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# Brief of Appellant, Abdullah Malik Joppy A/K/A Richard Joppy v. State of Maryland, No. 533

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**In the Court of Special Appeals of Maryland**  
**September Term, 2016**

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**No. 533**

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**ABDULLAH MALIK JOPPY A/K/A RICHARD JOPPY,**  
**Appellant,**  
**v.**  
**STATE OF MARYLAND,**  
**Appellee.**

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**Appeal from the Circuit Court for Montgomery County**  
**(The Honorable Marielsa Bernard, presiding)**

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**BRIEF OF APPELLANT RICHARD JOPPY**

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## STATEMENT OF THE CASE

On January 12–14, 2016, Richard Jopyy (who has since changed his name to Abdullah Malik Jopyy) was tried in the Circuit Court for Montgomery County on one count of possession with intent to distribute a controlled dangerous substance (CDS) and one count of conspiracy to possess with intent to distribute CDS. Criminal Case No. 128172-C. The jury found Mr. Jopyy guilty of both counts. (T<sub>4</sub> 207).<sup>1</sup> Mr. Jopyy was sentenced to seventeen years in prison for each of the two charges, to be served concurrently. (T<sub>5</sub> 22). Mr. Jopyy filed a timely notice of appeal to the Maryland Court of Special Appeals on May 6, 2016. This appeal follows.

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<sup>1</sup> Documents are referred to by the following abbreviations:

- T<sub>1</sub> = Suppression Hearing Transcript (December 10, 2015).
- T<sub>2</sub> = Trial Transcript, Day 1 (January 12, 2016).
- T<sub>3</sub> = Trial Transcript, Day 2 (January 13, 2016).
- T<sub>4</sub> = Trial Transcript, Day 3 (January 14, 2016).
- T<sub>5</sub> = Sentencing Hearing Transcript (April 14, 2016).

## QUESTIONS PRESENTED

1. Did the trial court err in denying the motion to suppress because there was no substantial basis on which the court could have found probable cause for issuing the search warrant when the search warrant affidavit did not describe a nexus between the alleged criminal conduct and the apartment to be searched?
2. Did the trial court err in denying the motion for judgment of acquittal when the state presented insufficient evidence to establish beyond a reasonable doubt that Mr. Jopyy had constructive possession of the controlled substances found in his girlfriend's closet?

## STATEMENT OF FACTS

In mid-2014, the Federal Bureau of Investigation (“FBI”) and the Montgomery County Police Department (“MCPD”) began a joint investigation into drug dealing at the Bel Pre Square apartments in Montgomery County. (T<sub>2</sub> 149–51). The primary target of the investigation was a man named George Gee, who was thought to be in charge of a drug operation in the area. (*Id.*). The law enforcement operation involved extensive surveillance, pen registers, wiretaps, and controlled drug buys with undercover agents, and included over fifty local and federal officers and agents assigned throughout the nearly year-long investigation. (T<sub>2</sub> 150,154,166–67). In early February 2015, the investigators obtained a warrant to begin electronic surveillance on telephones associated with the primary target of their investigation, George Gee. When the original warrant expired, officers renewed their authorization through May 2, 2015. (T<sub>2</sub> 153–54, 220).

On February 6, 2015, Mr. Gee received a call from a phone number that had once been assigned to Richard Joppy. (T<sub>2</sub> 166). Although a January 2016 Sprint Wireless record listed the number as registered to Mr. Joppy, by late February 2016, FBI and MCPD investigators identified the number as belonging to a man named Vernell Dodd. (T<sub>3</sub> 61). Police officers obtained no other records connecting the number to Mr. Joppy, and never identified his voice on any intercepted calls. (T<sub>4</sub> 182).

Over the three months of the wiretap, police intercepted and recorded several conversations between Mr. Gee and the number that officers associated with Mr. Joppy. (T<sub>2</sub> 168–69). Officers interpreted some of these calls to be arrangements for drug transactions between Gee and the caller. (App. 12,14).

Over the course of the investigation, surveillance officers observed Mr. Joppy on only two occasions. (App. 1–3,12–15). The first time the officers saw Mr. Joppy driving away from the Bel Pre Square apartments while Joppy was out running errands with his girlfriend. (App. 1). The second time, officers saw Richard Joppy leave his girlfriend’s apartment, and later saw him in the area of Bel Pre Square. (App. 2–3). The officers never saw Mr. Joppy meet with George Gee, never engaged him in an undercover controlled purchase, never witnessed him engage in any kind of transaction, and never found any contraband on Mr. Joppy. (T<sub>4</sub> 92,179).

More than one month after the wiretap concluded, and three months after surveillance teams had last seen Mr. Joppy, the investigators obtained a warrant to search several residences in Montgomery and Prince George’s Counties. (T<sub>2</sub> 220–21). One of the addresses searched was an apartment leased by Victoria Gaines (Mr. Joppy’s then-girlfriend) at 3320 Teagarden Circle in Silver Spring (“Ms. Gaines’s apartment”). (*Id.*, App. 4).

The affidavit in support of probable cause did not present any direct evidence of drug possession or sales, nor did it provide any statements by informants that led the police to suspect evidence of drug distribution might be found in Ms. Gaines’s apartment. (App. 11–12,14,21). Instead, police relied on the following observations:

- (1) On February 27, 2015, officers conducting surveillance near Bel Pre Square saw Mr. Joppy leave the Bel Pre Apartments after a caller using the phone associated with Mr. Joppy called Gee to say he was coming by to visit. After

following Joppy as he ran errands for nearly an hour, police eventually saw Mr. Joppy return to Ms. Gaines's apartment complex. (App. 1,11-12).

(2) On March 4, 2015, police officers intercepted a similar call from the same number to George Gee. (App 12-13). Police then saw Mr. Joppy leave Ms. Gaines's apartment complex. (*Id.*). Surveillance officers later saw a similar car in the area of Bel Pre square, but did not see Mr. Joppy meet with anybody. (App. 13-15). A police officer who remained outside of Ms. Gaines's apartment did not see Mr. Joppy return. (T<sub>3</sub> 78).

(3) On April 9, officers intercepted a call to George Gee from the phone number associated with Mr. Joppy in which the caller said he would come by to visit, and that he was currently at home and "bout to leave the crib." Surveillance teams did not see Mr. Joppy that day. (App. 19-20).

On June 8<sup>th</sup>, FBI and MCPD used a SWAT team to execute an early morning no-knock search warrant at Ms. Gaines's apartment, where they found Mr. Joppy and Ms. Gaines asleep. (T<sub>3</sub> 129). During the search, police found two pieces of crack cocaine in an unmarked pill bottle. The bottle was inside the pocket of a jacket that was hanging on a rack inside the bedroom closet. (T<sub>3</sub> 132). In the back of the closet they also found a scale inside a suitcase. (T<sub>3</sub> 133). An FBI agent testified that the closet contained men's and women's clothing, but never identified whether this specific jacket was a men's jacket. (T<sub>3</sub> 138). Ms. Gaines testified that the jacket belonged to her. (T<sub>4</sub> 106-107). Mr. Joppy's fingerprints were not found on either the pill bottle or the scale. (T<sub>4</sub> 184).

The majority of those arrested after this investigation were charged in federal court, and Mr. Jopyy was charged in state court. (T<sub>1</sub> 8). Mr. Jopyy was charged with possession of a controlled dangerous substances (CDS) with intent to distribute and with a related conspiracy. Prior to trial, Mr. Jopyy moved to suppress the evidence obtained during the execution of the search warrant because the warrant was not supported by probable cause. (T<sub>5</sub> 4). The trial judge conceded that “it’s difficult to arrive at conclusions that, in isolated paragraphs, that would support the issuance of a warrant,” but ultimately denied the motion. (T<sub>5</sub> 16).

At trial, the state presented the seized evidence, recorded phone calls and video surveillance, and testimony by investigators who conducted the surveillance and wiretaps. During the trial, no witness identified Mr. Jopyy’s voice on the call, nor was any evidence of any actual sale or distribution presented. (T<sub>4</sub> 92,179–84). Instead the prosecution relied on an expert police witness to interpret the contents of various calls and testify that discussions and quantity of drugs found were indicative of an intent to distribute. (T<sub>4</sub> 12–86). Ms. Gaines testified that she and Richard Jopyy did not live together, but that he would stay over occasionally because they were dating. (T<sub>4</sub> 113). The jury convicted Mr. Jopyy of both charges, and he was sentenced to seventeen years in prison. (T<sub>3</sub> 207, T<sub>5</sub> 22).



## ARGUMENT

### **I. THE TRIAL COURT ERRED IN DENYING THE MOTION TO SUPPRESS EVIDENCE BECAUSE THE MAGISTRATE DID NOT HAVE A SUBSTANTIAL BASIS FOR ISSUING THE WARRANT.**

The trial court erred in deciding not to suppress evidence found during the execution of the search warrant because the warrant application did not establish the required nexus between suspected criminal conduct and the location to be searched. In the absence of such a connection, there was no substantial basis for the magistrate to approve the warrant. The warrant application relied on speculation by police officers to connect Victoria Gaines' residence to any drug-related activities observed by the surveillance teams. Mr. Joppy was only observed returning to Ms. Gaines's residence after one suspected transaction (during which he was not even seen meeting with anyone), and this was after making several other stops on his way to her apartment. Even if this single incident were sufficient to establish a nexus between the suspected criminal activity and the residence, the observed conduct occurred more three months before the execution of the warrant. Because police officers are assumed to know of the nexus requirement for search warrants, the good faith exception to the exclusionary rule would not apply.

#### **A. The Magistrate Did Not Have a Substantial Basis to Issue the Search Warrant Because the State Did Not Establish a Nexus Between the Suspected Criminal Activity and the Residence that Was Searched.**

The Fourth Amendment protects citizens from unreasonable searches and seizures. One method for ensuring this fundamental protection is the amendment's demand that any search warrants authorizing the government to rummage through a private citizen's

residence must be supported by adequate suspicion. Specifically, the Fourth Amendment states that “no Warrants shall issue, but upon probable cause.” U.S. Const. amend. IV.

When reviewing the decision to issue a search warrant, an appellate court may only uphold the validity of the warrant if the issuing magistrate had a substantial basis for approving the warrant. *Illinois v. Gates*, 462 U.S. 213, 214 (1983) (recognizing that “the duty of a reviewing court is simply to ensure that the magistrate had a substantial basis for concluding that probable cause existed.”). The substantial basis standard ensures that a magistrate does not act as a “rubber stamp” for an insufficient warrant application, but instead requires that “[s]ufficient information must be presented to the magistrate to allow that official to determine probable cause; his action cannot be a mere ratification of the bare conclusions of others.” *Id.* at 239.

