

COPY

Approved: Jennifer L. Beidel
JENNIFER L. BEIDEL
Assistant United States Attorney

Before: HONORABLE PAUL E. DAVISON
United States Magistrate Judge
Southern District of New York

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UNITED STATES OF AMERICA	:	<u>SEALED COMPLAINT</u>
	:	Violation of
- v. -	:	21 U.S.C. § 846
ERIC BOLTON,	:	COUNTY OF OFFENSE:
a/k/a "E.B.,"	:	WESTCHESTER
DERRICK FRANKS,	:	16m2293
a/k/a "Skills,"	:	
EDWARD REEVES,	:	
WILLIAM BOLTON,	:	
FRANKLIN BARBER,	:	
a/k/a "Nitty," and	:	
XAVIER DABBS,	:	
a/k/a "X,"	:	
	:	
Defendants.	:	

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SOUTHERN DISTRICT OF NEW YORK, ss.:

JEREMY DELLAPIA, being duly sworn, deposes and says that he is a Special Agent with the Federal Bureau of Investigation ("FBI"), and charges as follows:

COUNT ONE

1. From on or about September 14, 2015 to on or about March 21, 2016, in the Southern District of New York and elsewhere, ERIC BOLTON, a/k/a "E.B.," DERRICK FRANKS, a/k/a "Skills," EDWARD REEVES, WILLIAM BOLTON, FRANKLIN BARBER, a/k/a "Nitty," and XAVIER DABBS, a/k/a "X," 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 ERIC BOLTON, a/k/a "E.B.," DERRICK FRANKS, a/k/a "Skills,"

EDWARD REEVES, WILLIAM BOLTON, FRANKLIN BARBER, a/k/a "Nitty," and XAVIER DABBS, a/k/a "X," and others known and unknown, would and did distribute and possess with intent to distribute a controlled substance, in violation of Title 21, United States Code, Section 841(a) (1).

3. The controlled substance involved in the offense was 28 grams and more of mixtures and substances containing a detectable amount of cocaine base, in violation of 21 U.S.C. § 841(b) (1) (B).

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

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

4. I am an FBI Special Agent, and I have been personally involved in the investigation of this matter. This Affidavit is based upon my personal participation in the investigation, my examination of reports and records, and my conversations with other law enforcement officers and other individuals. Because this Affidavit is being submitted for the limited purpose of demonstrating 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 Controlled Buys Involving a Single Defendant

E. Bolton

5. On or about September 14, 2015, September 24, 2015, December 3, 2015, December 8, 2015, February 15, 2016, and March 1, 2016, law enforcement conducted controlled buys from ERIC BOLTON, a/k/a "E.B.," the defendant ("E. BOLTON"). Based on my surveillance of and personal involvement in those controlled buys, I have learned, in substance and in part, the following:

a. At the direction of law enforcement, on or about September 14, 2015, September 24, 2015, December 3, 2015, December 8, 2015, February 15, 2016, and March 1, 2016, a confidential informant ("CI-1")¹ arranged to purchase cocaine

¹ CI-1 has been arrested in the state and charged with a drug

base from E. BOLTON.

b. In preparation for each controlled buy, I or another law enforcement officer searched CI-1's person, confirmed that there was no contraband, and outfitted CI-1 with an audio recording device.

c. For each controlled buy, CI-1 was provided with \$200 or \$300 in prerecorded buy money.

d. For each controlled buy, I and other law enforcement officers transported CI-1 to the predetermined location for the controlled buy in Peekskill, New York. I and other law enforcement officers then conducted surveillance of each controlled buy.

e. On or about September 14, 2015, I and other law enforcement officers observed CI-1 meet with a co-conspirator of E. BOLTON's ("CC-1"), who was a minor at the time of the controlled buy. I and other law enforcement officers also observed E. BOLTON in the driver's seat of a vehicle parked nearby. After the controlled buy, I and other law enforcement officers observed CC-1 getting into the passenger seat of E. BOLTON's vehicle and observed E. BOLTON driving the vehicle away.

f. On or about September 24, 2015, CI-1 told me and other law enforcement officers that CI-1 called the phone number provided to CI-1 by E. BOLTON. CI-1 recognized the voice on the other end to be that of CC-1, who advised CI-1 of the controlled buy location. I and other law enforcement officers observed CI-1 meeting with CC-1.

g. On or about December 3, 2015, I and other law enforcement officers observed E. BOLTON and CC-1 in a vehicle at the controlled buy location and observed CI-1 walking toward that location.

