

Honorable James B. Clark, III

Mag. No. 19-3353

V.

SUPERSEDING
CRIMINAL COMPLAINT

TYREE THOMAS
a/k/a "HELLBOY"

I, Christopher M. O'Brien, being duly sworn, state the following is true and correct to the best of my knowledge and belief:

SEE ATTACHMENT A

I further state that I am a Special Agent with the Bureau of Alcohol, Tobacco, Firearms, and Explosives and that this complaint is based on the following facts:

SEE ATTACHMENT B

Continued on the attached page and made a part hereof:

Special Agent Christopher M. O'Brien
United States Department of Justice
Bureau of Alcohol, Tobacco, Firearms, and Explosives

Sworn to before me and subscribed in my presence,
August 22, 2019 in Newark, New Jersey

HONORABLE JAMES B. CLARK, III
UNITED STATES MAGISTRATE JUDGE

Signature of Judicial Officer

ATTACHMENT A

COUNT ONE

(Conspiracy to Distribute Marihuana and PCP)

From in or around April 30, 2019 through in or around August 21, 2019, in Essex County, in the District of New Jersey and elsewhere, the defendant,

**TYREE THOMAS,
a/k/a "HELLBOY,"**

did knowingly and intentionally conspire and agree with other persons known and unknown to possess with intent to distribute a quantity of a mixture and substance containing a detectable amount of marihuana, a Schedule I controlled substance and a mixture and substance containing a detectable amount of phencyclidine ("PCP"), a Schedule II controlled substance.

In violation of Title 21, United States Code, Sections 841(a)(1) and (b)(1)(B) and 846.

COUNT TWO

(Use of Persons Under 18 Years of Age in Drug Operations)

On or about May 13, 2019, in Essex County, in the District of New Jersey and elsewhere, the defendant,

**TYREE THOMAS,
a/k/a "HELLBOY,"**

did employ, hire, use, or persuade a person under eighteen years of age, to possess two pounds of marihuana, a Schedule I drug, intended for distribution.

In violation of Title 21, United States Code, Section 861(a)(1).

COUNT THREE

(Distribution of Phencyclidine)

On or about April 30, 2019, in Essex County, in the District of New Jersey and elsewhere, the defendant,

**TYREE THOMAS,
a/k/a "HELLBOY,"**

did knowingly and intentionally distribute a quantity of a mixture and substance containing a detectable amount of phencyclidine ("PCP"), a Schedule II controlled substance.

In violation of Title 21, United States Code, Sections 841(a)(1) and (b)(1)(C).

COUNT FOUR

(Distribution of Phencyclidine)

On or about May 6, 2019, in Essex County, in the District of New Jersey and elsewhere, the defendant,

**TYREE THOMAS,
a/k/a "HELLBOY,"**

did knowingly and intentionally distribute a quantity of a mixture and substance containing a detectable amount of phencyclidine ("PCP"), a Schedule II controlled substance.

In violation of Title 21, United States Code, Sections 841(a)(1) and (b)(1)(C).

COUNT FIVE

(Distribution of Phencyclidine)

On or about June 6, 2019, in Essex County, in the District of New Jersey and elsewhere, the defendant,

**TYREE THOMAS,
a/k/a "HELLBOY,"**

did knowingly and intentionally distribute a quantity of a mixture and substance containing a detectable amount of phencyclidine ("PCP"), a Schedule II controlled substance.

In violation of Title 21, United States Code, Sections 841(a)(1) and (b)(1)(C).

COUNT SIX

(Distribution of Phencyclidine)

On or about June 19, 2019, in Essex County, in the District of New Jersey and elsewhere, the defendant,

**TYREE THOMAS,
a/k/a "HELLBOY,"**

did knowingly and intentionally distribute a quantity of a mixture and substance containing a detectable amount of phencyclidine ("PCP"), a Schedule II controlled substance.

In violation of Title 21, United States Code, Sections 841(a)(1) and (b)(1)(C).

COUNT SEVEN

(Distribution of Phencyclidine)

On or about July 1, 2019, in Essex County, in the District of New Jersey and elsewhere, the defendant,

**TYREE THOMAS,
a/k/a "HELLBOY,"**

did knowingly and intentionally distribute a quantity of a mixture and substance containing a detectable amount of phencyclidine ("PCP"), a Schedule II controlled substance.

