

INTRODUCTION

We, the members of the Twenty-Seventh Statewide Investigative Grand Jury, having heard testimony and received other evidence pertaining to alleged violations of the Pennsylvania Crimes Code and Pennsylvania Controlled Substance, Drug, Device and Cosmetics Act, in and around Philadelphia, Bucks, Montgomery and Chester counties, Pennsylvania, pursuant to Notice of Submission of Investigations Number 36, do hereby make the following findings of fact and recommendation of charges:

FINDINGS OF FACT

A. SUMMARY

In late January 2008, members of the Pennsylvania Office of Attorney General's Bureau of Narcotics Investigations and Drug Control, Region II, Philadelphia Office, began an investigation into the distribution of crystal methamphetamine in and around the greater Philadelphia area. The investigation revealed that Christopher C. McDaniel operated a criminal organization that received pound quantities of crystal methamphetamine from Mexico and then sold the crystal methamphetamine to individuals involved in the drug enterprise in Philadelphia, Bucks, Montgomery and Chester counties. The investigation uncovered that the crystal methamphetamine was transported across the U.S.-Mexican border into California. Once in California, members of the organization packaged and secreted the crystal methamphetamine inside porcelain dolls, in pound quantities, and shipped the dolls to Philadelphia, Pennsylvania, via a commercial shipping company. McDaniel's associate picked up the dolls containing the crystal methamphetamine and ultimately delivered both to McDaniel's residence, 836 S. 2nd Street, Philadelphia, PA. McDaniel then repackaged the crystal methamphetamine for

further distribution. Through the use of a court authorized interception of McDaniel's cellular telephone, agents identified the Mexican source of the crystal methamphetamine, the method of shipment, payments, and the overall scope of the crystal methamphetamine organization.

B. DETAILS OF INVESTIGATION

In April 2008, this Grand Jury began to hear testimony stemming about an investigation being conducted by the Pennsylvania Office of Attorney General's Bureau of Narcotics Investigations and Drug Control Region II, Philadelphia Office (BNIDC), into an illegal crystal methamphetamine operation in the greater Philadelphia area. BNIDC Agent William Ralston and BNIDC Supervisory Narcotics Agent (SNA) Timothy Deery testified about the illegal drug trafficking activities of fourteen individuals: Christopher McDaniel; Estela Elenes, who is also known as "Monica" Elenes; Flor Amaya; Michael McElroy; Lenora Trombley; Joseph Brabazon a.k.a. "Kokomo Joe"; James Ballezzi a.k.a. "Jimmy Nutt"; Joseph Scavetti; Nicholas Miller; Charles Blosenski Jr.; Charles Iannece a.k.a. "Chaz"; Joseph Baker; Gabriel Blackstone and Frank Piccolo.

Agent Ralston testified that in January of 2008, he and SNA Timothy Deery received information from a confidential informant (C/I) that Christopher S. McDaniel was selling crystal methamphetamine in the greater Philadelphia area. The C/I stated that he/she could purchase crystal methamphetamine from Christopher S. McDaniel. Agent Ralston testified that the C/I made four purchases of crystal methamphetamine from McDaniel during the course of this investigation. Prior to each controlled purchase, agents searched the C/I, his/her passenger(s) and vehicle to confirm that neither the C/I

nor his/her passengers had controlled substances, contraband, or money before making the purchase.

Agents provided the C/I with prerecorded funds for the purchase and maintained visual contact with the C/I prior to purchase. In addition, the C/I was fitted with a recording device to record any conversation he/she had during the purchase. After the purchase, agents maintained visual contact of the C/I until he/she returned to the designated meeting location and turned over a quantity of crystal methamphetamine. After the purchase, agents searched the C/I, his/her passenger(s) and vehicle to confirm that the neither the C/I nor his/her passengers possessed controlled substances, contraband, or money.

All of the suspected crystal methamphetamine purchased from Christopher McDaniel field-tested positive for the presence of methamphetamine. Agents placed the suspected crystal methamphetamine into evidence whereafter the evidence custodian submitted it to the Pennsylvania State Police Lima Regional Laboratory for forensic identification and analysis. The Pennsylvania State Police Laboratory results confirmed that the C/I purchased crystal methamphetamine from McDaniel.

Prior to the purchase of crystal methamphetamine from McDaniel, the C/I called McDaniel at cellular telephone numbers (267) 939-0936 and (267) 516-8321 to arrange the transaction, to check the availability of crystal methamphetamine, and engage in other drug related conversations. Agent Ralston and SNA Deery eventually obtained a non-consensual court order to intercept McDaniel's telephone calls.

On March 13, 2008, pursuant to an application made by Thomas W. Corbett, Jr., Attorney General for the Commonwealth of Pennsylvania, the Honorable John T.J. Kelly,

Jr., of the Superior Court of Pennsylvania issued an order authorizing the interception of wire and electronic communications on McDaniel's cellular telephone number (267) 939-0936. Initiation of the nonconsensual interceptions on McDaniel's cellular telephone began on March 13, 2008 and continued until April 12, 2008.