h. On or about February 15, 2016, I and other

crime and has been cooperating in hopes of getting a better sentence. CI-1 has also received \$3,500 over the course of this investigation. Law enforcement believes that the information CI-1 provided in connection with this investigation is reliable, as CI-1 provided information relating to this investigation that was independently corroborated.

law enforcement officers observed CI-1 meeting with E. BOLTON outside of a business.

i. On or about March 1, 2016, I and other law enforcement officers observed CI-1 walking up the stairs to a particular address and meeting with E. BOLTON, who was holding a small child at the time.

j. After each controlled buy, I and other law enforcement officers picked up CI-1 on the street after observing CI-1 walking away from the buy location, recovered the recording device from CI-1, searched CI-1 for contraband and found none, and took possession of a substance that later tested positive for cocaine base and that CI-1 said CI-1 purchased from E. BOLTON on or about February 15, 2016 and March 1, 2016 and from CC-1 on or about September 14 and 24, 2015 and December 3, 2015.

Franks

6. On or about November 16, 2015, January 27, 2016, March 8, 2016, March 17, 2016, and March 21, 2016, law enforcement conducted controlled buys from DERRICK FRANKS, a/k/a "Skills," the defendant. Based on my surveillance of and personal involvement in those controlled buys, I have learned, in substance and in part, the following:

a. At the direction of law enforcement, on or about November 16, 2015, January 27, 2016, March 8, 2016, March 17, 2016, and March 21, 2016, CI-1 arranged to purchase cocaine base from FRANKS.

b. In preparation for each controlled buy, I or another law enforcement officer searched CI-1's person, confirmed that there was no contraband, and outfitted CI-1 with an audio recording device.

c. For each controlled buy, CI-1 was provided with between \$150 and \$450 in prerecorded buy money.

d. For each controlled buy, I and other law enforcement officers transported CI-1 to the predetermined location for the controlled buy in Peekskill, New York. I and other law enforcement officers then conducted surveillance of each controlled buy.

e. On or about November 16, 2015, I and other

law enforcement officers observed CI-1 meeting with FRANKS and observed the two walk down the street together.

f. On or about January 27, 2016, I and other law enforcement officers observed CI-1 meeting with FRANKS and observed FRANKS walking away after the meeting.

g. On or about March 8, 2016, I and other law enforcement officers observed CI-1 meeting with FRANKS in a parking lot, after which FRANKS walked away and entered an apartment and then returned to again meet with CI-1 in the parking lot.

h. On or about March 17, 2016, I and other law enforcement officers observed CI-1 meeting with FRANKS on the sidewalk, after which FRANKS walked away and entered an apartment and then returned to again meet with CI-1 on the sidewalk.

i. On or about March 21, 2016, I and other law enforcement officers observed CI-1 meeting with FRANKS on the sidewalk, after which FRANKS walked away and entered an apartment and then returned to again meet with CI-1. I and other law enforcement officers then observed CI-1 and FRANKS walk into an alley.

j. After each controlled buy, I and other law enforcement officers picked up CI-1 on the street after observing CI-1 walking away from the buy location, recovered the recording device from CI-1, searched CI-1 for contraband and found none, and took possession of a substance that CI-1 said CI-1 purchased from FRANKS and that later tested positive for cocaine base.

W. Bolton

7. On or about November 20, 2015, January 12, 2016, and February 17, 2016, law enforcement conducted controlled buys from WILLIAM BOLTON ("W. BOLTON"), the defendant. Based on my surveillance of and personal involvement in those controlled buys, I have learned, in substance and in part, the following:

a. At the direction of law enforcement, on or about November 20, 2015, January 12, 2016, and February 17, 2016, CI-1 arranged to purchase cocaine base from W. BOLTON.

b. In preparation for each controlled buy, I or

another law enforcement officer searched CI-1's person, confirmed that there was no contraband, outfitted CI-1 with an audio recording device, and provided CI-1 with \$200 in prerecorded buy money.

c. For each controlled buy, I and other law enforcement officers transported CI-1 to the predetermined location for the controlled buy in Peekskill, New York. I and other law enforcement officers then conducted surveillance of each controlled buy.

d. On or about November 20, 2015, I and other law enforcement officers observed CI-1 meeting with W. BOLTON.

e. On or about January 12, 2016, I and other law enforcement officers observed W. BOLTON arrive at the predetermined meet location in a vehicle before meeting with CI-1.

f. On or about February 17, 2016, I and other law enforcement officers observed W. BOLTON meeting with CI-1 at a shopping center and then observed W. BOLTON entering his residence.

g. After each controlled buy, I and other law enforcement officers picked up CI-1 on the street after observing CI-1 walking away from the buy location, recovered the recording device from CI-1, searched CI-1 for contraband and found none, and took possession of a substance that CI-1 said CI-1 purchased from W. BOLTON and that later tested positive for cocaine base.

