

AO 91 (Rev. 11/11) Criminal Complaint

UNITED STATES DISTRICT COURT

for the

Middle District of Florida

United States of America)

v.)

LESLIE SPENCER)

Case No.)

2:21-mj-1035 MRM)

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 March 31, 2021 in the county of Lee in the Middle District of Florida, the defendant(s) violated:

Code Section	Offense Description
21 U.S.C. §§ 846 and 841(a)(1) and (b)(1)(C)	Attempt to possess with intent to distribute a controlled substance.

This criminal complaint is based on these facts:

See Attachment.

Continued on the attached sheet.

Complainant's signature

Special Agent Nymphgamey Scott

Printed name and title

Sworn to before me over the telephone and signed by me pursuant to Fed. R. Crim P. 4.1 and 4(d).

Date: 03/31/2021

Judge's signature

City and state: Fort Myers, Florida

Mac R. McCoy, United States Magistrate Judge

Printed name and title

AFFIDAVIT FOR COMPLAINT

I, Nymphgamey Scott, being duly sworn, hereby state as follows:

1. I am employed as a Special Agent (SA) with the Federal Bureau of Investigation (FBI) since January 2017. As a SA, I am an “investigator or law enforcement officer” of the United States within the meaning of 18 U.S.C. § 2510(7), that is, an officer of the United States, who is empowered by law to conduct investigations and make arrests for offenses enumerated in 18 U.S.C. § 2516(1). I have completed FBI basic training at the FBI Academy in Quantico, Virginia, and numerous other law enforcement training courses. I am currently assigned to the Tampa Field Office - Fort Myers Resident Agency, where I am assigned to a criminal squad that investigates violations of federal law, specifically public corruption, civil rights, violent crimes, and drug trafficking. During my employment with the FBI, I have received specialized training and have gained experience in the aforementioned violations.

2. The following affidavit is based upon my personal knowledge and information provided to me by law enforcement and others with personal knowledge, including my review of reports and statements generated by them. This affidavit sets forth facts which I believe demonstrate that there is probable cause to believe Leslie Spencer has violated 21 U.S.C. §§ 846 and 841(a)(1) and (b)(1)(C) (attempt to possess with intent to distribute a controlled substance) within the Middle District of Florida. Because the purpose of this affidavit is to support the issuance of a complaint and arrest warrant based on probable cause, it does not contain each fact known to me regarding the investigation into Spencer.

3. The FBI is investigating drug trafficking and public corruption involving Leslie Spencer (“CO Spencer”), who is employed as a corrections officer with the Florida Department of Corrections - Charlotte Correctional Institution (CCI) specifically, at the off-site facility, CCI - Fort Myers Work Camp (CCI-FMWC) located at 2575 Ortiz Ave, Fort Myers, Florida 33905. CCI-FMWC is a minimum-security Florida state prison for males.

4. In or about March 2021, a confidential human source (CHS) working at the direction of the FBI¹ made multiple recorded phone calls with CO Spencer to coordinate a date and time for CO Spencer to obtain contraband from an FBI undercover employee (UCE) to be smuggled into CCI-FMWC. All the calls were made to CO Spencer on the Google Voice Over Internet Protocol (VoIP) phone number, 941-777-2501. Business records from the provider, Google, Inc., revealed that phone number 941-777-2501 is subscribed to “Leslie Spencer.” Additionally, during the investigation, certain calls made to the number went to voicemail and the voicemail greeting states, “Hey, this is Les....”

5. During the controlled calls, CO Spencer agreed to pick up the contraband and stated, “I can do it on a day off, I could come and meet or whatever.” CO Spencer was told that the package would contain three ounces of “Ice,” three ounces of “Molly,” three packs of “K2,” and two cell phones. From my training and experience, I know that “Ice” is a legal term and common street nickname for a form of methamphetamine and that “Molly” is a common street nickname for 3,4-methylenedioxymethamphetamine (MDMA). Methamphetamine is a Schedule II controlled substance under federal law and

¹ CHS is working with the FBI in an attempt to earn leniency for criminal conduct. Information provided by the CHS to the FBI has been accurate and independently corroborated on multiple occasions.

