

UNITED STATES DISTRICT COURT

for the

Northern District of Ohio

FILED

9:09 am Aug 10 2020
Clerk U.S. District Court
Northern District of Ohio
Cleveland

United States of America
v.

RICHARD WOODARD

Case No.

1:20 MJ 9211

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 8/7/2020 in the county of CUYAHOGA in the Northern District of Ohio, the defendant(s) violated:

Table with 2 columns: Code Section, Offense Description. Row 1: 21 U.S.C. Secs. 841(a)(1), (b)(1)(C) and 18 U.S.C. Sec. 922(g)(1); Distribution and Possession with Intent to Distribute and to Distribute Controlled Substances; Felon in Possession of a Firearm

This criminal complaint is based on these facts:

See Attached Affidavit

Continued on the attached sheet.

Sworn to via telephone after submission by reliable electronic means. Crim. Rules 4.1

Handwritten signature of Ryan Allen

FBI NOLETF TFO RYAN ALLEN

Printed name and title

Date: 08/10/2020



City and state: Cleveland, Ohio

Handwritten signature of William H. Baughman, Jr.

Judge's signature

Magistrate Judge William H. Baughman, Jr.

Printed name and title

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

I, Ryan Allen, currently assigned to the Northern Ohio Law Enforcement Task Force (hereinafter referred to as the NOLETF), hereinafter referred to as your Affiant, being duly sworn, do state the following:

1. As a Task Force Officer (TFO) of the FBI, your Affiant is an investigative or law enforcement officer of the United States within the meaning of 18 U.S.C. § 2510 (7). Your Affiant is empowered to conduct investigations and to make arrests for federal felony offenses.
2. Your Affiant has been employed by the Cuyahoga Metropolitan Housing Authority Police Department (CMHAPD) since June 15, 2009, and has been assigned to the Narcotics Unit as a detective for ten years, the last 8 years of which have been as a TFO with NOLETF. Prior to this, your Affiant was employed by the Grafton Police Department as a Patrol Officer wherein your Affiant received four months of training with field training officers and conducted street-level narcotics investigations. As a narcotics officer, your Affiant has participated in street-level narcotics enforcement and the dismantlement of mid to upper-level drug trafficking organizations (DTO's). Your Affiant has participated in several undercover operations involving numerous drug trafficking targets. Your Affiant is currently assigned to the NOLETF, a Cleveland-based multi-agency federal, state and local law enforcement drug task force. During your Affiant's detail with the NOLETF, your Affiant has participated in investigations targeting organizations involved in drug trafficking offenses in the Northern District of Ohio and elsewhere. Prior to this assignment, your Affiant was assigned to investigate drug-related offenses as well as other general criminal offenses in the State of Ohio as well as the Northern District of Ohio. These crimes were prosecuted in both state and federal court. At all times during the investigation described in this Affidavit, your Affiant has been acting in an official capacity as a police officer for the CMHAPD or as a TFO of the FBI. Your Affiant is also a certified peace officer in the State of Ohio.
3. As a Detective of the CMHAPD, your Affiant received basic drug training at the Lorain County Community College Police Training Academy located in Elyria, Ohio. Your Affiant received six months of

field training by officers of the CMHAPD. During this time, your Affiant participated in routine police functions, including but not limited to investigating drug related offenses. Your Affiant was assigned to the CMHAPD Narcotic Unit in December of 2010. Your Affiant received basic narcotics investigation training by training officers assigned to the Narcotic Unit in which basic and advanced drug-related investigation techniques, including but not limited to surveillance, undercover operations, interview and interrogation techniques, informant recruiting and control, search warrant execution and case preparation. Your Affiant completed Drug Identification Training regarding basic identification, packaging and concealment of narcotics. Your Affiant completed forty hours of Undercover Tactics and Survival Training. Your Affiant additionally completed Financial Investigation Training regarding asset forfeiture and money laundering tactics and topics. Your Affiant completed thirty-two hours of Mexican Cartel Narcotics Operations training. Your Affiant receives annual training at the CMHAPD regarding law enforcement matters, including matters relating to drug trafficking. Your Affiant has participated in all of the usual methods of investigation including but not limited to visual surveillance, questioning witnesses and analyzing evidence. Your Affiant has been involved in hundreds of drug-related arrests and has coordinated undercover purchases of stolen and counterfeit property and controlled substances. Your Affiant has planned and executed search warrants resulting in the seizure of drugs, their proceeds, weapons and drug preparation tools. Your Affiant has previously assisted with investigations in which wire interceptions were conducted. Your Affiant has monitored wire interceptions; conducted wire-interception overhears; prepared search warrants in connection with wire interception investigations, assisted in case investigation, planning and prosecution; and conducted surveillance operations in connection with wire interceptions. Your Affiant has been the Affiant on one prior Affidavit submitted in support of an application for the interception of wire communications. Your Affiant has participated as an undercover officer during investigations and has supervised the activities of informants who have provided information concerning controlled substances and organized criminal activities, purchased

