

# UNITED STATES DISTRICT COURT

for the

Southern District of Florida

United States of America )

v. )

HENRY L. BRYANT and )

DANIEL L. MACK, )

Case No. 12-2495-GARBER

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 Dec. 2011 - January 26, 2012 in the county of Miami-Dade in the Southern District of Florida, the defendant(s) violated:

*Code Section*  
21 U.S.C. 841(a)(1) & 846

*Offense Description*  
The defendants did knowingly and intentionally combine, conspire, confederate, and agree with each other, and with other persons known and unknown, to possess with intent to distribute a controlled substance, in violation of Title 21, United States Code, Section 841(a)(1); all in violation of Title 21, United States Code, Section 846. Pursuant to Title 21, United States Code, Section 841(b)(1)(A)(ii), it is further alleged that this violation involved five (5) kilograms or more of a mixture and substance containing a detectable amount of cocaine.

This criminal complaint is based on these facts:

See attached affidavit.

Continued on the attached sheet.

Complainant's signature

Matthew J. Fowler, Special Agent, FBI

Printed name and title

Sworn to before me and signed in my presence.

Date: 04/11/2012

City and state: Miami, Florida

Certified to be a true and correct copy of the document on file  
Steven W. Lammore, Clerk,  
U.S. District Court

The Hon. Barry L. Garber, U.S.M.J.

By C. Chala  
Deputy Clerk

Date 4/11/12

## AFFIDAVIT

I, Matthew J. Fowler (the "Affiant"), being duly sworn, depose, and state as follows:

1. I am a Special Agent (SA) of the Federal Bureau of Investigation (FBI) and have been so employed since 2009. I am currently assigned to the Miami Division of the FBI where my responsibilities include investigations of public corruption and civil rights violations. During my tenure with the FBI, I have participated in numerous investigations of federal laws violated by public officials. I have received specialized training in the investigation of public corruption crimes. Prior to being a SA with the FBI, I was employed as a police officer with the Independence, Missouri Police Department for approximately six (6) years. During my career as a police officer, I spent over two (2) years as a detective and was the affiant of and a participant in numerous state and federal arrest and search warrants, including in federal cases in the Western District of Missouri.

2. The information contained in this affidavit is based on my personal knowledge from my work on this investigation, and also on information provided to me by civilians and other law enforcement officers. Because this affidavit is being submitted for the limited purpose of setting forth probable cause for the issuance of a criminal complaint, this affidavit does not contain all the information known to me in this investigation.

### PROBABLE CAUSE

#### **I. Defendants**

3. Henry Lee BRYANT, a Firefighter with the City of Miami Beach Fire Department.

4. Daniel MACK, a Police Officer with the Miami-Dade Police Department.

## **II. The Investigation**

5. Since early June 2011, Special Agents of the FBI have been investigating allegations of extortion, bribery and program fraud in connection with City of Miami Beach, Florida public employees and officials. The investigation has included the use of an undercover FBI agent (UC1). During the investigation, UC1 posed as the manager of an operating nightclub (“nightclub”) in Miami Beach, Florida. During the course of this investigation, UC1 made cash pay-offs payments to an identified conspirator (IC), a City of Miami Beach Fire Department fire inspector, in exchange for the assurance that the nightclub would not be cited for any fire code violations.

6. On October 27, 2011, at approximately 9:37 P.M., during a recorded telephone conversation, IC told UC1 that he wanted to put UC1 in contact with Henry Lee BRYANT, who the IC introduced as a senior Fire Inspector who would be able to “play ball.”

7. On October 29, 2011, at approximately 10:25 A.M., UC1 contacted BRYANT and made arrangements to meet for lunch. This call was recorded. Later on October 29, 2011, UC1 met with BRYANT at a restaurant located in Miami Beach, Florida. During this recorded meeting, BRYANT and UC1 discussed ways in which BRYANT could perform official acts in exchange for money.

## **III. The First Drug Run Escort and Protection**

8. On December 2, 2011, at approximately 11:15 A.M., during a video recorded meeting at the nightclub, BRYANT asked UC1 if UC1 needed help with anything else. In response, UC1 indicated that he needed protection for the transportation of drugs from the nightclub on behalf of UC1 and UC1's purported Drug Trafficking Organization (DTO).