In violation of Title 21, United States Code, Sections 841(a)(1) and (b)(1)(C).

COUNT EIGHT

(Distribution of Phencyclidine)

On or about July 16, 2019, in Essex County, in the District of New Jersey and elsewhere, the defendant,

**TYREE THOMAS,
a/k/a "HELLBOY,"**

did knowingly and intentionally distribute a quantity of a mixture and substance containing a detectable amount of phencyclidine ("PCP"), a Schedule II controlled substance.

In violation of Title 21, United States Code, Sections 841(a)(1) and (b)(1)(C).

COUNT NINE

(Distribution of Phencyclidine)

On or about July 30, 2019, in Essex County, in the District of New Jersey and elsewhere, the defendant,

**TYREE THOMAS,
a/k/a "HELLBOY,"**

did knowingly and intentionally distribute a quantity of a mixture and substance containing a detectable amount of phencyclidine ("PCP"), a Schedule II controlled substance.

In violation of Title 21, United States Code, Sections 841(a)(1) and (b)(1)(C).

COUNT TEN

(Possession with the Intent to Distribute Phencyclidine)

On or about August 21, 2019, in Essex County, in the District of New Jersey and elsewhere, the defendant,

**TYREE THOMAS,
a/k/a "HELLBOY,"**

did knowingly and intentionally possess with the intent to distribute a quantity of a mixture and substance containing a detectable amount of phencyclidine ("PCP"), a Schedule II controlled substance.

In violation of Title 21, United States Code, Sections 841(a)(1) and (b)(1)(C).

COUNT ELEVEN

(Possession of a Firearm in Furtherance of a
Drug Trafficking Crime)

On or about August 21, 2019, in Essex County, in the District of
New Jersey and elsewhere, the defendant,

**TYREE THOMAS,
a/k/a "HELLBOY,"**

in furtherance of a drug trafficking crime for which he may be prosecuted in a court of the United States, namely, the possession with intent to distribute phencyclidine ("PCP"), a schedule II controlled substance as charged in Count Ten, did knowingly possess firearms, namely: a 9 mm. caliber Glock 19 firearm, bearing the serial number DFT275, which was loaded with ten rounds of ammunition and a .380 caliber Grendel P10 firearm, bearing the serial number 2517, which was loaded with 10 rounds of ammunition.

In violation of Title 18, United States Code, Section 924(c)(1)(A)(i).

ATTACHMENT B

I, Christopher M. O'Brien, am a Special Agent with the Bureau of Alcohol, Tobacco, Firearms, and Explosives. I am fully familiar with the facts set forth herein based on my own investigation, my conversations with other law enforcement officers, and my review of reports, documents, and photographs of the evidence. Where statements of others are related herein, they are related in substance and part. Because this complaint is being submitted for a limited purpose, I have not set forth each and every fact that I know concerning this investigation. Where I assert that an event took place on a particular date, I am asserting that it took place on or about the date alleged.

The Investigation

1. Since in or around July 2018, law enforcement, including the Bureau of Alcohol, Tobacco, Firearms, and Explosives ("ATF") have been investigating the MOB Piru ("MOB") set of the Bloods street gang in connection with narcotics trafficking, weapons possession, and violent crimes, including shootings. This Piru set operates primarily in or around East Orange, Orange and Newark, New Jersey.
2. During the course of this investigation, I have learned that the Bloods are a national street gang founded in Los Angeles, California. In addition, I have learned that TYREE THOMAS a/k/a HELLBOY ("THOMAS") is a member of the MOB Piru subset.
3. The investigation to date, which has involved the analysis of electronic communications, physical surveillance, analysis of jail calls, and information from cooperating witnesses and confidential sources, has revealed that the MOB Piru street gang is a tight-knit organization.
4. On or about May 11, 2010 a leading member of that MOB Piru subset in East Orange was shot and killed by a Bloomfield Police Officer. Since his death, members of various sets of the Bloods street gang created a sub-set to honor their deceased leader and titled it "Sheedside Piru" ("SHEEDSIDE"). Members of SHEEDSIDE have prior membership in other sub-sets including MOB Piru and 793 Bloods.
5. While THOMAS still represents and has membership with MOB Piru, law enforcement has identified him as the leader of SHEEDSIDE.
6. In his capacity as a member of MOB Piru and the leader of SHEEDSIDE, THOMAS has been involved in several violent incidents in or around the City of East Orange. For example:

