

## AFFIDAVIT

I, Christian Jardin, having been duly sworn, state as follows:

1. I am a Special Agent with the Bureau of Alcohol, Tobacco, Firearms and Explosives ("ATF"). I am assigned to ATF's Providence office, and have been a Special Agent with ATF since 2001. Based on my training and experience as an ATF Special Agent, I am familiar with federal firearms and narcotics laws. As an ATF Special Agent, I have been involved, either as lead agent or as a member of an investigative team, in numerous firearms and narcotics investigations.

2. I submit this affidavit in support of a criminal complaint charging Thealeah Duopu of Providence, Rhode Island (who was born in 1976) with

- (a) possession of 28 grams or more of cocaine base with intent to distribute, in violation of 21 U.S.C. § 841(a)(1) and (b)(1)(B),
- (b) distribution of 28 grams or more of cocaine base, in violation of 21 U.S.C. § 841(a)(1) and (b)(1)(B),
- (c) distribution of cocaine base, in violation of 21 U.S.C. § 841(a)(1) and (b)(1)(C),
- (d) possession of firearms in furtherance of a drug trafficking crime, in violation of 18 U.S.C. § 924(c), and
- (e) being a felon in possession of firearms, in violation of 18 U.S.C. § 922(g)(1).

3. The facts and information contained in this affidavit are based on my own investigation as well as information provided to me by other law enforcement agents involved in this investigation. This affidavit does not contain all facts known to me about this investigation; I include only those facts that I believe are necessary to establish probable cause.

### **Criminal History**

4. My review of Duopu's criminal history records indicates that he has been convicted of two Rhode Island felony offenses. In 2003, he was convicted on two counts of carrying a pistol without a license and sentenced to 10 years of incarceration with 1 year to

serve and 9 years of probation. In 2013, he was convicted on one count of possession of a controlled substance and sentenced to 3 years of incarceration with 90 days to serve and 33 months of probation.

#### **October 20th Transaction**

5. On October 19, 2015, an agent acting in an undercover capacity (the "Undercover") and a male spoke by telephone. The Undercover asked the male for 7 grams of cocaine base; the male said it would cost \$375. They agreed to meet the next day for the transaction.

6. On October 20, 2015, the male and the Undercover spoke by telephone. The male and the Undercover agreed to meet at a restaurant on Ann Mary Street in Pawtucket, Rhode Island. Shortly thereafter, the Undercover went to the restaurant, and from there telephoned and spoke to the male. The male said he was on his way to the restaurant.

7. A short time later, the Duopu arrived at the restaurant in a brown Buick sedan bearing Rhode Island license plate number BR-822 (the "Buick"). A check of vehicle registration records maintained by the DMV indicated that that the Buick was registered to Duopu. The Undercover stepped into the Buick and saw Duopu in the driver's seat. There was no one else in the car. As the Undercover and Duopu conversed, the Undercover recognized Duopu's voice as the voice of the male he had spoken to by telephone earlier that day and the day before.

8. The Undercover gave Duopu \$375, and Duopu gave the Undercover a clear plastic bag containing material consistent in appearance and texture with cocaine base. After the transaction, the Undercover stepped out of the Buick, and Duopu drove away. Later field-testing of the material indicated the presence of cocaine base, and the bag and material weighed approximately 8.3 grams.

#### **October 26th Transaction**

9. On October 25, 2015, the Undercover and Duopu spoke by telephone. The Undercover asked Duopu for 14 grams of cocaine base, and Duopu said it would cost \$725. The parties agreed to meet the next day for the transaction.

10. On October 26, 2015 the Undercover went to the restaurant on Ann Mary Street in Pawtucket. A short time later, Duopu arrived in his Buick. The Undercover stepped into the car and saw Duopu in the driver's seat. There was no one else in the car. The Undercover gave Duopu \$725, and Duopu gave the Undercover a clear plastic bag containing material consistent in appearance and texture with cocaine base. After the transaction, the Undercover stepped out of the car, and Duopu drove away. Later field-testing of the material indicated the presence of cocaine base, and the bag and material weighed approximately 13.5 grams.

11. After the transaction and after the Undercover and Duopu had parted company, the Undercover telephoned Duopu, and complained that the cocaine base purchased was less than the agreed upon 14 grams. Duopu said he would make up the error on the next transaction.

#### **October 30th Transaction**

12. On October 27, 2015, the Undercover and Duopu spoke by telephone. The Undercover asked Duopu for 28 grams of cocaine base, and Duopu said it would cost \$1,500. The parties agreed to meet on October 30 for the transaction.