The state is allowed to rely upon some inferences to establish probable cause. However, it must also take into account conflicting or contradictory evidence because the determination is one made by considering the totality of circumstances. *Id.* at 230. For example, in *Longshore v. State*, the Court of Appeals reviewed a search where officers claimed they had probable cause to search a suspect’s vehicle based on a positive indication by a drug-sniffing dog. *Longshore v. State*, 399 Md. 486, 535 (2007). The *Longshore* court rejected this conclusion. The court held there was no probable cause for the search, in part because it was bound to consider the totality of available evidence, which in that case included previous false-positive alerts by the same dog on the same suspect.

In the context of a search warrant, officers must show probable cause to believe that evidence of a crime can be found in the location that police want to search. *Gates*, 462 U.S. at 238. Merely showing that officers suspect someone to be involved in criminal activity is not enough for a search warrant at a specific location. *United States v. Lalor*, 996 F.2d 1578, 1582 (4th Cir. 1993). As the Fourth Circuit explained in *Lalor*, “[i]n determining whether a search warrant is supported by probable cause, the crucial element is not whether the target of the search is suspected of a crime, but whether it is reasonable to believe that the items to be seized will be found in the place to be searched.” *Id.* at 1582 (emphasis added).

Therefore, the state must show some kind of “nexus” between the alleged criminal conduct and the home before probable cause will exist to search the residence. The Court of Appeals explained the nexus requirement in *Holmes v. State*. There, the court stated:

the mere observation, documentation, or suspicion of a defendant’s participation in criminal activity will not necessarily suffice, by itself, to establish probable cause that inculpatory evidence will be found in the home. . . . There must be something more that, directly or by reasonable inference, will allow a neutral magistrate to determine that the contraband may be found in the home.

*Holmes v. State*, 368 Md. 506, 523 (2002). The *Holmes* court makes it clear that probable cause to search a residence requires more than simply knowing a suspect lived at a certain location. It requires “something more,” some additional evidence or reasonable inference to suggest that the specific location to be searched will yield evidence of a crime.

The decision in *Holmes* presents a clear example of evidence sufficient to establish a nexus. In *Holmes*, the court found probable cause to search Holmes’s own home. The

Court of Appeals “concluded that a nexus existed between Holmes’ alleged drug sales and his home because, among other things, the police had observed Holmes in a drug transaction that occurred less than a block from his home, they had seen him frequently enter and exit his home around the time of the transaction, and they had discovered drugs on him before they conducted the search.” *Agurs v. State*, 415 Md. 62, 85 (2010) (discussing *Holmes*).

In contrast, in *Agurs v. State*, 415 Md. 62 (2010), the facts presented by police were not sufficient to establish the required nexus when the police relied only on inconclusive surveillance to draw inferences. In that case, police officers had “multiple” separate confidential informants identify Mr. Agurs as a drug dealer. *Id.* at 70. In addition, surveillance officers saw Agurs meet several times with suspected suppliers or purchasers. Although officers saw Mr. Agurs leave from and return to his home during their surveillance, the facts did not provide probable cause to believe that evidence of drug dealing could be found in his home. The Court of Appeals pointed to the weak foundation for probable cause along with the lack of a nexus to hold that the warrant should not have been approved, stating that “[t]he fact that the two men met does not establish that they were involved in a drug distribution conspiracy, especially considering that the police apparently saw no exchange of anything, not to mention drugs, during the meeting.” *Id.* at 62, 96–97.

Applying the relevant factors to the case at bar, it is evident that not one of the factors that was present in *Holmes* exists here. One distinction is that the residence searched by the FBI and MCPD did not belong to Mr. Joppy, but was leased by his

girlfriend at the time, Victoria Gaines. (App. 4). Although Mr. Joppy was an overnight guest at the apartment where the warrant was executed, he did not own the home like Holmes did. While ownership of the property in question was not explicitly listed as a factor in the *Holmes* analysis, the state's argument in that case was premised on the idea that one's ownership interest in a home would be enough to create a nexus. *Holmes*, 368 Md. at 522.

Next, the supposed transactions in this case did not take place in close proximity to Ms. Gaines' apartment. In *Holmes*, the suspected drug transactions occurred just a block away from the residence in question. Here, assuming Richard Joppy elected to drive a monitored toll road (the ICC) and not ordinary streets, Ms. Gaines' apartment was a minimum of seven miles from the location where Richard Joppy was suspected to have engaged in a drug transaction.<sup>2</sup> (App. 1–3). Additionally, Mr. Joppy was never stopped or searched during the course of the surveillance, police never found drugs in his car or on his person, and he was never seen transferring drugs, money, or any kind of property to another person. (App. 1–3).

The most important distinction between *Holmes* and this case, however, is that Mr. Joppy was not seen “frequently entering and exiting his home around the time of the transaction” as Holmes was. Instead, police officers conducting the surveillance only observed Mr. Joppy a total of two times in the four months of the investigation, and on

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<sup>2</sup>Driving Directions from 3320 Teagarden Circle to 14000 Bel Pre Drive, Google Maps, <https://www.google.com/maps/dir/3320+Teagarden+Cir,+Silver+Spring,+MD+20904/Bel+Pre+Drive,+Silver+Spring,+MD+20906> (last visited Nov 17, 2016).

neither occasion did police see Mr. Jopyy enter or exit the apartment in a way that might suggest that drugs could be found inside. (App. 1–3, 12–16).

The state relies on the surveillance of February 27, 2015, to suggest that evidence of contraband might be found in a search of Ms. Gaines’s residence because it was the only occasion on which Mr. Jopyy went to Ms. Gaines’s apartment complex after what the officers presumed to be a drug transaction. (App. 12). However, Mr. Jopyy did not travel from Bel Pre Square directly to the apartment. (App. 1). Over the course of nearly an hour, police following the car observed Mr. Jopyy stop and go into a McDonald’s restaurant and then go to another shopping center and enter several stores. (App. 1). The police inference in this case appears to be that someone who is suspected of buying drugs (in a quantity sufficient for distribution) will go about his regular errands before returning to his girlfriend’s apartment to hide those drugs.

Even if the police had seen Mr. Jopyy buy drugs (which they did not), it would have been more reasonable to assume that he would have handed the drugs off at one of his several stops rather than assume that he would get lunch and go shopping before hiding drugs at Ms. Gaines’s apartment. All that the surveillance would have suggested was that Mr. Jopyy was staying with or visiting Ms. Gaines. This was already known to the officers, (App. 4), and as noted in *Holmes*, the mere knowledge that a suspect has a residence is not enough to create a nexus for a search warrant at that residence. *Holmes*, 368 Md. at 523.

Furthermore, even if the court were to accept an inference that the February 27<sup>th</sup> surveillance indicated Richard Jopyy’s pattern was to purchase drugs from Gee and then



store those drugs at Ms. Gaines's apartment, that theory was contradicted by the behavior observed during the surveillance on March 4<sup>th</sup>. (App. 2–3). On that day, MCPD Officer Chimel observed Mr. Jopyy leaving Ms. Gaines's apartment supposedly on the way to a suspected meeting with Gee. (*Id.*). However, despite the fact that Officer Chimel remained outside Ms. Gaines's apartment complex conducting surveillance, he did not see Mr. Jopyy return there after the alleged meeting. (App. 3).

Finally, the state relied on an intercepted call from April 9 to attempt to establish a connection to the apartment. (App. 19–20). Officers intercepted a call that they suspected to be an arrangement for a drug transaction, during which Mr. Jopyy said that he was “[a]bout to leave the crib now.” (*Id.*). Based solely on this statement, the police officers assumed that Mr. Jopyy “[p]resumably had drug proceeds with him at [Ms. Gaines's apartment] to complete the transaction.” (App. 20). A simple statement that someone is home *before* a suspected transaction cannot logically lead to an inference that proceeds from the sale of drugs would be found, particularly when no transaction was ever seen to take place. Furthermore, police had no reason to believe that any cash would even be involved in these transactions, and their own expert testified at trial that drugs are often bought on consignment rather than with cash at purchases. (T<sub>4</sub> 48–49). Indeed, the government's argument in this regard is puzzling. If, as the government suggests, Richard Jopyy took money with him on April 9 to purchase drugs from Gee, there was no reason to believe the purchase money would still be in the apartment after the purchase.

Unlike the situation in *Holmes* that established probable cause and a nexus to the defendant's home, the search warrant for Ms. Gaines's home is factually more similar to

facts in *Agurs*, in which the facts were insufficient to establish a nexus— both Mr. Agurs and Mr. Joppy were under surveillance, but neither was ever involved in an undercover controlled purchase, nor was any hand-to-hand transaction observed between the parties. While the state may try to differentiate this case from *Agurs* based on the recorded phone calls, those calls, like the surveillance, did not provide any direct evidence of drug dealing, nor did they provide further evidence of a nexus. Given the weak evidence of criminal wrongdoing and the lack of a nexus, probable cause did not exist for a search of Agurs's home based solely on the fact that he owned the property. Since the courts reached that conclusion in regards to Mr. Agurs's *own* residence, this court should reach the same conclusion here, where the property was not even owned by Mr. Joppy but by Ms. Gaines, a third party whom the officers had no reason to suspect of involvement in any drug activity.

**B. Even If the State Had Demonstrated a Nexus Between Victoria Gaines's Apartment and George Gee's Suspected Drug Conspiracy, the Search Was Still Improper Because the Only Information Related to the Apartment Was More Than Three Months Old by the Time the Search Warrant Was Finally Executed.**

Even if the surveillance on February 27 and March 4, 2015 created a nexus that could lead to a finding of probable cause, this information was stale by the time the search warrant was executed more than three months later on June 8, 2015.

As discussed above, a search violates the Fourth Amendment unless the state can show officers had probable cause to suspect they would find evidence of a crime at the specific location. *See supra* Part I.A. A finding of probable cause must still be relevant at the time of the search. To this end, the affidavit must “show that the event or



circumstance constituting probable cause, occurred at a time not so remote from the date of the affidavit as to render it improbable that the alleged violation of law authorizing the search was extant at the time the application for the search warrant was made.” *Peterson v. State*, 281 Md. 309, 314 (1977) (quoting *Garza v. State*, 120 Tex.Cr. 147, 149 (1932)).