SNA Deery testified that as one of the affiants in the wiretap interceptions, he listened to all telephone conversations intercepted pursuant to the court orders. In addition, he testified that, based on his education, knowledge and experience, he has been recognized as an expert in the field of illegal drugs and drug investigations and/or in the decoding of drug jargon or coded language in Philadelphia, Lehigh, Delaware and Chester counties, Pennsylvania. With this background, SNA Deery provided the Grand Jury with his interpretations and opinions of the telephone conversations he reviewed in this investigation. SNA Deery testified to the surveillance reports he reviewed relative to this investigation. All the members of law enforcement who executed search warrants, served as intelligence officers and/or participated in other matters testified to by Agent Ralston and SNA Deery will be available to testify at trial.

Christopher McDaniel:

The Grand Jury heard testimony that identified Christopher McDaniel as the head of a Philadelphia based crystal methamphetamine organization. Agent Ralston testified that the C/I made the following crystal methamphetamine purchases from McDaniel:

- 1) On January 28, 2008, the C/I entered McDaniel's residence located at 836 S. 2nd Street, Philadelphia, PA, and purchased 26.8 grams of crystal methamphetamine from McDaniel for \$2000.00.

- 2) On February 4, 2008, the C/I purchased 27.9 grams of crystal methamphetamine in Warminster, Bucks County, PA, from Christopher S. McDaniel for \$2000.00. Michael McElroy picked up the crystal methamphetamine from McDaniel's residence, transported and delivered it to the C/I in Warminster, Bucks County, and delivered the \$2000.00 to McDaniel.
- 3) On February 26, 2008, the C/I entered McDaniel's residence located at 836 S. 2nd Street, Philadelphia, PA, and purchased 27.1 grams of crystal methamphetamine from McDaniel for \$2000.00.
- 4) On March 10, 2008, the C/I purchased 27.2 grams of crystal methamphetamine in Warminster, Bucks County, PA, from Christopher S. McDaniel for \$2000.00. Michael McElroy picked up the crystal methamphetamine from McDaniel's residence, transported and delivered it to the C/I in Warminster, Bucks County, and delivered the \$2000.00 to McDaniel.

SNA Deery provided the Grand jury with summaries and interpretations of almost daily telephone conversations between Christopher McDaniel and other members of his drug organization that were intercepted between March 13, 2008 and April 12, 2008. The telephone conversations and investigation revealed that McDaniel spoke almost daily to his supplier Estela Elenes a/k/a "Monica" regarding details of the crystal methamphetamine operation.

The investigation showed that McDaniel used a separate prepaid cellular telephone to discuss these drug transactions with "Monica". SNA Deery testified that the

use of a prepaid cellular telephone is common place with individuals who are involved in the illegal trafficking of controlled substance because a prepaid cell phone requires no identifying information from the subscriber. This allows illegal drug traffickers to help conceal their identity from law enforcement personnel. SNA Deery also explained to the Grand Jury that the phone company captured no incoming identifying telephone number data during the intercept because the calls from "Monica" originate in Mexico and the Mexican telephone carrier did not transfer the caller identification information.

SNA Deery testified to 13 pertinent telephone calls intercepted between "Monica" and McDaniel. Almost all of the intercepted calls were short and meant to alert McDaniel to "Monica's" call on the prepaid cellular telephone. By way of example, the Grand Jury heard testimony regarding intercepted telephone calls from "Monica" to McDaniel where "Monica" would call McDaniel's cellular telephone number (267) 939-0936 and only told him to "pick up the other phone." SNA Deery indicated that this call would alert McDaniel to await "Monica's" call on the prepaid cellular telephone to discuss the illegal drug operation.

In addition, the telephone conversations and investigation revealed that McDaniel interacted with members of his organization that would distribute the crystal methamphetamine to other customers. These middle level members included Michael McElroy, James Ballezzi a/k/a "Jimmy Nut" and Joseph Brabazon a/k/a "Kokomo Joe". Usually McDaniel would direct McElroy to deliver crystal methamphetamine to Nicholas Miller and the C/I. McElroy also assisted McDaniel with the packaging and shipment of money and wire transfers back to his supplier as payment for the crystal methamphetamine.

McDaniel had almost daily telephone conversations with James Ballezzi. During these conversations, McDaniel and Ballezzi would discuss incoming shipments of crystal methamphetamine and supplying Ballezzi's main customer, Joseph Scavetti. Investigation revealed that the shipments of doll(s) containing crystal methamphetamine were shipped to Ben's Shoe Store in Philadelphia. James Ballezzi would pick up the shipment and deliver it to McDaniel's house. Ballezzi would then assist McDaniel in the repackaging of the crystal methamphetamine into ounce quantities. Telephone conversations and surveillance reports show that Ballezzi supplied Joseph Scavetti with multiple ounces of crystal methamphetamine.

Telephone conversations and surveillance reports show that Joseph Brabazon a/k/a "Kokomo Joe" purchased crystal methamphetamine from McDaniel approximately fifteen to twenty times. Brabazon distributed the crystal methamphetamine to others, including Nick Miller and Charles Blosenski, Jr.