BRYANT agreed to participate. Your affiant notes that due to malfunctioning equipment, no audio recording was made of this meeting.

9. As a follow up to the December 2, 2011 meeting, on December 4, 2011, at approximately 1:39 P.M., during a video-audio recorded meeting with UC1 at the nightclub, BRYANT told UC1 that he had “four (4) County guys”<sup>1</sup> (meaning Miami-Dade Police), “plus two Beach guys” (meaning Miami Beach Police). UC1 asked if they would be in uniform and whether they would have police cars. In response, BRYANT said they have County cars, adding that “they are ready to move, they just need to know when and how.” Arrangements were made for UC1, BRYANT, and BRYANT’s associates, which BRYANT explained would be “two guys from Dade County and one guy from the Beach,” to meet on Friday. Later in the conversation, BRYANT said, “once you tell me what needs to be done, we do a couple of runs (meaning the drug escort run). Let you know it is what it is. Then we go from there.” BRYANT further stated, “we’re just sitting around waiting on you.” This meeting was video and audio recorded.

10. On December 6, 2011, at approximately 10:04 P.M., during a recorded telephone conversation, UC1 and BRYANT arranged to meet that Friday to discuss the logistics of the transportation and protection of the cocaine run. BRYANT advised that he would be at the nightclub with two others.

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<sup>1</sup> In this affidavit, I have not included each and every word that was spoken during the recorded calls and meetings. In addition, quoted sections of the recordings are based on the FBI’s preliminary analysis of the recordings and are not final transcripts. The voice identification of the various participants in the recorded meetings and conversation is based on the following: (1) information provided by UC1 and UC2; (2) my review of the video portions of these recordings where the speaker is visible and my familiarity with the voices gained from that review; and (3) the content of the recordings. Finally throughout this Affidavit, I have offered my interpretations of certain recorded conversations. My interpretations of these conversations is based on my knowledge of the investigation to date, including, but not limited to, conversations with UC1, UC2 and my review of the multiple recorded conversations and meets obtained during this investigation. My understanding is also based on conversations with other agents involved in this investigation and my training and experience in public corruption investigations.

11. On December 9, 2011, at approximately 9:24 P.M., during a video-audio recorded meeting at the nightclub, BRYANT told UC1 that he “had a bunch of people waiting” and as soon as UC1 “got everything together” to let him know “when, where and how” as it relates to the drug protection run. BRYANT confirmed that a Miami Beach police officer contact would escort BRYANT out of the area and that everyone would be in uniform and in a police car. “My brother will be carrying the bag and my guys will be downstairs. ... need to know the proximity of where the car is going to be.” BRYANT described the protection by the police as follows: one guy is “Dade” the other guy is “Beach.” Arrangements were made for Friday. BRYANT asked about the “payout.” UC1 asked BRYANT, what the “going rate was for ten (10)” kilograms of cocaine. BRYANT advised UC1 that it wasn’t cheap, that its \$4,000 or \$5,000 a piece because of the risk. BRYANT told UC1 that his “guys (the two police escorts) will know what’s going on, because BRYANT will tell them straight up.” UC1 asked BRYANT if the police would take \$3,500 a piece. In response, BRYANT advised that he would talk to his guys in a few minutes. BRYANT advised that he and his brother will be with the drugs, and that he (BRYANT) would meet up with the police to settle with them.

12. On December 9, 2011, at approximately 10:04 P.M., during a recorded telephone conversation, BRYANT advised UC1 that the protection run would occur at “1830 hours ... that the go time.” BRYANT also stated that he would “go ahead and be the runner,” but wanted to make sure “it is what it is.” BRYANT said he didn’t have a problem putting it (cocaine) in his vehicle because his guys know his vehicle. BRYANT assured UC1 that his guys would be in uniform.

13. On December 10, 2011, at approximately 1:25 P.M., UC1 placed a recorded telephone call to BRYANT. During this conversation, UC1 told BRYANT that “it’s a lot of

money, it's a lot of shit, it's a lot of dope." BRYANT abruptly terminated. Shortly thereafter, during a recorded telephone call from UC1 to BRYANT, at approximately 1:27 P.M., BRYANT told UC1 that he would get back to him later.