When it comes to determining whether information reported in an affidavit is stale, “[t]here is no ‘bright-line’ rule for determining the ‘staleness’ of probable cause; rather, it depends upon the circumstances of each case, as related in the affidavit for the warrant.” *Connelly v. State*, 322 Md. 719, 733 (1991). One important factor to consider is whether “the activity was continual, a course of conduct regularly followed over a protracted time.” *Peterson v. State*, 281 Md. 309, 321, (1977).

Maryland courts have held information supporting probable cause to be stale when the lag of time no longer makes it likely that evidence of criminal activity will be found. For example, in *Lee v. State*, 47 Md. App. 213 (1980), the reviewing court considered information from a reliable informant that very large amounts of cocaine and other drugs would be found in the suspect’s apartment. Because there was an eleven-month lag between the time the officers obtained this information and the time of the search, however, the court found it was no longer likely the significant quantities of drugs in question would still be present. *Lee*, 47 Md. App. at 231. Similarly, in *Patterson v. State*, 401 Md. 76, 94 (2007), the Court of Appeals rejected a probable cause finding as stale after a delay of just over a month. In *Patterson*, police officers had reason to believe Patterson fled from a traffic stop with a gun. They also had reason to believe the gun might be found in Patterson’s brother’s hotel room. However, the police waited for

thirty-four days before going to look for the gun. The Court of Appeals found this month-long delay made it unlikely the gun would still be found. As in *Lee and Patterson*, assuming the police ever had a sufficient basis for believing evidence related to George Gee's drug conspiracy might be found in Ms. Gaines' apartment, they waited too long to pursue that evidence.

At best, the police had two pieces of information that might have established some nexus to the apartment. First, the police made a single observation on February 27 of Mr. Joppy *eventually* returning to Ms. Gaines's apartment nearly an hour after a *suspected* drug transaction. Second, the police believed that Richard Joppy was at the apartment *before a suspected* transaction on March 4.<sup>3</sup> With regard to both of these dates, whatever quantity of drugs Richard Joppy was believed to have purchased would have been small enough that police never saw drugs and never saw any exchange. Consequently, even assuming the information known to the police justified a reasonable inference that Richard Joppy was using Ms. Gaines' apartment to store drugs, in light of the very small quantities at issue, there was no reason to believe any such drugs would still be there more than three months after the government's last observation.

The intervening months presented no further direct or circumstantial evidence to connect any suspected drug transactions with Ms. Gaines's apartment. *See supra* Part I.A. If anything, further surveillance discredited any notion that Mr. Joppy may be hiding

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<sup>3</sup> Although the state also suggested the April 9 phone call as evidence of drug proceeds being stored at the apartment, the connection made was purely speculative. *See supra* Part I.A.

drugs in the residence. As noted above, the police saw Richard Joppy on February 27 and March 4 traveling to or from what they insisted were drug transactions (even though they saw no exchanges, hand-offs, drugs, or cash). On these two occasions, Mr. Joppy was observed returning to Ms. Gaines apartment only once. He was not seen returning to the apartment the second time. Such behavior is not indicative of “a course of conduct regularly followed,” which the Court of Appeals said in *Peterson* was necessary to keep evidence from becoming stale. *Peterson*, 281 Md. at 321 (emphasis added).

The phone call that police intercepted on April 9 would also have done nothing to keep their initial finding of a nexus fresh, since the extensive MCPD and FBI surveillance assets did not see Mr. Joppy at all on that day. (App. 20). If anything, the phone call and lack of visual surveillance would have provided them with evidence that their previous inferences were either incorrect or no longer relevant.

**C. The Good Faith Exception to the Exclusionary Rule Is Not Applicable in This Case Because the Absence of a Nexus Left Officers Unable to Rely on the Warrant in Good Faith.**

The Supreme Court adopted the exclusionary rule as a remedy for Fourth Amendment violations in *Weeks v. United States*, 232 U.S. 383 (1914). The exclusionary rule was applied to the states in *Mapp v. Ohio*, 367 U.S. 643 (1961). In *Leon v. United States*, 486 U.S. 1250 (1983), the Supreme Court allowed for an exception to the exclusionary rule if, notwithstanding a constitutional violation, the officer executing the warrant acted in good faith.

However, a police officer’s ability to rely upon the good faith exception is limited. The Court of Appeals has held if a warrant is “facially deficient” then “suppression of the

evidence procured would remain an appropriate remedy.” *Greenstreet v. State*, 392 Md. 652, 679 (2006). Furthermore, the good faith exception does not apply in situations where “the warrant was based on an affidavit that was so lacking in probable cause as to render official belief in its existence entirely unreasonable.” *Patterson v. State*, 401 Md. 76, 104 (2007). In determining whether an officer may reasonably rely on a warrant, the court’s “good-faith inquiry is confined to the objectively ascertainable question whether a reasonably well trained officer would have known that the search was illegal despite the magistrate’s authorization.” *Leon*, 468 U.S. at 923.

The question then is whether a reasonable officer would be expected to be aware of the fact that a warrant lacking the nexus requirement is insufficient. In its analysis of the good faith exception, the Court of Appeals stated that a “well-trained police officer is required to be aware of well-established current law and to have a reasonable knowledge of what the law prohibits.” *Greenstreet* , 392 Md. at 679. In keeping with this rule, the Court of Appeals has further held an officer is expected to know of the nexus requirement because “the nexus requirement is sufficiently well-established that the police must be aware of it.” *Agurs*, 415 Md. at 84 (emphasis added).

As discussed, *see supra* Section I.A, the affidavit in support of the warrant failed to establish a nexus between George Gee’s suspected drug ring and Ms. Gaines’s apartment. Where this requirement was absent in the case at bar, and police officers in Maryland are expected to be aware of the nexus requirement, the good faith exception to the exclusionary rule would not apply to evidence seized as a result of the deficient warrant in this case.

**II. THE TRIAL COURT ERRED IN DENYING THE MOTION FOR ACQUITTAL BECAUSE THE STATE PRESENTED INSUFFICIENT EVIDENCE AS A MATTER OF LAW TO CONVINCE A REASONABLE TRIER OF FACT THAT MR. JOPPY POSSESSED THE CONTROLLED SUBSTANCE FOUND IN HIS GIRLFRIEND'S RUNNING JACKET.**

The state did not present sufficient evidence, as a matter of law, to establish that Mr. Jopyy was in possession of the cocaine found in Ms. Gaines's closet. When reviewing a challenge to the sufficiency of evidence, an appellate court must "determine whether the record evidence could reasonably support a finding of guilt beyond a reasonable doubt." *Jackson v. Virginia*, 443 U.S. 307, 318 (1979). Furthermore, "[t]he standard of review for . . . evidentiary sufficiency is whether any rational trier of fact could have found the essential elements of the crimes beyond a reasonable doubt." *Moye v. State*, 369 Md. 2, 12 (2002). Whether the state presented sufficient evidence is a question of law rather than fact, and as such, the appellate court must "review *de novo* the issue of whether the evidence is sufficient to sustain" a conviction. *Wilder v. State*, 191 Md. App. 319, 335 (2010).

Possession requires that one "exercise . . . dominion or control over a thing," and may be established in two ways, either actual or constructive. MD. CODE ANN., CRIM. LAW § 5-101. The Court of Appeals has held that a person has "dominion or control" over a thing when he has "exercised some restraining or directing influence over it." *Garrison v. State*, 272 Md. 123, 142 (1974). The Court of Appeals also held that "an individual ordinarily would not be deemed to exercise 'dominion or control' over an object about which he is unaware. Knowledge of the presence of an object is normally a

prerequisite to exercising dominion and control.” *Dawkins v. State*, 313 Md. 638, 649 (1988).

In this case, there is no question that Mr. Joppy was not in actual possession of the cocaine found in the apartment. He did not have it in his hands, in his pockets, or anywhere on his person. Therefore the state was obligated to prove that Mr. Joppy had constructive possession over the contraband.

The Court of Appeals has held that that “possession is determined by examining the facts and circumstances of each case.” *Smith v. State*, 415 Md. 174, 198 (2010). Four factors are considered in the analysis of whether constructive possession has been established:

we have found several factors to be relevant in the determination of whether an individual was in possession of the CDS, including, the defendant’s proximity to the drugs, whether the drugs were in plain view of and/or accessible to the defendant, whether there was indicia of mutual use and enjoyment of the drugs, and whether the defendant has an ownership or possessory interest in the location where the police discovered the drugs. None of these factors are, in and of themselves, conclusive evidence of possession.

*Smith*, 415 Md. at 198 (2010) (citations omitted).

In *Smith*, the Court of Appeals found the defendant to have constructive possession of marijuana because he was seated around a table where people had been smoking, and was within arm’s reach of a lit marijuana cigarette. In another case, the Court of Appeals held that a rational trier of fact could not have found the defendant to have constructive possession of drugs that were found in a bag in the same room with him. *Taylor v. State*, 346 Md. 452 (1997). Though Taylor was aware that some marijuana was present in the room, the Court of Appeals held that constructive



possession could not be established when “the contraband was secreted in a hidden place not otherwise shown to be within Petitioner's control.” *Taylor* 346 Md. at 459 (1997). Applying the *Smith* factors to the case at bar, it is evident that the state did not produce enough evidence to allow a reasonable fact finder to find beyond a reasonable doubt that Mr. Joppy had constructive possession of the drugs found in Ms. Gaines’s closet.

The first factor is the defendant’s proximity to the drugs. In cases that examine physical proximity, the factor has weighed in the state’s favor when the drugs were in a confined space such as the passenger compartment of a car, *Johnson v. State*, 142 Md. App. 172 (2002), or when contraband is sitting on a table at which the defendant was seated, *Smith*, 415 Md. at 178 (2010). In an example more analogous to the proximity of a closet to a bedroom, the Court of Appeals held that a defendant did not have constructive possession over drugs that were in the trunk of the car he was riding in. *White v. State*, 363 Md. 150, 165 (2001). In this case, the drugs may have been physically close in the sense that they were in a closet that was connected to the bedroom, but like in *White* and unlike in *Smith*, they were not within arm’s reach or within grabbing distance. (T<sub>3</sub> 137–138).

