

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF FLORIDA  
TALLAHASSEE DIVISION**

**UNITED STATES OF AMERICA**

**VS.**

**JOSEPH BARNES Jr.**

**Case No.: 4:19mj139-CAS**

**UNDER SEAL**

**AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT**

**I. INTRODUCTION:**

1. I Kevin Cwirka am a Special Agent (SA) with the FBI, and have been assigned to the Jacksonville Division, Tallahassee Resident Agency since September 2016. Previously, I was employed as a Police Officer with the Enfield Police Department in Enfield, Connecticut from 2012 through 2016. I was employed as a Financial Investigator with the Massachusetts Attorney General's Office Criminal Bureau from 2011 through 2012. I have a Master's degree in Criminal Justice and am a graduate of the FBI Academy in Quantico, Virginia, where I was trained in the investigation of federal law. I am currently assigned to investigate several different violations, a portion of which includes allegations of corruption by local and state law enforcement officers. My duties include the investigation of criminal violations under Titles 18 and 21 of the United States Code. In connection with

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my duties and responsibilities as a federal law enforcement officer, I have testified in judicial proceedings and prosecutions for violations of laws concerning controlled substances, and I have assisted in the preparation and execution of numerous state and federal search warrants. Based on my knowledge, and experience, I am familiar with the Federal Criminal and Narcotics Laws, and know that it is a violation of Title 21, United States Code, Section 843(b) for an individual to utilize a communication facility to aid or facilitate the commission of a Title 21 drug offense.

2. This Affidavit is based upon my personal knowledge, experience and training, and other information developed during the course of this investigation. Because this Affidavit is being submitted for the limited purpose of establishing probable cause for a criminal complaint as to this specific charge, I have not included each and every fact known to me concerning this investigation or potential violations of other criminal offenses. I have set forth only those facts I believe are necessary to establish probable cause to show that the subject of this Criminal Complaint, Joseph Barnes, Jr., has committed violation(s) of Title 21, United States Code, Section 843(b), which provides that it a federal felony offense to unlawfully use a communication facility to aid or to facilitate the commission of a Title 21 controlled substance offense.

## **II. FACTS ESTABLISHING PROBABLE CAUSE**

3. As a result of an ongoing joint federal and state investigation, investigators developed investigative intelligence regarding the trafficking of cocaine, methamphetamine, MDMA, and other controlled substances in the Northern District of Florida by multiple persons operating in both the Gadsden County, Florida-area and elsewhere. In the course of that investigation, cooperating source information identified a Gadsden County Sheriff's Office (GCSO) deputy, Joseph Barnes, Jr. (Barnes), who according to sources had in the past obstructed area state and federal narcotics investigations by accepting currency or other remuneration in exchange for investigative information, had ignored information identifying individuals either wanted by law enforcement who were encountered in the commission of criminal offenses, and who had offered his professional skills as a law enforcement officer to inspect vehicles of suspected drug traffickers for the presence of covertly-installed GPS tracking devices.

4. In July 2018, a cooperating source (referred herein as CS#1) provided information to DEA and FBI investigators that Barnes is known to associate with several known large-scale drug traffickers in the Gadsden County, Florida area, including "C.L.," "B.B.," and "M.H.," from conversations CS#1 has had in the past with "M.H." Barnes had previously located and removed a covertly installed law enforcement-tracking device

from “B.B.’s” vehicle as a favor to “B.B.” [NOTE: DEA investigators confirmed that “B.B.” has been the target of multiple past DEA investigations, and that in fact, at one point in or about 2011, a GPS-tracking device that had been installed on “B.B.’s” vehicle as part of an ongoing federal investigation into his drug trafficking activities had been removed and had gone missing].

5. CS#1 further stated that recently, he/she had been approached by Barnes at which point he (Barnes) warned CS#1 that he/she was being watched by federal law enforcement. It is further noted that CS#1 was subsequently arrested several weeks later as part of a multi-state/federal investigation regarding the involvement of CS#1 and others in the regional trafficking of methamphetamine.

