

UNITED STATES DISTRICT COURT

for the
District of Rhode Island**FILED****MAR 23 2016****U.S. DISTRICT COURT
DISTRICT OF RHODE ISLAND**United States of America
v.Devin Mello, YOB: 1990, West Warwick, RI
Defendant

Case No.

1:16 MJ 63A

ARREST WARRANT

To: Any authorized law enforcement officer

YOU ARE COMMANDED to arrest and bring before a United States magistrate judge without unnecessary delay(name of person to be arrested) DEVIN MELLO, YOB: 1990, WEST WARWICK, RI,

who is accused of an offense or violation based on the following document filed with the court:

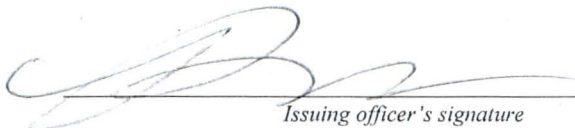
- ☐ Indictment ☐ Superseding Indictment ☐ Information ☐ Superseding Information ☒ Complaint
☐ Probation Violation Petition ☐ Supervised Release Violation Petition ☐ Violation Notice ☐ Order of the Court

This offense is briefly described as follows:

- distribution of 3,4-methylenedioxymethamphetamine ("MDMA"), a Schedule I Controlled Substance (on or about February 26, 2016) in violation of 21 U.S.C. § 841(a) & (b)(1)(C);
- distribution of MDMA, a Schedule I Controlled Substance (on or about March 1, 2016) in violation of 21 U.S.C. § 841(a) & (b)(1)(C);
- felon in possession of a firearm (on or about March 4, 2016) in violation of 18 U.S.C. §§ 922(g)(1) & 924(a)(2);
- distribution of MDMA, a Schedule I Controlled Substance (on or about March 10, 2016) in violation of 21 U.S.C. § 841(a) & (b)(1)(C);
- possession with intent to distribute MDMA, a Schedule I Controlled Substance (on or about March 23, 2016) in violation of 21 U.S.C. § 841(a) & (b)(1)(C); and
- felon in possession of a firearm (on or about March 23, 2016) in violation of 18 U.S.C. §§ 922(g)(1) & 924(a)(2).

Date:

3/23/2016


 Issuing officer's signature
City and state: Providence, RILincoln D. Almond, U.S. Magistrate Judge

Printed name and title

Return
 This warrant was received on (date) _____, and the person was arrested on (date) _____
 at (city and state) _____.

Date: _____

 Arresting officer's signature

 Printed name and title

UNITED STATES DISTRICT COURT

for the
District of Rhode Island

United States of America)

v.)

Devin Mello, YOB: 1990, West Warwick, RI)

Case No.)

1:16 MJ 63A

Defendant

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 03/23/2016 in the county of Kent in the _____ District of
Rhode Island, the defendant violated 21 U. S. C. § 841(a), an offense described as follows:

- distribution of 3,4-methylenedioxymethamphetamine ("MDMA"), a Schedule I Controlled Substance (on or about February 26, 2016) in violation of 21 U.S.C. § 841(a) & (b)(1)(C);
- distribution of MDMA, a Schedule I Controlled Substance (on or about March 1, 2016) in violation of 21 U.S.C. § 841(a) & (b)(1)(C);
- felon in possession of a firearm (on or about March 4, 2016) in violation of 18 U.S.C. §§ 922(g)(1) & 924(a)(2);
- distribution of MDMA, a Schedule I Controlled Substance (on or about March 10, 2016) in violation of 21 U.S.C. § 841(a) & (b)(1)(C);
- possession with intent to distribute MDMA, a Schedule I Controlled Substance (on or about March 23, 2016) in violation of 21 U.S.C. § 841(a) & (b)(1)(C); and
- felon in possession of a firearm (on or about March 23, 2016) in violation of 18 U.S.C. §§ 922(g)(1) & 924(a)(2).

This criminal complaint is based on these facts:

See attached Affidavit of Christian Jardin, Special Agent, Bureau of Alcohol, Tobacco, Firearms and Explosives

☒ Continued on the attached sheet.

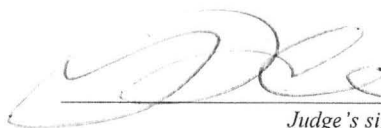
Complainant's signature

Christian Jardin, Special Agent - ATF

Printed name and title

Sworn to before me and signed in my presence.