The next factor, whether the drugs were in plain view, weighs heavily in favor of Mr. Joppy in this case. The contraband in this case was even more removed from view than the drugs in *Taylor*, a case in which the Court of Appeals found there to be no constructive possession. *Taylor*, 346 Md. 452 (1997). Whereas the drugs in *Taylor* were in a bag in the room with Taylor, the cocaine in this case was inside a plastic bag, in a pill

bottle, in the pocket of a jacket, hanging inside a closet. (T<sub>3</sub> 137–138). It is difficult to imagine a situation in which the drugs could be better hidden from Mr. Joppy's view.

The factor examining mutual use or enjoyment of the drugs is less relevant here, since there is no allegation that Mr. Joppy was using the drugs. Instead of evidence of use, however, the state could have pointed to evidence that directly tied Mr. Joppy to the drugs, if such evidence had been available. There was no evidence that Mr. Joppy handled the drugs, and Mr. Joppy's fingerprints were not found on the pill bottle that contained the drugs, nor was there a label with his name on the bottle. (T<sub>4</sub> 184). Furthermore, the state presented no evidence that the jacket in which the drugs were found belonged to Mr. Joppy. Indeed, Victoria Gaines explained to the jury the jacket was hers and she used it when she went out walking to exercise. (T<sub>4</sub> 106–107).

The final factor is whether Mr. Joppy had an ownership or possessory interest in the residence. In *Moye*, the Court of Appeals did not find the defendant to have constructive possession of drugs discovered in a home in which he had been "living" with the owners, in part because the defendant had no ownership interest in the home. *Moye*, 369 Md. at 18. It was uncontested that Ms. Gaines was the sole leaseholder of the premises, and that Mr. Joppy had no ownership interest in the apartment. (App. 4). Instead, the state relied on testimony that there was men's clothing in the closet and a single piece of mail on the table that was addressed to Mr. Joppy. (T<sub>3</sub> 145). Mr. Joppy certainly stayed over at his girlfriend's house occasionally. But, like *Moye*, he did not have any possessory interest in the residence beyond that of an overnight guest, nor do his overnight stays suggest ownership of anything found in his girlfriend's closets.




As noted by the Court of Appeals in *Smith*, none of these factors alone are dispositive, and constructive possession must be established by looking at the totality of the circumstances. *Smith*, 415 Md. at 198. In this case the factors taken together, particularly the fact that the drugs were not visible to a visitor to the apartment and the fact that Mr. Joppy had no ownership interest in the apartment, show that the state did not present sufficient evidence to allow a reasonable finder of fact to conclude that Mr. Joppy was in constructive possession of the drugs.

CONCLUSION

For the foregoing reasons, Mr. Joppy respectfully requests that all of his convictions be vacated, and his case remanded for a new trial with an order to suppress the evidence derived pursuant to the execution of the search warrant, and at a minimum, that his conviction for possession with intent to distribute be overturned.

Respectfully submitted,

PAUL DeWOLFE, ESQ.  
Public Defender

  
\_\_\_\_\_  
RENÉE HUTCHINS, ESQ.  
PETER HONNEF\*  
Assigned Public Defenders/Counsel for Appellant

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\*Practicing pursuant to Rule 19-217 of the Maryland Rules.

**CERTIFICATION OF WORD COUNT AND COMPLIANCE WITH RULE 8-112**

1. This brief contains 6,418 words, excluding the parts of the brief exempted from the word count by Rule 8-503.
2. This brief complies with the font, spacing, and type size requirements stated in Rule 8-112.

**APPENDIX**

Police Surveillance Logs..... App. 1–3

Affidavit in Support of Probable Cause for Search Warrant. .... App. 4–32

# MEMORANDUM

TO : [Illegible]

FROM : [Illegible]

SUBJECT : [Illegible]

## SURVEILLANCE REPORT

DATE/TIME: 2/27/2015 at 1524 hours

LOCATION: Bel Pre Road/Bel Pre Drive and 3320 Teagarden Circle, Silver Spring, MD

CALL #:

TEAM MEMBERS: Detective Michael Brooks, Officer Brian Carroll

PHOTOGRAPHS/VIDEO: Surveillance van video

SUSPECTS OBSERVED: Richard Joppy

VEHICLES OBSERVED: Green Honda sedan, Maryland registration 5BL6871 (Joppy)

NARRATIVE: \*

On 02/27/2015 at approximately 1524, Detective Brooks and Officer Carroll were conducting surveillance in the area of Bel Pre Dr. and Bel Pre Rd. Officer Carroll observed a dark green Honda sedan, with Maryland registration 5BL6871, exit Bel Pre Dr. and turn onto eastbound Bel Pre Rd. At approximately 1525 hours, Officer Carroll observed the vehicle park near the McDonalds, located in the Plaza de Mercado, 2207 Bel Pre Rd., Silver Spring, Maryland. Detective Brooks observed a light-skinned black or Hispanic male driver and a black female passenger exit the vehicle and enter the McDonalds. Detective Brooks identified the driver as Richard Joppy via a picture provided by Det. Walsh. Approximately 10 minutes later, both Joppy and the passenger returned to the vehicle and drove to another store in the shopping center. The vehicle departed the shopping center approximately 5 minutes later.

At approximately 1600 hours, Officer Carroll observed the vehicle park in front of the Family Dollar, located at 13817 Outlet Dr., Silver Spring, Maryland. The black female passenger exited the vehicle and appeared to enter the store. Joppy remained in the vehicle. At approximately 1608 hours, the black female passenger returned to the vehicle, which departed out the rear of the shopping center onto Castle Blvd. At approximately 1610 hours, Detective Brooks observed the vehicle park in front of 3320 Teagarden Cir., Silver Spring, Maryland. Detective Brooks observed both Joppy and the passenger enter the ground floor of the building.

Surveillance was terminated at approximately 1612 hours.

## SURVEILLANCE REPORT

DATE/TIME: 3/4/2015

LOCATION: 13872 Columbia Pike (Big G's Images)

CALL #: none

TEAM MEMBERS: W420- Chmiel, W422- Corvoisier, W423- Amaya, W424- Baxter, W425- Graves, W428- Dyer, Mark Broadus

PHOTOGRAPHS/VIDEO: none

SUSPECTS OBSERVED:

George Gee  
Ryan Snowden  
Tiki Harmon  
Andre Napper  
Richard Joppy

VEHICLES OBSERVED:

George Gee- Silver Chevy Traverse Maryland 8BW3986  
Tiki Harmon- Green Acura TL- Maryland 8BK4379  
Ryan Snowden- White Dodge Charger- Ontario BRWS 629  
Richard Joppy- Blue Honda Maryland 5BL6871  
White Nissan Maryland 8BM2402  
Richard Joppy- Silver Acura Maryland 9BK5443  
Andre Napper- Toyota Maryland 2BL6017  
Silver Honda- Maryland 3BT3149

NARRATIVE:

On 3/4/2015 the writer (Baxter) and the rest of the 4D SAT team was contacted by ROPE to relieve them watching the Big G's Images Barber shop. While watching the barber shop Amaya observed Snowden coming in and out of the barber shop numerous times. At approximately 1706 Amaya observed Gee's white Nissan Maxima pull into the parking lot of the barber shop. This Nissan was occupied by an older black female and an approximately 15 year old female. Both females entered the barber shop while Snowden was standing out front of the shop by the entrance door. After the females entered the shop Snowden followed and directed them to the rear of the shop. Both females exited approximately 8 minutes later, entered the Nissan and left the parking lot. Surveillance on this vehicle was terminated at this time.



While conducting surveillance on the shop the team was contacted by the wire room and advised them of a CDS transaction that was to take place between Gee and Joppy. Initially it was unknown where the deal was to take place so the writer went to the area of Gee's residence and Chmiel went to Joppy's residence. Joppy was seen by Chmiel driving into his apartment complex and exiting a Blue Honda with Maryland registration 5BL6871. At approximately 1715 Joppy was then observed entering apartments located at 3320 Tea Garden Circle. Chmiel was unable to place him into a specific apartment. Joppy exited his apartment complex at approximately 30 minutes later and went to the passenger side door of a Silver Acura with Maryland Registration 9BK5433. Joppy was in the front passenger area momentarily then entered the driver seat and drove away. Chmiel stayed on the Tea Garden address.

The wire room advised that the deal was likely to take place near Gee's residence. While in this area the writer observed a young black male approximately 15 years old wearing gray pants and a blue and black jacket standing at the intersection of Twig Rd and Cavendish Dr. The writer relayed this information to Corvoisier who picked up on surveillance. Corvoisier advised that this unknown male ran in and out of the adjacent parking lot numerous times. This unknown male then approached the Acura which ultimately parked on Twig Rd at Silo Way with its 4 way flashers on. The driver exited the vehicle and met up with the unknown male near the sidewalk momentarily. The unknown male then ran in the direction of Gee's residence and the driver entered the vehicle and drove away in the direction of Good Hope Rd. Surveillance was terminated on this vehicle moments later.

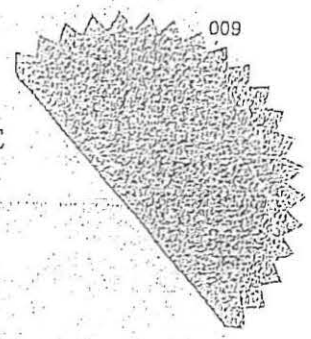
While the just mentioned transaction was occurring Broadus observed Napper's vehicle at Gee's residence where a suspected transaction occurred. The writer responded to Napper's residence at 11 Faircrest Ct. and observed his Toyota parked in front of his residence. While at this residence the writer observed a silver Honda with Maryland registration 3BT3149 pull up to the residence and the driver enter via the front door.

As the rest of the team was waiting for Harmon to leave in his Acura the writer then set up on Harmon's residence at 3838 Berleigh Hill Ct. Harmon was observed by Amaya exiting the barber shop and entering his Acura at approximately 1821. Surveillance was conducted on this vehicle into PG County where surveillance was lost at Briggs Chaney Rd and Old Gunpowder Rd.

End of notes.



