

UNITED STATES DISTRICT COURT

for the

Northern District of Ohio

United States of America
v.
Donyea Nelson

5 : 19MJ 1002
Case No.

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of 12/31/2018 - 01/03/2019 in the county of Summit in the Northern District of Ohio, the defendant(s) violated:

Table with 2 columns: Code Section and Offense Description. Row 1: Title 21, United States Code Section 843(a)(5) - To wit, possession of a punch, die, plate, stone, or other thing designed to print, imprint, or reproduce the trademark, trade name, or other identifying mark, imprint, or device of another or any likeness of any of the foregoing upon any drug or container or labeling thereof so as to render such drug a counterfeit substance. Row 2: Title 18, United States Code Section 922(g)(1) - Felon in possession of a firearm and/or ammunition.

This criminal complaint is based on these facts:

See Attached Affidavit

Continued on the attached sheet.

Handwritten signature of Michael J. Grote Jr.
Complainant's signature
Special Agent Michael J. Grote Jr., HSI
Printed name and title

Sworn to before me and signed in my presence.

Date: 1/8/19

Handwritten signature of Kathleen B. Burke
Judge's signature
KATHLEEN B. BURKE, MAGISTRATE JUDGE
Printed name and title

City and state: Akron, Ohio

FILED
JAN - 8 AM 9:40
U.S. DISTRICT COURT
NORTHERN DISTRICT OF OHIO
AKRON

AFFIDAVIT

I, Michael J. Grote, being first duly sworn, DO HEREBY DEPOSE AND SAY:

1. I am currently employed as a Special Agent of the Homeland Security Investigations (HSI) within the U.S. Department of Homeland Security (DHS). I am a graduate of the Criminal Investigator Training Program at the Federal Law Enforcement Training Center at Glynco, Georgia. I have received additional law enforcement training (Immigration Officer Basic Training Program 1998) at the Federal Law Enforcement Training Center and with the Huron County Sheriff's Office (Correction Officer Academy 1997). I have held other positions in law enforcement, including as an Immigration Inspector with the Immigration and Naturalization Service, as a Customs and Border Protection Officer, and as a Deputy Sheriff and Corrections Officer with the Huron County Sheriff's Office in Norwalk, Ohio. I have a total of 20 years law enforcement experience. I am a graduate of Bluffton University with a double major in criminal justice and sociology and was the Outstanding Scholar of both programs.

2. I am an "Investigative or Law Enforcement Officer" of the United States within the meaning of Title 18, United States Code, Section 2510(7), and am empowered by law to conduct investigations and to make arrests for offenses enumerated in Title 18, United States Code Section 2516. I also am empowered under Title 19, United States Code Section 1589a to serve any warrant under the authority of the United States and make warrantless felony arrests for any crime against the United States. I also am a Customs Officer as defined by Title 19 of the United States Code, and I am authorized to conduct warrantless searches at the United States Border or at the functional equivalent of the United States Border.

3. I have received specialized training at the Federal Law Enforcement Training Facility, located in Glynco, Georgia, regarding the identification of narcotic substances and the operation of drug trafficking organizations. As part of my training, I have received specialized instruction about narcotics, narcotics trafficking, money laundering, and techniques for investigating persons and organizations engaged in related unlawful

conduct. I have participated the preparation and execution of search warrants which have resulted in the seizure of illegal drugs and evidence of drug violations.

4. I have participated in hundreds of narcotics investigations and in thousands of drug interdictions. I have participated in numerous investigations involving in controlled deliveries of pill presses and pill press dies. I have also participated in investigations involving controlled deliveries of fentanyl which resulted in the discovery of pill presses.
5. Through investigation and training, I have become familiar with the types and amounts of profits made by drug traffickers and the methods, language, and terms that are used to disguise their illegal activity. I know that persons engaged in drug trafficking require expedient forms of communication to maintain an adequate and consistent supply of drugs from sources and to effectively market those drugs to customers.
6. I know, based on training and experience, that those individuals who traffic in one controlled substance, such as fentanyl, often traffic and possess other controlled substances and controlled substance analogues, particularly synthetic narcotics.
7. I know, based on training and experience, that those individuals who traffic in one controlled substance, such as fentanyl, often traffic and possess equipment and substances, such as pill presses, pill press dies, pill binders, and powders, utilized to manufacture controlled substances and counterfeit controlled substances, which may subsequently marketed for illicit sale as a part of the fentanyl drug trade.
8. I know, based on my training and experience, that individuals who engage in the illicit manufacture of counterfeit pills, often seek out pill press dies, which are used to manufacture counterfeit pills that mimic legitimate known opioid-based prescription pills. Examples of commonly known opioid-based prescription pills include oxycodone hydrochloride and Percocet.