The following chart summarizes the testimony of SNA Deery in reference to the number of dolls located during the investigation:

<u>Date</u>	<u>Summary</u>	<u>Dolls Recovered</u>
March 10, 2008	Agents observe Ballezzi and Scavetti exiting McDaniel's residence with doll box and Ballezzi indicated that it would be a wedding gift for his niece during in home consensual recording with C/I.	1
March 27, 2008	SNA Ralston recovered one large shipping box containing one Palnazy Collection Elma Porcelain Doll with backside stitching ripped open	1
April 12, 2008	Agents recover five porcelain dolls with the backside stitching ripped open in McDaniel's residence, 836 S. 2 nd St., Philadelphia, PA, during the execution of a search warrant.	5

<u>Date</u>	<u>Summary</u>	<u>Dolls Recovered</u>
April 12, 2008	Agents found two porcelain dolls inside the shipping box in the possession of James Ballezzi as he was carrying it into McDaniel's residence, 836 S. 2 nd St., Philadelphia, PA. Both dolls each contained 1 pound of crystal methamphetamine secreted inside the backside of the dolls.	2
	TOTAL	9

SNA Deery testified that based upon the above referenced information, McDaniel received at least seven shipments of crystal methamphetamine. Therefore, McDaniel distributed at least seven pounds of crystal methamphetamine. SNA Deery indicated that this figure did not include the two pounds of crystal methamphetamine seized from James Ballezzi just prior to Ballezzi delivering the package to McDaniel's residence. Further investigation and testimony indicated that McDaniel paid \$19,000.00 per pound of crystal methamphetamine to his Mexican supplier and netted a profit of approximately \$13000.00 per pound. Therefore, SNA Deery concluded that McDaniel netted at least \$117,000.00 from his crystal methamphetamine operation during this time period.

Agent Ralston testified that investigators identified five Federal Express (Fed Ex) shipment dates of January 26, 2008, February 23, 2008, March 10, 2008, March 20, 2008, and March 27, 2008 to Ben's Shoes in Philadelphia, PA, through Fed Ex records.

During the execution of a search warrant at McDaniel's residence on April 12, 2008, agents located other drug paraphernalia, other controlled substances, financial documents, cellular telephones and other evidence of the drug organization.

In addition to crystal methamphetamine sales, intercepted conversations revealed that McDaniel purchased anabolic steroids from Frank Piccolo on at least two occasions.

McDaniel kept some of the anabolic steroids for his personal use and distributed the remaining to Gabriel Blackstone.

Estela Elenes, a.k.a "Monica" Elenes

Investigation and intercepted telephone calls show that Estela Elenes, a.k.a. "Monica" is the supplier of the crystal methamphetamine to Christopher McDaniel. McDaniel used a prepaid cellular telephone to contact "Monica" to discuss the crystal methamphetamine operation. The Grand Jury heard testimony from Agent Ralston regarding conversations that the C/I had with McDaniel regarding "Monica". McDaniel informed the C/I that he was receiving the crystal methamphetamine from a Mexican drug organization run by a female known as "Monica" from Culiacan, Mexico.

On April 24, 2008, Agent Ralston testified that McDaniel told the C/I during a March 10, 2008 consensually recorded conversation that McDaniel receives the crystal methamphetamine secreted in the backside of porcelain dolls. In fact, the C/I saw the doll with the backside stitching removed and the shipping packaging during the conversation on March 10, 2008. Also recorded during the same consensual recording, "Monica" called McDaniel and the C/I, McDaniel and "Monica" discussed future shipments of crystal methamphetamine.

During the Court authorized wiretap interception, agents intercepted numerous brief telephone conversations from "Monica" to McDaniel. These phone calls were to alert McDaniel that "Monica" wanted to discuss matters related to the crystal methamphetamine operation. By way of example, on or about March 14, 2008, a call was intercepted to McDaniel where a female voice with a slight Spanish accent, later identified as "Monica," told McDaniel to "check his minutes." McDaniel responded, "I

was wondering where you were at, I'll check them right now." SNA Deery testified that in his expert opinion the calls between "Monica" and McDaniel related to the payment for, and/or procurement of, future crystal methamphetamine. Further investigation and testimony showed that McDaniel had a prepaid cellular telephone for conversations solely with "Monica" and that McDaniel changed the prepaid phone after each shipment of methamphetamine.

Flor Amaya

SNA Deery testified that Flor Amaya was a key player in the Mexican supply end of McDaniel's crystal methamphetamine operation. Agents first became aware of Amaya on March 25, 2008 during an intercepted telephone call at 12:04 a.m. between McDaniel and McElroy regarding Amaya's arrival and pick up from the Philadelphia International Airport. SNA Deery testified that Michael McElroy picked up Flor Amaya from the airport in the early morning hours of March 25, 2008. Agent Ralston testified that he confirmed that Flor Amaya arrived at the Philadelphia International Airport at approximately 11:30 p.m. on March 24, 2008.

BNIDC agents observed Flor Amaya exiting McDaniel's residence and entering a taxicab in the late afternoon hours of March 25, 2008. Agents followed the taxicab to the Philadelphia International Airport, where Amaya boarded a U.S. Airways flight to Ontario, California. Intercepted telephone calls and travel records show Lenora Trombley paid for Amaya's plane ticket using her Visa credit card account. Testimony revealed to the Grand Jury that Flor Amaya picked up \$15,000.00 in cash from McDaniel as payment from a previous crystal methamphetamine shipment. Agent Ralston also

testified that travel records indicated that Flor Amaya flew from Los Angeles, CA, to Mazatlan, Mexico, on March 26, 2008.

