

Approved: _____

MARTIN S. BELL

Assistant United States Attorney

Before: THE HONORABLE JAMES L. COTT
United States Magistrate Judge
Southern District of New York

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UNITED STATES OF AMERICA

- v -

SHERISSE THOMPSON,

Defendant.

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:
COMPLAINT

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:
Violation of
21 U.S.C. § 846

:
:
:
COUNTY OF OFFENSE:
BRONX
----- X

SOUTHERN DISTRICT OF NEW YORK, ss:

THOMAS ADAMS, being duly sworn, deposes and says that he is a Special Agent with the Department of Homeland Security, Office of the Inspector General ("DHS-OIG"), and charges as follows:

COUNT ONE

(Narcotics Conspiracy)

1. From at least in or about June 2013 up to and including in or about July 2013, in the Southern District of New York and elsewhere, SHERISSE THOMPSON, the defendant, and others known and unknown, intentionally and knowingly did combine, conspire, confederate, and agree together and with each other to violate the narcotics laws of the United States.

2. It was a part and an object of the conspiracy that SHERISSE THOMPSON, the defendant, and others known and unknown, would and did distribute and possess with intent to distribute controlled substances in violation of 21 U.S.C. § 841(a)(1).

3. A controlled substance involved in the offense was mixtures and substances containing a detectable amount of marijuana in violation of 21 U.S.C. § 841(b) (1) (D).

(Title 21, United States Code, Section 846.)

The bases for my knowledge and for the foregoing charges are, in part, as follows:

4. I am currently employed as a Special Agent with the Department of Homeland Security, Office of the Inspector General, and I am one of the officers with primary responsibility for this investigation. I have been personally involved in the investigation of this matter, and I base this affidavit on that personal experience, as well as on my conversations with law enforcement agents and others, and my examination of various reports and records. Because this affidavit is being submitted for the limited purpose of establishing probable cause, it does not include all the facts that I have learned during the course of my investigation. Where the contents of documents and the actions, statements and conversations of others are reported herein, they are reported in substance and in part, except where otherwise indicated.

THE MARIJUANA CONSPIRACY

5. On or about July 18, 2013, a warrant was issued for the arrest of Kordell Nesbitt for conspiring to violate the narcotics laws of the United States, pursuant to Criminal Complaint 13 Mag 1815. I was involved in the arrest of Nesbitt later that day in Manhattan. After his arrest, Nesbitt confessed orally and in writing to his participation in a conspiracy to distribute, among other drugs, substances containing marijuana. I was present for, and listened to, his oral confession. I also reviewed his written confession, which was three pages long. From my review of Nesbitt's written confession, and from his oral confession, I have learned the following:

a. Nesbitt arranged for the shipment of one pound of marijuana (the "FIRST SHIPMENT") in June 2013. The FIRST SHIPMENT was delivered to SHERISSE THOMPSON, the defendant, at her apartment in the Bronx, New York (the "RESIDENCE"). Nesbitt arranged for the sale of the FIRST SHIPMENT for \$2,500 to an individual he knew from the Bronx (the "Buyer"). According to Nesbitt, the Buyer paid him \$2,500 in cash. Nesbitt kept \$2,000 and gave \$500 to THOMPSON.

b. In July 2013, Nesbitt arranged for a second shipment of marijuana (the "SECOND SHIPMENT"). The SECOND SHIPMENT consisted of two pounds of marijuana and was also delivered to THOMPSON at the RESIDENCE. THOMPSON told Nesbitt that she had someone other than herself sign for the package.

c. After the arrival of the SECOND SHIPMENT, Nesbitt learned that two potential customers wanted to buy marijuana - one wanted to purchase two ounces of marijuana and the other wanted to purchase one ounce. Nesbitt arranged, by telephone, to have them meet with THOMPSON at the RESIDENCE.

d. Nesbitt stated that, under his understanding with THOMPSON, THOMPSON would break down the marijuana into ounce quantities using a digital scale at the RESIDENCE. Nesbitt said he believed between approximately one and one and one half pounds of marijuana remained under a bed at the RESIDENCE.

e. Nesbitt further stated that he expected to receive another package containing a pound of "sour," which I understand from my training and experience, and from speaking to other law enforcement officers, to be a term drug dealers and their customers frequently use to refer to a specific type of marijuana.

7. On or about the morning of July 19, 2013, I was present with other law enforcement officers as we executed a court-authorized search of the RESIDENCE. During the search of the RESIDENCE, I observed the following, among other things:

a. An individual who identified herself as SHERISSE THOMPSON, the defendant, was in the apartment.

b. Upon being informed of the court-authorized search, THOMPSON took me to a closet in the RESIDENCE and pointed to a bag inside the closet, and said, in sum and substance, "It's right there in that bag." Inside the closet was a cloth bag containing a quantity of marijuana which I believe weighed approximately one pound.

c. The search of the RESIDENCE also uncovered a digital scale in the closet and a pile of ziplock bags in the kitchen.