6. CS#1 provided agents with a cellular telephone number that CS#1 knew to be used by Barnes: (xxx)xxx-8233. DEA agents noted that this was a cellular telephone that they were already aware of, due to investigations of certain drug trafficking targets in the Gadsden County area during which Barnes’ 8233 number had inexplicably communicated with the targets of that investigation. Agents also confirmed that Barnes is employed as a deputy sheriff with the GCSO, where he has been employed since approximately 2004.

7. CS#1 indicated that he/she remained friendly with Barnes. CS#1

further believed that if asked, Barnes would check rental vehicles used by CS#1 for tracking devices, or would verify that a drug sniffing dog would not alert on CS#1's vehicle, since it was known that CS#1 regularly used rental vehicles to transport illegal controlled substances. Agents further knew that Barnes serves in his official law enforcement capacity with the GCSO as a trained and certified K9 officer. CS#1 further stated that Barnes was aware of CS#1's recent arrest on drug trafficking charges in Georgia, and in fact, during a chance meeting at a Gadsden County gas station several weeks previously, Barnes' and CS#1 had discussed the status of CS#1's drug trafficking case.

8. Beginning on September 19, 2018, at the direction of agents, CS#1 placed a series of controlled and recorded calls to Barnes via Barnes' 8233 cellular telephone number. During the calls, CS#1 explained that he/she needed to meet with Barnes, and arranged to meet at Barnes' residence on or about September 21, 2018.

9. On September 21, 2018, CS#1 met with Barnes at his residence in Chatahoochee, Florida. Prior to the meeting, CS#1 was equipped with covert recording equipment, which would permit monitoring and recording of any contacts between CS#1 and Barnes. During the meeting (which was actively monitored by investigators), CS#1 and Barnes discussed CS#1's

Georgia drug case, and that because of his/her arrest in that case, CS#1 had been “laying low” (referring to CS#1 slowing his/her drug trafficking activities to avoid additional law enforcement scrutiny). CS#1 and Barnes then discussed the current prices for cocaine, and that because CS#1 was short on money due to his/her arrest, CS#1 wanted to start “making some moves” to make money (referring to CS#1 resuming his/her efforts of transporting cocaine into the Gadsden County area). CS#1 further stated that before he/she resumed transporting drugs, he/she would need to make sure his/her vehicle was “clean” before making any runs to Georgia.

10. At CS#1’s request, Barnes then checked CS#1’s vehicle for tracking devices. It is noted that law enforcement investigators who were positioned in the area conducting physical surveillance were able to observe Barnes checking CS#1’s vehicle, including checking underneath the vehicle and moving around the vehicle, all in an effort to identify any tracking devices that might have been installed on the vehicle. While he checked the vehicle, Barnes commented to CS#1 that he (Barnes) had also previously checked “B.B.’s” vehicle (see reference to this apparent incident above). After concluding his examination of CS#1’s vehicle, Barnes verified that CS#1’s vehicle did not have any electronic GPS tracking devices installed.

11. Investigators have found no indication that Barnes subsequently

reported this contact with CS#1 to law enforcement authorities as would be proper and expected, nor are there any indications that Barnes would have had a legitimate law enforcement purpose to explain his actions in checking CS#1's vehicle. Instead, Barnes' actions in checking the vehicle appear to have been an attempt on his part to aid and facilitate CS#1's stated intent to utilize the vehicle that Barnes had checked to illegally transport controlled substances, such as cocaine from Georgia and elsewhere into the NDFL.

