**VIRGINIA:**

 **IN THE CIRCUIT COURT FOR THE CITY OF ALEXANDRIA**

**IN RE: Any and all records concerning Western Union transactions or accounts in the following names:**

 **1. Money Transfer Control Number # 926-188-1413**

 **2. James H. HUTCHINGS, date of birth: 04-11-1981, sender and receiver**

 **3. Ernest Earl HEMBY, date of birth: 01-29-1971, sender**

 **4. India POWELL, date of birth: 12-10-1981, sender and receiver**

 **5. Gibreal Jama GULED, date of birth: 09-25-1981, sender**

 **6. Tremayne CAESAR, date of birth: 04-14-1981, sender**

 **7. Akida ADISA, date of birth: unknown, sender**

**STATEMENT OF FACTS**

 COMES NOW the undersigned this \_\_\_\_ day of October, 2011, and having

been duly sworn avers the following upon information and belief:

1. Your affiant Detective Nicholas Lion has been a sworn member of the Alexandria Police Department for the last 6 years. Your affiant is currently assigned to the Vice/Narcotics Section and has investigated numerous narcotics cases.

2. This statement is in support of a *subpoena duces tecum* for player’s account(s) information and financial records for any and all accounts listed above and maintained at **Western Union,** said records to be provided for the period from September 1st, 2010 and extending 30 days past the date on which this order is served on the financial institution. The information in this affidavit establishes probable cause that the listed transactions have been and/or are actively being used to conceal or launder proceeds of a felony marijuana distribution conspiracy. These proceeds represent the profits of a continuing criminal enterprise involved in the mailing of large amounts of marijuana from Arizona into the Commonwealth and other states. At least one act in furtherance of the conspiracy has taken place within the City of Alexandria, Virginia.

3. In mid-August 2011, your affiant identifed Ernest E. HEMBY as a person involved in the illegal distribution of marijuana. Furthermore your affiant identified HEMBY’s source of supply of marijuana as James H. HUTCHINGS. HUTCHINGS maintains an address in Maryland and another address in Arizona. Investigation revealed HUTCHINGS distributes marijuana to HEMBY and other unidentified co-conspirators via United States Postal Service (USPS) packages and Federal Express (FedEX) packages. The conspiracy also has operations in the Atlanta, Georgia area. Akida ADISA resides in this area and is presumed to be an operational co-conspirator in the Atlanta area. ADISA texts HEMBY on a regular basis.

4. Based on investigation, on August 11, 2011 your affiant obtained information that approximately 21.5 pounds of marijuana was bound for 710 S. Payne Street, Alexandria, Virginia 22314 via two USPS packages. Based on your affiant’s training and experience, the marijuana’s estimated wholesale price was between $60,000 and $70,000.

5. The packages bore a Phoenix, Arizona return address. On August 12, 2011 your affiant initiated a “controlled delivery” operation. 710 S. Payne Street appeared to be a vacant address, as the doors to the townhome were boarded shut. The packages were left on the front porch of the residence and surveillance was established. At approximatley 1215 hours, HEMBY arrived at the location and retreived the packages. HEMBY placed the packages on the front seat of his vehicle and was subsequently taken into custody. Inside of HEMBY’s vehicle, additional marijuana were seized. HEMBY’s cellphone was also seized as evidence.

 6. Additional USPS parcels were located at 1600 Cameron Street suite 200 Alexandria, Virginia 22314. These parcels contained approximatley 15 pounds of marijuana and were similar in all material aspects with the controlled delivery parcels. All bore a Phoenix, Arizona return address. A co-conspirator, India POWELL, an employee of the business located at the Cameron Street address, was arrested after she admitted to receiving similar packages on a regular basis. Investigation revealed that POWELL is the mother of HUTCHINGS’ child and that POWELL and HUTCHINGS remain in frequent contact. POWELL’s cellphone was seized as evidence.

7. Analyses of HEMBY’s and POWELL’s cellular phones revealed text messages between HEMBY, POWELL and a phone number affirmatively linked to HUTCHINGS. The text messages pertained to HEMBY and POWELL obtanining marijuana and offering it for sale. The text messages from HUTCHINGS instructed HEMBY and POWELL to place, or to have unidentified co-conspirators place, large amounts of cash into one of the aforemention bank accounts. The accounts used were in several names and were administed by three banks: Bank of America, Wells Fargo and Wachovia. It should be noted that in the summer of 2011, Wachovia and Wells Fargo merged with all Wachovia accounts now crring a Wells Fargo name.