8. I have spoken to law enforcement agents who were present at the RESIDENCE during the search. From my conversations with these individuals, I have learned the following:

a. After the recovery of the digital scale, SHERISSE THOMPSON, the defendant, was read her Miranda rights. After waiving her Miranda rights, she made an oral statement concerning her involvement with the marijuana and then wrote a written statement concerning the same.

b. In her oral statement, THOMPSON admitted, in sum and substance, that she had received and distributed drugs at the RESIDENCE. She denied having ever been paid for her involvement in any marijuana transaction.

c. THOMPSON also stated that, earlier in 2013, Kordell Nesbitt had borrowed approximately \$1,500 from her before the first package arrived at the RESIDENCE, and that he had paid her installments of the amounts she was owed. She said that he still owed her about \$400.

9. I have reviewed the statement written by SHERISSE THOMPSON, the defendant, on or about July 19, 2013. From my review of the statement, I have learned the following, among other things:

a. According to her statement, in or around May 2013, THOMPSON received a package from a person she did not know. Kordell Nesbitt told her that he was having a package delivered to her home while he was on vacation. THOMPSON gave him permission. The package arrived, and Nesbitt came to pick it up approximately two days later. THOMPSON did not check the contents of the box, which remained sealed. Nesbitt picked the package up when she was not home.

b. On July 12, 2013, Nesbitt told THOMPSON that another package would arrive at her home. Nesbitt told THOMPSON that this second package would arrive via Federal Express on July 15, 2013. THOMPSON asked what the package would contain, and Nesbitt informed her that it would contain "weed."

c. The package arrived on July 15, 2013. Nesbitt arrived around 11:30 p.m., in a uniform. He picked up the package, smelled its contents, and said that it was some "good shit." THOMPSON asked Nesbitt what he was going to do with it, and Nesbitt replied that he was going to sell it to

"make his money back." Nesbitt said that he would have someone pick the package up during the week.

d. On July 17, 2013, Nesbitt sent her a text message stating that he was sending a friend to THOMPSON'S home to pick up an ounce, which had already been made. Later that day, individual came to pick up the drugs. THOMPSON then provided the individual with the marijuana.

e. THOMPSON stated that she was never paid by Nesbitt or anyone for receiving either package.

10. Based on a series of search warrants issued by United States Magistrate Judges for the Southern District of New York on or about July 3, 2013, July 11, 2013, and July 16, 2013, I have reviewed text messages sent to and from a phone number ("Nesbitt's Cell Number") assigned to Kordell Nesbitt's cellular phone between June 18, 2013 and July 16, 2013. I know this cellular telephone belongs Nesbitt because, among other reasons, I have reviewed his personnel file with the federal government, which employs him, and Nesbitt lists it as his personal telephone number. From my review of the text messages sent to and from Nesbitt's Cell Number, I know that on or about July 13, 2013, another number sent Nesbitt's Cell Number a message containing a tracking number (the "Tracking Number"), which I understand to be a number used to keep track of the location of an individual package while it is in transit. Specifically, Nesbitt received the following text message: "fed ex #[number] trackin num. 8:30am 2morrow. must sign. call me asap." Just under an hour later, the same number sent the following text message to Nesbitt's Cell Number: "Im buggin. it will be there mon morn. I 4got its saturday. Still half sleepin..."

11. I have spoken to a representative of Federal Express, the carrier. From my conversations with this individual, I have learned the following:

a. The Tracking Number corresponds to a package (the "Package") that was sent via Federal Express from California to the RESIDENCE and delivered on or about July 15, 2013. The package was sent from the Los Angeles area, and the listed sender was "Men's Wearhouse." The package was addressed to SHERISSE THOMPSON, the defendant.

b. According to Federal Express's records, the Package weighed approximately six pounds.

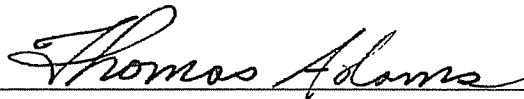
12. From my review of the text messages sent to and from Nesbitt's Cell Number, I have learned the following:

a. On or about July 16, 2013, Nesbitt's Cell Number sent the following text messages to a telephone number with a New York City area code (the "Buyer Number"): "What s good bro I m tryn to get some sour but if I do it s been a Lil costly cause I m about to pay these NY numbers I would need 300 a zip for it." The Buyer Number responded, "That's wat I'm talkin bout iGht cool imam hit you in 30 mins to give her time so at 10.30 should be good right". Shortly after the Buyer Number's response, Nesbitt's Cell Number sent the following text message to another telephone number (the "Inside Number"): "I know your tired.."

b. Also on or about July 16, 2013, Nesbitt's Cell Number sent the following text messages to another telephone number with a New York City area code (the "Second Buyer Number"): "Hit me when you @ the door so I can have her come to the door...", "Ok, I'll have her listen for your knock on the door", "2 zips?", "Ok, give a min... Let me tell her what to do... Stand by" and "Go to 1A."

13. I understand, in part from having been there on July 19, 2013, that "1A" is the apartment number of the RESIDENCE.

WHEREFORE, deponent prays that defendant be imprisoned, or bailed, as the case may be.



THOMAS ADAMS
Special Agent
Department of Homeland Security
Office of the Inspector General

Sworn to before me this
____ day of July, 2013

THE HONORABLE JAMES L. COTT
UNITED STATES MAGISTRATE JUDGE
SOUTHERN DISTRICT OF NEW YORK