12. CS#1 continued to maintain contact with Barnes, and on March 21, 2019, after contacts between CS#1 and Barnes on Barnes' 8233 number conducted another controlled meeting at law enforcement direction with Barnes. During the meeting, CS#1 informed Barnes that he/she was having a "trap car" built to covertly hide drugs while being transported. CS#1 asked Barnes about his knowledge of police dogs, to which Barnes informed CS#1 that his (Barnes') dog was trained to detect narcotics residue, even on money. Barnes then gave CS#1 tips on where he/she should secret drugs or currency in a vehicle to "throw off" the K9. CS#1 also asked Barnes if he (Barnes) was aware if CS#1's name had come up in any drug investigations, to which Barnes' responded, "it had been quiet."

13. Barnes offered that CS#1 could bring him (Barnes) a vehicle after which Barnes would "run" his dog around the car (a reference to employing

the trained K9 by walking the dog around a vehicle to detect the presence of illegal controlled substances).

14. On or about April 17, 2019, CS#1 exchanged text messages with Barnes via Barnes' 8233 cellular telephone number, during which communications CS#1 asked to meet with Barnes as a follow up to the discussions between CS#1 and Barnes during the controlled contact several weeks earlier. Barnes instructed CS#1 to meet him (Barnes) at his residence in Chattahoochee later that evening. CS#1 was then provided with a covert DEA vehicle that had been used in previous drug operations (to include transporting illegal controlled substances), and was also equipped with a "trap" (a covert compartment specifically designed to secret illegal controlled substances in an effort to evade detection by law enforcement). Because the covert vehicle had been previously used to transport controlled substances, it was more likely that a K9 trained to detect the presence of controlled substances might "alert" on the vehicle (that is, give some indication to the police handler as to the possible presence of controlled substances).

15. On or about April 17, 2019, CS#1 drove the covert vehicle to meet with Barnes at Barnes' residence as he/she had been directed by Barnes, during which meeting Barnes and CS#1 discussed that the covert vehicle had previously been used to transport drugs (and as noted above, might potentially



retain a detectable scent of illegal controlled substances if it were checked by a trained police K9). Barnes then retrieved from its' kennel his trained police K9 and employed the dog to "run" around the vehicle (that is, to check the vehicle for illegal controlled substances). The K9 alerted, that is, the K9 gave indications for the presence of illegal controlled substances. Despite this "alert," Barnes took no further legitimate law enforcement steps regarding this observation either at that point, or later. Barnes did not conduct any additional search of the vehicle, nor did he detain CS#1 for possible possessing illegal controlled substances, given the combined impact of statements made by CS#1 about his/her intentions in utilizing the vehicle to transport drugs as well as the evidence yielded by having the trained K9 check the vehicle. Instead, CS#1 and Barnes conducted additional conversation, after which CS#1 departed the location.

16. Investigators have verified that Barnes undertook no additional investigative steps based upon the observations yielded by "running" his trained K9 around CS#1' vehicle on or about April 17, 2019. Your Affiant knows that a positive "alert" by a properly-trained K9 provides sufficient probable cause for a law enforcement officer to conduct a further search of a vehicle (such as in the above-described interaction between CS#1 and Barnes) for the possible presence of controlled substances, and that this is a

commonly-used law enforcement technique in narcotics enforcement.

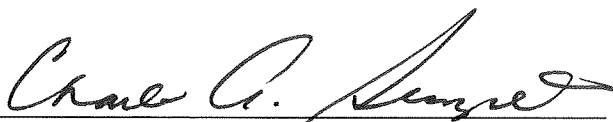
**III. CONCLUSION**

WHEREFORE, for the reasons set forth above, I respectfully submit that probable cause does exist and therefore request that the court approve this Criminal Complaint charging Joseph Barnes Jr. with violation of Title 21, United States Code, Section 843(b), that is: Unlawful Use of a Communication Facility to Aid or Facilitate in the commission of a Title 21 drug offense, namely: Possession with Intent to Distribute a Controlled Substance.



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Kevin Cwirka, Special Agent  
Federal Bureau of Investigation

Sworn and subscribed before me, this 14<sup>th</sup> day of June 2019.



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CHARLES A. STAMPELOS  
United States Magistrate Judge  
Northern District of Florida