

UNITED STATES DISTRICT COURT

for the

Middle District of Florida

United States of America
v.
ALBERT LARRY HARRIS

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Case No.
5:17-mj-1069-PRL

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 August 22, 2017 in the county of Marion in the
Middle District of Florida, the defendant(s) violated:

Code Section
18 U.S.C. Section 201(b)(2)(C)

Offense Description
Receipt of a bribe by a public official

This criminal complaint is based on these facts:

SEE ATTACHED AFFIDAVIT

Continued on the attached sheet.

Handwritten signature of Wendell M. Dulay

Complainant's signature

Special Agent Wendell M. Dulay, DOJ OIG

Printed name and title

Sworn to before me and signed in my presence.

Date: 08/23/2017

Handwritten signature of Philip R. Lammens

Judge's signature

City and state: Ocala, Florida

Philip R. Lammens, U.S. Magistrate Judge

Printed name and title

STATE OF FLORIDA

MDFL Case No. 5:17-mj-1069-PRL

COUNTY OF MARION

CRIMINAL COMPLAINT AFFIDAVIT

I, Wendell M. Dulay, being duly sworn and appointed a Special Agent with the Department of Justice Office of the Inspector General (DOJ OIG), hereby make the following statement in support of the attached criminal complaint:

INTRODUCTION

1. I am a Special Agent with the DOJ OIG and have been since 2005. I have been employed as a federal law enforcement officer since 1999, previously serving as a Special Agent with the Naval Criminal Investigative Service (NCIS). Additionally, I have five years of local law enforcement experience as a Deputy Sheriff with the Escambia County (FL) Sheriffs Office. I am currently assigned as the Tampa Domicile agent with DOJ OIG.

2. I submit this affidavit based upon my own investigation of this case, as well as on the investigation conducted by other coordinating law enforcement agencies. This affidavit is intended to show only that there is probable cause for the arrest of the defendant. Consequently, it does not contain every fact known to me or developed during the course of this investigation.

BACKGROUND OF THE INVESTIGATION

3. In June 2017, an inmate at the United States Penitentiary Two (USP-2), Federal Correctional Complex, Coleman, Florida (FCC Coleman), met with authorities. This federal prison is in Sumter County, within the Middle District of

Florida. Bureau of Prisons (BOP) investigators and I met with this individual, Inmate #1. Inmate #1 claimed to have information regarding ALBERT LARRY HARRIS (HARRIS), a BOP Correctional Officer (CO). A CO, such as HARRIS, is a public official as contemplated under Title 18, United States Code, Section 201(b)(2). *See* 18 U.S.C. § 201(a)(1).

4. Inmate #1 told investigators that HARRIS had inquired about the possibility of Inmate #1 introducing him to a cocaine supplier. Inmate #1 explained that HARRIS wanted to be introduced to a drug dealer who could provide him with kilograms of cocaine. HARRIS was not interested in purchasing cocaine from street-level drug dealers. According to Inmate #1, HARRIS was looking for a cocaine dealer from whom he could purchase kilograms of cocaine on a long-term basis. Furthermore, HARRIS told Inmate #1 that he intended to sell the cocaine in neighborhoods in and around Orlando, Florida.

5. In June 2017, BOP investigators identified a second inmate at USP-2, Inmate #2, as possibly having additional information regarding HARRIS and his illegal activities. Although Inmate #1 and Inmate #2 both are incarcerated at USP-2, they do not have any known association with each other. I interviewed Inmate #2 with BOP investigators. Inmate #2 said that on or about June 16, 2017, HARRIS had provided Inmate #2 with contraband in the form of three to four packs of cigarettes. According to Inmate #2, HARRIS had not charged Inmate #2 for the packs of cigarettes. Inmate #2 explained that HARRIS had provided Inmate #2 with the cigarettes as a good faith gesture to show Inmate #2 that

HARRIS would be willing to provide the inmate with contraband in exchange for bribery payments.

6. Inmate #2 also explained that on or about June 23, 2017, HARRIS had provided Inmate #2 with additional contraband in the form of approximately one pound of loose tobacco. After receiving this loose tobacco from HARRIS, Inmate #2 had arranged for an associate to send HARRIS \$1,200 via a Western Union money transfer as a bribe payment. Investigators identified Inmate #2's associate as "M.C."

7. BOP investigators attempted to corroborate the events described by the inmates. They were able to obtain USP-2 security surveillance video from June 16, 2017, that showed HARRIS providing Inmate #2 with items that Inmate #2 concealed in Inmate #2's pants. The video-recorded images matched the cigarette transaction that Inmate #2 had described to investigators. Additionally, a review of Western Union records obtained via subpoena revealed that on June 29, 2017, Inmate #2's associate, M.C., had sent HARRIS a \$1,200 payment. HARRIS had provided his Florida driver's license to the Western Union vendor when he had picked up the \$1,200 payment.