9. Based upon my training and experience and discussions with other law enforcement officers, I am aware that pill presses and pill press dies commonly mailed from China and other foreign countries. I am also aware that internationally mailed parcels often provide traceability and reliable delivery for the intended recipient. I am also aware that pill presses, pill press dies, and other items used in the manufacture of counterfeit pills mailed from China and other foreign countries are often mailed to Mexico and/or Canada, prior to subsequently being mailed or smuggled into the United States. Further, I understand that the expected timeliness of parcel deliveries places time pressures on law enforcement agents to identify, search and deliver these drug parcels in a timely manner. The investigation of internationally-shipped parcels is made difficult due to United States law enforcement's limited capability to track parcels abroad.

10. This affidavit is based on my personal knowledge and investigation as well as on information provided by officers and detectives with the Akron Police Department ("APD"), and officers with Customs and Border Protection. The information provided in this affidavit is for the limited purpose of establishing probable cause and does not include every fact known to me regarding this investigation.

11. This Affidavit is submitted in support of a criminal complaint against Donyea J. NELSON. I allege the facts and circumstances in this affidavit show probable cause that NELSON has committed offenses involving violations of: Title 21, United States Code Section 843(a)(5), to wit, possession of a punch, die, plate, stone, or other thing designed to print, imprint, or reproduce the trademark, trade name, or other identifying mark, imprint, or device of another or any likeness of any of the foregoing upon any drug or container or labeling thereof so as to render such drug a counterfeit substance; and Title 18, United States Code Section 922(g)(1), to wit, the possession, in or affecting interstate commerce, of a firearm and/or ammunition by a person previously convicted of a crime punishable by imprisonment for a term exceeding one year.

FACTS AND CIRCUMSTANCES REGARDING CURRENT INCIDENT

12. On December 31, 2018, Homeland Security Investigations, Border Enforcement Security Taskforce (“BEST”) member Andrew Thomas, a Customs and Border Protection Officer, targeted DHL air waybills, in search for contraband, specifically opioid and opioid-related contraband, in items manifested from foreign countries. As a part of the targeting, CBPO Thomas selected DHL waybill #3645201523, manifested as a “Screw,” which listed a value of \$5 and weight of 0.50 kg. This manifested product description was consistent with recent seizures and intelligence reports of illicit e-commerce shipments coming from China and/or Hong Kong. Namely, the consistencies include that the package was described as having a low value, had a low weight, and was manifested to contain with a common household item. Intercepted packages discovered to contain contraband have often shared these manifested characteristics in an effort to avoid detection. In addition, in the past several months, Customs and Border Protection officers conducting investigations at DHL at the Cincinnati/Northern Kentucky International Airport have discovered and seized numerous pill press dies, and in several instances, the manifests have described the items contained as a “screw,” “screw sample,” “drill bit,” or “drill bit sample.”

13. BEST Task Force Office (“TFO”) Thomas reviewed the manifest to ascertain the sender and recipient of the package associated with DHL waybill #3645201523. TFO Thomas used CBP databases to conduct additional research on the entity that received the package. His research revealed five (5) packages were previously shipped to Nelsohn Donnier at 1305 Bellows St, Akron, Ohio 44301. The manifests for the instant package and the five previous packages reveal the following details:

- 12/31/2018 – DHL waybill #3645201523 – “SCREW” from China
- 12/12/2018 – DHL waybill #4646244595 – “SCREW” from China
- 12/5/2018 – United States Postal Service (“USPS”) parcel #LS929206853CH – “GREETING CARD SAMPLE” from the Netherlands
- 9/13/2018 – DHL waybill #15800330276 – “TABLET STAMPING MOLD” from China
- 9/11/2018 – USPS parcel #LY688128249CN – “HARDWARE TOOLS” from China
- 9/10/2018 – USPS parcel #UH207652735CN – “SCREWS” from China

14. Through my training and experience, I am aware that “TABLET STAMPING MOLD” may be used in a pill press operation. I am also aware that The Netherlands is a high

producer of Ecstasy/MDMA. The December 12, 2018 package manifested to contain a "SCREW" was valued at \$5 and listed a weight of .5 kg.