MDMA is a Schedule I controlled substance under federal law. "K2" is a common street nickname for synthetic marijuana. It typically contains one or more Schedule I controlled substances.

6. CO Spencer agreed to pick up the contraband from the UCE and to find a location within CCI-FMWC to hide it for an unidentified inmate to retrieve. In that vein, CO Spencer and the CHS discussed suitable places within CCI-FMWC to hide the contraband after it was smuggled in. CO Spencer also told the CHS to ensure the packages were small to ensure they could be discretely carried into the prison by him. When asked how much he wanted to be paid, CO Spencer responded, "be fair, that's all I ask, just be fair." A payment of \$350 to \$400 was negotiated with CO Spencer and he stated, "I guess we could work with that, I guess."

7. CO Spencer agreed to meet and pick-up the drugs and contraband on or about March 31, 2021 in the parking lot of the Dollar Tree located at 3477 Dr Martin Luther King Jr. Blvd, Fort Myers, FL. CO Spencer was scheduled to work at CCI – FMWC at 1:00 P.M. on the same date. In a conversation with the CHS, CO Spencer indicated that before actually conducting the deal, he needed to confirm that "the dog people" would not be present at the time he reported to work. I know that trained drug detection dogs are often employed at CCI-FMWC, and I believe CO Spencer was stating that he needed to ensure such dogs were not being used on or about March 31, 2021 because he intended to smuggle controlled substances into the facility.

8. Prior to the scheduled delivery, FBI TFO Montenegro packaged the following items as contraband for an undercover operation: two cell phones, four bundles of a non-controlled substance to serve as sham methamphetamine, MDMA, and K2. All

items were packaged in plastic baggies and wrapped in electrical tape of different colors. I know from my training and experience contraband smuggled into prisons is commonly packaged in such a manner to allow it to be effectively hidden by inmates.

9. After packaging the items, TFO Montenegro provided them to the UCE. The UCE was also shown a picture of CO Spencer obtained from the Florida Driver's License database and TFO Montenegro provided UCE with a description of CO Spencer.

10. On March 31, 2021, CO Spencer arrived at the Dollar Tree driving a gold Honda Accord registered to him. The UCE approached Spencer's vehicle and spoke with CO Spencer through the passenger-side window. During the conversation, UCE told Spencer that the "green" bundle contained the "Ice," the "red" bundle contained the "Molly," and that "the phones are in there too." The UCE provided \$400 in cash and the contraband bundles to CO Spencer, and Spencer then departed the parking lot. Law enforcement maintained a constant visual of Spencer leaving the parking lot and quickly pulled him over at an intersection in Fort Myers. During the traffic stop, law enforcement found the contraband bundles on the passenger seat of the gold Honda Accord, and they were covered with a sweatshirt. Also, law enforcement found the \$400 in cash under a floormat on the driver's side of the vehicle. After the transaction, the UCE positively identified CO Spencer as the person to whom he provided the contraband bundles and cash.

11. In a post-*Miranda* interview, CO Spencer stated that he obtained the contraband with the intent of providing it to an inmate within the facility at which he worked.

12. Based on the facts submitted above, I submit that there is probable cause to believe that CO Leslie Spencer has violated 21 U.S.C. §§ 846 and 841(a)(1) and (b)(1)(C)

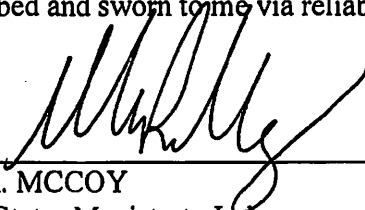
(attempted possession with intent to distribute a controlled substance). Accordingly, I request the issuance of a warrant for the arrest of CO Leslie Spencer.

Respectfully submitted,



Nymphagney Scott
Special Agent
Federal Bureau Investigation

Subscribed and sworn to me via reliable electronic means (telephone) on March 31, 2021.



MAC R. MCCOY
United States Magistrate Judge