14. Subsequent to the above described December 10, 2011 telephonic exchange, through December 12, 2011, BRYANT and UC1 exchanged several text messages, wherein BRYANT told UC1 that he wanted to talk to UC1.<sup>2</sup> On December 12, 2011, at approximately 1:01 P.M., BRYANT sent a text to UC1 stating, "the open phone or text a[r]e recorded whether you know it or not. They can pull phone records for 30 days." At approximately 2:29 P.M., BRYANT sent UC1 another text stating, "you put yourself and me at risk for a lot of bad business." Later, at approximately 2:35 P.M., BRYANT sent UC1 a text stating, "I can't let you destroy yourself but you need lesson 101, [s]imply mind what you say."

15. On December 15, 2011, at approximately 12:07 P.M., BRYANT sent UC1 a text which stated, "bring some funds with you." BRYANT later sent a text stating, "Dos Grands" to UC1. BRYANT added that the money was for "charity." BRYANT and UC1 made arrangements to meet later that night.

16. On December 15, 2011, at approximately 8:21 P.M., UC1 and BRYANT met at the nightclub in Miami Beach, Florida. During this video-audio recorded meeting, BRYANT explained to UC1 why he hung up on UC1. BRYANT explained that "most of the time when we have conversations, you know ... when you in this kind of field ... you don't have straight out conversations. ... The reason why that is, because everybody knows you can be bugged almost anywhere. ... Every little word that you say can be construed as conspiracy ... is one of the

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<sup>2</sup> The time stamp reflected for each text is based on the records provided by the Service Provider for BRYANT's telephone. According the Service Provider, the time recorded is reflected in Central Standard Time.

players major [or] minor? ... That why you got a dial tone. Because I've been in this business a long time. It ain't something that was brand new to me." BRYANT expressed concerns that UC1 used the "Coca-Cola" (meaning cocaine) word straight out. UC1 advised BRYANT that when referring to cocaine he usually use the term "T-shirts." BRYANT indicated that they can refer to "it" (meaning cocaine) as "product" or something else, but not associated with the word "money" in the same sentence. BRYANT advised UC1 that he intended to move the cocaine himself and that BRYANT would utilize two separate police officers and cars to aid him in the transportation. Specifically, BRYANT explained that an unmarked City of Miami Beach police car would escort BRYANT, who would have the cocaine, while BRYANT was in the City of Miami Beach. BRYANT further explained that once he left the City of Miami Beach, a Miami-Dade police car would escort him (BRYANT) to its intended destination. UC1 and BRYANT made arrangements for the cocaine protection run to take place on Saturday.

17. On December 16, 2011, at approximately 10:15 P.M., UC1 met with BRYANT at Fire Station Number 2, located at 2300 Pinetree Drive, Miami Beach, Florida. During this meeting, UC1 told BRYANT that the drop off for the cocaine would be to a car parked at Aventura Mall. BRYANT added, "I guarantee it'll be smooth as silk." During this meeting, UC1 provided BRYANT with a cell phone for use during the drug protection run. BRYANT advised UC1, "certain things you still don't want to communicate."

18. On December 20, 2011, UC1 received an incoming text message from BRYANT's telephone that read, "r we on people ready." UC1 responded with a text message that read, "gameon." In response, BRYANT's telephone sent a text message to the UC1 that read, "Ready to go."

19. On December 21, 2011, at approximately 9:18 A.M., BRYANT and UC1, via text, made arrangements to meet at a restaurant in Miami Beach, FL. Later, at approximately 11:30 A.M., UC1, and a second FBI undercover (UC2), met BRYANT at a restaurant in Miami Beach, Florida to discuss the drug pickup at the nightclub. UC2 posed as member of the DTO. During this meeting, BRYANT wore his Fire Inspector uniform. BRYANT told UC1 that he would be at the nightclub at 4:15 P.M. and he would wear a red shirt.

20. On December 21, 2011, at approximately 4:12 P.M., UC1 received a call from BRYANT. During this call, BRYANT told UC1 that he was in route, that one of his guys "is already there waiting" for him, and the "other guy is already in place." BRYANT added that he was ten (10) minutes away.