In addition, SNA Deery testified that there were numerous intercepted telephone calls between McDaniel, McElroy, and Lenora Trombley referring to Fed Ex shipments of money, wire transfers, and airline tickets. Agent Ralston testified regarding various money and wire transfers sent through Western Union and Money Gram. Most of these money transfers were sent to Mazatlan, Mexico, and made payable to Flor Amaya.

Both SNA Deery and Agent Ralston testified that they observed video footage from the Fed Ex Kinko's store located in Chino, CA. This video footage shows Flor Amaya dropping off and shipping a large box on March 18, 2008 and March 26, 2008. SNA Deery testified that Fed Ex assigned the box shipped by Flor Amaya on March 18, 2008 tracking number 864403026378. This shipment arrived at Ben's Shoes, 231 Market Street, Philadelphia, on March 20, 2008 at 9:27 a.m. SNA Deery reviewed the pole camera outside McDaniel's residence and observed James Ballezzi arrive in front of McDaniel's residence on March 20, 2008, at 12:16 p.m., and remove a large Fed Ex package from the taxi. At approximately 12:17 p.m., Ballezzi carried the Fed Ex package into McDaniel's residence.

SNA Deery indicated that SNA Joseph Ralston recovered the shipping box with Fed Ex tracking number 864403026378 from the trash placed out on the curb in front of McDaniel's residence for pick-up at 11:03 p.m. on March 21, 2008. SNA Ralston located one Palnazy Collection Elma doll approximately three feet tall inside the box. The doll had the backside stitching ripped open.

SNA Deery further testified that Fed Ex assigned the box shipped by Flor Amaya on March 26, 2008 Fed Ex tracking number 863491627303. This shipment arrived at Ben's Shoes on March 27, 2008 at 12:34 p.m. Surveillance agents observed James Ballezzi pick up the Fed Ex box at Ben's shoes at approximately 1:24 p.m. on March 27, 2008, and deliver it to McDaniel's residence at 1:32 p.m. the same day. SNA Deery further indicated that surveillance agents recovered the shipping box with Fed Ex tracking number 863491627303 from McDaniel's trash placed out at the curb for pickup in the early morning hours of April 4, 2008.

SNA Deery opined that Amaya was involved with the Mexican supply end of the McDaniel's crystal methamphetamine operation and the boxes shipped by Amaya contained pound quantities of crystal methamphetamine.

Michael McElroy

Agent Ralston and SNA Deery provided the Grand Jury with summaries of conversations that McDaniel had with Michael McElroy regarding the crystal methamphetamine operation. SNA Deery testified to 11 pertinent intercepted telephone calls between McElroy and McDaniel. From the intercepted calls and further investigation, SNA Deery testified that McElroy made at least two shipments of cash via Fed Ex back to McDaniel's suppliers.

Agent Ralston testified that on February 12, 2008, members of the San Bernardino California Sheriff's Department seized the Fed Ex cash shipment sent by McElroy on February 11, 2008. The shipment contained \$11,000.00 in \$100 bills wrapped in dryer sheets and carbon paper. Investigation revealed that McElroy wrapped and shipped the money for McDaniel. Investigation and testimony also showed that on

April 2, 2008, McElroy and Lenora Trombley sent a Fed Ex shipment containing \$21,500.00 in cash back to California as payment for crystal methamphetamine.

SNA Deery also testified that McElroy and Trombley sent at least 6 Western Union and Money Gram wire transfers to Mazatlan, Mexico, made payable to Flor Amaya as payment for crystal methamphetamine shipments.

Agent Ralston testified that McElroy delivered approximately one-ounce quantities of crystal methamphetamine to the C/I on February 4, 2008 and March 10, 2008 in Bucks County, Pennsylvania. Agent Ralston indicated that on both occasions, BNIDC surveillance personnel observed McElroy exit McDaniel's residence in Philadelphia and travel to Warminster, Bucks County, where McElroy met with the C/I. After McElroy delivered the crystal methamphetamine, surveillance personnel observed him return to McDaniel's residence in Philadelphia. Agent Ralston testified that the C/I paid \$2000.00 in prerecorded funds each time for the crystal methamphetamine.

SNA Deery testified regarding the intercepted telephone call between McElroy and McDaniel on March 25, 2008 at 12:04 a.m. During this intercepted call, McDaniel gave a physical description of a female, later identified as Flor Amaya, whom McElroy picked up at the Philadelphia International Airport. SNA Deery also indicated that McElroy called McDaniel on March 25, 2008, at 2:40 a.m. During this call, McElroy and McDaniel discussed flight schedules and ticket prices for Amaya's return flight on March 25, 2008. A series of telephone calls took place in the early afternoon of March 25, 2008 between McElroy, McDaniel, and Lenora Trombley. During these telephone conversations, McDaniel received flight confirmation information from McElroy and Trombley.

Further investigation and testimony revealed that Flor Amaya picked up \$15,000.00 cash from McDaniel on March 25, 2008 as payment for past crystal methamphetamine shipments.