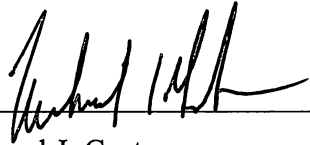
15. BEST TFO Thomas submitted the suspected air waybill, #3645201523, to local DHL personnel for assistance in trapping the parcel for CBP examination.
16. On January 2, 2019, BEST TFO Thomas, as part of his normal duties and as authorized by Title 19, United States Code Section 1467 and Title 19, Code of Federal Regulations 162.6, examined the aforementioned parcel under DHL waybill #3645201523, which was addressed to Nelsohn Donnier, 1305 Bellows St, Akron, Ohio. Inside the parcel, 6 press die pieces were discovered. The dies are used to imprint specific letters and/or numbers on a pill that is being manufactured, thereby reproducing the trademark, trade name and/or identifying mark of pills containing oxycodone and acetaminophen. A common brand name for a pill containing oxycodone and acetaminophen is Percocet, and such pills are commonly referred to on the street as "Percs." The die pieces recovered are designed to print, imprint and/or reproduce the trademark, trade name and/or identifying mark of acetaminophen oxycodone hydrochloride 325 mg / 10 mg pills, believed to be manufactured by Aurolife Pharma LLC, by Rhodes Pharmaceuticals LP, and by Mallinckrodt Pharmaceuticals. The pill press dies were seized, and a controlled delivery of the package was planned, with the assistance of APD Narcotics Unit Detective Chris Carney.
17. On January 3, 2018, Detective Carney applied for and received a State of Ohio anticipatory search warrant for the residence located at 1305 Bellows Street, Akron, Ohio.
18. On January 3, 2018, BEST and the APD Narcotics Unit conducted a controlled delivery of the package to 1305 Bellows Street, Akron, Ohio. Prior to delivery, the package was wired with tracking devices and devices to alert when the package was opened. Working undercover and posing as a DHL delivery person, I arrived at 1305 Bellows Street at approximately 1:55 pm. I walked up the driveway and knocked on the door. After a

second knock, NELSON appeared at the Door. I handed NELSON the package and asked him to sign his name on the DHL delivery manifest. NELSON commented that he had expected the package to be delivered by the USPS after being transferred from DHL to the USPS. NELSON signed the manifest. NELSON also stated, "I'm not sure what it is." I observed NELSON take the parcel into the residence, and I departed from the property.

19. On January 3, 2018, at approximately 2:06 pm, the controlled delivery team received an alert notifying that the package had been opened. Entry was made into the residence located at 1305 Bellows Street. Agents and officers located NELSON in the living room, and the delivered parcel in the kitchen on a chest freezer. During a search of the property, numerous powders, pills, and capsules were located in the property. Additionally, a pill press was located in the residence. The items discovered in the property are consistent with a large scale pill pressing operation. Additional items discovered in the property include, but are not limited to: a Ruger .45 Blackhawk pistol, marijuana, crack cocaine, a crack pipe, methamphetamine, and invoices.
20. On January 3, 2018, at approximately 3:10 pm, Detective Carney and I interviewed NELSON at the Akron Police Department, at 217 South High Street Akron, Ohio. NELSON admitted that he ordered the pill press dies that were delivered to his house. He admitted knowing that the dies would be used in the manufacture of pills containing fentanyl and imprinted to mimic various versions of "Percs," which are made of acetaminophen and oxycodone hydrochloride. NELSON indicated he had experience operating and maintaining a pill press. NELSON admitted that he ordered parts for a pill press on multiple occasions.
21. NELSON admitted that the Ruger .45 Blackhawk pistol was his. He stated that he purchased it a few years ago. The pistol was found on the floor next to NELSON'S bed, in his bedroom. NELSON stated that that was where he kept the gun.

22. NELSON was convicted in 1995 in Michigan state court for felony possession of a controlled substance with intent to deliver and/or manufacture.

Respectfully Submitted



Michael J. Grote
Special Agent
Homeland Security Investigations

SWORN AND SUBSCRIBED TO BEFORE ME THIS 8th DAY OF JANUARY, 2019.



KATHLEEN B. BURKE
UNITED STATES MAGISTRATE JUDGE