- a. On or about May 19, 2018 THOMAS was the victim of a shooting while he was en route to the funeral of another ranking member of MOB. Law enforcement has identified a member of the Brick City Brims ("BCB") sub-set of the Bloods as being responsible for this shooting.
- b. On or about March 20, 2019 members of the East Orange Police Department pulled over a motor vehicle being operated by THOMAS. During the course of the motor vehicle stop THOMAS became belligerent and argumentative with the officer. THOMAS was placed under arrest for disorderly conduct and, a subsequent search of the vehicle revealed that THOMAS had been attempting to discard embalming fluid he was in possession of during the course of his argument with the officer. Based on my training and experience, I know embalming fluid is used by drug dealers to enhance the customer's experience of smoking marihuana.
- c. On or about April 10, 2019 a victim ("VICTIM-1") was operating his/her motor vehicle in the City of East Orange when he/she had a minor car accident with an associate of THOMAS'. THOMAS and two others present at the scene proceeded to physically assault VICTIM-1 over this car accident.

The Charges

7. On or about April 30, 2019, THOMAS entered into an agreement with an undercover law enforcement officer ("UC") for the sale of an ounce of phencyclidine ("PCP"). THOMAS agreed to make the sale the next day in exchange for three-hundred and fifty dollars (\$350.00) of U.S. currency.
8. On or about May 1, 2019, THOMAS was tracked to 249 Reynolds Terrace in Orange, NJ ("stash location-1").¹ THOMAS was seen exiting stash location-1 with a white paper towel in his hand. THOMAS then drove to meet the UC at the previously agreed upon meeting location.
9. The UC entered THOMAS' motor vehicle and THOMAS handed the UC the paper towel in his hand which contained two half-ounce vials of suspected PCP. The UC gave THOMAS three-hundred and fifty dollars (\$350.00) in return and exited the motor vehicle.
10. Laboratory tests conducted on the vials confirmed that they contained PCP with a net weight of 20.4 grams, 15%, or 3.0 grams, of which was pure..

¹ On or about April 16, 2019, the Hon. Cathy L. Waldor, U.S.M.J., approved a warrant application for a GPS tracker to be placed on THOMAS' vehicle.

11. On or about May 6, 2019 the UC was able to make telephonic contact with THOMAS and expressed that he/she was interested in another purchase of PCP for three-hundred and fifty dollars (\$350.00). THOMAS agreed to this and arrangements were made to meet on May 7, 2019.

12. On or about May 7, 2019 surveillance was conducted on THOMAS in or around the time of the narcotics deal. THOMAS was observed entering stash location-1 and, a few minutes later, THOMAS was observed exiting stash location-1 with a white paper towel in his hand. THOMAS then drove to the pre-arranged meeting location. At that time, the UC made telephonic contact with THOMAS and THOMAS changed the meeting location due to the fact that THOMAS was suspicious of other vehicles present in the area as being possible law enforcement vehicles.

13. Once at the new meeting location, the UC entered THOMAS' motor vehicle and THOMAS handed the UC two vials of suspected PCP. The UC gave THOMAS three-hundred and fifty dollars (\$350.00) in return and exited the motor vehicle.

Laboratory tests conducted on the vials confirmed that they contained PCP with a net weight of 20.1 grams 17%, or 3.4 grams, of which was pure.

14. On or about May 13, 2019, a juvenile ("JUVENILE-1") was introduced to THOMAS at a business establishment in the city of East Orange. During that meeting THOMAS invited JUVENILE-1 to his motor vehicle that was parked nearby.

15. THOMAS brought JUVENILE-1 to a black Honda Accord and told JUVENILE-1 to sit in the passenger seat. While in the motor vehicle, THOMAS retrieved approximately two pounds of marihuana, packaged in two vacuum-sealed clear plastic bags, and asked JUVENILE-1 to "stash" the drugs for THOMAS until he was ready to pick it up. In exchange, THOMAS would pay JUVENILE-1 six hundred dollars (\$600.00) once the task was complete. JUVENILE-1 agreed to do so and placed the marihuana in his/her book-bag before exiting the vehicle.