Lenora Trombley

SNA Deery testified that agents identified Lenora Trombley in the investigation through four pertinent intercepted telephone calls to McDaniel. In addition, agents intercepted telephone calls between McDaniel and McElroy that referenced Trombley. SNA Deery testified that intercepted telephone calls and physical surveillance indicated that Trombley made two Fed Ex shipments of cash to California as payment for crystal methamphetamine. On April 2, 2008, Trombley and McElroy shipped a Fed Ex package containing \$21,500.00 in U.S. cash, and on April 7, 2008, Trombley shipped a Fed Ex package containing \$15,000.00 in cash. SNA Deery testified that Trombley shipped both of these packages to addresses in California and that the U.S. currency represented payment for previous crystal methamphetamine shipments.

James Ballezzi

SNA Deery testified that James Ballezzi a.k.a. "Jimmy Nutt" was one of McDaniel's main players in the crystal methamphetamine operation. SNA Deery testified that Ballezzi picked up all six Fed Ex shipments of crystal methamphetamine from Ben's Shoes in Philadelphia. Ballezzi then traveled, via taxi, to McDaniel's residence with the large Fed Ex package. SNA Deery testified that there were 22 pertinent intercepted telephone conversations between Ballezzi and McDaniel. SNA Deery testified that these almost daily conversations were about the crystal methamphetamine operation. Ballezzi and McDaniel would use coded language in an

attempt to conceal the illegal crystal methamphetamine operation. There are numerous intercepted telephone calls where McDaniel and Ballezzi speak about having "lunch." SNA Deery testified that Ballezzi and McDaniel used the term "lunch" to refer to the crystal methamphetamine operation.

By way of further example, on March 25, 2008, Ballezzi contacted McDaniel and told McDaniel to "keep me posted about tomorrow." McDaniel responded, "I'm waiting to hear, I haven't heard yet." On March 26, 2008, McDaniel placed an outgoing call to James Ballezzi and informed Ballezzi "tomorrow... same bat time, same bat channel." SNA Deery testified that this coded language indicated that a shipment of crystal methamphetamine would arrive the next day.

SNA Deery testified that Fed Ex records indicated that the shipment arrived at Ben's Shoes, 231 Market St, Philadelphia, PA, on March 27, 2008, at 12:34 p.m. Surveillance agents observed James Ballezzi pick up the Fed Ex box at Ben's Shoes at approximately 1:24 p.m. on March 27, 2008, and deliver it to McDaniel's residence at 1:32 p.m. the same day. SNA Deery further indicated that surveillance agents recovered the shipping box with Fed Ex tracking number 863491627303 from McDaniel's trash placed out at the curb for pickup in the early morning hours of April 4, 2008.

Investigation and testimony also indicated that Ballezzi picked up and delivered Fed Ex shipments on January 26, 2008, February 23, 2008, March 10, 2008, March 20, 2008, March 27, 2008, and April 12, 2008. Furthermore, SNA Deery testified that all six shipments contained crystal methamphetamine.

SNA Deery testified that Ballezzi also supplied Joseph Scavetti with large quantities of crystal methamphetamine from McDaniel. For example, in a consensual

recording with the C/I on March 10, 2008, where Ballezzi and McDaniel repackaged a pound of crystal methamphetamine into 16 separate ounce packets in McDaniel's residence, Ballezzi indicated that he would need three ounces now and three more ounces later in the week for "Joey." Investigation and testimony identified Joseph Scavetti as Ballezzi's customer.

Joseph Scavetti

On May 22, 2008, SNA Deery testified that Joseph Scavetti was the main customer of James Ballezzi for crystal methamphetamine. As indicated in the March 10, 2008 consensual recording, Ballezzi informed McDaniel that he would need "three for Joey today and three more" later in the week. SNA Deery testified that Ballezzi was referring to ounce packages of crystal methamphetamine during this conversation and "Joey" was a reference to Joseph Scavetti. On March 10, 2008, BNIDC surveillance agents identified Scavetti exiting McDaniel's residence with Ballezzi. Based upon the consensually recorded conversation, SNA Deery testified Scavetti had purchased the three ounces of crystal methamphetamine as indicated in the recorded conversation.

On March 14, 2008, BNIDC surveillance personnel observed Scavetti and Ballezzi exiting McDaniel's residence. SNA Deery testified that this was consistent with the information in the March 10, 2008 consensual recording and that Scavetti had purchased the other three ounces of crystal methamphetamine.

SNA Deery testified that the Hon. John T.J. Kelly authorized the installation of a Pen Register and Trap and Trace Device on March 25, 2008 for James Ballezzi's cellular telephone numbers (267)-475-2042 and (267) 997-0720.

SNA Deery testified that he identified Joseph Scavetti's cellular telephone number as (267) 716-0000 from the Court authorized Pen Register and Trap and Trace Device on James Ballezzi's cellular telephone numbers (267)-475-2042 and (267) 997-0720. SNA Deery identified a pattern between intercepted telephone calls between McDaniel and Ballezzi, cellular telephone contacts between Ballezzi and Scavetti, and the dates of the crystal methamphetamine shipments to McDaniel.

