

b. As the conversation progressed, Co-conspirator #3 asked CS-1, in substance and in part, "[s]o what day they talkin bout this tryin to pop off?" Co-conspirator #1 then referenced having to obtain a vehicle for use during the robbery and stated, that Co-conspirator #1 could "get a car, I can get a rental or something".

c. Finally, after additional conversation, Co-conspirator #1 informed CS-1 that Co-conspirator #1 wanted to contact his "big man" to advise him of the details of the robbery.

THE EVENTS OF MAY 9, 2011

13. On May 9, 2011, special agents of the ATF were contacted by CS-1 regarding his/her contact with THOMAS. In short, CS-1 reported that, while at a public location in the City of Camden, New Jersey, CS-1 was unexpectedly approached by THOMAS. CS-1 stated he/she did not know THOMAS but recognized THOMAS from an earlier photograph array provided by ATF personnel.

14. During the conversation with THOMAS, THOMAS told CS-1 that THOMAS was informed by his associate, Co-conspirator #1, of a disgruntled drug courier attempting to locate a group of individuals interested in robbing a drug "stash house." THOMAS indicated he was interested in participating in and arranging the robbery. THOMAS proceeded to question CS-1 about the proposed robbery.

15. Specifically, THOMAS asked CS-1 the location of the stash house, and if the stash house contained drugs and/or U.S. currency. CS-1 informed THOMAS that, based on information provided by the courier (the UC), the "stash house" contained large quantities of cocaine. THOMAS informed CS-1 that Co-conspirator #1 and Co-conspirator #3 would not be participating in the robbery. THOMAS explained that Co-conspirator #3 was boisterous about his intentions to participate in the robbery and Co-conspirator #1 was unreliable due to his drug habit (specifically, an addiction to prescription pills). THOMAS then requested that CS-1 arrange a meet with the drug courier to discuss the robbery further. THOMAS provided CS-1 with his telephone number (267) 338-9862. CS-1 indicated that THOMAS departed the area in a blue Dodge Magnum with after-market wheels and tires.

16. On May 11, 2011, ATF personnel met with CS-1 in the City of Camden, New Jersey. During the meeting, CS-1 was provided with a six (6) photograph array and asked to identify THOMAS. CS-1 positively identified THOMAS from the photograph array and initialed and dated the same. CS-1 stated he/she knows THOMAS as "Haniff".

THE EVENTS OF MAY 16, 2011

17. On May 16, 2011, the UC, CS-1 and THOMAS met to discuss a proposed robbery of kilogram quantities of cocaine. This meeting was both audio and video recorded and took place in a public parking lot in Pennsauken, New Jersey.

18. At approximately 5:40 p.m., law enforcement surveillance observed THOMAS arrive on scene driving a blue Dodge Magnum with a New Jersey registration M85AEC (registered to Jerome M. THOMAS of Lindenwold, New Jersey.) It should be noted that surveillance units observed THOMAS' vehicle parked in the parking lot during the entire meeting. The meeting lasted approximately 15 minutes.

19. During the meeting, the UC discussed the proposed robbery of kilogram quantities of cocaine with THOMAS. The UC advised THOMAS that he was a disgruntled courier responsible for transporting kilogram quantities of cocaine for a Mexican based drug trafficking organization. The UC explained that when he collected the cocaine he observed two individuals in the residence, one of which was armed with a firearm. The UC continued and explained that while waiting for the cocaine, he always observed at least fifteen (15) kilograms of cocaine in the different residences utilized by the drug-trafficking organization.

20. THOMAS questioned the UC as to types of firearms possessed by members of the drug-trafficking organization that were working in the "stash house." Specifically, THOMAS asked, "[n]ow with these cribs [houses] right, these spots, there be like a arsenal in there waiting? Like fifty (50) guns and all that." The UC responded in the negative, telling THOMAS that there are usually two individuals inside the stash house, one of whom is armed. In response, THOMAS stated, "[s]o we don't gotta come in there with bazookas and Uzi's and all that".

21. The UC then asked THOMAS if he was able to carry out such an endeavor, to which THOMAS replied, in substance and in part, "I'm cool with it."

22. THOMAS then inquired about the time of day the UC generally picked up the cocaine. The UC informed THOMAS that the pick-ups were usually made during the daytime, to which THOMAS responded by saying, "[w]e can't be seen going in all masked up and all crazy".

