

UNITED STATES DISTRICT COURT
for the

Eastern District of Pennsylvania

United States of America
v.

Tyrese Carter

Case No. 21-678

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 September 30, 2020 in the county of Philadelphia in the Eastern District of Pennsylvania, the defendant(s) violated:

Table with 2 columns: Code Section, Offense Description. Includes 18 U.S.C. 922(g)(1) and 21 U.S.C. 841(a)(1), (b)(1)(B) with descriptions of ammunition possession and cocaine base distribution.

This criminal complaint is based on these facts:
See attached affidavit

Continued on the attached sheet.

/s Justin Hines
Complainant's signature
Justin Hines, Special Agent, ATF
Printed name and title

Sworn to before me and signed in my presence.

Date: Apr. 15, 2021

/s David R. Strawbridge
Judge's signature

City and state: Philadelphia, PA

Hon. David R. Strawbridge, U.S. Magistrate Judge
Printed name and title

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Defendant

ARREST WARRANT

To: Any authorized law enforcement officer

YOU ARE COMMANDED to arrest and bring before a United States magistrate judge without unnecessary delay (name of person to be arrested) Tyrese Carter, who is accused of an offense or violation based on the following document filed with the court:

- Indictment, Superseding Indictment, Information, Superseding Information, Complaint, Probation Violation Petition, Supervised Release Violation Petition, Violation Notice, Order of the Court

This offense is briefly described as follows: See Attachment A

Date: Apr. 15, 2021

/s David R. Strawbridge Issuing officer's signature

City and state: Philadelphia, PA

Hon. David R. Strawbridge, U.S. Magistrate Judge Printed name and title

Return

This warrant was received on (date) and the person was arrested on (date) at (city and state)

Date:

Arresting officer's signature

Printed name and title

Attachment "A"

Count One

On or about September 30, 2020, in Philadelphia, in the Eastern District of Pennsylvania, defendant Tyrese CARTER, knowing he had previously been convicted in a court of the Commonwealth of Pennsylvania of a crime punishable by imprisonment for a term exceeding one year, knowingly possessed ammunition, that is, 21 live rounds of .40 caliber PMC ammunition, and the ammunition was in and affecting interstate and foreign commerce, in violation of Title 18, United States Code, Section 922(g)(1).

Count Two

On or about September 30, 2020, in Philadelphia, in the Eastern District of Pennsylvania, defendant Tyrese CARTER, knowingly and intentionally possessed with intent to distribute, 28 grams or more of a mixture and substance containing a detectable amount of cocaine base ("crack"), a Schedule II controlled substance, in violation of Title 21, United States Code, Section 841(a)(1), (b)(1)(B).

AFFIDAVIT IN SUPPORT OF A CRIMINAL COMPLAINT

I, Justin A. Hines, being first duly sworn, hereby depose and state as follows:

1. I am a special agent with the United States Department of Justice, Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) and have been so employed since 2015. Before joining ATF, I was employed as a special agent of the U.S. Department of State, Diplomatic Security Service for approximately three years. Before becoming a special agent, I served in the United States Army for six years and was honorably discharged. I am currently assigned to the Philadelphia Crime Gun Enforcement Team. Its primary mission is to investigate those individuals and groups that are engaged in the commission of violent state and federal violations. During the course of my law enforcement career, I have been trained to investigate federal crimes and have investigated an array of complex federal crimes. I have received specialized training from ATF relating to use of firearms in violent crimes and ballistic technology used to identify, match and link crime guns to incidents. In 2020, I attended ATF training as a Crime Gun Intelligence Expert. My law enforcement experience has included numerous investigations of violent crimes, firearm and drug-related offenses resulting in the seizure of various controlled substances and firearms. I have conducted numerous interviews with individuals charged with violent crimes, controlled substance, and firearm violations. These investigations have resulted in the arrest and successful prosecution of individuals who have committed violations of federal law, including but not limited to firearms offenses and narcotics trafficking. Through my training and experience, I am familiar with the actions, habits, traits, methods, and terminology utilized by violent criminal offenders.

2. The facts in this affidavit come from my personal observations, my training and experience, and information obtained from other agents and witnesses. This affidavit is intended to show merely that there is sufficient probable cause for a criminal complaint and does not set forth all of my knowledge about this matter.

3. This affidavit concerns the September 30, 2020, arrest of Tyrese CARTER by the Philadelphia Police Department (PPD). On this date, PPD officers and members of the ATF Task Force executed a Pennsylvania state search warrant at 3450 J Street, Apt. 116, Philadelphia, PA, CARTER's residence. Resulting from this search, law enforcement recovered ammunition, a self-manufactured firearm (commonly called a Poly80 style pistol), narcotics, and narcotics packaging.

4. On September 28, 2020, a search warrant was obtained in the Philadelphia Court of Common Pleas for 3450 J Street, Apt. 116, Philadelphia, PA. The probable cause for this warrant was derived from, among other information, Instagram pictures posted on September 15, 2020, and September 25, 2020, by CARTER. Specifically, the pictures depicted CARTER in possession of a firearm -- a black and grey Poly80 style pistol. Additionally, CARTER posted via social media numerous violent threats he was prepared to carry out. Based upon the probable cause developed, the Honorable Mia Perez, Philadelphia County Court of Common Pleas issued a search warrant for CARTER's residence.