Date:

3/23/2016

Judge's signature

City and state:

Providence, Rhode Island

Lincoln D. Almond, U.S. Magistrate Judge

Printed name and title

AFFIDAVIT

I, Christian Jardin, having been duly sworn, state as follows:

1. I am a Special Agent with the Bureau of Alcohol, Tobacco, Firearms and Explosives ("ATF"). I am assigned to ATF's Providence office and have been a Special Agent with ATF since 2001. Based on my training and experience as an ATF Special Agent, I am familiar with federal firearms and controlled substances or narcotics laws. As an ATF Special Agent, I have been involved, either as lead agent or as a member of an investigative team, in numerous firearms and controlled substances or narcotics investigations.

2. I submit this affidavit in support of a criminal complaint charging Devin Mello of West Warwick, Rhode Island (who was born in 1990) with

- (a) distribution of 3,4-methylenedioxymethamphetamine ("MDMA"), a Schedule I Controlled Substance, on February 26, 2016, in violation of 21 U.S.C. § 841(a) & (b)(1)(C),
- (b) distribution of MDMA on March 1, 2016, in violation of 21 U.S.C. § 841(a) & (b)(1)(C),
- (c) being a felon in possession of a firearm on March 4, 2016, in violation of 18 U.S.C. §§ 922(g)(1) & 924(a)(2),
- (d) distribution of MDMA on March 10, 2016, in violation of 21 U.S.C. § 841(a) & (b)(1)(C),
- (e) being a felon in possession of a firearm on March 23, 2016, in violation of 18 U.S.C. §§ 922(g)(1) & 924(a)(2), and
- (f) possession with intent to distribute MDMA on March 23, 2016, in violation of 21 U.S.C. § 841(a) & (b)(1)(C),

3. The information in this affidavit comes from my personal observations, my training and experience, information obtained from other law enforcement agents, and video and audio recordings of interactions between Mello and an ATF agent acting in an undercover capacity. This affidavit is intended to show that there is sufficient

probable cause for the requested warrant and does not set forth all of my knowledge about this matter.

Investigation

Criminal History

4. On October 16, 2008, Mello was convicted by a Rhode Island court on first degree robbery and conspiracy and was sentenced to a total of 15 years of incarceration (with 10 years to serve and the remainder suspended) and 5 years of probation.

5. Also on October 16, 2008, Mello was convicted by a Rhode Island court on two counts of felony assault and two counts of discharge of a firearm during a crime of violence and was sentenced to a total of 20 years of incarceration (with 15 years to serve and 5 years suspended) and 5 years of probation.

February 26, 2016

6. On February 26, 2016, an ATF special agent who was acting in an undercover capacity (hereinafter, the "Undercover") met Mello. The Undercover drove to the multi-family building on the southeast corner of the intersection of McNiff Street and Jodoin Street in West Warwick, a building later determined to house Mello's apartment. The undercover parked his car in the parking lot behind the house, a short distance from the building's rear door. A short time later, Mello exited the rear door of the building, walked to the Undercover's car, and sat in the front passenger seat. The Undercover and Mello then conversed. Surreptitious audio and video recording devices captured the interaction between the Undercover and Mello inside the car.

7. The Undercover inquired whether Mello was interested in doing a "lick," a slang term for robbery, and whether he had the "tools," a slang term for guns, to commit a robbery. Mello said, "Hell yeah." The Undercover inquired whether Mello knew how to conduct robberies. Mello responded, "Yeah, hell yea, definitely." Mello further stated, "That's what I'm about, that's my life right here." The Undercover inquired whether Mello had the "tools" to commit a robbery. Based on my training and

experience, I know that in this context, "tool" is a slang term for gun. Mello stated that he had a gun and also specified that he knew a person willing to sell an assault rifle, specifically an AR-15.

8. Using his cellular telephone, Mello called that person and confirmed that the AR-15 was still available. During the course of conversation with Mello, the Undercover expressed an interest in purchasing the AR-15. Mello said that he would obtain the AR-15 and sell it to the Undercover. Mello further specified that if the Undercover did not want the AR-15, Mello would buy it anyway and probably store it in his basement. Mello provided his cellular telephone number to the Undercover.

9. During the course of conversation, Mello specified that he had a 9mm pistol on his person, had a .38 caliber pistol, and had access to a shotgun.

