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Approved:                       
Christopher D. Brumwell/Vladislav Vainberg  
Assistant United States Attorneys

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

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UNITED STATES OF AMERICA : SEALED COMPLAINT  
  
- v. - : Violations of  
18 U.S.C. §§ 371,  
WALTER JONES, a/k/a "MOOK," : 922(g) (1), 21 U.S.C. §§  
FRANK MAXWELL, a/k/a "COUNTRY," : 841(a) (1) and  
and MARKEL CALHOUN, : 841(b) (1) (B), 846

Defendants. COUNTY OF OFFENSE:  
WESTCHESTER

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18M10269

SOUTHERN DISTRICT OF NEW YORK, ss.:

JOSEPH MCGANN, being duly sworn, deposes and says that he is a Task Force Officer with the Westchester County Safe Streets Task Force, and charges as follows:

COUNT ONE  
(Narcotics Conspiracy)

1. From at least in or about February 2018 up to and including at least in or about November 2018, in the Southern District of New York and elsewhere, WALTER JONES, a/k/a "MOOK," and FRANK MAXWELL, a/k/a "COUNTRY," the defendants, 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 WALTER JONES, a/k/a MOOK, and FRANK MAXWELL, a/k/a COUNTRY, the defendants, and others known and unknown, would and did distribute and possess with the intent to distribute controlled substances, in violation of 21 U.S.C. § 841(a) (1).

3. The controlled substances that WALTER JONES, a/k/a MOOK, and FRANK MAXWELL, a/k/a COUNTRY, the defendants,

conspired to distribute and possess with the intent to distribute were: (1) 28 grams or more of a mixture or substance which contains cocaine base, and (2) a quantity of mixtures and substances containing a detectable amount of crack cocaine, in violation of Title 21, United States Code, Section 841(b)(1)(B).

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

COUNT TWO

(Firearms Trafficking Conspiracy)

4. From at least on or about February 3, 2017 up to and including at least on or about March 29, 2017, in the Southern District of New York and elsewhere, WALTER JONES, a/k/a MOOK, and MARKEL CALHOUN, the defendants, and others known and unknown, willfully and knowingly did combine, conspire, confederate, and agree together and with each other to commit an offense against the United States, to wit, trafficking in firearms in violation of Title 18, United States Code, Section 922(a)(1)(A).

5. It was part and object of the conspiracy that WALTER JONES, a/k/a MOOK, and MARKEL CALHOUN, the defendants, and others known and unknown, not being licensed importers, licensed manufacturers, and licensed dealers of firearms within the meaning of Chapter 44, Title 18, United States Code, would and did willfully and knowingly engage in the business of dealing in firearms, and in the course of such business would and did ship, transport, and receive firearms in interstate and foreign commerce, in violation of Title 18, United States Code, Section 922(a)(1)(A).

Overt Acts

6. In furtherance of the conspiracy and to effect the illegal object thereof, the following overt acts, among others, were committed in the Southern District of New York and elsewhere:

a. On or about February 3, 2017, WALTER JONES, a/k/a MOOK, the defendant, sold a firearm to a confidential informant for approximately \$1,000 in Riverside, Connecticut.

b. On or about February 16, 2017, WALTER JONES, a/k/a MOOK, the defendant, sold a firearm to a confidential informant for approximately \$1,100 in Port Chester, New York.

c. On or about February 28, 2017, WALTER JONES, a/k/a MOOK, and MARKEL CALHOUN, the defendants, sold a firearm to a confidential informant for \$900 in Port Chester, New York.

d. On or about March 29, 2017, WALTER JONES, a/k/a MOOK, the defendant, sold a firearm to a confidential informant for approximately \$900 in Port Chester, New York.

(Title 18, United States Code, Section 371.)

**COUNT THREE**

(Felon in Possession of Firearm)

7. On or about February 28, 2017, in the Southern District of New York, WALTER JONES, a/k/a/ MOOK, and MARKEL CALHOUN ("CALHOUN"), the defendants, after both having been convicted in a court of a crime punishable by imprisonment for a term exceeding one year, knowingly did possess, in and affecting commerce, a firearm, to wit, a Heritage Rough Rider .22, which previously had been shipped and transported in interstate and foreign commerce.