By way of example, the following table illustrates the testimony of SNA Deery regarding James Ballezzi's cellular telephone records for (267) 475-2042 and the shipment of crystal methamphetamine that arrived at Ben's Shoes, 231 Market Street, Philadelphia, PA on March 27, 2008 at 12:34 p.m. Surveillance agents observed James Ballezzi pick up the Fed Ex box at Ben's Shoes at approximately 1:24 p.m. on March 27, 2008, and deliver it to McDaniel's residence at 1:32 p.m. the same day.

<u>DATE</u>	<u>Time</u>	<u>Type of Call</u>	<u>Caller</u>	<u>Number</u>
March 25, 2008	7:59 p.m.	Outgoing call	To C. McDaniel	(267) 939-0936
March 25, 2008	8:02 p.m.	Incoming Call	From J. Scavetti	(267) 716-0000
March 26, 2008	5:12 p.m.	Incoming Call	From C. McDaniel	(267) 939-0936
March 26, 2008	6:14 p.m.	Outgoing Call	To J. Scavetti	(267) 716-0000
March 27, 2008	12:39 p.m.	Outgoing Call	To C. McDaniel	(267) 939-0936
March 27, 2008	12:51 p.m.	Outgoing call	To J. Scavetti	(267) 716-0000
March 27, 2008	1:22 p.m.	Incoming Call	From J. Scavetti	(267) 716-0000
March 27, 2008	1:50 p.m.	Incoming Call	From J. Scavetti	(267) 716-0000
March 27, 2008	1:59 p.m.	Incoming Call	From J. Scavetti	(267) 716-0000
March 27, 2008	2:06 p.m.	Incoming Call	From J. Scavetti	(267) 716-0000

<u>DATE</u>	<u>Time</u>	<u>Type of Call</u>	<u>Caller</u>	<u>Number</u>
March 27, 2008	2:07 p.m.	Outgoing Call	To J. Scavetti	(267) 716-0000
March 27, 2008	6:33 p.m.	Outgoing Call	To J. Scavetti	(267) 716-0000
March 27, 2008	8:15 p.m.	Outgoing Call	To J. Scavetti	(267) 716-0000

SNA Deery indicated that the intercepted calls between Ballezzi and McDaniel during this time all related to the crystal methamphetamine operation. The timing of these telephone conversations between McDaniel, Ballezzi, and Scavetti all centered on the identified shipment dates of crystal methamphetamine to McDaniel from California.

Further investigation and testimony shows that Scavetti purchased between two and ten ounces of crystal methamphetamine per shipment and that Ballezzi acted as the intermediary for all the transactions between McDaniel and Scavetti. SNA Deery opined that given the quantities of crystal methamphetamine purchased by Scavetti, that he was distributing the crystal methamphetamine that he was purchasing from McDaniel and Ballezzi.

SNA Deery testified that agents executed a search warrant on April 12, 2008 at Scavetti's residence, 2444 S. 10th Street, Philadelphia, PA, and located a quantity of suspected crystal methamphetamine (approximately 1.7 grams), other controlled substances, a large amount of U.S. currency, drug paraphernalia and other indicia of the drug organization.

Joseph Brabazon, a.k.a. "Kokomo Joe"

SNA Deery testified that Joseph Brabazon, a.k.a. "Kokomo Joe" was a mid level distributor in McDaniel's crystal methamphetamine operation. SNA Deery testified to 23

pertinent intercepted telephone calls between McDaniel and Brabazon. These telephone calls all dealt with conversations regarding the crystal methamphetamine operation. SNA Deery testified that Brabazon called McDaniel to inquire about the availability of a supply of crystal methamphetamine and/or to make payment to McDaniel for previous crystal methamphetamine sales. SNA Deery testified that surveillance personnel observed Brabazon arriving at and entering McDaniel's residence on numerous occasions after intercepted telephone conversations discussing the crystal methamphetamine operation. SNA Deery testified that surveillance agents observed Brabazon with Nicholas Miller on two occasions entering McDaniel's residence, 836 S. 2nd St., Philadelphia, PA.

Investigation and testimony further revealed that Brabazon purchased approximately fifteen to twenty ounces of crystal methamphetamine from McDaniel from January 2008 through April 12, 2008 and Brabazon paid McDaniel \$2000.00 per ounce for the crystal methamphetamine. In addition, investigation and testimony identified Nicholas Miller as one of Brabazon's main crystal methamphetamine customers. Brabazon sold methamphetamine approximately fifteen to twenty times to Nicholas Miller and sold quarter, half and/or ounce quantities to Miller. Investigation and further testimony indicated that Brabazon charged Miller \$2500.00 per ounce for the crystal methamphetamine.

SNA Deery testified that agents executed a search warrant at Brabazon's residence on April 12, 2008 and located a quantity of crystal methamphetamine (approximately 4.4 grams), other controlled substances, a large amount of U.S. currency, drug paraphernalia and other indicia of the drug organization.

Nicholas Miller

Agent Ralston testified that Nicholas Miller acted as the intermediary between Joseph Brabazon and Charles R. Blosesnki, Jr. for the purchase of crystal methamphetamine. On May 22, 2008, SNA Deery testified that surveillance personnel observed Brabazon and Nicholas Miller enter and then later exit McDaniel's residence, 836 S. 2nd St, Philadelphia, PA, on March 27, 2008. BNIDC agents followed Brabazon and Miller from McDaniel's residence out of Philadelphia to Charles R. Blosenski's residence located at 11 Coventry Cove, Elverson, Chester County, PA.