10. Before leaving Mello's company, the Undercover bought MDMA from Mello. Mello handed the Undercover a baggie containing a powdery material, and the Undercover gave Mello \$80. Mello indicated that the material was MDMA. Later field testing indicated the presence of MDMA in the material.

11. Together the material and the bag in which it was contained weighed approximately 2.7 grams.

February 28, 2016

12. On February 28, 2016, the Undercover and Mello spoke by telephone, and the call was recorded. They discussed purchase of the AR-15, and Mello latter that day followed up on the conversation with text messages to the Undercover concerning the purchase of the AR-15.

February 29, 2016

13. On February 29, 2016, the Undercover and Mello exchanged text messages relating to the AR-15 purchase and related to the purchase of additional MDMA from Mello.

March 1, 2016

14. On March 1, 2016, the Undercover drove to the multi-family building on the southeast corner of the intersection of McNiff Street and Jodoin Street in West Warwick, the building later determined to house Defendant's apartment. The Undercover parked his car in the parking lot behind the building, a short distance from the building's rear door.

15. The Undercover entered the building through the rear door and met Mello in the hallway area adjacent to the rear door. The Undercover was outfitted with a video and audio recording device that captured his interaction with Mello.

16. During the course of conversation, the Undercover learned that Mello was unable to obtain the AR-15. Mello stated that he learned that the source of the AR-15 had recently been arrested by police. As conversation continued, Mello and the Undercover discussed a .32 caliber pistol and shotgun. Mello indicated that he could obtain these guns and sell them to the Undercover. Mello asked the Undercover to call later to learn about the status of these other firearms.

17. Before leaving Mello's company, the Undercover bought MDMA from Mello. Mello had a baggie containing a powdery material that he sold to the Undercover. The Undercover paid Mello \$270. Mello indicated that the material was MDMA. Later field testing indicated the presence of MDMA in the material.

18. Together the material and the bag in which it was contained weighed approximately 9.8 grams.

March 3, 2016

19. On March 3, 2016, the Undercover and Mello exchanged text messages, including a message from Mello specifying that he was obtaining a shotgun for the Undercover.

March 4, 2016

20. On March 4, 2016, the Undercover drove to the building on the southeast corner of the intersection of McNiff Street and Jodoin Street in West Warwick, the building later determined to house Defendant's apartment. Mello and the Undercover then communicated by telephone, and Mello directed the Undercover to drive to the parking lot at the southwest corner of the intersection of Jodoin Street and Archambault Ave, which is a short distance from the building.

21. The Undercover proceeded to the parking lot, and there saw Mello arrive in a Nissan sedan. The Undercover was outfitted with a video and audio recording device that captured his interaction with Mello.

22. Mello opened the trunk of the sedan. Inside there was a shotgun wrapped in a sheet. The Undercover took the shotgun and placed it in his car. The Undercover paid Mello \$400. Mello also provided a box of shotgun shells.

23. After the Undercover left the area with the shotgun and shells, he received a text message from Mello. The message stated, "Keep my posted on the other job." The Undercover responded by text message that he would let his cousin know that he the tools for committing the robbery were in hand. In earlier face-to-face conversation with Mello about the robbery, the Undercover had said that his cousin was providing information about the place to be robbed.

24. ATF agents later examined the gun and shells. The gun was a Ted Williams Model 200 Winchester 12 gauge shotgun, and there were 24 shells of Spartan 12 gauge buckshot.

25. Examination of the gun indicated that it was a firearm, namely that it was designed to expel or capable of expelling a projectile by the action of an explosive. Furthermore, I know from discussion with Special Agent Kevin McNamara, who is trained in determining where commercially sold firearms are manufactured, that Winchester firearms are manufactured outside Rhode Island.

March 10, 2016

26. On March 10, 2016, the Undercover drove to the building on the southeast corner of the intersection of McNiff Street and Jodoin Street in West Warwick, the building later determined to house Defendant's apartment. The Undercover parked his car in the parking lot behind the building, a short distance from the building's rear door. A short time later, Mello exited the rear door of the building, walked to the Undercover's car, and sat in the front passenger seat. The Undercover and Mello then conversed. Surreptitious audio and video recording devices captured the interaction between the Undercover and Mello inside the car.

27. The Undercover said that additional guns were needed for the robbery they were planning. Mello said that he could introduce the Undercover to a person who could sell additional firearms to the Undercover. During the course of conversation, Mello specified that he kept his 9mm pistol in his apartment.