controlled substances and supervised consensual monitoring in connection with these investigations.

4. This affidavit is submitted in support of a criminal complaint against RICHARD WOODARD.
5. Your Affiant has personally participated in the investigation set forth below. Your Affiant is familiar with the facts and circumstances of the investigation from personal participation, from discussions with other agents and law enforcement officers, from discussions with witnesses involved in the investigation, and from review of records and reports relating to the investigation. Unless otherwise noted, wherever in this Affidavit Your Affiant asserts that a statement was made, the information was provided by another special agent, law enforcement officer or witness who had either direct or hearsay knowledge of that statement and with whom Affiant or others have spoken or whose reports I have read and reviewed. Since this Affidavit is being submitted for the limited purpose of securing a Complaint for arrest, Affiant has not included details of every aspect of the investigation.
6. Probable cause exists to believe that RICHARD WOODARD did commit offenses involving Title 21, United States Code, Sections 841 (a)(1), (b)(1)(C): to wit, distribution and possession with the intent to distribute controlled substances, and Title 18, United States Code, Section 922(g)(1), felon in possession of a firearm.

PROBABLE CAUSE

7. Your Affiant states that on Thursday August 7, 2020 members of the Cleveland Police Department (CPD) and NOLETF were investigating a heroin overdose death that occurred on July 28, 2020. Investigation of the overdose death led investigators to a suspect identified as RICHARD WOODARD¹.

¹ WOODARD was developed as the suspect in the OD death through a Confidential Source who provided agents with a license plate for the heroin dealer involved in the death and further confirming WOODARD'S ID through a BMV photo as the registered owner of said vehicle. Additionally, agents observed phone calls and text messages in the overdose death victim's cellular telephone arranging the drug transaction immediately prior to the overdose death to and from a phone contact listed as "RJ." The phone number associated with "RJ" was the same number used by the individual

8. During the morning hours of August 7, 2020, agents initiated surveillance in the area of WOODARD's residence at 2201 West 93rd Street in Cleveland, Ohio, a multi-unit apartment building. During this surveillance, WOODARD was observed walking out of the building and getting into a black Chevy Malibu bearing Ohio registration K450162².
9. Investigators followed WOODARD to locations where he met with other individuals and drove away after a short interaction consistent with behavior Your Affiant knows to be drug activity. During one such interaction, investigators saw WOODARD conduct a hand-to-hand transaction through the vehicle window with an individual. Investigators followed and stopped the individual immediately after the transaction. The individual was cooperative and found to be in possession of heroin. The individual admitted to purchasing the heroin from "RJ", known to this investigation to be WOODARD. The individual indicated they contacted "RJ" at a telephone number known to investigators to be used and possessed by WOODARD to arrange the transaction³.
10. Investigators followed WOODARD back to his residence at 2201 West 93rd Street and surveillance was maintained. A short time later, WOODARD left the residence driving a 2010 Mercedes SUV bearing Ohio registration JAK5580⁴.
11. WOODARD was followed to a tire shop on Lorain Avenue in Cleveland, Ohio where he briefly pulled into a garage and met with an unknown white male. Investigators observed WOODARD pull out of the garage less than 5 minutes after arriving and the white male walked out of the garage talking to WOODARD through the window as he backed out. WOODARD then immediately left the area, consistent with having just conducted a drug transaction.
12. WOODARD was then followed to the Shell Gas Station at 2625 East 55th Street in Cleveland, Ohio. WOODARD left the Mercedes SUV running and unoccupied in the parking lot and entered the business.

described in paragraph 9 and assigned to one of the cellular phones found in WOODARD's Mercedes SUV as described in paragraph 12.