5. On September 30, 2020, members of PPD SWAT, PPD officers and ATF Task Force investigators executed this search warrant. CARTER, his girlfriend Neajah FASSETT, and an infant child were located within the residence and were the only occupants. The following items were recovered throughout the residence upon execution of the search warrant: approximately fifty-four (54) grams of cocaine base ("crack cocaine"), a Schedule II controlled

substance; one hundred twenty-one (121) small containers each containing cocaine base (NOTE: some of these containers were unable to be tested because of water damage from an attempt by one of the occupants of the premises to flush them in the second floor toilet after SWAT made entry into the residence); one hundred thirty-eight (138) small containers each containing methamphetamine, a Schedule II controlled substance, weighing approximately eight and six tenths (8.6) grams; fifty-eight (58) two milligram Alprazolam tablets, a Schedule IV controlled substance; approximately five hundred sixty-three and one-half (563.5) grams of marijuana, a Schedule I controlled substance; narcotics packaging, including new and unused packaging; drug distribution paraphernalia, including a digital scale and ceramic plates; ammunition, firearms parts, and the Poly80 style pistol loaded with 21 rounds of .40 caliber PMC branded ammunition, which were previously observed in CARTER's possession in the aforementioned social media posts. CARTER was subsequently arrested by investigators for violations of the Pennsylvania Uniform Firearms Act and narcotics violations.

6. CARTER was then transported to the PPD Southwest Detective Division (SWDD) to be processed. ATF SA Hines and ATF TFO Palma placed CARTER in an interview room, and initiated recording equipment. CARTER was provided his rights under Miranda via a written waiver. CARTER waived his rights and stated he wished to provide a statement to investigators. In summary, CARTER admitted to the possession of the narcotics, drug packaging, the firearm, ammunition, and accessories. CARTER stated the crack cocaine was for resale, but, that the methamphetamine inside of the house belonged to a friend of his. CARTER indicated he possessed the firearm for protection and agreed with investigators the sale of narcotics is a dangerous profession. CARTER stated he purchased this firearm a couple weeks prior to his arrest from an unknown homeless male near the intersections of Kensington and

Allegheny Avenues in Philadelphia, PA for \$500. CARTER stated he is a previously convicted felon and knew he could not possess a firearm. CARTER stated he purchased the ammunition from a store in Delaware. CARTER also admitted to posting a picture of this firearm on Instagram. CARTER stated he and FASSETT have lived in their apartment for a few months and no one else resides there.

7. I have investigated CARTER's criminal history. He has been previously convicted of a felony punishable by more than one-year imprisonment. On February 2, 2010, in the Court of Common Pleas, Delaware County (Docket No. CP-23-CR-0005233-2009), CARTER was convicted of Aggravated Assault in violation of Pa. 18 § 2702 §§ A, for which CARTER received a sentence of four (4) to ten (10) years' imprisonment.

8. I have consulted with an ATF firearms interstate nexus expert regarding the origin and manufacture of the 21 rounds of PMC brand .40 caliber ammunition contained within the Poly80 style .40 caliber semiautomatic pistol recovered from inside of CARTER's residence. Based on the investigation conducted by the firearms nexus expert, the 21 rounds of PMC ammunition were manufactured outside of the Commonwealth of Pennsylvania, specifically in either the state of Texas or South Korea, and therefore, by virtue of the ammunition's recovery in the Commonwealth of Pennsylvania, and therefore traveled in interstate or foreign commerce.

9. During the five years that I have been with ATF, I have participated in numerous narcotics investigations. I am familiar with how narcotics are packaged and sold in Philadelphia. In my training and experience, it appeared to me that the crack cocaine possessed by CARTER was possessed for the purposes of re-sale. I base this opinion on the following factors: first, CARTER's admission to me during his videotaped interrogation that the crack cocaine was possessed for the purposes of re-sale, second the manner in which it was packaged

to include both “bulk” crack cocaine as well as crack cocaine packaged for resale, the presence of bulk packaging and scales and finally the amount of crack cocaine possessed was consistent with re-distribution rather than personal use.

10. Based on the facts set forth above, I believe that sufficient probable cause exists to establish that Tyrese CARTER, was in possession of ammunition as a felon, in violation of Title 18 U.S.C. § 922(g)(1), possessed 28 grams or more of cocaine base (“crack”), with the intent to distribute, in violation of Title 21U.S.C. § 841(a)(1), (b)(1)(B) (possession with the intent to distribute a controlled substance) on September 30, 2020, in Philadelphia, Pennsylvania, and accordingly, I request the issuance of a criminal complaint.

Respectfully Submitted,

/s Justin Hines
Special Agent,
Bureau of Alcohol, Tobacco, Firearms and
Explosives

Subscribed and sworn to before me
on April 15th, 2021

/s David R. Strawbridge
HON. DAVID R. STRAWBRIDGE
United States Magistrate Judge