8. On or January 29, 2016, law enforcement conducted a controlled buy from WILLIAM BOLTON, the defendant. Based on my surveillance of and personal involvement in that controlled buy, I have learned, in substance and in part, the following:

a. At the direction of law enforcement, on or about January 29, 2016, a confidential informant ("CI-2")² arranged to purchase cocaine base from W. BOLTON.

b. In preparation for the controlled buy, I or

²CI-2 is an unpaid informant. Law enforcement believes that the information CI-2 provided in connection with this investigation is reliable, as CI-2 provided information relating to this investigation that was independently corroborated.

another law enforcement officer searched CI-2's person and vehicle, confirmed that there was no contraband, outfitted CI-2 with an audio recording device, and provided CI-2 with \$140 in prerecorded buy money.

c. I and other law enforcement officers conducted surveillance of the controlled buy.

d. I and other law enforcement officers observed CI-2 driving to the predetermined meet location in Peekskill, New York. I and other law enforcement officers then observed W. BOLTON entering the front passenger side of CI-2's vehicle before leaving and walking toward his residence.

e. After the controlled buy, I and other law enforcement officers met CI-2 at a predetermined location, recovered the recording device from CI-2, searched CI-2 for contraband and found none, and took possession of a substance that CI-2 said CI-2 purchased from W. BOLTON and that later tested positive for cocaine base.

Barber

9. On or December 7, 2015 and December 16, 2015, law enforcement conducted controlled buys from FRANKLIN BARBER, a/k/a "Nitty," the defendant. Based on my surveillance of and personal involvement in those controlled buys, I have learned, in substance and in part, the following:

a. At the direction of law enforcement, on or about December 7, 2015 and December 16, 2015, CI-1 arranged to purchase cocaine base from BARBER.

b. In preparation for each controlled buy, I or another law enforcement officer searched CI-1's person, confirmed that there was no contraband, and outfitted CI-1 with an audio recording device.

c. For the December 7, 2015 and December 16, 2015 controlled buys, CI-1 was provided with \$200 and \$300 in prerecorded buy money, respectively.

d. For each controlled buy, I and other law enforcement officers transported CI-1 to the predetermined location for the controlled buy in Peekskill, New York. I and other law enforcement officers then conducted surveillance of each controlled buy.

e. On or about December 7, 2015, I and other law enforcement officers observed CI-1 enter a vehicle with a co-conspirator ("CC-2") of BARBER's. I and other law enforcement officers then observed CC-2 drop CI-1 off, drive to another location, pick up BARBER temporarily, and then return to pick up CI-1. CI-1 told me and other law enforcement officers that CC-2 gave CI-1 drugs after meeting with BARBER. Based on my training and experience with drug transactions, CC-2 picked up cocaine base from BARBER, which CC-2 then provided to CI-1.

f. On or about December 16, 2015, I and other law enforcement officers observed BARBER arriving at the predetermined location for the controlled buy in a vehicle before meeting with CI-1.

g. After each controlled buy, I and other law enforcement officers picked up CI-1 on the street after observing CI-1 walking away from the buy location, recovered the recording device from CI-1, searched CI-1 for contraband and found none, and took possession of a substance that later tested positive for cocaine base and that CI-1 said CI-1 purchased from BARBER on or about December 16, 2015 and from CC-2 on or about December 7, 2015.

Reeves

10. On or about February 23, 2016, February 26, 2016, and March 8, 2016, law enforcement conducted controlled buys from EDWARD REEVES, the defendant. Based on my surveillance of and personal involvement in those controlled buys, I have learned, in substance and in part, the following:

a. At the direction of law enforcement, on or about February 23, 2016, February 26, 2016, and March 8, 2016, CI-1 arranged to purchase cocaine base from REEVES.

b. In preparation for each controlled buy, I or another law enforcement officer searched CI-1's person, confirmed that there was no contraband, and outfitted CI-1 with an audio recording device.

c. For the February 23, 2016, February 26, 2016, and March 8, 2016 controlled buys, CI-1 was provided with \$300, \$200, and \$300 in prerecorded buy money, respectively.

d. For each controlled buy, I and other law

enforcement officers transported CI-1 to the predetermined location for the controlled buy in Peekskill, New York. I and other law enforcement officers then conducted surveillance of each controlled buy.