(Title 18, United States Code, Section 922(g)(1).)

**COUNT FOUR**

(Felon in Possession of Firearm)

8. On or about February 3, 2017; February 16, 2017; and March 29, 2017 in the Southern District of New York and elsewhere, WALTER JONES, a/k/a/ MOOK, the defendant, after having been convicted in a court of a crime punishable by imprisonment for a term exceeding one year, knowingly did possess, in and affecting commerce, firearm, to wit, a Taurus PT Millennium Pro 9mm, a Sig-Sauer Mosquito .22, and a RG31 .32 caliber revolver, which previously had been shipped and transported in interstate and foreign commerce.

(Title 18, United States Code, Section 922(g)(1).)

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

9. I am a Task Force Officer with the Westchester County Safe Streets Task Force. I have been a Task Force Officer for over 3 years. I am also a detective with the City of Peekskill Police Department, and have been a law enforcement agent for over 17 years. I am one of the law enforcement agents with

primary responsibility for this investigation. This affidavit is based upon my own observations, my conversations with other law enforcement agents and others, and 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.

#### CRACK COCAINE DISTRIBUTION

10. Based on my involvement in this investigation, including direct surveillance, my conversations with a confidential informant ("CI-1")<sup>1</sup> and other law enforcement officers who were directly involved in the events described below, and my review of reports and records, I have learned the following:

a. The FBI, utilizing CI-1, has completed at least four controlled purchases of crack cocaine from WALTER JONES, a/k/a MOOK, and FRANK MAXWELL, a/k/a COUNTRY, the defendants, between February 26, 2018 and November 16, 2018 in the vicinity of Port Chester, New York.

b. CI-1 knows JONES personally and identified JONES to me and other members of law enforcement as a participant in three of the controlled buys set forth below. After the February 23, 2018 controlled buy set forth below, I and other

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<sup>1</sup> CI-1 has been working for the FBI and the Peekskill Police Department as a paid informant since 2015. CI-1 has been paid approximately \$14,000 in connection with this investigation and other investigations. CI-1 has no prior felony convictions. However, CI-1 has prior misdemeanor convictions for resisting arrest, petit larceny, aggravated harassment in the second degree, drug and drug paraphernalia possession, criminal mischief: intent to damage property, and criminal trespass, all of which precede CI-1's assistance in this investigation. The information that CI-1 has provided in connection with this investigation has proven reliable, and has been independently corroborated by other evidence.

members of the surveillance team identified MAXWELL based on photographs of MAXWELL in law enforcement records.

c. During each of those four controlled purchases, CI-1 was outfitted with an audio or video recording device, and searched for contraband prior to and after the purchase. After completing each purchase, CI-1 turned over the substances received from JONES and MAXWELL to law enforcement. Members of the FBI and Port Chester Police have weighed and field tested the substances purchased from JONES and MAXWELL, and based on these examinations, I know that, as part of this scheme, MAXWELL and JONES sold CI-1 in excess of 28 grams of substances containing cocaine base.

d. The four controlled purchases are described in greater detail below. I conducted physical surveillance of each of these controlled purchases, and I personally observed the events described below, including the meetings between CI-1 and MAXWELL and JONES and the hand to hand narcotics transactions. I have also reviewed the video and audio recordings CI-1 made of these controlled buys. Additionally, I was present when CI-1 met with members of law enforcement at the end of these four controlled buys, and I personally observed CI-1 produce to members of law enforcement the substances CI-1 purchased from MAXWELL and JONES.

#### The February 26, 2018 Narcotics Purchase

e. On or about February 26, 2018, CI-1 contacted JONES by phone to coordinate a purchase of crack cocaine. JONES instructed CI-1, in part and substance, to go to a location in the area of 45 Traverse Avenue in Port Chester, New York. I and other law enforcement officers outfitted CI-1 with an audio recording device, searched CI-1 for contraband, and gave CI-1 \$1,400 in buy money.

f. At approximately 2:32 p.m., CI-1 arrived at the location near 45 Traverse Avenue. At approximately 2:35 p.m., CI-1 left the location near 45 Traverse Avenue, and at approximately 2:37 p.m., arrived at a second location near 70 Purdy Avenue in Port Chester, NY.