28. Before leaving Mello's company, the Undercover bought MDMA from Mello. Mello had a baggie containing a powdery material that he sold to the Undercover. The Undercover paid Mello \$225. Mello indicated that the material was MDMA. Later field testing indicated the presence of MDMA in the material.

29. Together the material and the bag in which it was contained weighed approximately 8.35 grams. The serial numbers of the bills used to make this purchase were recorded by ATF prior to the meeting with Mello.

*Information Concerning Mello's Apartment
& Acquisition of Search Warrant*

30. During the course of this investigation, investigator have been in regular contact with Mello's Rhode Island state parole officer, including contacts during the week of March 13, 2016 and most recently on March 22, 2016.

31. According to the parole officer, Mello is presently on parole, and Department of Corrections records indicate that he has been on parole since Fall of 2015.

Also according to the parole officer, Mello is wearing an electronic device (a GPS ankle bracelet) that allows the Department of Corrections to locate Mello and track his movements, and Mello is subject to home confinement and home visits by the parole officer.

32. The parole officer reported to investigators that she visited Mello at his home on March 1, 2016. She specified that Mello resides in Apartment 5 on the third floor of the building on the southeast corner of the intersection of McNiff Street and Jodoin Street in West Warwick.

33. On March 17, 2016, ATF agents obtained federal warrants to search Mello's apartment and to search Mello's person.

March 23, 2016

34. On the morning of March 23, 2016, ATF agents executed the warrants. Mello was detained as he arrived in a car and parked in the parking lot behind the building on the southeast corner of the intersection of McNiff Street and Jodoin Street in West Warwick, the building that houses Defendant's apartment. Mello was searched and agents found keys and a driver's license bearing a photograph of Mello and his name. Agents then proceeded to the building, entered the rear door, ascended the stairs to the third floor and entered Apartment 5. Among the keys seized from Mello was a key that opened the door to Apartment 5.

35. Inside Apartment 5 agents found in the master bedroom Mello's birth certificate, social security card, medical assistance identification card, United Healthcare Card, and bank debit card. Some of these items were found in a nightstand, and some were found in a bureau. On that bureau, agents found a digital scale. Inside that bureau, agents found bagging materials, \$270 in cash, and four bags containing powdery material. Later fielding testing of the material in three of the bags indicated the presence of MDMA, and together these three bags and the material inside weighed

approximately 27.8 grams. Field testing of the material in the fourth bag indicated the presence of cocaine.

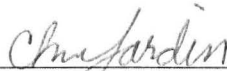
36. In a walk-in closet connected to the master bedroom, agents found a box containing a Kahr Arms 9 mm pistol (serial number EK4536) and a ammunition magazine corresponding to the pistol. The pistol was inside white sock and the magazine was in a separate sock. The magazine contained rounds of 9mm ammunition.

37. I know based on my training and experience that Kahr Arms is not located in Rhode Island and that Kahr Arms firearms are not manufactured in Rhode Island. I examined the aforementioned 9 mm pistol and its appearance is consistent with that of an operative firearm, namely that it appears to be capable of expelling a projectile by the action of an explosive. A check of a law enforcement database (the FBI's NCIC database) indicates that the 9 mm pistol was stolen.

38. Based on my training and experience, I know that digital scales are commonly used by drug traffickers to measure their drugs for distribution and that bagging materials are commonly used by drug traffickers in their distribution activities.

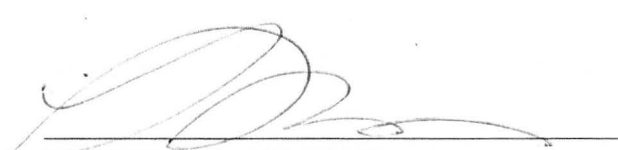
Conclusion

39. Based on the above information, I believe that there is probable cause to believe that Mello committed the offenses set forth in paragraph 2, namely that Defendant distributed MDMA on three occasions, possessed MDMA with intent to distribute, and as a felon possessed firearms on two separate occasions.



Special Agent Christian Jardin
Bureau of Alcohol, Tobacco, Firearms
and Explosives

Subscribed and sworn before me
this 23th day of March 2016,
at Providence, Rhode Island.



LINCOLN D. ALMOND
United States Magistrate Judge
District of Rhode Island