23. Before the meeting ended, THOMAS agreed to meet with the UC on the following day. THOMAS also agreed to bring with him additional members of the potential robbery "crew".

THE EVENTS OF MAY 17, 2011

24. On May 17, 2011 a meeting was conducted with the UC, THOMAS, and an unknown male, subsequently identified on May 25, 2011 as MALCOLM LEWIS BROWN (hereinafter "BROWN").

25. During the meeting, the UC discussed the proposed robbery of kilogram quantities of cocaine from the "stash house" with THOMAS and BROWN. During the conversation, the UC confirmed BROWN's involvement in the planned robbery by asking him, in substance and in part, whether BROWN "know[s] what's goin' on bro." BROWN stated, "He (referring to THOMAS) explained the whole situation." As the UC repeated the scenario, both THOMAS and BROWN questioned the UC about the number of guards inside the "stash house." After the UC informed THOMAS and BROWN there are usually two people inside the "stash house," BROWN questioned the UC about members of the drug-trafficking organization possibly stationing guards around the perimeter of the "stash house." In response, the UC responded by saying he was unaware whether there were surveillance units on the perimeter but advised THOMAS and BROWN to use caution.

26. The three then discussed further details of the proposed robbery. For example, THOMAS and BROWN instructed the UC to "just lay down" when THOMAS and BROWN entered the "stash house" the day of the robbery. In fact, BROWN warned the UC, that the UC, was "gonna have to get smacked around a little bit . . . [j]ust roughed up . . . [w]e're gonna throw you down, we gotta make it look good." The UC understood this to mean that THOMAS and BROWN were going to have to treat him like the other two guards in the "stash house" during the robbery so as not to tip the guards off that the UC was involved in the robbery.

27. When questioned about the "split" of the proceeds of the robbery (i.e., kilograms of cocaine), THOMAS informed the UC that THOMAS and BROWN planned to sell the cocaine and that the UC's portion of the cocaine would be sold first, before THOMAS' and BROWN's portions. Specifically, THOMAS stated, in substance and in part, "[y]ours [meaning the UC's proceeds from the robbery] is first, your s*** is going first." As THOMAS made this statement, BROWN can be heard in the background saying, in substance and in part, "[w]e already discussed that." THOMAS then stated, in substance and in part, that "[w]e got six people right now that buy two to three keys on the regular." BROWN can be heard in the background saying, in substance and in part, "Yeah. Yeah. So when we call any of them up, we got three right now." Based on my training and experience, I interpret these statements to mean that

THOMAS and BROWN already have purchasers of the kilogram-quantities of cocaine ready buy the cocaine or are in close contact with individuals that are ready and willing to buy the cocaine.

28. While still discussing the division of the proceeds, the UC stated that if there was 15 kilograms of cocaine in the "stash house," the UC wanted three kilograms, but if there were 20 kilograms, the UC wanted four kilograms. THOMAS then asked the UC, in substance and in part, "[h]ow much you want to let each one go for?" THOMAS then suggested "20 to 25." Based on my training and experience, I interpret this to mean that THOMAS was asking the UC for authority to sell the UC's kilograms of cocaine for between \$20,000 and \$25,000 per kilogram. THOMAS then stated, in substance and in part, "[s]o, 75,000 good for you and if its 4, 100,000." I interpret this to mean that the UC would be entitled to \$75,000 if the UC's portion of the proceeds was three kilograms, but \$100,000 if the proceeds were four kilograms of cocaine.

29. After engaging in general conversation and after the UC told them that the cocaine "stash house" usually contained cocaine around the beginning of the month, THOMAS informed the UC, that THOMAS and BROWN would wait for the UC to call them. THOMAS also asked the UC whether there was cash in the "stash house." When the UC replied in the negative, THOMAS stated, in substance and in part, "[s]o there's no cash . . . just all coke . . . well, that's good." THOMAS and BROWN exited the UC's vehicle and departed the area.

**TEXT MESSAGES AND TELEPHONE CALL BETWEEN THOMAS AND
THE UC ON MAY 20, 2011 AND MAY 21, 2011**

30. Between May 20, 2011 and May 21, 2011, the UC and THOMAS exchanged a series of text messages. THOMAS used the telephone number he provided to the UC at the earlier meetings with the UC. According to the UC, the majority of the text messages were from THOMAS asking the UC if the UC was still willing to go along with the robbery and requested that the UC call THOMAS. For example, the UC and THOMAS had the following exchange of text messages:

THOMAS: "Are you getting cold feet on us hombre?"