16. During the early morning hours of May 14, 2019, JUVENILE-1 placed the book-bag with the drugs in an abandoned residence in East Orange for safekeeping ("stash location-2").

17. On or about May 17, 2019, JUVENILE-1 returned to the stash location-2 and discovered that the book-bag and the marihuana were missing. JUVENILE-1 called a friend to tell him/her about what had happened and was advised that THOMAS would be seeking the money for the missing marihuana.

18. Since the loss of the marihuana, JUVENILE-1 began receiving

threatening phone calls on behalf of THOMAS. The phone calls conveyed to JUVENILE-1 that THOMAS wanted the drugs returned or JUVENILE-1 would suffer the consequences. Specifically, that THOMAS would kill JUVENILE-1 and his/her entire family if he/she did not show up with the marihuana.

19. On or about May 17, 2019 a parent of JUVENILE-1 observed THOMAS in a motor vehicle in front of their residence. At that time, law enforcement was contacted and the incident was reported.

20. JUVENILE-1 was shown a six-pack photo array by members of the East Orange Police Department and he/she positively identified THOMAS as the person that had supplied him/her with the marihuana in exchange for payment and as the person who had been threatening him/her.

21. On or about May 17, 2019 THOMAS was charged with third degree Terroristic Threats by the East Orange Police Department.

22. On or about June 6, 2019 the UC was able to make telephonic contact with THOMAS and expressed that he/she was interested in a slightly larger purchase of PCP. THOMAS agreed to this and arrangements were made to meet on this same day.

23. During surveillance of THOMAS in or around the time of the narcotics deal, THOMAS was observed entering and exiting stash location-1. THOMAS then drove to the pre-arranged meeting location. However, THOMAS drove by the location and called the UC to state that he had observed an undercover police vehicle in the area and for the UC to leave the location. The UC obliged and THOMAS instructed the UC to respond to a new meeting area.

24. At the new location, the UC entered THOMAS' motor vehicle and asked if THOMAS was "good for a band?" Based on my training and experience, I know "a band" to be a street term for one thousand dollars (\$1,000.00).

25. THOMAS agreed to the deal for one-thousand and fifty dollars (\$1,050.00) with the understanding that the UC would pay the additional fifty dollars (\$50.00) at a later date. After the deal was struck, THOMAS handed the UC three vials of suspected PCP. The UC gave THOMAS one thousand dollars (\$1,000.00) in return and exited the vehicle.

26. Laboratory tests conducted on the vials confirmed that they contained PCP with a net weight of 69.5 grams, 14%, or 9.7 grams, of which was pure.

27. On or about June 19, 2019 the UC was able to make telephonic contact with THOMAS and expressed that he/she was interested in another purchase of PCP. THOMAS agreed to this and arrangements were made to meet the next day.

28. On or about June 20, 2019, THOMAS made telephonic contact with the UC and set up a meeting location. The UC agreed to this location.

29. During surveillance of THOMAS in or around the time of the narcotics deal, THOMAS was observed entering stash location-1 and, a short time later, THOMAS emerged and was carrying a yellow plastic bag in hand. THOMAS then drove to the pre-arranged meeting location.

30. The UC entered THOMAS' motor vehicle and THOMAS handed the UC the yellow plastic bag he had been observed in possession of. This bag contained six half-ounce vials of suspected PCP. The UC gave THOMAS one thousand and one hundred dollars (\$1,100.00) and explained that there was an additional fifty dollars (\$50.00) to cover the last purchase. After a brief conversation, the UC exited the vehicle.

31. Laboratory tests conducted on the vials confirmed that they contained PCP with a net weight of 46.4 grams, 12%, or 5.5 grams, of which was pure.

32. On or about July 1, 2019, the UC was able to make telephonic contact with THOMAS and expressed that he/she would like to place an order for a large quantity of PCP if THOMAS could accommodate it. The UC asked for eleven (11) ounces at this time. THOMAS abruptly ended the conversation by hanging up on the UC.