21. On December 21, 2011, at approximately 4:32 P.M., BRYANT and another person ("AP"), met with UC1 and UC2 at the nightclub, in Miami Beach, Florida. BRYANT and AP told UC1 that they intended to take Collins to the William Lehmann Causeway which runs into the back of Aventura Mall. BRYANT added that they did not want to use the SunPass because pictures can be taken. UC1 advised BRYANT and AP that it was "nine" (9) kilograms of cocaine. In response, BRYANT said, "you do what you do." The "cocaine" was in fact "sham" cocaine, which is a white powdery substance packaged similarly to a kilogram size package of cocaine. UC2 told BRYANT and AP "that this is money" and BRYANT said they didn't have to worry about it. Each kilogram of sham cocaine was placed individually in a duffel bag in front of both BRYANT and AP, who looked into the duffel bag as the kilograms were counted. The meeting ended at 4:45 P.M. and was video and audio recorded.

22. After BRYANT took physical possession of the duffel bag containing the sham cocaine, BRYANT and AP left the nightclub and entered a 2001 Black Lincoln Navigator

(VEH1) registered to BRYANT. BRYANT drove the vehicle while AP rode in the passenger front seat.

23. Surveillance agents followed VEH1 occupied by BRYANT and AP and another vehicle, described as a gold four door sedan (VEH2), which appeared to be following BRYANT and AP in VEH1. VEH2 followed VEH1, until it left Miami Beach, Florida.

24. Immediately as BRYANT and AP traveled out of the Miami Beach area, surveillance agents observed a marked Miami-Dade police car fall-in behind BRYANT's vehicle (VEH1). The marked Miami-Dade police car followed BRYANT and AP to the pre-determined drop-off point for the cocaine, an unoccupied vehicle, in Aventura, Florida. Surveillance agents identified the Miami-Dade Police car as number 1929A. Your affiant reviewed BRYANT's telephone records and discovered that BRYANT was in telephone communication with an individual using a telephone number subscribed to MACK, a Miami-Dade police officer, on the day of and during the time of the cocaine transportation by BRYANT and AP. Law enforcement obtained and executed a Court authorized search warrant for the text message content of BRYANT's telephone. Your Affiant reviewed BRYANT's telephone records, which revealed eleven (11) communications in the form of telephone calls and text messages between MACK and BRYANT. An excerpt follows:

Date	Time	Source From-To:	Nature
12/21/11	4:24 P.M.	Incoming call: MACK to BRYANT	BRYANT and AP arrived at the nightclub
12/21/11	4:49 P.M.	Text: MACK to BRYANT	"Please tell me I did not miss you",
12/21/11	4:50 P.M.	Text: BRYANT to MACK	"on wa way now"

25. Shortly after the 4:50 P.M. text, at approximately 4:55 P.M., surveillance agents observed Miami-Dade police car number 1929A begin to follow VEH1 occupied by BRYANT and AP, shortly after BRYANT and AP left the jurisdiction of Miami Beach.

26. At approximately 5:04 P.M., UC1 placed a consensual recorded telephone call to BRYANT. During this call, UC1 provided BRYANT with the description and location of the drop off car (gray Challenger) parked at the Aventura Mall. UC1 and BRYANT discussed BRYANT returning to the nightclub later to take care of the pay out. At approximately 5:23 P.M., surveillance agents observed the Miami-Dade police car 1929A discontinue following VEH1 occupied by AP and BRYANT as VEH1 pulled into the Aventura Mall parking lot. Toll records revealed telephone calls from BRYANT to MACK at 5:23 P.M. and 5:24 P.M.

27. At approximately 5:26 P.M., BRYANT called UC1 and advised that he was at the Publix in Aventura, but didn't see the drop vehicle (gray Challenger). UC1 advised that it was across from the Publix and the corner of Oliver and Abigail Streets. BRYANT advised he would call UC1 back. At approximately 5:34 P.M., BRYANT called UC1 and advised him that it was "confirmed" (indicating that he had found the drop-off vehicle). Both calls were recorded.

28. At approximately 5:34 P.M., surveillance agents observed AP take the duffel bag containing the sham cocaine from VEH1, place it in the pre-determined unoccupied drop vehicle, and then saw BRYANT and AP leave the area. Law enforcement officers on surveillance in the parking lot retrieved the duffel bag containing the sham cocaine from the unoccupied drop vehicle. The duffel bag was found to contain the nine kilograms of sham cocaine in substantially the same condition as UC1 had delivered it to BRYANT and AP.