THE UNITED STATES DISTRICT COURT FOR THE  
DISTRICT OF MARYLAND



IN THE MATTER OF THE )  
SEARCH OF: )

(1) THE RESIDENCE LOCATED AT )  
3320 TEAGARDEN CIRCLE )  
APARTMENT # 104 )  
SILVER SPRING, MARYLAND )

CASE NO. 15-115200

(2) THE RESIDENCE LOCATED AT )  
11 FARMCREST COURT )  
SILVER SPRING, MARYLAND )

CASE NO. 15-115300

(3) THE RESIDENCE LOCATED AT )  
51 BAILEYS COURT )  
SILVER SPRING, MARYLAND )

CASE NO. 15-115400

Filed Under Seal

AFFIDAVIT IN SUPPORT OF SEARCH WARRANT

I, Charles Adams, Special Agent of the Federal Bureau of Investigation having been duly sworn, state as follows:

PURPOSE OF THIS AFFIDAVIT

1. Your affiant submits this affidavit in support of a search warrant for the residences located at (1) 3320 Teagarden Circle, Apartment # 104, Silver Spring, Maryland (hereinafter the "SUBJECT PREMISE #1"); (2) 11 Farmcrest Court Silver Spring, Maryland (hereinafter "SUBJECT PREMISE #2"); and (3) 51 Baileys Court Silver Spring, Maryland (hereinafter SUBJECT PREMISE #3) (collectively referred to as "the SUBJECT PREMISES")

2. As described more fully below and in Attachment B-1, SUBJECT PREMISE #1 is the primary residence of Richard Lee JOPPY<sup>1</sup> ("JOPPY"), and is a location at which JOPPY is

<sup>1</sup> On April 2, 2015, law enforcement officers showed the manager of the "Knightsbridge Apartments" a photograph of JOPPY and the manager immediately recognized JOPPY as an individual that lives with GAINES in apartment #104, but is not on the lease. The manager stated that he has observed JOPPY at the apartment frequently and he believes JOPPY drives a Honda. Additionally, while conducting physical

WC  
CAN  
clik5  
App. 4

believed to store drugs and drug proceeds. As described more fully below, 3320 Teagarden Circle is a four-level apartment building with gray vinyl siding. The number "3320," white in color, is centered on a green awning covering the entry way into the stairwell. SUBJECT PREMISES #1 is apartment # 104 on the first floor of the "Knights Bridge Apartments" complex. Apartment #104 is located on the right side of the building and down a flight of stairs. The front door of Apartment #104 is gray in color with the number "104," white in color, affixed against a brown background centered on a gold door knocker. There is a door knob and deadbolt lock located on the right side of the door.

3. As described more fully below and in Attachment B-2, the SUBJECT PREMISE #2 is the primary residence of Andre NAPPER<sup>2</sup> ("NAPPER") and is a location at which your affiant believes that NAPPER stores drugs and/or drug proceeds. SUBJECT PREMISE #2 is a two-story townhouse with brown brick siding on the lower half of the residence and gray vinyl siding on the upper half of the residence. The numerals "11" are black in color against a gray background centered above the front door. The front door is light blue in color with a white storm door. There is a window located to the right of the front door and two windows with light blue shutters on the second level. There is a porch light located to the left of the front door.

4. 2. As described more fully below and in Attachment B-3, SUBJECT PREMISE #3 is the primary residence of George Earl GEE<sup>3</sup> ("GEE") and is a location at which your affiant believes

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surveillance, law enforcement officers have observed JOPPY routinely entering and exiting SUBJECT PREMISE #1.

<sup>2</sup> While conducting physical surveillance, law enforcement officers have observed NAPPER routinely entering and exiting SUBJECT PREMISE #2. Additionally, officers have observed a black Toyota Camry bearing Maryland tag number 2BL6017, registered to NAPPER, parked in front of SUBJECT PREMISE #2 on multiple occasions.

<sup>3</sup> While conducting physical surveillance, law enforcement officers have observed GEE routinely entering and exiting SUBJECT PREMISE #3. Additionally, during the investigation law enforcement officers received judicial authorization to obtain physical location data for multiple cell phones used by GEE. That data consistently showed GEE at SUBJECT PREMISE #3 at times consistent with someone

that GEE stores drugs and/or drug proceeds. SUBJECT PREMISE #3 is a two story townhouse with light green vinyl siding. The numeral "51" are black in color against a white background located to the right of the front door under the porch light. The front door is burgundy in color. The door handle and deadbolt are on the right side of the door. The windows have burgundy shutters.

5. Based on surveillance, law enforcement officers believe GEE moved, sometime in April 2015, from a residence at 1367 Elm Grove Circle, Silver Spring, Maryland to SUBJECT PREMISE #3. Prior to April 2015, officers observed GEE routinely entering and exiting the residence at 1367 Elm Grove Circle, Silver Spring, Maryland. Sometime in April 2015, officers observed GEE routinely entering and exiting SUBJECT PREMISE #3.

6. Based on the facts set forth in this affidavit and based on the investigation in which your affiant has participated in, your affiant submits that there is probable cause to believe that George Earl GEE, JOppy, NAPPER and others committed violations of 21 U.S.C. § 846 (conspiracy to possess with intent to distribute a controlled substance) and 21 U.S.C. § 841 (possession with intent to distribute a controlled substance). Furthermore, your affiant believes that there is probable cause that fruits, evidence and instrumentalities of these crimes are located in the SUBJECT PREMISES.

#### BACKGROUND AND EXPERIENCE

7. I am an investigative or law enforcement officer of the United States within the meaning of Title 18, United States Code, Section 2510(7), that is, an officer of the United States who is empowered by law to conduct investigations of, and to make arrests for, offenses enumerated in

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living at the residence. According to Maryland state records, "VPC One Corporation" is the registered owner of SUBJECT PREMISE #3. "VPC One Corporation" is a contractor who supplies subsidized housing to the Montgomery County Housing Opportunities Commission. "VPC One Corporation" also owned GEE's prior residence at 1367 Elm Grove Circle, Silver Spring, Maryland.



Section 2516 of Title 18, United States Code.

8. I have been a special agent with the Federal Bureau of Investigation (hereinafter FBI) since November 2006 and have been a law enforcement officer since 2000. From July 2000 through May 2005, I served as a police officer with the Arlington County Police Department in Virginia and from May 2005 through November 2006, I served as a special agent with the Naval Criminal Investigative Service. From April 2009 through January 2013, I conducted violent gang and narcotics investigation with the FBI Washington Field Office. From January 2013 through January 2014, I was assigned to FBI Headquarters Counter-Terrorism Division. I have been assigned to the Baltimore Division, squad C-8, since February 2014. I have worked on federal narcotics investigations since 2009 and have participated in several investigations that led to the arrest and conviction of narcotics distributors. C-8 investigates violent crime within Montgomery County, Maryland, to include violent gangs and narcotics trafficking.

9. As a result of this training and experience, your affiant has learned about the importation, manufacture, concealment and distribution of controlled substances. As a result of these experiences, your affiant has become familiar with the use of cellular telephones by drug traffickers to communicate, the patterns of activity of drug traffickers, the types and amounts of profits made by drug dealers, and the methods, language, and terms that are used to disguise the source and nature of the profits of illegal drug dealing. Additionally, based on your affiant's training and experience and his participation in other narcotics investigations, your affiant knows the following: that it is common for drug dealers to "front," or provide on consignment, controlled substances to their customers; that it is common for drug dealers to conceal contraband, proceeds of drug sales, and records of drug transactions in secure locations within their residences, vehicles and/or businesses for ready access; that it is common for drug dealers

to conceal proceeds from law enforcement authorities and rival narcotics traffickers; that drug dealers routinely use cellular telephones to facilitate their drug distribution operations; that drug dealing is an ongoing process that requires the development, use, and protection of a communication network to facilitate daily drug distribution; that drug dealers use telephones to thwart law enforcement efforts to penetrate the drug dealers' communication networks; and that narcotics traffickers commonly use "coded" language when speaking with other drug traffickers in order to thwart detection by law enforcement agents who may be intercepting their communications.

10. Since 2000, I have received training and experience in interviewing and interrogation techniques, arrest procedures, search and seizure, search warrant applications and procedures, criminal narcotics violations including narcotics identification, narcotics detection, narcotics packaging, and narcotics distribution, as well as various other criminal violations including "white collar" criminal offenses.

11. This affidavit contains only such information as is necessary to establish probable cause for the issuance of a search warrant for the SUBJECT PREMISES, and, therefore, does not include each and every fact and matter observed by me, other investigators, or known to the government relating to the subject matter of this investigation.

#### PROBABLE CAUSE

12. During the course of this investigation, the Federal Bureau of Investigation (FBI) and the Montgomery County Police Department (MCPD) have identified a crack cocaine and heroin distribution operation led by George Earl GEE. GEE and his distribution network primarily operate in the housing complex known as "Bel Pre Square," located at 14000 block of Bel Pre Drive, Silver Spring, Maryland (hereinafter "Bel Pre Square") and the surrounding area. GEE

directs and/or supplies several local drug distributors operating in Bel Pre Square and conducts hand-to-hand drug transactions with local distributors.

Controlled Purchase of Narcotics on November 7, 2014

13. On November 7, 2014, a cooperating witness (hereinafter referred to as "CW") made a controlled purchase of crack cocaine at the direction of the FBI and Montgomery County Police Detectives. On that date, the CW met with law enforcement officers. During the meeting, law enforcement officers observed the CW contact GEE on cellular phone number 240-460-5998 (hereinafter "GEE's CELLPHONE"). During the conversation, the CW and GEE arranged to meet at the 14000 block of Bel Pre Drive. Law enforcement officers searched the CW for contraband, with negative results; equipped the CW with a recording device, and provided him with funds to purchase the crack cocaine. Prior to the transaction, law enforcement officers monitored GEE's white 2011 Nissan Maxima using the GPS tracking device.<sup>4</sup> The Nissan Maxima was initially located in the area of Valleyfield Drive, Silver Spring, Maryland. The white 2011 Nissan Maxima traveled directly from Valleyfield Drive to Bel Pre Square, where shortly after his arrival, GEE conducted a narcotics transaction with the CW in the parking lot of Bel Pre Square.

14. After the transaction was complete, law enforcement officers observed the CW depart the area en route to a prearranged staging location. Once at the prearranged location, the CW turned over the suspected narcotics and the recording device to law enforcement officers and was searched for contraband, with negative results. Law enforcement officers conducted a field test of the suspected narcotics, which tested positive for cocaine. The cocaine weighed approximately 30 grams.

<sup>4</sup> On October 14, 2014, United States Magistrate Judge Thomas Digirolamo authorized the FBI to install a GPS tracking device on the white 2011 Nissan Altima.