² The temporary license plate K450162 is registered to WOODARD.

³ The cellular telephone that this individual identified was later found in WOODARD's Mercedes SUV during his arrest.

⁴ The license plate JAK5580 is registered to WOODARD.

A few minutes later WOODARD exited the business and officers arrested WOODARD for the heroin transaction that occurred earlier that day. WOODARD initially denied any connection to the Mercedes SUV he drove to the gas station and left running in the lot. Agents opened the unlocked car door to shut it off pending impound and observed plastic bags containing suspected heroin and a digital scale in plain view in the door pocket along with two cellular phones on the center console.

13. WOODARD was advised of his Miranda rights, which he stated he understood and agreed to answer questions. WOODARD admitted to selling heroin for the past three years. WOODARD admitted he had 30 grams of heroin and 3 firearms in his apartment at 2201 West 93rd Street, apartment #154.
14. Pursuant to a State of Ohio search warrant for 2201 West 93rd Street, apartment #154, Agents located approximately 60 grams of heroin⁵, 4 firearms (3 of which were loaded and in plain view)⁶, approximately \$12,000.00 US Currency, several boxes of ammunition and multiple items commonly used to process and package illegal narcotics⁷ in WOODARD'S apartment. WOODARD admitted to all of the items found in the apartment and stated that his 12 year old son, who was present upon entering the apartment, did not have anything to do with the items found. WOODARD told investigators that his girlfriend also stays with him sometimes but has no knowledge of his activities⁸.

⁵ Investigators were unable to field test the heroin due to health and safety concerns present with the risk of exposure; however based on Your Affiant's training and experience the substance had a texture, odor and color consistent with heroin that Your Affiant has recovered and tested positive for heroin during previous investigations. Heroin is a Schedule I controlled substance.

⁶ A Smith & Wesson M&P Shield 9mm pistol, Browning Hi-Power 9mm pistol and 2 Mossberg .22lr caliber rifles were recovered from WOODARD's apartment during the search. Each of these weapons was manufactured outside the state of Ohio.

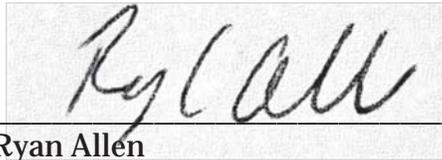
⁷ The majority of the processing items/tools were setup on a table in the master bedroom and still contained heroin and/or heroin residue as though WOODARD had processed and packaged the heroin just prior to leaving that morning.

⁸ Agents found no evidence of a female residing at the apartment. WOODARD'S 12 year old son indicated he had seen the girlfriend at the apartment only approximately 3 times ever.

15. Pursuant to the same State of Ohio search warrant, the bags of heroin and digital scale were recovered from WOODARD'S 2010 Mercedes SUV. No evidence was recovered from the Chevy Malibu.
16. In 2008 WOODARD was convicted of F3 Failure to Comply in Cuyahoga County Common Pleas Court.

CONCLUSION

17. Based upon the information contained in this affidavit, I submit there is probable cause to believe that on or about August 7, 2020, in the Northern District of Ohio, RICHARD WOODARD committed violations of Title 21, United States Code, Sections 841(a)(1), (b)(1)(C), that is distribution of and possession with intent to distribute controlled substances, and Title 18, United States Code, Section 922(g)(1), felon in possession of a firearm.



Ryan Allen
NOLETF – FBI TFO

This affidavit was sworn to by the affiant by telephone after a PDF was transmitted by email, per Crim. R. 41(d)(3) on this 10th day of August, 2020.



WILLIAM H. BAUGHMAN, JR.
UNITED STATES MAGISTRATE JUDGE