29. At approximately 6:04 P.M., UC1 placed a recorded consensual call to BRYANT. During this call, BRYANT advised that BRYANT and AP would arrive at the nightclub in fifteen (15) minutes.

30. Later that evening, BRYANT and AP met with UC1 and UC2 at the nightclub. At this meeting, BRYANT and AP accepted a cash payment of \$10,500 from UC1 and UC2. BRYANT indicated that the two escorting police officers would get \$3,500 each and that BRYANT and AP would split the other \$3,500. UC2 told BRYANT that he had a couple more (cocaine runs) to do. In response, BRYANT said "just tell me where and when." BRYANT added that he never uses the same pattern twice. The meeting ended at approximately 6:51 P.M. This meeting was video and audio recorded.

31. BRYANT and AP left the nightclub at approximately 6:53 P.M. At approximately 7:29 P.M., MACK sent a text message to BRYANT that read, "I'm at 3760 NW 171 terr can you come here?" At approximately 7:30 P.M. BRYANT responded with a text message to MACK, "On way."

32. Through a review of Florida Department of Highway Safety and Motor Vehicle records, your affiant discovered an address for MACK, 3301 NW 173<sup>rd</sup> Trail, Miami, Florida. A review of MACK's address on Google Earth revealed an image which depicted a marked Miami-Dade police car displaying number 1929A parked in front of MACK's residence (at the time the Google Earth image was taken).

#### **IV. The Second Drug Run Escort and Protection**

33. On December 23, 2011, at approximately 1:11 P.M., UC1 placed a consensually recorded call to BRYANT. UC1 said his people were happy and asked about BRYANT's people. BRYANT said his people were "OK" and explained that the money was short. UC1

asked BRYANT, “35 (meaning \$3,500) for everybody, right?” BRYANT explained that it “should have been 35 (meaning \$3,500) for me and my brother” each and “5” (meaning \$5,000) each for the two police officers. BRYANT advised that he would pick up two new phones because he didn’t believe in using the same ones. BRYANT added that he intended to “drop” the one he had. BRYANT and UC1 discussed the escort police units that participated in the protection run. BRYANT stated that the marked (Miami-Dade) unit in Dade was following him too closely.

34. On January 4, 2012, at approximately 7:14 P.M., UC1 had a recorded telephone conversation with BRYANT. During the telephone call, BRYANT told UC1 that “we need to talk numbers.” BRYANT said he would work with the police with their number, but his number “on the low side” and his “number has to go up.” Adding that he and his brother are “splitting and they’re taking less.” BRYANT told UC1 that it would be “35” (meaning \$3,500) for his guys each and “8” (meaning \$8,000) for him and his brother (meaning AP) to split. After some negotiation, BRYANT agreed that he and his brother (meaning AP) would take three “3” (meaning \$3,000) each. BRYANT stated that he’s “not going to get less and [he’s] doing all the work.” BRYANT and UC1 discussed different scenarios wherein UC1 suggested that UC2 do the transport of the cocaine instead of BRYANT and UC2 can communicate directly with BRYANT’s guys, who be behind him and protect him. BRYANT stated that “the reason why it worked the way it worked because of who he is.” BRYANT suggested to UC1 to “leave the guys the way they are and [he] and brother will take 3 (meaning \$3,000) a piece.” UC1 repeated to clarify, “3” (meaning \$3,000) for BRYANT, “3” (meaning \$3,000) for BRYANT’s brother and “35” (meaning \$3,500) for BRYANT’s two guys. BRYANT said “yeah.” BRYANT and UC1 discussed the police escort and the routes. BRYANT stated that they would “go a different

route” because he doesn’t “do the same route twice. BRYANT and UC1 made arrangements to meet either Thursday evening or Saturday before lunch.

35. Later on January 4, 2012, at approximately 7:32 P.M., during a recorded telephone conversation, BRYANT advised UC1 that he had spoken with his people and they weren’t comfortable with BRYANT on the “sideline.” BRYANT told UC1 to “work that other number out.”