Interception of communications over GEE's CELLPHONE:

15. On February 3, 2015, United States District Court Judge George J. Hazel authorized interception of wire and electronic communications occurring over GEE's CELLPHONE. Interception terminated on March 4, 2015. On March 6, 2015, United States District Court Judge George J. Hazel authorized the renewed interception of communications occurring over GEE's CELLPHONE. On April 3, 2015, United States District Court Judge George J. Hazel authorized the continued interception of GEE's CELLPHONE. On May 7, 2015, United States District Court Judge George J. Hazel authorized interception of wire and electronic communications occurring over (240) 559-8557, a second phone utilized by GEE (hereinafter "GEE CELLPHONE #2").

16. On February 19, 2015 at 8:19 pm, law enforcement officers intercepted an incoming call to GEE's CELLPHONE from a cellular telephone number utilized by Andre NAPPER. The following is an excerpt from the their conversation:

GEE: Hello

NAPPER: What's up man?

GEE: What's up boss?

NAPPER: Aint shit what you doin'?

GEE: Remember that thing I wanted to show you about.

NAPPER: Go down, man go down. Yeah I'm gonna fuck around and, where the fuck you at? What side you on? I'm out here rippin and runnin now.

GEE: Shit, call me when you get in the house.

NAPPER: Yeah, it's prob, I'm fucking, I'll probably see you tomorrow then.



Because I'm gonna be drinking my drink for a little minute.

GEE: Oh, ok.

NAPPER: Yeah but I got that. I'm a have that cheese for you tomorrow anyway though, so.

GEE: Yeah, I got to talk to you about a lot of shit. I got to talk to you about some shit, you know what I mean. Deal wit that shit and everything will be cool, just trust me.

NAPPER: Ok cool, that's a, I'm a hit you in the am though. I'm a hit you in the am.

GEE: Aight.

17. Based on my training, experience, and knowledge of this investigation, your affiant believes that NAPPER was busy distributing drugs ("I'm out here rippin and runnin now") and that NAPPER had drug proceeds for GEE (referred to as "cheese"). NAPPER and GEE subsequently agreed to meet the following morning so that NAPPER could deliver the proceeds to GEE.

18. On February 27, 2015, at approximately 3:00 pm, law enforcement officers intercepted a call to GEE's CELLPHONE from cellular telephone number (202) 271-2553; utilized by JOPPY. The following is an excerpt of their conversation:

GEE: Yeah, I'm a see you around the way. You, ugh, just come around the way, around Joe Thomas' joint.

JOPPY: Uh huh? Oh yeah.

GEE: Meet me around Joe Thomas' joint.

JOPPY: Yeah I got you.

GEE: Aight.

19. Based on my training, experience, and knowledge of this investigation, your affiant believes that GEE and JOPPY are arranging a drug transaction. During the conversation, GEE directed JOPPY to meet him "around Joe Thomas' joint," which your affiant believes to be the area of Bel Pre Drive, also known as "Bel Pre Square." After intercepting this call, law enforcement officers conducted surveillance of Bel Pre Drive. At approximately 3:24 pm, officers observed JOPPY exiting Bel Pre Drive driving a green Honda sedan, Maryland registration number 5BL6871.<sup>5</sup> Law enforcement officers kept constant surveillance of JOPPY and observed him driving to and entering SUBJECT PREMISE #1 at approximately 4:10 pm. Based on the above described call, your affiant believes that, at the time he entered the SUBJECT PREMISE #1, JOPPY was in possession of drugs.

20. On March 4, 2015, at 4:59 PM, law enforcement officers intercepted a call to GEE's CELLPHONE from cellular telephone number (202) 271-2553, which is utilized by JOPPY. The following is an excerpt of their conversation:

GEE: Hello

JOPPY: Hey. Yea, I'm about to snow. What, what's it look like?

GEE: I'm on my way around, around the Hope and shit, man.

JOPPY: OK, I'm on this side on the Chaney side.

GEE: I say, what you trying to do.

JOPPY: Two.

GEE: Oh, yea that's perfect, shit meet me over there, on the Good Hope

<sup>5</sup> According to the Maryland Department of Motor Vehicles (MVA), the Honda sedan is registered to Victoria GAINES, with a home address of 3320 Teagarden Circle, apartment #104 (the SUBJECT PREMISES).

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side man. Where I been meeting you at (GEE yelling at someone in the background). Be there in like 15 minutes alright.

JOPPY: OK, not the Hope though?

GEE: Yea, you know, not the neighborhood. You know what I'm talking about, by the stop sign and shit at.

JOPPY: I'm, I'm, I'm, [unintelligible], I'm not sure I might be getting confused which those two joints.

GEE: Um where I seen you last time man.

JOPPY: Ok. Alright.

21. Based on my training, experience, and knowledge of this investigation, your affiant believes that JOPPY and GEE were arranging a meeting to conduct a drug transaction. During the conversation, GEE asked JOPPY what quantity of drugs he wanted ("what you trying to do?"). JOPPY replied that he wanted two ounces of drugs ("two"). GEE then directed JOPPY to meet him at a specific location near Bel Pre Square ("oh yea that's perfect, shit meet me over there, uh, on the Good Hope [Road] side man").

22. After intercepting this call, law enforcement officers conducted surveillance in the area of GEE's prior residence, 1367 Elm Grove Circle, Silver Spring, Maryland and in the area of SUBJECT PREMISE #1. At approximately 5:15 pm, officers observed JOPPY enter SUBJECT PREMISE #1. At approximately 5:45 pm, JOPPY exited SUBJECT PREMISE #1, entered the green Honda sedan, and drove out of the neighborhood toward Good Hope Road.

23. At approximately 5:43 pm, law enforcement officers intercepted a call from GEE's CELLPHONE to cellular telephone number (202) 271-2553, which is utilized by JOPPY. The following is an excerpt of their conversation:



JOPPY: Hey, I'm coming up to the light on Good Hope.

GEE: What?

JOPPY: I'm coming up to the light up on Good Hope.

GEE: Alright, so remember what I said man. Make the second, make the left by the rec then come down and then make a left right at the stop sign. And then park in the, uh, in the neighborhood.  
[unintelligible]. My son bout gonna come out there and see you young.

JOPPY: Aight.

24. Based on my training, experience, and knowledge of this investigation, your affiant believes that JOPPY called GEE to let him know he is close to the agreed upon location for the drug transaction. GEE then informed JOPPY that he was sending another person ("my son bout to come out there and see you") to conduct the drug transaction.

25. At approximately 5:49 pm, law enforcement officers intercepted an incoming call to GEE's CELLPHONE from a cellular telephone number utilized by Andre NAPPER. The following is an excerpt from the their conversation:

GEE: Yo.

NAPPER: Yo you in the house?

GEE: Yeah I'm in the house.

NAPPER: Yeah. I'm, I'm out front. You trying to come out? I got my daughter in the car.

GEE: Uh, yeah. I'm about to come out now.

NAPPER: Aight.

26. Based on my training, experience, and knowledge of this investigation, your affiant believes that GEE wanted to meet with NAPPER to provide NAPPER with drugs to give to JOPPY. Law enforcement officers subsequently observed NAPPER, driving a black Toyota Camry bearing Maryland tag number 2BL6017, pull into GEE's neighborhood and park in front of GEE's prior residence at 1367 Elm Grove Circle. [A short time later, GEE was observed exiting his residence and meeting with NAPPER at NAPPER's Toyota Camry. After the meeting, GEE returned to his prior residence at 1367 Elm Grove Circle and NAPPER left the area. Officers continued to conduct surveillance on NAPPER, who drove to the area of Twig Road in Silver Spring, Maryland. A short time after NAPPER arrived on Twig Road, law enforcement officers observed JOPPY leaving the area of Twig Road. Although officers did not observe NAPPER and JOPPY meet, based on my training, experience, and knowledge of this investigation, your affiant believes that NAPPER served as a "middle man" and delivered drugs from GEE to JOPPY on Twig Road. Shortly after this transaction, officers observed NAPPER's Toyota Camry parked in front of SUBJECT PREMISE #2. Based on my training, experience, and knowledge of this investigation, your affiant believes that NAPPER brought drugs back to SUBJECT PREMISE #2.

27. At approximately 5:54 pm, law enforcement officers intercepted an incoming call to GEE's CELLPHONE from cellular telephone number (202) 271-2553, which is utilized by JOPPY. The following is an excerpt of their conversation:

GEE: Hey.

JOPPY: Yeah, I just hit youngin's. You heard me?

GEE: Yeah, Yeah, my youngin's, my son.

JOPPY: Right, right, I'm just making sure, you know.

(22)

GEE: Yeah.

JOPPY: Aight.

GEE: You seen 'em right.

JOPPY: Huh?

GEE: You seen 'em right.

JOPPY: On the two, two joint right?

GEE: Yeah did you send, uh, how much, uh, that was, that was two joints there?

JOPPY: Yeah, Ok, you know the 3-oh-oh.

GEE: Yeah that's what it is. That's a whole 7.

JOPPY: Right, yeah, I wasn't trying to look around. I was just, you know, making sure, you know.

GEE: Nah, Nah, you ain't never gotta worry about that. Never. Trust me.

JOPPY: Well yeah. It's all good.

28. Based on my training, experience, and knowledge of this investigation, your affiant believes that JOPPY called GEE to ensure GEE knew that JOPPY met with NAPPER (referred to as "my son") and conducted the drug transaction ("I wasn't trying to look around. I was just, you know, making sure, you know"). GEE also confirmed that JOPPY received two ounces of drugs ("that was two joints there").

29. On April 1, 2015, at approximately 10:40 pm, law enforcement officers intercepted an incoming call to GEE's CELLPHONE from Alphonso SALAZAR over (240) 547-8084. The following is an excerpt from their conversation:



SALAZAR: Como estes? Como estes?

GEE: By the town houses loco.

SALAZAR: The town houses? Hey, can I come see something?

GEE: Yea. Quanto?

SALAZAR: I don't know. I may take one. You know it depends (UI) depends on how they look. No, I wanna take one, I wanna take one, but you know, if it's the same thing I don't wanna take it.

GEE: Ahh, no, no, no [unintelligible] ocho.

SALAZAR: [unintelligible] but if it's the same thing, I don't wanna take it.

GEE: It's not man, just come holler at me.

SALAZAR: Alright, hey, I'm a come out there right now.

30. Based upon your affiant's training experience and knowledge of the investigation, your affiant believes that GEE and SALAZAR are discussing a pending transaction near "the townhouses." Based on the above listed conversation, on April 1, 2015, at approximately 11:00 pm, officers of the Montgomery County Police Department initiated surveillance in the area of Twig Road and Silo Way in Silver Spring, Maryland. At approximately 11:15 pm, law enforcement officers observed a white Nissan, bearing Maryland registration 8BM2402, park in front of GEE's prior residence at 1367 Elm Grove Circle. A black male, who appeared to be GEE, exited the Nissan and entered the residence. Several minutes later, the same male exited the residence and began traveling toward Twig Road and Silo Way.