8. In February 2011, HUTCHINGS was arrested in Yavapai County, Arizona. HUTCHINGS was in a rental car that was obtained in Las Vegas, Nevada. Police located over 40 pounds of suspected marijuana in the vehicle. HUTCHINGS was in possession of an “owe sheet” which referenced persons who owed him money for drug debts. HUTCHINGS spent over one week in jail subsequent to his arrest. HUTCHINGS made several phone calls from jail that were recorded and monitored by law enforcement. In one of these calls, HUTCHINGS tells HEMBY to call his “man at the Tropicana” for assistance in getting HUTCHINGS out on bail. The context of the conversation makes it clear that HUTCHINGS is talking about the Tropicana in Las Vegas, Nevada. Co-conspirator Tremayne CAESAR was present in the vehicle. CAESAR was also charged an subsequently pleaded guilty to felony possession of marijuana.

9. A forensic analysis of HEMBY’s and POWELL’s phones contained the following incriminating text messages referencing **Western Union**:

 - “I sent it next day so u can go get in the morn. Will send u mtcn# when I leave the club.”

 - “Mtcn # 926-188-1413 its available now, call me after u get it...

 - “Dis my info tremayne caesar 18007 barney drive acckeek md 20607 wen u get to western unoin sind ya adress info an da confomation code to get da money.”

10. In early October, 2011, your affiant obtained bank records from four suspect bank accounts. Two of these accounts are in HUTCHINGS’ name. These accounts showed a series of irregular financial transactions. Essentially, the accounts acted as “pass through accounts.” A series of cash deposits was made at several branches around the Washington region, sometimes several in one day. These transactiosn bore the hallmarks of “structured” transactions in which a criminal conspiracy attempts to evade the reporting requirements of the federal Bank Secrecy Act. All of the transactions were in cash, were made in even numbers of dollars and were all less than $10,000, which is the statutory minimum at which a financial institution must file a written report of the deposit pursuant to the Bank Secrecy Act. Con-conspirators POWELL, HEMBY, HUTCHINGS and GULED were captured by bank surveillance cameras depositing cash into target accounts.

11. An analysis of these bank records show that at least $260,000 has passed through the accounts for which records have already been obtained since September 1st, 2010. Almost all of this money was deposited into the accounts through suspicious cash deposits, the majority of the deposits occurring in the Washington, D.C. area. Almost all of the money was quickly withdrawn, with most of these withdrawals occurring in Arizona.

12. A search of HEMBY’s person incident to arrest revealed a Bank of America bank card in the name of James HUTCHINGS.

 13. HUTCHINGS’ criminal record shows several convictions, including a felony conviction for Distribution of Marijuana in Stafford County, Virginia, in 2005. Additionally, HUTCHINGS has a criminal record in Arizona from 2010 and 2011 in which he was charged with Money Laundering and Marijuana offenses.

 14. On August 17 2011, Postal Inspector Stephen Tracy advised that he had obtained an image of the person putting the packages in the mail in Phoenix, Arizona. Inspector Tracy advised your affaint that he compared the image he obtained to that of a booking photo of HUTCHINGS from Washington, D.C. and believes that the two are one in the same.

15. Your affiant knows through training and experience that drug dealing is a cash business, and that therefore, drug traffickers typically deal in large sums of cash. Large sums of cash are difficult to spend without drawing the law enforcement; therefore, drug traffickers often conspire to “launder” illicit proceeds in an effort to conceal their nature and make the proceeds appear to be legitimate. Your affiant knows that drug traffickers often utilize financial institutions to conceal the nature, source, ownership and control of illicit funds, and to protect their assets from seizure. In your affiant’s experience, drug traffickers will often make cash deposits into bank accounts and then use cash withdrawals, wire transfers and/or electronic debit transactions to withdraw money from the account in an effort to conceal, launder, and legitimize the money obtained from drug distribution.

16. Your affiant knows through training and experience that drug dealers often use Western Union and other money transfer services to launder money. By wiring money to co-conspirators, a conspirator in one state can easily transfer money to a source of supply in another state. The source of supple may then retrieve the money from Western Union and be in possession of clean, “laundered” money in the source state. Since the existence of these transactions is known only to the co-conspirators, such transfers provide a relatively safe and convenient method by which to launder money. Your affiant knows that Western Union uses a “money transfer control number (MTCN)” to monitor money transfers.

17. The information located in the requested records, and any other associated accounts at **WESTERN UNION** should provide conclusive evidence of the crimes of conspiracy to distribute marijuana and money laundering.

18. HUTCHINGS has not been charged with any criminal offense. Furthermore, to your affiant’s knowledge, HUTCHINGS and other co-conspirators are unaware that they are targets of this investigation.

19. The records sought by this order are not unusually voluminous nor would compliance with the requested *subpoena* cause an undue burden. Additionally, your affiant is requesting that the records be provided in electronic format should the casino find this media less onerous.

Respectfully Submitted

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Detective Nicholas A. Lion, #2058

Alexandria Police Department

**CITY OF ALEXANDRIA**;

**COMMONWEALTH OF VIRGINIA**; to wit:

 Subscribed and Sworn before me this \_\_\_\_ day of October, 2011, by Detective Nicholas Lion, of the Alexandria Police Department.

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Notary Public Notary Number

My commission expires:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_