g. At approximately 2:44 p.m. at the location near 70 Purdy Avenue I observed JONES walk to CI-1's vehicle and engage CI-1 in conversation. Subsequently, I observed JONES walk away from CI-1's vehicle, meet with MAXWELL near 70 Purdy Avenue, and make a hand to hand transaction with MAXWELL. JONES

then approached CI-1's vehicle, entered the front passenger seat, and then left CI-1's vehicle.

h. After JONES exited CI-1's vehicle, CI-1 left the buy location and met with me and other law enforcement agents at a prearranged meeting location. There, CI-1 provided us with a substance and indicated that he had purchased it from JONES. The substance was field tested, and tested positive for cocaine base.

#### The March 23, 2018 Narcotics Purchase

i. On or about March 23, 2018, CI-1 contacted JONES by phone to coordinate a purchase of crack cocaine. JONES and CI-1 arranged for the purchase to occur in the area of 45 Traverse Avenue, Port Chester, NY. I and other law enforcement officers outfitted CI-1 with a recording device prior to the buy, searched CI-1 for contraband, and gave CI-1 \$840 in buy money to purchase narcotics.<sup>2</sup>

j. At approximately 3:46 p.m., CI-1 arrived at the buy location at 45 Traverse Avenue. At approximately 3:53 p.m., JONES contacted CI-1 by phone and told him to meet at a new buy location near a housing project on Purdy Avenue in Port Chester, New York.

k. At approximately 4:01 p.m., CI-1 met with JONES at the new buy location on Purdy Avenue. There, JONES entered CI-1's vehicle through the passenger door, and MAXWELL approached CI-1's vehicle at the driver's side door. MAXWELL and CI-1 engaged in a hand-to-hand narcotics transaction. MAXWELL also informed CI-1 that in the future, CI-1 should contact MAXWELL for narcotics transactions, and provided CI-1 with a phone number to use to contact him.

l. At approximately 4:20 p.m., CI-1 met with me and other members of law enforcement at a prearranged meeting location. There, CI-1 provided us with a substance and

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<sup>2</sup> During this controlled buy, CI-1 had also arranged to purchase a firearm from JONES and was given a separate quantity of buy money for the firearm purchase, but the firearm transaction was not completed.

indicated that he had purchased it from JONES. The substance was field tested, and tested positive for cocaine base.

The November 13, 2018 Narcotics Purchase

m. On or about November 13, 2018, CI-1 contacted JONES by phone to coordinate a purchase of crack cocaine. JONES and CI-1 arranged for the purchase to occur in the area of 70 Purdy Avenue, Port Chester, NY. I and other law enforcement officers outfitted CI-1 with an audio/video recording device prior to the buy, searched CI-1 for contraband, and gave CI-1 \$325 in buy money.

n. At approximately 1:24 p.m., CI-1 arrived at 5 Weber Drive in Port Chester, NY. There, he met with JONES and JONES entered CI-1's vehicle. CI-1 and JONES then traveled to the buy location near 70 Purdy Avenue.

o. Once CI-1 and JONES arrived at the buy location, JONES exited CI-1's vehicle, and walked towards Townsend Street at approximately 1:32 p.m. At approximately 1:39 p.m., JONES returned to the buy location and re-entered CI-1's vehicle.

p. At approximately 1:44 p.m., JONES exited CI-1's vehicle, and CI-1 left the buy location. At approximately 1:51 p.m., CI-1 met with me and other law enforcement officers at a prearranged meeting location. There, CI-1 provided us with a substance and indicated that he had purchased it from JONES. The substance was field tested, and tested positive for cocaine base.

November 16, 2018 Narcotics Purchase

q. On or about November 16, 2018, CI-1 contacted MAXWELL by phone to coordinate a purchase of crack cocaine. MAXWELL and CI-1 arranged for the purchase to occur in the vicinity of 48 Townsend Street in Port Chester, New York. I and other law enforcement officers outfitted CI-1 with an audio/video recording device, searched CI-1 for contraband, and gave CI-1 \$650 in buy money.

r. At approximately 1:29 p.m., CI-1 arrived at the buy location. At approximately 1:31 p.m., MAXWELL approached CI-1's vehicle, opened the passenger door, and reached inside

CI-1's vehicle. MAXWELL then closed the passenger door and entered a residence at 48 Townsend Street.

s. During this transaction, MAXWELL stated to CI-1, in part and in substance, that CI-1 should purchase crack cocaine directly from MAXWELL, because MAXWELL supplies JONES with crack cocaine.

t. At approximately 1:32 p.m., CI-1 left the buy location and met with me and other members of law enforcement at a prearranged location. There, CI-1 provided us with a substance and indicated that he had received it from MAXWELL. The substance was field tested, and tested positive for cocaine base.