31. As the Nissan left, law enforcement officers intercepted an incoming to GEE's CELLPHONE from SALAZAR over (240) 547-8084. The following is an excerpt from their conversation:



GEE: Yo. Hello.

SALAZAR: Hey, I'm, Hey I'm right here on Silo.

GEE: Where?

SALAZAR: Silo, you say, say come to the.

GEE: Yea, yea, yea.

SALAZAR: So what do you want me to do?

GEE: Stay right there, when you park on Silo you know where you got to go.

32. While this conversation is occurring, officers observed a white Ford sedan traveling slowly through the neighborhood. The white Ford sedan drove to the area of Silo Way and Twig Road. Officers then observed GEE's white Nissan park on Silo Way. At approximately 11:25 pm, law enforcement officers intercepted an incoming text/SMS message to GEE's CELLPHONE from (240) 547-8084, which stated "Um here."

33. Several minutes later, officers observed the white Ford sedan leaving the neighborhood. An unmarked police cruiser conducted a traffic stop of the white Ford sedan on Castle Boulevard in Silver Spring. During the initial encounter with the MCPD officer, the driver gave a false name of "Antonio Rodas." The driver was later identified as Alfonzo SALAZAR. During a subsequently search of the Ford sedan, law enforcement officers recovered more than an ounce (28 ounces) of crack cocaine and several glassine bags of cocaine.

34. On April 8, 2015, at approximately 12:11 pm, law enforcement officers intercepted an incoming call to GEE's CELLPHONE from a cellular telephone number utilized by Andre NAPPER. The following is an excerpt from the their conversation:

GEE: Hello.

NAPPER: [unintelligible] You over there by my joint?

GEE: Yeah.

NAPPER: Alright, I'm pass White Oak Middle School right now, so I'll be there at my joint like five minutes.

GEE: Ok.

NAPPER: Alright.

GEE: Just stop by right here Dre.

NAPPER: The bread in the house.

GEE: Oh, alright-alright.

NAPPER: I mean, I can go in, get it and bring it to you. It don't matter; it's up to you.

GEE: Alright, cause I'm sitting here getting dressed and shit

NAPPER: Alright, alright.

35. Based on my training, experience, and knowledge of this investigation, your affiant believes that NAPPER called GEE to arrange a meeting so that NAPPER could give GEE drugs proceeds (referred to as "bread"). NAPPER indicated that he has drug proceeds for GEE, but they were at SUBJECT PREMISE #2 ("[t]he bread in the house").

4. On April 9, 2015 at 9:42 AM, law enforcement officers intercepted an incoming call to GEE's CELLPHONE from cellular telephone number (202) 271-2553, which is utilized by JOPPY. The following is an excerpt of their conversation:

JOPPY: Ain't nothing, trying to grab one time.

GEE: Go around the Hope, young.

JOPPY: Alright, bout to the leave the crib now.



GEE: You know what I'm talking about, right?

JOPPY: Yeah, yeah the Hope, Hope.

GEE: [unintelligible].

JOPPY: All the way down back or?

GEE: No, [unintelligible] alright.

JOPPY: Alright.

36. Based on my training, experience, and knowledge of this investigation, your affiant believes that JOPPY wanted an ounce of drugs from GEE ("[a]in't nothing, trying to grab one time"). GEE then directed JOPPY to meet at a specific location, Good Hope Road, to conduct the transaction ("go around the Hope, young"). JOPPY also indicated that he was at the **SUBJECT PREMISE #1** ("Alright, bout to leave the crib now") and presumably had drug proceeds with him at the **SUBJECT PREMISE #1** to complete the transaction with GEE.

37. On April 10, 2015, at approximately 2:46 pm, law enforcement officers intercepted an incoming call to GEE's CELLPHONE from cellular telephone (917) 655-0549, which is utilized by Amir JONES. The following is an excerpt from their conversation:

GEE: Yo.

JONES: You got some of that around here what you was talking about?

GEE: What's that, downtown?

JONES: Them, them, hard, na them hard them hard rock [unintelligible] and shit.

GEE: Shits, probably like two of them in there. I got the rest in the house.

JONES: Aight, I'ma grab them too so we at, uh, 280.

GEE: Aight, bet you know what I told you what I'm trying to get on it. On top of that you know what I'm saying. What you going to give me bro I told you that.

JONES: Yeah, yeah, yeah, that shit ain't about nothing bro. That, that shits strong that shits gonna happen regardless.

38. Based on my training, experience, and knowledge of this investigation, your affiant believes that GEE and JONES discussed how much crack cocaine (referred to as "hard rock") they had left ("probably like two of them in there"). GEE stated that he had the rest of the drugs at SUBJECT PREMISE #3 ("I got the rest in the house"). Following this conversation, law enforcement received physical location data for GEE's CELLPHONE, which indicated that GEE was at or near SUBJECT PREMISE #3. Based on the foregoing, your affiant believes that, despite the fact that GEE moved to a new residence, he continues to use his residence (now SUBJECT PREMISE #3) to store drugs and drug proceeds to facilitate his drug trafficking operation.

39. On April 23, 2015, law enforcement officers intercepted an incoming call to GEE's CELLPHONE from cellular telephone number (202) 271-2553, which is utilized by JOPPY. During a very brief conversation, JOPPY indicated that he was planning to meet GEE ("I'm in the hood, man. Come holla at me"). Based on my training, experience, and knowledge of this investigation, your affiant believes that JOPPY wanted to meet with GEE to obtain drugs and/or exchange drug proceeds.

40. On April 24, 2015, law enforcement officers intercepted an incoming call to GEE's CELLPHONE from cellular telephone number (301) 503-0762, which is utilized by NAPPER.\* During a short conversation, JOPPY warned GEE about law enforcement activity in the area ("if



you pull out of this joint, do not go to the right, dog... The deep, they deep as shit right there by that nursing home").

41. On May 1, 2015, law enforcement officers intercepted an incoming call to GEE's CELLPHONE from cellular telephone number (202) 271-2553, which is utilized by JOPPY. Again, during a very brief conversation, JOPPY indicated that he was on his way to meet GEE ("Aight I see you shortly"). Based on my training, experience, and knowledge of this investigation, your affiant believes that JOPPY wanted to meet with GEE to obtain drugs and/or exchange drug proceeds.

42. On May 17, 2015, at approximately 2:10 pm, law enforcement officers intercepted an outgoing call from GEE's CELLPHONE #2 to a cellular telephone number (443) 452-5246, utilized by Tiki HARMON. The following is an excerpt of their conversation:

HARMON: Hello.

GEE: What's up?

HARMON: Chillin fam, what's going on with you?

GEE: Shit man waiting to hear from you.

HARMON: Uh, I probably got 2, 2, 2200 hundred or 2 bands for you at the house by this evening you can come through get that shit. Or you need it right now I got 17 you can come get that.

GEE: Alright bout to come get it.

HARMON: What you, what you want me. Cause I got to go to the house to get that you want to come get me real quick?

GEE: Yeah, I come pick you up.

HARMON: Alright cool.

43. Based on my training, experience, and knowledge of this investigation, your affiant believes that GEE wanted to collect drug proceeds from HARMON for drugs GEE previously supplied to HARMON. HARMON indicated that he had \$2,200 in proceeds at his residence ("I probably got 2, 2, 2200 hundred or 2 bands for you at the house by this evening you can come through get that shit"). HARMON also stated that he currently had \$1,700 in drug proceeds with him ("[o]r you need it right now I got 17 you can come get that"). GEE offered to meet HARMON to pick up the proceeds and HARMON stated that he had to go to his residence to retrieve the money ("I got to go to the house to get that").

#### REQUEST FOR EARLY ENTRY AND "NO KNOCK" WARRANT

44. Law enforcement officials have been able to establish that the GEE Drug Trafficking Organization (DTO), and its members, utilize the Bel Pre Square housing development as its central distribution hub for narcotics. During the course of the investigation, law enforcement officers have determined that GEE and his associates are hyper aware of law enforcement activity in and around Bel Pre Square and communicate to each other when law enforcement is in the area.

45. For example, on April 17, 2015, a plain clothes detective and a uniformed officer were conducting an investigation regarding a domestic violence incident in Bel Pre Square. Members of the Montgomery County Police Department went door-to-door, interviewing residents in Bel Pre Square. Officers confirmed that GEE was in Bel Pre Square through physical location data from GEE's CELLPHONE and electronic surveillance through a pole camera in Bel Pre Square. At approximately 4:14 pm, law enforcement officers intercepted an outgoing call from GEE's CELLPHONE to a cellular telephone utilized by William FERGERSON, a resident of Bel Pre Square. The following is an excerpt of their conversation:

we  
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all



FERGERSON: Yeah.

GEE: Yeah, don't even come out the house Jo.

FERGERSON: Yeah I heard they, they. Where they at, down bottom?

GEE: Nah, they up top by y'all joint now.

FERGERSON: They up top now. What the fuck they doing up there?

GEE: I don't know, they walking wit some little white bitch.  
White bitch with the police behind her.

FERGERSON: Oh, alright shit.

46. Based on my training, experience, and knowledge of this investigation, your affiant believes that GEE was warning FERGERSON that law enforcement officers are in Bel Pre Square. GEE advised FERGERSON to stay in his residence ("don't even come out the house, Jo"). GEE appeared to be following the movement of the officers as they made their way through Bel Pre Square ("[t]hey up top now, by y'all joint now"). At the time of this call, a white, female plain clothes detective was approaching 2405 Bel Pre Road, FERGERSON's residence, which is consistent with GEE's description ("[w]hite bitch with the police behind her").

47. Throughout the investigation, law enforcement officers have observed individuals walking about and driving in and out of Bel Pre Square and the surrounding area as early as 5:00 am. Your affiant believes that persons observing police activity in the early morning hours could pose a threat to police officers and alert other members of the GEE DTO. Your affiant also believes the GEE DTO poses a significant safety risk for law enforcement officers. For example, on April 22, 2015, officers seized a handgun while it was in transit from FERGERSON to GEE. During intercepted conversations, GEE has discussed purchasing or obtaining firearms from



others. As such, your affiant believes that GEE and his associates may be in possession of firearms in the SUBJECT PREMISES. Finally, law enforcement officers intended to execute multiple search warrants simultaneously, to include the SUBJECT PREMISES and other residences in and around Bel Pre Square, which will heighten the need for early entry and heighten concerns for officer safety.