36. On January 5, 2012, at approximately 10:57 A.M., UC1 and BRYANT had a recorded telephone conversation. UC1 advised BRYANT that drug protection was set up for Saturday at 10:00 A.M. BRYANT asked UC1 about the payment and clarified that it was “35 (\$3,500) for everybody.” BRYANT asked UC1, if “it’s (referring to the drop car) being moved to a different spot?” UC1 confirmed that it would be moved, but it would be in the general area.

37. On January 6, 2012, at approximately 5:26 P.M., UC1 had a recorded telephone conversation with BRYANT. During this conversation, BRYANT agreed to conduct a second drug transportation for the next Saturday (January 14, 2012). BRYANT and UC1 discussed the increased cost in the protection run. BRYANT asked UC1 whether his guy was “OK” with the last drug protection payment. UC1 confirmed that he was. In response, BRYANT told UC1 that he would get back to him.

38. On January 7, 2012, at approximately 5:26 P.M., UC1 had a recorded telephone conversation with BRYANT. During that call, UC1 advised BRYANT that the drug protection run was set up for Saturday at 10:00 A.M. BRYANT explained to UC1 that an undercover police car would be used on the Beach because GPS have been placed in the marked units and each car has a zone.

39. On January 11, 2012, at approximately 3:21 P.M., UC1 had a recorded telephone conversation with BRYANT. UC1 told BRYANT that the “load that is coming in pretty big.” BRYANT told the UC1 “I knew what the first one was. ... I knew it was a trial. .... When I asked for a couple pennies extra...” there was a problem. UC1 said he needed to meet BRYANT’s two people. BRYANT said that his “people [were] skiddish about meeting face to face.” UC1 and BRYANT discussed meeting Friday night. Further, BRYANT told UC1 that “after this move (drug protection run) these phones go. We need two fresh ones.”

40. On January 11, 2011, at approximately 6:11 P.M., UC1 and BRYANT exchanged text messages, wherein BRYANT confirmed a time of 6:30 for the meeting Friday night. On January 11, 2012, at approximately 7:14 P.M., UC1 had a recorded telephone conversation with BRYANT. UC1 told BRYANT that he got his text and BRYANT confirmed 6:30 P.M. tomorrow. UC1 advised BRYANT that UC1 and UC2 will be at the meeting. BRYANT said he can only have one of his guys there, the main one. BRYANT explained that the other person will be on duty. BRYANT told UC1 that the problem is “nobody wants to meet nobody so that everybody has the possibility of denial.”

41. On January 13, 2012, at approximately 7:41 P.M. UC1 and BRYANT exchanged text messages, wherein BRYANT confirmed that the meeting was still on.

42. On January 13, 2012, at approximately 9:23 P.M. UC1 had a recorded telephone conversation with BRYANT. UC1 asked BRYANT, whether everything was set for tomorrow and advised BRYANT that he would be running a little late arriving around 7:00 P.M. BRYANT advised UC1 that his guy had to work and he told him that the meeting would begin at 6:00 P.M. and he would be done at 7:15 P.M. BRYANT added that he would work around it. Arrangements were made for UC1 to meet BRYANT’s law enforcement drug escorts.

43. On January 14, 2012, at approximately 8:55 A.M., UC1 and BRYANT had a recorded telephonic conversation to arrange a meeting at a restaurant located at 46<sup>th</sup> Street and 7<sup>th</sup> Avenue, in Miami, Florida.

44. On January 14, 2012, at approximately 9:02 A.M., UC1 and UC2 met with BRYANT, at a restaurant in Miami-Dade County. BRYANT drove a 2006 cream colored Chrysler PT Cruiser. BRYANT advised UC1 and UC2 that his guy was on his way and added that “he knows exactly what we’re doing ... his thing of it is ... the less he knows the better it is.” At approximately 9:06 A.M., BRYANT said “there he go.” At which point, a Miami-Dade police unit, bearing license tag: TB3461 pulled into the parking lot. At that time, UC2 told BRYANT, that if BRYANT’s drug escort did not know about the drug protection run, then he didn’t want them there. BRYANT confirmed that his associate and escort knew. Shortly thereafter, UC1 and UC2 were introduced to an individual, who wore a Miami Dade police officer’s uniform and who carried a firearm, later identified as MACK.