13. On the morning of October 30, law enforcement agents saw Duopu's Buick parked behind the building at 16/18 Violet Street in the tenants' parking area. A black Subaru sedan bearing Rhode Island license plate number CN-170 (the "Subaru") was also in that parking area. A check of DMV records revealed that the Subaru was a rental car.

14. At approximately 1:26 pm, Duopu and the Undercover spoke by telephone. Duopu said that he was ready to proceed with the transaction, and the Undercover went to the restaurant on Ann Mary Street in Pawtucket.

15. A short time after the call, law enforcement agents went to the building at 16/18 Violet Street. The Buick was still parked behind the building. The Subaru was no longer there.

16. Law enforcement agents proceeded to the building at 108 Ethan Street, and at approximately 2 pm, they saw the Subaru depart from the area of the building. The agents

followed the Subaru. It travelled directly from the area of 108 Ethan Street to the restaurant on Ann Mary Street in Pawtucket.

17. When the Subaru arrived at the restaurant, the Undercover stepped into the car and saw Duopu in the driver's seat. There was no one else in the car. The Undercover gave Duopu \$1,500, and Duopu gave the Undercover two clear plastic bags, both containing material consistent in appearance and texture with cocaine base. Later field testing of the material indicated the presence of cocaine base, and the bags and material weighed approximately 28.4 grams. (The material in the bags has not been weighed separately from the bags, and it is possible that the material alone will weigh less than 28 grams.)

18. After the cocaine base transaction, the Undercover and Duopu spoke about firearms. The Undercover said that his associates had stolen several guns and inquired whether Duopu was interested in obtaining any of the stolen guns. Duopu indicated an interest but specified that he wanted revolvers. He said that he already had several semi-automatic pistols. Soon after that conversation, the Undercover stepped out of the car, and Duopu drove away.

#### **November 3rd Transaction**

19. On November 2, 2015, the Undercover and Duopu spoke by telephone. The Undercover asked Duopu for 56 grams of cocaine base, and Duopu said it would cost \$3,200. The parties agreed to meet the next day for the transaction.

20. On the afternoon of November 2, 2015, a law enforcement agent was watching the building at 108 Ethan Street in Providence. At approximately 2:48 pm, the agent saw Duopu step out of a side-door, which was positioned toward the front of the building and adjacent to the driveway. The agent saw Duopu secure that side-door with a key and then leave in the Subaru.

21. On the morning of November 3, 2015 prior to 11:45 am, an ATF agent drove to the building at 108 Ethan Street and saw a red Pontiac sedan bearing Rhode Island license plate number 475-469 (the "Pontiac") parked on the driveway. A check of vehicle registration records maintained by the DMV indicated that the Pontiac was registered to Duopu.

22. At around 11:45 am on November 3, the Undercover went to the restaurant on Ann Mary Street in Pawtucket and from there spoke to Duopu by telephone. The Undercover said he had arrived at the restaurant. Duopu said he was on his way.

23. At approximately 11:53 am, a law enforcement agent saw Duopu arrive in his Buick at the building at 108 Ethan Street. Duopu pulled the car into the rear of the driveway and entered the building through the side-door, which he had been seen utilizing earlier in the investigation. He opened that door with a key. Several minutes later, he came out of the same door, secured it with a key, and left the area in his Pontiac.

24. Agents followed the Pontiac. It traveled directly from 108 Ethan Street to the restaurant on Ann Mary Street in Pawtucket.

25. At the restaurant, the Undercover stepped into the Pontiac and saw Duopu in the driver's seat. There was no one else in the car. The Undercover gave Duopu \$3,200, and Duopu gave the Undercover a clear plastic bag containing material consistent in appearance and texture with cocaine base. Later field-testing of the material indicated the presence of cocaine base, and the bag and material weighed approximately 52.2 grams.

26. I have observed the plastic bag and material obtained in this transaction, and I recognize the bag to be consistent with a common sandwich bag. These sorts of bags are routinely used by narcotics traffickers to package narcotics. Based on my training and experience, I know that these sorts of bags generally weigh less than 5 grams, and accordingly, I believe that the material obtained in this transaction is in excess of 28 grams.

#### **November 10th & 12th**

27. On November 10, 2015, the Undercover and Duopu spoke by telephone and communicated by text message. The Undercover asked Duopu for cocaine base, and Duopu agreed to provide it. The parties agreed to meet at around noon on November 12, 2015 for the transaction.

28. Prior to November 12, 2015, ATF acquired federal warrants to search multiple locations in connection with this investigation, including Duopu's person and the front, ground-floor apartment of the building located at 108 Ethan Street in Providence, Rhode Island.