48. Based on the foregoing, your affiant is requesting a "no knock" warrant and permission to enter the SUBJECT PREMISES prior to 6:00 am. Given the DTO's hyper awareness of law enforcement and the above described safety concerns, a "no knock" warrant and entry prior to 6:00 am is necessary to prevent the destruction of evidence and officer safety.

#### CONCLUSION

49. Based on the foregoing, your affiant submits that there is probable cause to believe that TOPPY, NAPPER and GEE are using the SUBJECT PREMISES as part of their drug distribution operation by storing drugs and/or drug proceeds at the SUBJECT PREMISES in violation of 21 U.S.C. § 846 (conspiracy to possess with intent to distribute a controlled substance) and 21 U.S.C. § 841 (possession with intent to distribute a controlled substance). Further, your affiant submits that there is probable cause to believe that fruits, evidence and instrumentalities of the above-listed crimes will be found at the SUBJECT PREMISES.

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I declare under the penalty of perjury that the foregoing is true and correct to the best of my knowledge.



Charles Adams  
Special Agent  
Federal Bureau of Investigation

Subscribed and sworn before me this 15 day of June, 2015.

  
Honorable William Connelly  
Chief United States Magistrate Judge

USE  
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ATTACHMENT A

- (A) Heroin, cocaine, cocaine base ("crack"), and any other illegal controlled substances, as well as any materials or items used for the preparation of illegal controlled substances to include but not limited to glass and/or plastic containers, baggies, scales, and vacuum sealers;
- (B) Books, records, receipts, notes, ledgers, and other papers including any computerized or electronic records, relating to the transportation, ordering, purchasing and distribution of controlled substances;
- (C) Address and/or telephone books, papers, paging devices and their contents, and cellular telephones and their contents reflecting names, addresses and/or telephone numbers, including computerized or electronic address and/or telephone records;
- (D) Books, records, receipts, bank statements and record money drafts, letters of credit, money orders and cashier's checks, receipts, passbooks, bank checks, safety deposit keys, and any other items evidencing the obtaining, secreting, transfer, and/or concealment of assets in the obtaining, secreting, transfer, concealment and/or expending of money;
- (E) United States currency, precious metals, jewelry and financial instruments, including but not limited to stocks and bonds;
- (F) Photographs, in particular, photographs of co-conspirators, of assets, and/or of controlled substances, and other documents identifying associates and co-conspirators;
- (G) Indicia of occupancy, residence and/or ownership of the **SUBJECT PREMISES**,

including but not limited to, utility and telephone bills, canceled envelopes and keys;

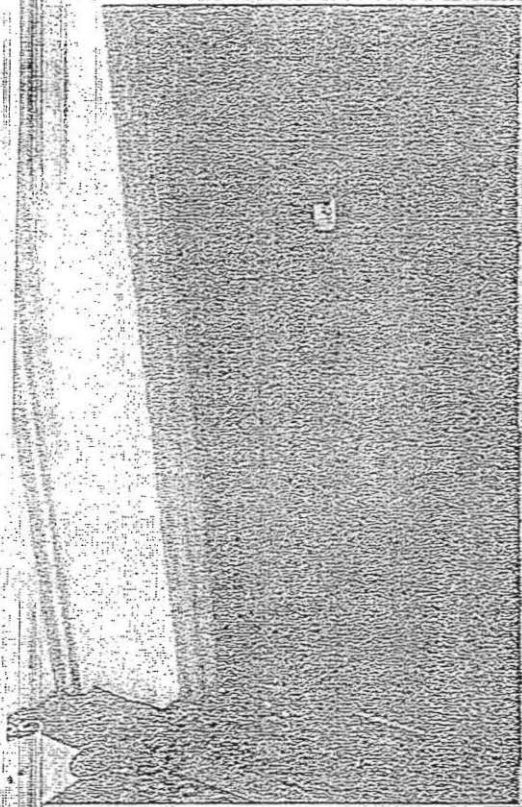
- (H) Indicia of travel, including but not limited to, passport, visas, airline tickets, boarding passes, and airline receipts;
- (I) Safes: combinations or lock-type, and their contents;
- (J) Weapons, handguns, and ammunition, as well as items pertaining to the possession of firearms, including gun cases, ammunition magazines, holsters, spare parts for firearms, firearms cleaning equipment, photographs of firearms or of persons in possession of firearms, and receipts for the purchase and/or repair of all these items.



ATTACHMENT B-1Description of 3320 Teagarden Circle, Apartment #104, Silver Spring, Maryland

The SUBJECT PREMISE #1 is apartment # 104 on the first floor of the "Knights Bridge Apartments" complex. Apartment #104 is located on the right side of the building and down a flight of stairs. The front door of Apartment #104 is gray in color with the number "104," white in color, affixed against a brown background centered on a gold door knocker. There is a door knob and deadbolt lock located on the right side of the door.

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ATTACHMENT B-2Description of 11 Farmerest Court Silver Spring, Maryland

The SUBJECT PREMISE #2 is a two-story townhouse with brown brick siding on the lower half of the residence and gray vinyl siding on the upper half of the residence. The numerals "11" are black in color against a gray background centered above the front door. The front door is light blue in color with a white storm door. There is a window located to the right of the front door and two windows with light blue shutters on the second level. There is a porch light located to the left of the front door.





ATTACHMENT B-3

Description of 51 Baileys Court Silver Spring, Maryland

The SUBJECT PREMISE #3 is a two story townhouse with light green vinyl siding. The numeral "51" are black in color against a white background located to the right of the front door under the porch light. The front door is burgundy in color. The door handle and deadbolt are on the right side of the door. The windows have burgundy shutters.



ABDULLAH MALIK JOPPY

\* IN THE

A/K/A RICHARD JOPPY,

\* COURT OF SPECIAL APPEALS

Appellant,

\* OF MARYLAND

v.

\* September Term, 2016

STATE OF MARYLAND,

\* No. 533

Appellee.

\*

\* \* \* \* \*

**CERTIFICATE OF SERVICE**

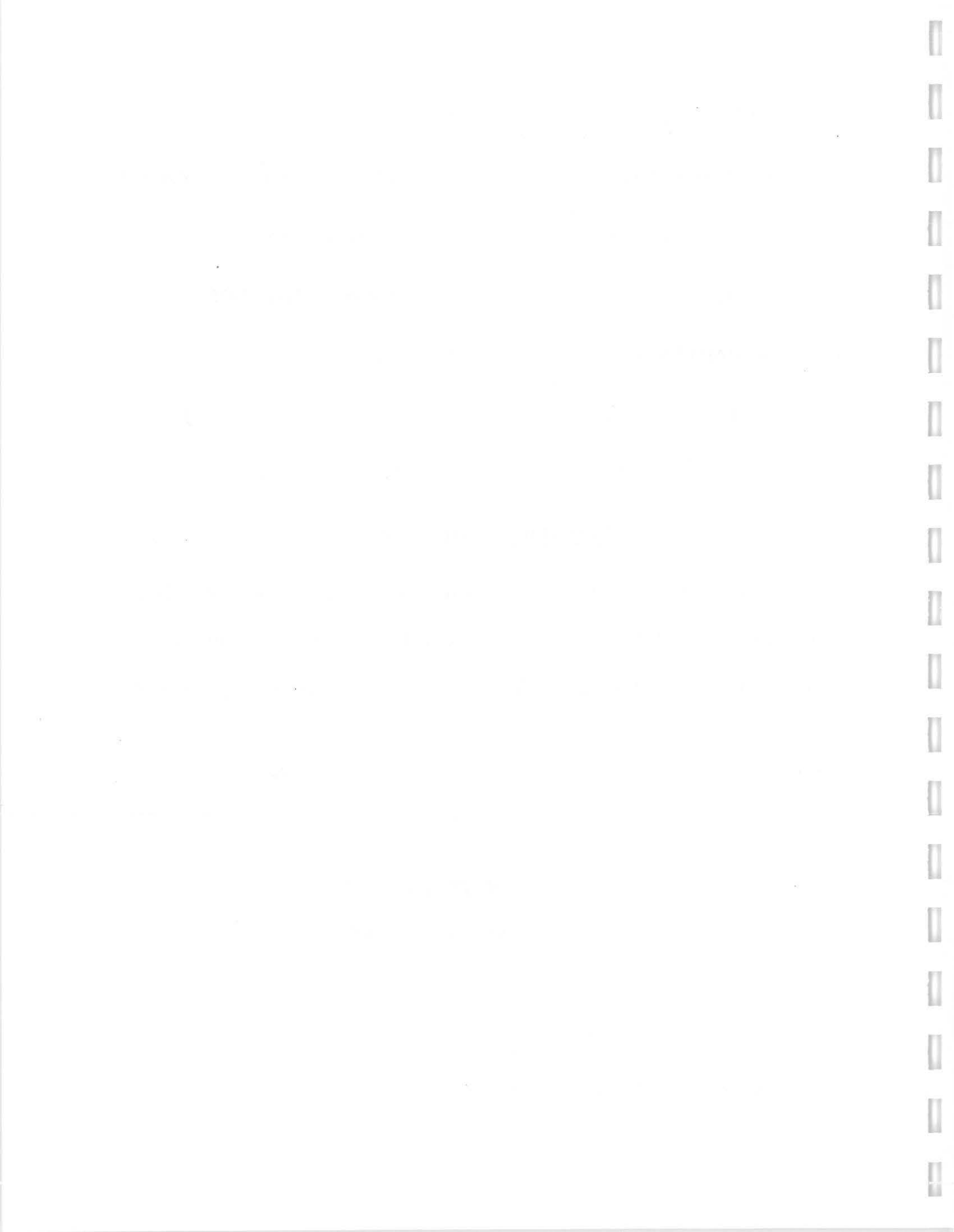
I HEREBY CERTIFY that on this 21<sup>st</sup> day of November, 2016, three copies of the Brief of Appellant were mailed, first-class, postage pre-paid, to the Office of the Attorney General, Criminal Appeals Division, 17th Floor, 200 St. Paul Place, Baltimore Maryland, 21202.



PETER HONNEF\*

Counsel for Appellant

\*Practicing pursuant to Rule 19-217 of the Maryland Rules





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