The UC: "Not yet ha ha. As long as u n ur boy r good at it im good. hit u up tonite."

THOMAS: "We are very good and I really need you to call tonight to chat briefly."

31. On May 21, 2011, after noticing that THOMAS had called the UC twice and not left a voice message, the UC called THOMAS at the same telephone number used during a previous meeting (267 338 9862). This telephone conversation was consensually-recorded.

a. In short, the UC initiated the conversation by asking THOMAS, in substance and in part, whether, "[e]verything cool man?" THOMAS replied, in substance and in part, "[y]eah, we cool, you just made me a little nervous . . . we got you, we got it." The UC then explained to THOMAS that he was "scared" because of the potential for danger in committing the robbery. THOMAS then responded, in substance and in part, "Angel (the UC's undercover name), everything is going to be good."

b. The UC then stated, in substance and in part, "if you guys know what you're doing, bro, then you know what you're doing," to which THOMAS replied, "exactly."

c. The UC then informed THOMAS that the UC had talked to his employer (the operators of the drug-trafficking organization) and it appeared to him that the UC was going to be called to pick up the cocaine during the week of May 23, 2011 but cautioned THOMAS not to assume that he would. The UC then stated, in substance and in part, that the UC thought it was going to be a "big one" and added that it was going to be at least "15" (meaning kilograms of cocaine). THOMAS responded, in substance and in part, "[i]f anything it will be greater than that right?" The UC responded, in substance and in part, that "[i]f anything, [the amount of cocaine] is gonna be like more than the twenty we were talking about."

d. The UC then asked THOMAS whether he was "sure you guys wanna do just two man" (referring to THOMAS' earlier statements from the May 17, 2011 meeting in which THOMAS and another individual indicated they were the only two individuals who would be participating in the robbery. THOMAS replied, in substance and in part, that THOMAS will "probably go, uh, three, or maybe four depending on...I'm going off your vibe, and I'm thinking, you, it'll probably be, we will probably go three or four." Based on my training and experience and participation in this investigation, I interpret this to mean that THOMAS planned to do the robbery with two or three other individuals assisting THOMAS. The conversation ended soon after this and both agreed to maintain contact.

THE EVENTS OF MAY 25, 2011

32. On May 24, 2011, the UC called THOMAS to advise THOMAS that the UC talked to his employer (the operators of the drug-trafficking organization) and that the UC was supposed to pick up the drugs on the following day, May 25, 2011. The UC further advised, in sum and substance, that he would call THOMAS on May 25, 2011 to advise him of the time and location where the drug pick up would occur. In the early morning hours of May 25, 2011, THOMAS sent approximately two text messages to the UC inquiring about the UC's status, to which the UC did not respond at that time.

33. On May 25, 2011, at approximately 10:30 a.m., the UC called THOMAS on THOMAS's cell phone to which THOMAS did not answer. The UC then sent a text message to THOMAS inquiring about his status. Shortly thereafter, THOMAS called the UC back and said, in sum and substance, that he was unavailable earlier because he was washing his car. The UC asked THOMAS if he still wanted to be involved and THOMAS said "we're in." THOMAS assured the UC that he already had buyers in place for the UC's share of the cocaine. THOMAS also asked if the UC had lined up a car for use in the robbery and the UC advised he had a car for THOMAS. The UC told THOMAS and his "people" to be ready around 1:00 p.m. or 1:30 p.m.

34. At approximately 1:30 p.m., THOMAS sent a text message to the UC and asked "you good?" Between approximately 2:15 p.m. and 3:15 p.m., the UC and THOMAS then had several conversations and the UC directed THOMAS, in sum and substance, to meet him in a parking lot in the area of the Cherry Hill Mall. THOMAS, BROWN, and a third male, subsequently identified as JAFFAR A. MUHAMMAD (hereafter "MUHAMMAD") arrived in a black Lexus, bearing New Jersey registration, T58ASN (hereafter the "Subject Vehicle"). Upon arrival, the UC, who was in his own vehicle, confirmed that THOMAS, MUHAMMAD, and BROWN were ready. THOMAS, BROWN, and MUHAMMAD, driving in the SUBJECT VEHICLE, then followed the UC to a public storage facility in Maple Shade, New Jersey.