29. At approximately 12:48 pm, the Undercover and Duopu spoke by telephone and agreed to meet at the restaurant.

30. At approximately 1:10 pm, law enforcement agents, who were positioned outside the building at 108 Ethan Street, saw Duopu arrive at the building in the Subaru and enter the building through the side-door, which he had been seen utilizing earlier in the investigation. Duopu opened the door with a key. At approximately 1:18 pm, the agents saw Duopu emerge from the building and lock the side-door with a key. Agents approached him and executed the warrant to search his person.

31. On Duopu's person - all in one pocket - a law enforcement agent found a set of keys, \$538 in cash, two cellular telephones, and two clear plastic bags containing material consistent in appearance and texture with cocaine base. Later field-testing of the material indicated the presence of cocaine base, and the bag and material weighed approximately 69.1 grams.

32. Duopu was advised of his Constitutional rights, he indicated that he was willing to answer questions, and he was interviewed. He said, among other things, that he had additional cocaine base in the apartment from which he had just emerged; that he had a gun in the apartment and that it was in a jacket pocket; that he had numerous drug customers; and that he was unemployed and had been selling narcotics for the past 10 years.

33. Law enforcement agents executed the warrant to search the front, ground-floor apartment of the building located at 108 Ethan Street. Using the keys obtained from Duopu, agents opened the side-door, the door from which Duopu had emerged prior to coming in contact with law enforcement agents. That door opened directly into the front, ground-floor apartment. Inside the apartment was a bedroom. The door to the bedroom was locked and was

forced open. Later agents were able to unlock the door using the keys obtained from Duopu. Inside that bedroom agents found, among other things, a shoe and two garbage bags.

34. In the shoe, agents found two clear plastic bags containing material consistent in appearance and texture with cocaine base. In both garbage bags, agents found substantial sums of money, in total approximately \$20,000. In one bag, alongside the money agents found a third clear plastic bag containing material consistent in appearance and texture with cocaine base and a jacket containing a .25 caliber Intratec semi-automatic pistol (serial number 001647).

35. Later field-testing of the material in the three clear plastic bags indicated the presence of cocaine base, and the bags and material therein weighed approximately 61.7 grams.

36. Examination of the pistol revealed that it was loaded, namely that it had a round in the firing chamber. There were two additional rounds of ammunition in the pistol's magazine.

37. Also found in the bedroom was a credit card bearing Duopu's name, another cellular telephone, Duopu's ACI prison identification, and correspondence bearing Duopu's name.

38. In the apartment kitchen, agents found a digital scale. I know from my training and experience, that narcotics traffickers use digital scales to measure narcotics for distribution.

39. Based on my discussion with Special Agent Kevin McNamara, who has received specialized training in determining where gun manufacturers make their guns, I know that Intratec pistols are manufactured outside Rhode Island.


40. There is probable cause to believe that where a gun is found in close proximity to narcotics or narcotics proceeds, the gun is being used to safeguard the narcotics and proceeds, and there is probable cause to believe that the gun found in this investigation was being used to safeguard the narcotics and currency found alongside the gun. I arrive at these conclusions based on the following inferences derived from my training, experience, or common sense:

- (a) money found in the possession of one who is unemployed and who has been selling narcotics for ten years is likely proceeds from the sale of narcotics;

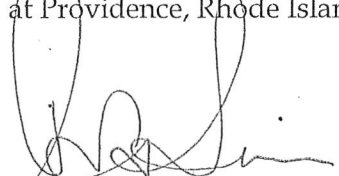
- (b) narcotics trafficking is a dangerous activity, and it is not uncommon for narcotics traffickers to possess firearms to protect their narcotics and the proceeds obtained from selling narcotics;
- (c) placing a handgun in close proximity to narcotics or proceeds from the sale of narcotics makes it easier to use the handgun to protect the narcotics or proceeds;
- (d) pistols that are loaded can be more readily fired than pistols that are not loaded and can thereby provide an added measure of security.

### Conclusion

41. Based on this information, I believe that there is probable cause to believe that Defendant committed the offenses set forth in paragraph 2, namely Defendant possessed on his person or in his apartment in excess of 28 grams of cocaine base for the purpose of distribution; in one transaction distributed in excess of 28 grams of cocaine base to the Undercover; in other transactions distributed lesser quantities of cocaine base to the Undercover; possessed a gun in furtherance of a drug trafficking crime by virtue of possessing a gun to safeguard the cocaine base he possessed for distribution and proceeds from his sale of narcotics; and was a felon in possession of a firearm.

  
ATF Special Agent Christian Jardin

Subscribed and sworn before me  
this 13th day of November 2015,  
at Providence, Rhode Island.



PATRICIA A. SULLIVAN  
United States Magistrate Judge  
District of Rhode Island