SNA Deery testified that agents observed Brabazon and Miller traveling in a green Chevrolet Suburban sport utility vehicle bearing Pennsylvania registration DKW-0977. SNA Deery testified that a search of the Pennsylvania Department of Transportation records indicated that the green Chevrolet Suburban was registered to Charles R. Blosenski Jr. SNA Deery further testified that a search of the Pennsylvania Department of Transportation records provided a Pennsylvania driver's license address for Charles R. Blosenski, Jr. as 11 Coventry Cove, Elverson, Chester County, PA.

Investigation and testimony confirmed that Brabazon delivered approximately a half ounce of crystal methamphetamine to Miller on March 27, 2008. Miller then delivered the half ounce of crystal methamphetamine to Charles R. Blosenski inside his residence located at 11 Coventry Cove, Chester County, PA. Blosenski paid Miller for the crystal methamphetamine and Miller then paid Brabazon.

Investigation and testimony further revealed the Miller bought crystal methamphetamine from Brabazon approximately fifteen to twenty times. Brabazon would sell Miller quarter, half or ounce quantities of crystal methamphetamine. SNA

Deery opined that given the quantities of crystal methamphetamine purchased by Miller, that he was distributing the crystal methamphetamine that he was purchasing from McDaniel and Brabazon.

On July 28, 2008, Agent William Ralston testified to a series of consensually recorded telephone calls between another confidential informant, hereinafter C/I#2 and Miller. SNA Deery testified that Deputy Attorney General Andrew M. Rongaus authorized the consensual recording of the telephone calls.

During these telephone calls, Miller acted as the intermediary for future methamphetamine sales between C/I#2 and Charles R. Blosenski, Jr. Agent Ralston informed the Grand Jury that on May 23, 2008, Miller set up a meeting between Agent Ralston, acting in an undercover capacity, and C/I#2 with Charles R. Blosenski at Blosenski's residence, 11 Coventry Cove, Elverson, Chester County, PA.

Prior to arriving at Blosenski's home, Agent Ralston searched C/I#2 for contraband, money and/or drugs and found none. During this meeting, C/I#2 and Miller entered Blosenski's residence where C/I#2 and Blosenski had conversations about future methamphetamine transactions. Blosenski provided C/I#2 with a small sample of the methamphetamine that Blosenski could supply to C/I#2.

After C/I#2 exited Blosenski's residence, C/I#2 provided Agent Ralston with the sample of methamphetamine given to C/I#2 by Blosenski. Agent Ralston again searched C/I#2 for contraband, money, and drugs and found none.

Agent Ralston performed a field test on the small sample of suspected methamphetamine supplied by Blosenski. The field test results indicated positive for the presence of methamphetamine and Agent Ralston entered the suspected

methamphetamine into evidence where the evidence custodian submitted it to the Pennsylvania State Police Lima Regional Crime Laboratory for forensic identification and analysis.

Agent Ralston testified that C/I#2 made a series of consensually recorded telephone calls on July 22, 2008 to Blosenski's cellular telephone (610) 496-2064. During these telephone conversations, Blosenski confirmed that Miller and Brabazon delivered quantities of crystal methamphetamine from McDaniel to him and that Nicholas Miller charged Blosenski \$300.00 per gram.

Charles R. Blosenski, Jr.

On July 28, 2008, Agent William Ralston testified that C/I#2 made a series of consensually recorded telephone conversations to Charles R. Blosenski, Jr. on cellular telephone number (610) 496-2064 from May 2008 through July 2008. During these conversations, Blosenski and C/I#2 discussed C/I#2's ability to secure future quantities of crystal methamphetamine. Agent Ralston testified that during these conversations Blosenski referred to the previous crystal methamphetamine that he purchased from Nicholas Miller through Joseph Brabazon. In addition, Blosenski indicated that Miller sold the crystal methamphetamine to him for \$300.00 per gram.

During their discussions about future crystal methamphetamine transactions, Blosenski also indicated that he could supply C/I#2 with "biker" methamphetamine in the interim. Agent Ralston testified that "biker" methamphetamine, commonly known as crank, is the lowest quality of methamphetamine.

During the series of consensually recorded telephone calls to Blosesnki's cellular telephone (610) 496-2064, C/I#2 and Blosesnki used coded language to arrange the purchase of quantities of methamphetamine from Blosesnki.

Agent Ralston testified that Blosesnki made three deliveries of methamphetamine to C/I#2. Prior to each controlled delivery, Agent Ralston searched C/I#2 to confirm that he/she had no controlled substances, contraband, or money. For each of the three deliveries, agents provided C/I#2 with prerecorded funds for the purchase and maintained visual contact with C/I#2 prior to purchase. After the purchase, agents maintained visual contact of C/I#2 until he/she returned and turned over a quantity methamphetamine.

After C/I#2 turned over the quantity of suspected methamphetamine, Agent Ralston again searched C/I#2 for contraband and money and found none. All of the suspected methamphetamine delivered by Charles R. Blosesnki, Jr. to C/I#2 field-tested positive for the presence of methamphetamine. Agent Ralston placed the suspected methamphetamine into evidence where the evidence custodian submitted it to the Pennsylvania State Police Lima Regional Laboratory for forensic identification and analysis.