#### FIREARMS DISTRIBUTION

11. Based on my involvement in this investigation including direct surveillance, my conversations with CI-1 and other law enforcement officers who were directly involved in the events described below, and my review of reports and records, I have learned the following:

a. In addition to the controlled purchases of narcotics described above, the FBI, utilizing CI-1, has completed at least four controlled purchases of firearms from WALTER JONES, a/k/a MOOK, the defendant, between February 3, 2017 and March 29, 2017; MARKEL CALHOUN, the defendant, was also present during one such controlled purchase and handled the firearm purchased.

b. During each of those four controlled purchases, CI-1 was outfitted with an audio recording device, and searched for contraband prior to and after the purchase. After completing each purchase, CI-1 turned over the firearms received from JONES or CALHOUN to law enforcement. I was present during each controlled buy.

c. These four controlled purchases are described in greater detail below. I conducted physical surveillance of each of these controlled purchases, and I personally observed the events described below. I have also reviewed the audio recordings CI-1 made of these four controlled buys. Additionally, I was present when CI-1 met with members of law enforcement at the end of these four controlled buys, and



personally observed CI-1 produce to members of law enforcement the firearms he purchased from JONES and CALHOUN.

February 3, 2017 Taurus PT Millennium Pro 9 mm Purchase

d. On or about February 3, 2017, CI-1 contacted JONES by phone to coordinate a purchase of a firearm. I and other law enforcement officers outfitted CI-1 with an audio recording device, searched CI-1 for contraband, and gave CI-1 \$1,000 in buy money.

e. At approximately 11:41 a.m., CI-1 began traveling to 1 Armstrong Court, Greenwich, CT to meet with JONES. At approximately 12:37 p.m., CI-1 met with JONES at 1 Armstrong Court.

f. At approximately 12:49 p.m., CI-1 and JONES left 1 Armstrong Court, and at approximately 1:00 p.m., arrived at an apartment building at Bertolf Road, Riverside, CT. JONES then entered and exited an apartment at Bertolf Road, and met again with CI-1. At approximately 1:22 p.m., CI-1 advised the surveillance team that the deal was complete.

g. At approximately 2:58 p.m., CI-1 met with me and other members of law enforcement at a prearranged meeting location. There, CI-1 provided me and other members of law enforcement with a Taurus PT Millennium Pro 9 mm ("Firearm-1"), and indicated that he had purchased it from JONES.

February 16, 2017 Sig-Sauer Mosquito .22 Purchase

h. On or about February 16, 2017, CI-1 contacted JONES by phone to coordinate a purchase of a firearm. JONES and CI-1 arranged for the purchase to take place in the area of 70 Purdy Avenue in Port Chester, New York. I and other law enforcement officers outfitted CI-1 with an audio recording device, searched CI-1 for contraband, and gave CI-1 \$1,100 in buy money.

i. At 12:49 p.m., CI-1 traveled to 70 Purdy Avenue, and entered 70 Purdy Avenue at 1:03 p.m. At approximately 1:04 p.m., CI-1 exited 70 Purdy Avenue, and advised me that the deal was complete.

j. At approximately 1:06 p.m., CI-1 met with me and other members of law enforcement at a prearranged meeting location. There, CI-1 provided us with a Sig-Sauer Mosquito .22

("Firearm-2"), and indicated that it had been given to him by JONES.<sup>3</sup>

February 28, 2017 Heritage Rough Rider .22 Purchase

k. On or about February 28, 2017, CI-1 contacted JONES by phone to coordinate a purchase of a firearm. JONES and CI-1 arranged for the purchase to take place in the area of 45 Traverse Avenue in Port Chester, New York. I and other law enforcement officers outfitted CI-1 with an audio recording device, searched CI-1 for contraband, and gave CI-1 \$900 in buy money.