e. On or about February 23, 2016, CI-1 informed me and other law enforcement officers that CI-1 received a call from REEVES regarding a \$300 cocaine base purchase. CI-1 told REEVES that CI-1 would call when CI-1 was close to the predetermined buy location, which CI-1 did. REEVES sent a text message to CI-1, saying "go to back." At the time that CI-1 received the text message, I and other law enforcement officers observed CI-1 walking toward the rear of a building and meeting with a co-conspirator of REEVES's ("CC-3"). CI-1 informed me and other law enforcement officers that CC-3 said he was REEVES's brother.

f. On or about February 26, 2016, I and other law enforcement officers observed REEVES meeting with CI-1 on a street corner.

g. On or about March 8, 2016, I and other law enforcement officers observed REEVES meeting with CI-1 on a porch.

h. After each controlled buy, I and other law enforcement officers picked up CI-1 on the street after observing CI-1 walking away from the buy location, recovered the recording device from CI-1, searched CI-1 for contraband and found none, and took possession of a substance that later tested positive for cocaine base and that CI-1 said CI-1 purchased from REEVES on or about February 26, 2016 and March 8, 2016 and from CC-3 on or about February 23, 2016.

The Controlled Buys Involving Multiple Defendants

Dabbs, Franks, and E. Bolton

11. On or about November 17, 2015 and January 4, 2016, law enforcement conducted controlled buys XAVIER DABBS, a/k/a "X," the defendant, who was working with a different co-conspirator on each occasion, namely, DERRICK FRANKS, a/k/a "Skills," the defendant, and ERIC BOLTON, a/k/a "E.B., the defendant. Based on my surveillance of and personal involvement in that controlled buy, I have learned, in substance and in part, the following:

a. At the direction of law enforcement, on or about November 17, 2015 and January 4, 2016, CI-1 arranged controlled buys of cocaine base.

b. In preparation for the controlled buy, I or another law enforcement officer searched CI-1's person, confirmed that there was no contraband, and outfitted CI-1 with an audio recording device.

c. For the November 17, 2015 and January 4, 2016 controlled buys, CI-1 was provided with \$200 and \$300 in prerecorded buy money, respectively.

d. I and other law enforcement officers transported CI-1 to the predetermined location for the controlled buy in Peekskill, New York. I and other law enforcement officers then conducted surveillance of the controlled buy.

e. On or about November 17, 2015, I and other law enforcement officers observed CI-1 meeting with FRANKS on the street. I and other law enforcement officers then observed FRANKS meeting with DABBS, who was inside a vehicle, after which FRANKS returned to meet with CI-1 on the street.

f. On or about January 4, 2016, I and other law enforcement officers observed CI-1 entering a vehicle with E. BOLTON and DABBS.

g. After the controlled buy, I and other law enforcement officers picked up CI-1 on the street after observing CI-1 walking away from the buy location, recovered the recording device from CI-1, searched CI-1 for contraband and found none, and took possession of a substance that CI-1 said CI-1 purchased from DABBS, FRANKS, and/or BARBER and that later tested positive for cocaine base.

E. Bolton and Reeves

12. On or about February 11, 2016, law enforcement conducted attempted to conduct a controlled buy from ERIC BOLTON, a/k/a "E.B.," the defendant, but EDWARD REEVES was sent to the controlled buy by E. BOLTON. Based on my surveillance of and personal involvement in those controlled buys, I have learned, in substance and in part, the following:

a. At the direction of law enforcement, on or

about February 11, 2016, CI-1 sent a text message to a number provided to him by E. BOLTON in an attempt to arrange a purchase of cocaine base. CI-1 received a return call from REEVES, stating that he had been notified by E. BOLTON about the purchase and informing CI-1 of the meeting location.

b. In preparation for the controlled buy, I or another law enforcement officer searched CI-1's person, confirmed that there was no contraband, outfitted CI-1 with an audio recording device, and provided CI-1 with \$300 in prerecorded buy money.

c. I and other law enforcement officers transported CI-1 to the predetermined location for the controlled buy in Peekskill, New York. I and other law enforcement officers then conducted surveillance of the controlled buy.

d. I and other law enforcement officers observed CI-1 meeting with REEVES on the street.

e. After each controlled buy, I and other law enforcement officers picked up CI-1 on the street after observing CI-1 walking away from the buy location, recovered the recording device from CI-1, searched CI-1 for contraband and found none, and took possession of a substance that CI-1 said CI-1 purchased from REEVES and/or E. BOLTON and that later tested positive for cocaine base.