33. On or about July 2, 2019, THOMAS made telephonic contact with the UC and stated that he could fill this "bulk" order but the price would be three-hundred and thirty dollars (\$330.00) per ounce. The UC indicated that he/she understood this and was still interested in eleven (11) ounces for a purchase price of three thousand six hundred and thirty dollars (\$3,630.00). The two parties agreed for the deal to take place the next day.

34. On or about July 3, 2019, the UC made telephonic contact with THOMAS and asked to change the purchase to twelve (12) ounces of PCP in exchange for three thousand nine hundred and sixty dollars (\$3,960.00), THOMAS agreed to this quantity increase.

35. During surveillance of THOMAS in or around the time of the narcotics deal, THOMAS was seen exiting stash location-1 and was carrying a white plastic shopping bag in his hand. THOMAS then drove to the pre-arranged meeting location.

36. The UC entered THOMAS' motor vehicle and THOMAS handed the UC the white plastic bag he had been observed in possession of. The white plastic bag contained a smaller black plastic bag and, inside of the black plastic bag, were twelve (12) glass vials of suspected PCP. The UC gave THOMAS three

thousand nine hundred and sixty dollars (\$3,960.00). After a brief conversation, the UC exited the vehicle.

37. Laboratory tests conducted on the vials confirmed that they contained PCP with a net weight of 249.8 grams, 9%, or 22.4 grams, of which was pure.

38. On or about July 16, 2019, the UC was able to make telephonic contact with THOMAS and expressed that he/she was interested in purchasing twelve (12) ounces of PCP the next day, THOMAS agreed to this offer.

39. During surveillance of THOMAS in or around the time of the narcotics deal, THOMAS was seen exiting stash location-1 and was carrying a light brown plastic bag in his hand. THOMAS then drove to the pre-arranged meeting location.

40. THOMAS entered the UC's vehicle and handed the light brown plastic bag to the UC in exchange for three thousand nine hundred and sixty dollars (\$3,960.00).

41. At that time, the UC inquired as to whether he/she could purchase a "big jar" of the PCP. THOMAS responded that he distributes PCP to multiple people and, therefore breaks down large jars into the smaller vials. However, if the UC wanted a large amount in a jar then he/she should say this at the next purchase and THOMAS would supply the UC accordingly. THOMAS then exited the UC's motor vehicle.

42. Laboratory tests conducted on the vials confirmed that they contained PCP with a net weight of 249.6 grams, 9%, or 22.4 grams, of which was pure.

43. On or about July 30, 2019, the UC was able to make telephonic contact with THOMAS and expressed that he/she was interested in purchasing sixteen (16) ounces of PCP the next day. THOMAS agreed to this offer.

44. During surveillance of THOMAS in or around the time of the narcotics deal, THOMAS was seen exiting stash location-1 with a blue bag in his hand. THOMAS then drove towards the pre-arranged meeting location. However, upon his arrival, THOMAS immediately called the UC and advised him/her that THOMAS was changing the meeting location. The UC obliged and followed THOMAS' directions to the new location.

45. The UC entered THOMAS' vehicle and THOMAS advised the UC that he only had fourteen (14) ounces to sell. THOMAS then handed the UC the blue bag he had been seen in possession of. Inside of the bag were multiple vials of suspected PCP². The UC gave THOMAS four thousand six hundred and

² The forensic testing on these vials is incomplete.

seventy dollars (\$4,670.00). The UC then exited the vehicle.

46. On or about August 20, 2019, the Hon. James B. Clark, III authorized an arrest warrant for THOMAS charging him with conspiracy to distribute PCP and marihuana, use of a person under 18 years of age in a drug operation and multiple counts of distribution of PCP.

47. Also on or about August 20, 2019, the Hon. James B. Clark, III authorized a search warrant for stash location-1 among other places.

48. On or about August 21, 2019, THOMAS was observed exiting an apartment within stash location-1 with a plastic bag in his hand. THOMAS was placed under arrest at that time. Agents recovered twenty-six (26) vials of suspected PCP from the plastic bag.

49. During the execution of the search warrant at stash location-1, agents recovered, among other things, a 9 mm. caliber Glock 19 firearm, bearing the serial number DFT275, which was loaded with ten rounds of ammunition and a .380 caliber Grendel P10 firearm, bearing the serial number 2517, which was loaded with 10 rounds of ammunition.