l. At approximately 4:32 p.m., CI-1 arrived at the buy location, and met with JONES and CALHOUN in a parking lot. CI-1 handed JONES \$900, and I observed CALHOUN place an object into a bag carried by CI-1.

m. At approximately 4:43 p.m., another member of law enforcement picked up CI-1 and brought him to meet with me and other members of law enforcement at a prearranged meeting location. There, CI-1 provided us a Heritage Rough Rider .22 ("Firearm-3"). CI-1 indicated that it had been given to him by CALHOUN, who was identified by two Detectives of the Port Chester Police Department who conducted physical surveillance of this controlled purchase and personally observed the transaction between CI-1 and CALHOUN.

March 29, 2017 RG31 .32 Caliber Revolver Purchase

n. On or about March 29, 2017, CI-1 contacted JONES by phone to coordinate a purchase of a firearm. JONES and CI-1 arranged for the purchase to take place in the area of 182 Grace Church Street in Port Chester, New York. I and other law enforcement officers outfitted CI-1 with an audio recording device, searched CI-1 for contraband, and gave CI-1 \$900 in buy money.

o. At approximately 3:07 p.m., CI-1 arrived at the buy location, and at approximately 3:45 p.m., JONES entered the front passenger seat of CI-1's vehicle. After exiting and entering CI-1's vehicle four times between approximately 3:45

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<sup>3</sup> In addition to Firearm-2, CI-1 also purchased 10 Xanax pills from JONES using the buy money during this controlled buy.

p.m. and 4:28 p.m., JONES walked away from the buy location. CI-1 left the buy location at approximately 4:29 p.m.

p. At approximately 4:38 p.m., CI-1 met with me and other members of law enforcement at a prearranged meeting location. There, CI-1 provided us with a RG31 .32 Caliber Revolver ("Firearm-4"), and indicated that it had been given to him by JONES.

12. I have reviewed four trace reports, each prepared by an agent with the Bureau of Alcohol, Tobacco, Firearms and Explosives ("ATF"), concerning Firearm-1, Firearm-2, Firearm-3, and Firearm-4, and learned that:

a. Firearm-1 was manufactured in Brazil, and was shipped to a dealer in Florida on or about February 20, 2007;

b. Firearm-2 was manufactured in Germany, and was shipped to a dealer in Arizona on or about April 15, 2009;

c. Firearm-3 was shipped to a dealer in Arizona on or about January 25, 1995; and

d. Firearm-4 was shipped to a dealer in Florida on or about June 18, 1981.

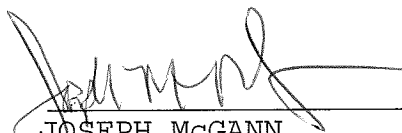
13. I have reviewed criminal history records pertaining to MARKEL CALHOUN, the defendant, and WALTER JONES, a/k/a MOOK, the defendant, which show that:

a. CALHOUN was convicted on or about June 13, 2013 in Westchester County Court, of Criminal Possession of Controlled Substance, in violation of New York Penal Law 220.39, a felony, which is punishable by imprisonment for more than one year.

b. JONES was convicted on or about February 9, 2007 of robbery in violation of Connecticut General Statutes 53A-134, a felony, which is punishable by imprisonment for more than one year.

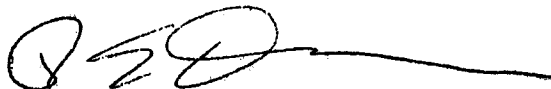
14. Based on my conversations with an agent of the ATF, I have learned that from at least February 3, 2017 to March 29, 2017, WALTER JONES, a/k/a MOOK, and FRANK MAXWELL, a/k/a COUNTRY, the defendants, due to their felony convictions, were not licensed firearms dealers, importers, and manufacturers.

WHEREFORE, deponent respectfully requests that a warrant be issued for the arrest of WALTER JONES, a/k/a MOOK, FRANK MAXWELL, a/k/a COUNTRY, and MARKEL CALHOUN, the defendants, and that they be arrested and imprisoned or bailed, as the case may be.



JOSEPH MCGANN  
Task Force Officer

Sworn to before me this  
4th day of December, 2018



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