

17 MAG 7450

Approved: Alexandra Rothman
JORDAN ESTES/DREW SKINNER/
ALEXANDRA N. ROTHMAN
Assistant United States Attorneys

Before: THE HONORABLE GABRIEL W. GORENSTEIN
United States Magistrate Judge
Southern District of New York

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	: <u>SEALED COMPLAINT</u>
UNITED STATES OF AMERICA	:
	: Violations of 21 U.S.C.
- v. -	: §§ 812, 841(a)(1),
	: 841(b)(1)(C)
BERNARD FRANKLIN,	:
a/k/a "Black,"	: COUNTY OF OFFENSE:
	: BRONX
Defendant.	:
	:
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SOUTHERN DISTRICT OF NEW YORK, ss.:

NICHOLAS SHAFER, 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 at least in or about October 2016, up to and including in or about November 2016, in the Southern District of New York, BERNARD FRANKLIN, a/k/a "Black," the defendant, intentionally and knowingly distributed and possessed with intent to distribute a controlled substance, in violation of 21 U.S.C. § 841(a)(1).

2. The controlled substance involved in the offense was mixtures and substances containing a detectable amount of heroin, in violation of 21 U.S.C. § 841(b)(1)(C).

(Title 21, United States Code, Sections 812, 841(a)(1), 841(b)(1)(C).)

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

3. I am a Special Agent with the Federal Bureau of Investigation ("FBI"). I have been personally involved in the investigation of this matter. This affidavit is based upon my personal participation in the investigation of this matter, my conversations with law enforcement agents, witnesses and others, as well as my examination of reports and records. Because this affidavit is being submitted for the limited purpose of establishing 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.

4. Based on my review of law enforcement records and reports, and my review of audio and video recordings, I have learned the following, among other things:

a. Since at least October 2016, a confidential informant¹ ("CI") has been in contact with BERNARD FRANKLIN, a/k/a "Black," the defendant, regarding purchasing narcotics. On at least three separate occasions in October and November 2016, see *infra* ¶¶ 4(b)-(g), the CI purchased heroin from FRANKLIN.

b. On or about October 20, 2016, at approximately 12:46 a.m., the CI exchanged several text messages with FRANKLIN. CI texted FRANKLIN, "Shine Love, shine loyalty she be here by 2 TOMORROW for sure," and FRANKLIN responded, "Shine honor, shine respect that's a kopy ill have it on deck." Based on my training and experience, and my involvement in this investigation, it appears that the CI and FRANKLIN were discussing the purchase of heroin and that FRANKLIN said he would have the heroin by 2:00 p.m. that day.

c. Later that day, at approximately 2:00 p.m., the CI met FRANKLIN on the corner of 138th Street and Brook Avenue in the Bronx, New York. When the CI arrived, FRANKLIN walked across the street to a building and went inside. Approximately five minutes later, FRANKLIN returned to the CI and handed him ten packets containing a substance believed to be heroin in exchange for \$100. The substance inside of the packets later tested positive for heroin.

¹ Since approximately 2016, the CI has been a paid informant for the FBI. Since the CI began providing information, the FBI has deemed the CI reliable and the CI's information has sometimes been corroborated by independent evidence.

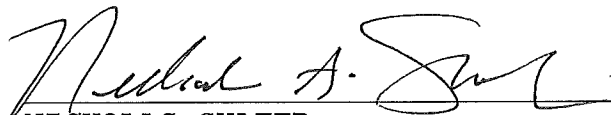
d. On or about October 26, 2016, the CI placed a recorded telephone call to FRANKLIN, in which FRANKLIN agreed to sell the CI twenty packets of heroin.

e. Later that day, the CI met FRANKLIN at his apartment and gave FRANKLIN \$200. The CI and FRANKLIN walked to 139th Street and St. Anns Avenue in the Bronx, where FRANKLIN went into a building and returned with twenty packets containing a substance believed to be heroin. FRANKLIN gave the packets to the CI. The substance inside of the packets later tested positive for heroin.

f. On or about November 1, 2016, the CI placed a recorded telephone call to FRANKLIN, in which FRANKLIN agreed to sell the CI heroin.


g. Later that day, the CI met FRANKLIN at his apartment and gave FRANKLIN \$200. FRANKLIN then pulled a bundle of packets believed to contain heroin from his pants pocket and gave fifteen of the packets to the CI. The CI saw what appeared to be between forty and fifty additional packets of heroin in FRANKLIN's pocket. The substance inside of the packets later tested positive for heroin.

WHEREFORE, deponent respectfully requests that a warrant be issued for the arrest of BERNARD FRANKLIN, a/k/a "Black," the defendant, and that he be imprisoned or bailed, as the case may be.



NICHOLAS SHAFER
Special Agent
Federal Bureau of Investigation

Sworn to before me this
6th day of October, 2017



THE HONORABLE GABRIEL W. GORENSTEIN
UNITED STATES MAGISTRATE JUDGE
SOUTHERN DISTRICT OF NEW YORK