35. Upon arrival at the storage facility, the UC, THOMAS, BROWN, and MUHAMMAD exchanged greetings. The UC then showed THOMAS, BROWN, and MUHAMMAD the car that the conspirators would use to travel to and from the "stash" house robbery. The UC also introduced THOMAS, BROWN, and MUHAMMAD to the owner of the car and explained that it has a secret compartment or "trap." The purported owner of the car, however, was a second ATF undercover agent ("UC-2") and the vehicle was an undercover law enforcement vehicle.

36. The UC reviewed the details of the robbery with THOMAS, BROWN, and MUHAMMAD and confirmed that everyone was aware of the plan and still wanted to through with the robbery. The UC confirmed with THOMAS, BROWN, and MUHAMMAD, as to who would tie the UC up and who, of the three conspirators, was going to drive the vehicle to the stash house. The UC confirmed that he would be entitled to the proceeds of 3 kilograms of cocaine if there was 15 kilograms in the house and that he would be entitled to 4 kilograms if there were 20 kilograms in the stash house. The UC also told the coconspirators that there was nothing else of value in the house but cocaine and explained that one of the guards at the house would have a gun.

37. The UC explained that he was waiting to hear from his associates when it would be time for him to go to the stash house and pick up the drugs. As the meeting progressed, the UC advised that his associate was calling and walked away from the three conspirators. At this point, law enforcement officers moved in to arrest THOMAS, BROWN, and MUHAMMAD. All three individuals were taken into custody

38. As law enforcement officers attempted to arrest BROWN, he pulled a loaded firearm from his waistband, namely an INA 38 special, 5 shot revolver, bearing serial number 040039 and dropped it to the ground.

39. As law enforcement officers attempted to arrest MUHAMMAD, he attempted to flee and threw a loaded firearm, namely a Glock 19, 9mm handgun, bearing an obliterated serial number away from his person.

40. In addition to securing THOMAS, BROWN, and MUHAMMAD, law enforcement officers also checked the SUBJECT VEHICLE, by looking into it and opening the trunk to make sure no additional suspects were present. In plain view on the passenger side floor of the SUBJECT VEHICLE was a bag containing zip ties. Law enforcement officers also saw what appeared to be a black mask or cap on the driver side seat.

41. BROWN drove the SUBJECT VEHICLE to the storage facility and the investigators secured his consent to search the SUBJECT VEHICLE. However, because the SUBJECT VEHICLE was registered to an individual who was not otherwise identified in this Affidavit as a conspirator in this case, the investigators did not conduct the search and instead moved the vehicle to a secure location pending application for a search warrant.

CONCLUSION

42. On May 25, 2011, an ATF special agent who has expertise in determining the origin of weapons, examined the firearms recovered from MUHAMMAD and BROWN. It has been determined that both firearms were made outside the State of New Jersey. By virtue of the fact that the subject firearms were manufactured outside of the State of New Jersey and found on May 25, 2011 in the State of New Jersey, each traveled in or affected interstate commerce.

43. I have reviewed the criminal history of JEROME THOMAS. NCIC records indicate that THOMAS is a five time convicted felon in the State of New Jersey. For example, THOMAS was convicted in 1993 for receiving stolen property and distributing heroin/cocaine. THOMAS was also convicted in 1996 for being a certain persons not to have weapons and for robbery. Finally, in 2006, THOMAS was convicted of possession of a handgun.

46. I have reviewed the criminal history of MALCOLM LEWIS BROWN. NCIC records indicate that BROWN sustained two prior felony convictions in the State of New Jersey prior to May 25, 2011. One conviction was for distributing controlled substances and the other conviction was for possession/distribution of imitation CDS.

47. Based upon the above, I submit that there exists probable cause that THOMAS, BROWN, and MUHAMMAD have violated 21 U.S.C. § 846, which charges conspiracy to distribute and possess with intent to distribute cocaine and that BROWN has violated 18 U.S.C. § 922(g), which charges him with unlawful possession of weapon, in and affecting interstate commerce, after having been convicted of a crime punishable by imprisonment for a term exceeding one year.