8. In July 2017, investigators identified a third inmate at USP-2, Inmate #3, as possibly having additional information regarding HARRIS's illegal activities. Inmate #3 has no known associations with Inmate #1 or Inmate #2. I interviewed Inmate #3 with BOP investigators. Inmate #3 advised that around mid-July 2017, HARRIS had agreed to provide Inmate #3 with sheets of paper

laced with K2/Spice (synthetic marijuana) in exchange for a \$2,000 bribe payment. HARRIS had further agreed to meet an associate of Inmate #3, "D.H.", in order to receive the laced paper and the \$2,000 bribe payment. According to Inmate #3, HARRIS later met D.H. at D.H.'s residence. D.H. had provided HARRIS with the paper and the K2/Spice. D.H., however, could not pay HARRIS because D.H. had not yet received the \$2,000 to make bribe payment. Consequently, HARRIS had left the paper and K2/Spice at D.H.'s residence.

9. A review of HARRIS's electronic official personnel folder (eOPF) revealed that HARRIS had provided his cellular telephone number, (352) 630-XXXX, to the BOP. I sent a subpoena to HARRIS's cellular telephone carrier, AT&T, requesting records pertaining to (352) 630-XXXX. A subsequent review of those records revealed that HARRIS'S cellular telephone had numerous telephone contact with cell phone numbers belonging to both M.C. and D.H.

RECORDED CONVERSATIONS WITH AN INMATE

10. In August 2017, at the direction of law enforcement, Inmate #2 met and spoke with HARRIS at the USP-2 on two different occasions. During these meetings, Inmate #2 wore concealed equipment that allowed the conversations between Inmate #2 and HARRIS to be recorded. Inmate #2 and HARRIS discussed HARRIS meeting with another associate of Inmate #2 in order to receive contraband (200 Suboxone strips, a Schedule III controlled substance) for delivery into the federal prison in exchange for a \$5,000 bribery payment. Inmate #2 provided HARRIS with a telephone number to contact Inmate #2's associate,

who was actually an FBI undercover agent (UCA). After meeting with Inmate #2 at USP-2, HARRIS communicated with the UCA (via text messages and recorded voice communications) at the telephone number given to him by Inmate #2. HARRIS indicated to the UCA that he would meet with the UCA in order to receive the contraband and bribery payment.

ARREST AND CONFESSION

11. On the afternoon of August 22, 2017, HARRIS met with the UCA behind a restaurant in Ocala, Florida. The UCA drove an automobile to the meeting equipped with covert recording devices (audio and video) in order to preserve any conversations between HARRIS and the UCA. HARRIS coordinated the meeting details with the UCA using a cellular telephone, (321) 370-XXXX.

12. Once HARRIS arrived at the meeting location, he entered the UCA's automobile and sat in the front passenger seat. Initially, the UCA handed HARRIS 200 Suboxone strips explaining, "These are four packets of 50." The UCA then produced a \$2,000 bundle of United States currency, handed it to HARRIS, and had him count it. Afterward, the UCA retrieved another \$2,000 cash bundle, which the UCA counted in Harris's presence and handed to him. The UCA told HARRIS, "Make sure you tell [Inmate #2] that it's two, two and one (for a total of \$5,000), so he'll know who contributed to the pot." With that, the UCA produced a final cash bundle of \$1,000, which the UCA counted and handed to HARRIS.

13. After HARRIS had accepted 200 Suboxone strips and the \$5,000 in cash, the UCA asked, "When are you taking [the drugs] to [Inmate #2]?" Harris explained that he intended to bring the drugs into the prison on Thursday, August 24, 2017. The UCA then inquired, "You're not muling it, are you [asking another person to deliver it on behalf of HARRIS]? [Inmate #2] doesn't want anything taken off the top." HARRIS replied, "No, I'm giving it straight to [Inmate #2]." All of these events were audio and video recorded.

14. Once the transaction had concluded, law enforcement arrived at the back of the restaurant to take HARRIS into custody. Upon hearing the sirens, HARRIS attempted to toss the Suboxone strips and cash back at the UCA. Agents quickly apprehended HARRIS, however, and placed him under arrest.

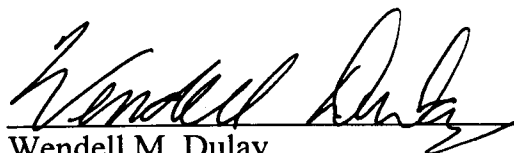
15. Agents advised HARRIS of his constitutional rights both verbally and in writing. HARRIS then freely and voluntarily waived his rights using a written waiver form. HARRIS admitted that he had accepted the \$5,000 bribe payment from the UCA for the specific purpose of smuggling the 200 Suboxone strips to Inmate #2 inside of FCC Coleman. HARRIS also confessed to previously accepting the \$1,200 Western Union bribe payment from Inmate #2 in exchange for tobacco products.

16. HARRIS provided agents with consent to search his automobile. Agents recovered two cellular telephones inside of the automobile—HARRIS's personal telephone ((352) 630-XXXX) and the telephone that HARRIS had been using to communicate with the UCA ((321) 370-XXXX).

CONCLUSION

17. Based on the above, I submit there is probable cause to believe that on August 22, 2017, the defendant, ALBERT LARRY HARRIS, committed the criminal offense of bribery of a public official, in violation of Title 18, United States Code, Section 201(b)(2)(C).

This concludes my affidavit.



Wendell M. Dulay
Special Agent
Department of Justice
Office of the Inspector General

Subscribed and sworn to before me
this 23rd day of August, 2017.



The Honorable Philip R. Lammens
United States Magistrate Judge