Franks and Barber

13. On or about March 3, 2016 and March 15, 2016, law enforcement attempted to conduct controlled buys from DERRICK FRANKS, a/k/a "Skills," but FRANKLIN BARBER, a/k/a "Nitty," the defendant, was also involved in the controlled buys. Based on my surveillance of and personal involvement in those controlled buys, I have learned, in substance and in part, the following:

a. At the direction of law enforcement, on or about March 3, 2016 and March 15, 2016, CI-1 arranged to purchase cocaine base from FRANKS.

b. In preparation for each controlled buy, I or another law enforcement officer searched CI-1's person, confirmed that there was no contraband, and outfitted CI-1 with an audio recording device.

c. For the March 3, 2016 and March 15, 2016 controlled buys, CI-1 was provided with \$200 and \$300 in prerecorded buy money, respectively.

d. For each controlled buy, I and other law enforcement officers transported CI-1 to the predetermined location for the controlled buy in Peekskill, New York. I and other law enforcement officers then conducted surveillance of each controlled buy.

e. On or about March 3, 2016, CI-1 told me and other law enforcement officers that CI-1 contacted FRANKS on a number that FRANKS had provided. FRANKS called CI-1 back on a different number stating that FRANKS was ready for the controlled buy. I and other law enforcement officers saw FRANKS and BARBER in a vehicle, which BARBER was operating. CI-1 told me and other law enforcement officers that BARBER handed the cocaine base to FRANKS, who handed it to CI-1.

f. On or about March 15, 2016, I and other law enforcement officers observed CI-1 meeting with FRANKS on the street and then observed FRANKS walking away and meeting with BARBER. I and other law enforcement officers then observed FRANKS enter BARBER's vehicle, before returning to meet with CI-1 on the street.

g. After each controlled buy, I and other law enforcement officers picked up CI-1 on the street after observing CI-1 walking away from the buy location, recovered the recording device from CI-1, searched CI-1 for contraband and found none, and took possession of a substance that CI-1 said CI-1 purchased from FRANKS and BARBER and that later tested positive for cocaine base.

Other Connections between the Defendants

14. Based on my discussions with other law enforcement officers and my review of their reports, I have learned, in substance and in part, the following:

a. On or about March 18, 2016, CI-1 received a phone call from DERRICK FRANKS, a/k/a "Skills," the defendant. FRANKS asked CI-1 to come outside, which CI-1 did.

b. CI-1 observed FRANKLIN BARBER, a/k/a "Nitty," the defendant, and FRANKS in a vehicle.

c. CI-1 went over to the vehicle and engaged BARBER and FRANKS in a conversation.

d. BARBER told CI-1 that he will deal with CI-1 only if CI-1 deals with him directly. BARBER also told CI-1 not to deal with his cousin, WILLIAM BOLTON, the defendant, anymore.

15. Based on my discussions with other law enforcement officers and my review of their reports, I have learned, in substance and in part, the following:

a. A confidential informant ("CI-3")³ has been present on several occasions at a location in Peekskill, New York while narcotics were being packaged.

b. In or about October 2015, CI-3 was at that location and observed ERIC BOLTON, a/k/a "E.B.," WILLIAM BOLTON, EDWARD REEVES, CC-3, and another co-conspirator ("CC-4") cutting up and packaging cocaine base. XAVIER DABBS, a/k/a "X," the defendant, was also present but was talking on the phone.

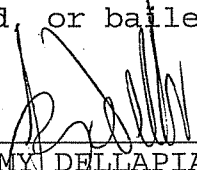
c. FRANKLIN BARBER, a/k/a "Nitty," the defendant, then arrived at the location, met briefly with CC-4, and engaged in a hand-to-hand transaction.

Identities of the Defendants

16. Based on my participation in this investigation and my discussions with other law enforcement officers, each of the defendants discussed above were identified by myself and other law enforcement officers based on our previous interactions with the defendants.

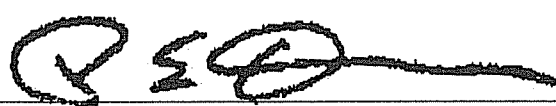
³ CI-3 has been arrested in the state and has been cooperating in hopes of getting a better sentence. CI-3 has provided information that has been reliable and corroborated by other sources.

WHEREFORE, deponent prays that ERIC BOLTON, a/k/a "E.B.," DERRICK FRANKS, a/k/a "Skills," EDWARD REEVES, WILLIAM BOLTON, FRANKLIN BARBER, a/k/a "Nitty," and XAVIER DABBS, a/k/a "X," the defendants, be imprisoned, or bailed, as the case may be.



JEREMY DELLAPIA
Special Agent
Federal Bureau of Investigation

Sworn to before me this
6th day of April, 2016



HONORABLE PAUL E. DAVISON
UNITED STATES MAGISTRATE JUDGE
SOUTHERN DISTRICT OF NEW YORK