45. Later that day, at approximately 9:18 A.M., BRYANT, UC1, UC2 and MACK met at another restaurant located at 119<sup>th</sup> Street and 7<sup>th</sup> Avenue, in Miami, Florida.<sup>3</sup> At the time of the meeting, surveillance agents observed a marked Miami Dade police car numbered 1929A parked outside of the restaurant while BRYANT and MACK met UC1 and UC2. During the meeting, UC2 told MACK that he could walk away before they got started because UC2 didn’t want someone to have second thoughts. The UCs explained that they appreciated everything that MACK was doing and they wanted to keep everybody happy and make sure nobody got short-changed. At the close of the meeting, UC1 said to MACK, “if you don’t like the way something

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<sup>3</sup> The restaurant located at 46<sup>th</sup> Street and 7<sup>th</sup> Avenue, in Miami, Florida, did not have chairs and could not accommodate seated patrons.

is going, let us know.” UC1 explained to MACK that this is new territory and indicated that they had “T-shirts” (code for cocaine) coming through and wanted to make sure everything was going to be okay. MACK said he understood and respected that. UC1 explained, “ain’t nobody trying to get locked up.” MACK replied, “you know how they do us.” In response, UC1 agreed, “they’re going to do us bad ... you got how many on you?” MACK responded, “You’re right.” This meeting was audio and video recorded.

46. As previously indicated, law enforcement obtained and executed a Court authorized search warrant for the text message content of BRYANT’s telephone. A review of the telephone text records revealed that on January 14, 2012, prior to the UC1 and UC2 meeting with BRYANT and MACK, BRYANT sent a text message to MACK, at approximately 9:02 A.M., that read “They say their 2 min out.” At approximately 9:13 A.M., BRYANT sent a text message to MACK that read, “Just drove in black BMW tag no.” MACK responded at approximately 9:14 A.M. with a text message to BRYANT that read, “Coming.”

47. On January 14, 2012, at approximately 11:02 A.M., UC1 and BRYANT had a recorded telephone conversation. BRYANT told UC1 that he was at the club and asked UC1 where he was. UC1 responded that he had to pick up the keys to the club and will walk over shortly.

48. That same day, at approximately 11:11 A.M., UC1 and UC2 met BRYANT and AP in the office at the nightclub. In the initial part of the meeting, AP suggested that they “snap” the phones and “toss them.” UC1 inquired of the whereabouts of BRYANT’s other associate. BRYANT responded that he was outside. BRYANT stepped outside and returned accompanied by an Identified Police Officer (IPO). BRYANT and AP discussed the route they intended to take to complete the drug drop-off run. UC1 asked the IPO whether he intended to drive a

marked unit, to which the IPO responded “unmarked,” but confirmed that the unmarked car had (police) lights. BRYANT added that the IPO would only take him across the bridge and the marked unit would pick him up at the other side of the bridge. UC2 told the IPO, “If you ain’t down, just walk away and ... none of this happened.” The IPO said he was good. BRYANT asked UC1 and UC2 “what time” for the protection run, adding that he needed to call his people and tell them he was going to be late. UC2 told BRYANT that it would be no later than 12:00 noon. This meeting was video and audio recorded.

49. Later that day, at approximately 11:49 A.M., BRYANT and AP met with UC1 and UC2 at the nightclub, in Miami Beach, Florida. At this meeting, UC1 placed individual packages of sham cocaine in the duffle bag, while BRYANT and AP looked into the duffle bag, counting the number of packages. AP took physical possession of the duffle bag containing ten (10) kilograms of sham cocaine. In response to BRYANT’s question, UC1 told AP and BRYANT that the drop car was a Camaro parked in the Publix parking lot, located at 189<sup>th</sup> Street and Biscayne. The meeting ended at approximately 12:03 P.M. This meeting was audio and video recorded.

50. Law enforcement officers on surveillance, observed BRYANT and AP leave the nightclub with AP carrying the duffle bag containing the cocaine. BRYANT and AP entered a 2006 cream colored Chrysler PT Cruiser (VEH3), registered to another person, and left the area.

51. On January 14, 2012, at approximately 12:35 P.M., UC1 and BRYANT had a recorded telephone conversation. BRYANT confirmed the drop-off at Publix located at 189<sup>th</sup> Street and Biscayne Blvd., in Miami, Florida.