Agent Ralston testified that Charles R. Blosesnki, Jr. delivered the following quantities of methamphetamine to C/I#2:

- 1) On May 23, 2008, C/I#2 entered Charles R. Blosesnki, Jr.'s residence located at 11 Coventry Cove, Elverson, Chester County, PA and Blosesnki provided a small sample (.15 g) of methamphetamine to C/I#2.
- 2) On July 3, 2008, C/I#2 purchased approximately 1.5 grams of methamphetamine in a parking lot in King of Prussia, Montgomery

County, PA from Charles R. Blosenski, Jr. for \$200.00. Charles R. Blosenski, Jr. made the delivery of the methamphetamine in a Charles R. Blosenski Disposal Co. trash truck.

- 3) On July 11, 2008, C/I#2 purchased approximately 8.5 grams of methamphetamine in the parking lot of 2500 Aramingo Ave, Philadelphia County, PA from Charles R. Blosenski, Jr. \$760.00. Charles R. Blosenski, Jr. made the delivery of the methamphetamine in a Charles R. Blosenski Disposal Co. trash truck.

Charles Iannece, a.k.a "Chaz"

SNA Deery testified that agents intercepted nine pertinent telephone calls from Iannece to Christopher McDaniel. During these telephone calls, Iannece inquired if he could "stop by" and see McDaniel.

By way of example, on March 13, 2008, at approximately 6:12 p.m., agents intercepted a telephone call from Iannece to McDaniel. During this call, Iannece asked McDaniel if he was home. McDaniel said he was and Iannece said he would be over in ten minutes. SNA Deery testified that surveillance personnel observed Iannece arrive at McDaniel's residence at approximately 6:17 p.m. and exit at 6:31 p.m.

SNA Deery testified that surveillance agents observed Iannece arrive at McDaniel's residence and enter on numerous occasions from March 13, 2008 through April 12, 2008. SNA Deery testified in his expert opinion that based upon the telephone conversations, Iannece was purchasing crystal methamphetamine.

The testimony of Kenneth Baker confirmed SNA Deery's conclusions regarding Charles Iannece's role in the crystal methamphetamine operation. Baker testified that he

and Iannece would split an "eight ball" of crystal methamphetamine that Iannece purchased from McDaniel. Baker testified that Iannece would purchase the crystal methamphetamine from McDaniel and deliver it to him, where the two of them would then split the "eight ball." Baker testified that Iannece would pay McDaniel \$400.00 for the crystal methamphetamine. SNA Deery testified that based upon the intercepted telephone calls, Iannece purchased an "eight ball" or 3.5 grams of crystal methamphetamine from McDaniel at least nine times.

Kenneth Baker

Kenneth Baker testified that he and Charles Iannece would split the cost of an "eight ball" of crystal methamphetamine that Iannece purchased from McDaniel. Baker testified that Iannece would purchase the crystal methamphetamine from McDaniel and deliver it to him, where the two of them would split the "eight ball." Baker testified that the Iannece would pay McDaniel \$400.00 for the crystal methamphetamine. SNA Deery testified that based upon the intercepted telephone calls, Iannece purchased an "eight ball" or 3.5 grams of crystal methamphetamine from McDaniel at least nine times.

Frank Piccolo

SNA Deery testified about nine pertinent intercepted telephone calls between Frank Piccolo and Christopher McDaniel. During these calls, McDaniel and Piccolo discussed the purchase of various quantities of Human Growth Hormone and Anabolic Steroid kits from Frank Piccolo. SNA Deery testified that intercepted calls between McDaniel and Piccolo indicated that McDaniel paid Piccolo \$2250.00 for a shipment of Human Growth Hormone and Anabolic Steroid kits and McDaniel had to prepay for the shipment. SNA Deery further testified that intercepted calls showed that Piccolo

delivered the shipment of Human Growth Hormone and Anabolic Steroid kits on March 25, 2008, in the early morning hours, to McDaniel's residence, 836 S. 2nd St., Philadelphia, PA.

SNA Deery informed the Grand Jury that Anabolic Steroids are a Schedule III controlled substance. SNA Deery testified that based upon the intercepted telephone conversations, Frank Piccolo delivered Human Growth Hormone and Anabolic Steroid kits to McDaniel on at least two occasions.

Gabriel Blackstone

SNA Deery testified that agents intercepted one telephone call and a series of three text messages from Gabriel Blackstone. SNA Deery testified that the intercepted telephone call and text messages showed that McDaniel had supplied Blackstone with a quantity of Human Growth Hormone and Anabolic Steroids in the past. SNA Deery testified that the intercepted conversations also indicated that McDaniel arranged a shipment of Human Growth Hormone and Anabolic Steroids kits from Frank Piccolo for both McDaniel and Blackstone. SNA Deery further testified that the intercepted conversations with Piccolo referenced Blackstone, although not by name. SNA Deery testified that based upon the intercepted calls and text messages from both Gabriel Blackstone and Frank Piccolo, McDaniel sold Blackstone Human Growth Hormone and Anabolic Steroids on two occasions.