52. During surveillance of VEH3, law enforcement observed a black Chevy Impala (VEH4), registered to and driven by the IPO, follow BRYANT and AP from the nightclub, in

Miami Beach to approximately NE 62<sup>nd</sup> Street on I-95 Northbound. Thereafter, surveillance agents observed a marked Miami-Dade Police cruiser bearing the number 1929A fall-in behind VEH3, BRYANT's vehicle. The marked Miami-Dade Police cruiser followed BRYANT and AP to the Publix at 189<sup>th</sup> Street and Biscayne Blvd., the drop-off location. At the drop-off location, AP was observed as he took the bag containing the sham cocaine from VEH3 and placed it into the unoccupied drop vehicle. Law enforcement later recovered the sham cocaine from the drop vehicle, which was in substantially the same condition as when the UCs delivered it to BRYANT and AP.

53. At approximately 1:14 P.M., BRYANT and AP met with UC1 at the nightclub. At this meeting, BRYANT and AP accepted a cash payment of \$14,500 from UC1 and UC2 for themselves and their associates. BRYANT initially counted the money, while AP discussed the Publix drop-off location. BRYANT thereafter handed the money to AP who recounted the money. This meeting was video and audio recorded.

54. On January 19, 2012, at approximately 11:12 A.M., UC1 and BRYANT had a recorded telephone conversation. During this conversation, UC1 told BRYANT the next drug protection run would involve multiple stops and asked BRYANT whether BRYANT could get four (4) to five (5) guys together. BRYANT explained that each police escort doesn't know what the other protection/escort is doing. BRYANT advised UC1 that he would get back to him in three (3) days to a week.

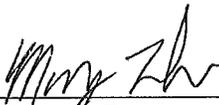
55. On January 23, 2012, at approximately 2:31 P.M., UC1 and BRYANT had a recorded telephone conversation. During this conversation, BRYANT told UC1 that he thought he had called UC1 and told him it was all "good." BRYANT added that he "had four (4) and four (4); four (4) in, four (4) out" (meaning four police escorts on the Beach and four Miami-

Dade Police to conduct the drug protection run). UC1 asked if they were all Dade (Miami-Dade Police). BRYANT stated that “they were all mixed.”

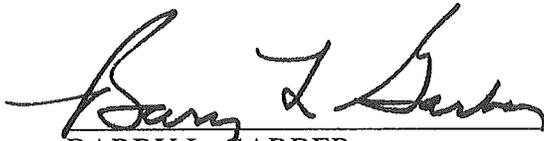
56. On January 25, 2012, at approximately 7:00 P.M., UC1 and BRYANT had a recorded telephone conversation. During this conversation, BRYANT said he broke two rules - “my people wanted to remain anonymous.” BRYANT added that if UC1’s people “wanted to meet them, then tell them I can’t do that, I’ve done that already.” BRYANT also stated that one of the guys who was supposed to be onboard just took a “bump from way up, to street level and I don’t want to be his scapegoat. ... I don’t need him getting wind of well I had this meeting with this person, and this person with this person... I have things under control the way I have them arranged. ... Until we come to some mutual agreement, they got to do what they got to do. ... That not going to take of me the way that I’m finishing up is going to take care of me. That’s just a little hit here and there. I’m not going to put myself on the line for stupidity.” BRYANT stated, “I keep everybody separated for a reason. Because I don’t want anyone to know me or what I’m doing.” Further, BRYANT explained that the “first two” (participating police) used “were very uncomfortable with it even though they agree because of who I am. ... and I know the next four [would be] ... more skiddish.” BRYANT told UC1 that he will meet UC2 to explain why his associates didn’t want to have anymore face to face meetings.

57. Based on the foregoing, your affiant respectfully submits that there is probable cause to believe that defendants BRYANT, MACK and AP conspired and attempted to possess with intent to distribute five kilograms or more of cocaine, a controlled substance, in violation of Title 21, United States Code, Sections 841(a)(1), 846 and Title 18, United States Code, Section 2.

FURTHER AFFIANT SAYETH NAUGHT

  
\_\_\_\_\_  
Matthew J. Fowler  
Special Agent  
Federal Bureau of Investigation

Subscribed and sworn to before me this 11 day of April, 2012.

  
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BARRY L. GARBER  
UNITED STATES MAGISTRATE JUDGE  
SOUTHERN DISTRICT OF FLORIDA