

AO 91 (Rev. 11/11) Criminal Complaint

FILED
VANESSA L. ARMSTRONG, CLERK

UNITED STATES DISTRICT COURT
for the
WESTERN DISTRICT OF KENTUCKY

FEB 25 2019

U.S. DISTRICT COURT
WEST'N DIST. KENTUCKY

UNITED STATES OF AMERICA)

v.)

Case No. 3:19-MJ-168

JOHN FRANK NABER III)

Defendant)

CRIMINAL COMPLAINT

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

On or about the date(s) of February 22, 2019, in the counties of Jefferson and Oldham in the Western District of Kentucky, the defendant violated:

21 U.S.C. Section 841(a) (1) and 841(b)(1)(A)(viii) Possession with Intent to Distribute a Controlled Substance (Methamphetamine)

This criminal complaint is based on these facts:

Continued on the attached sheet

Joshua Smith
Complainant's signature

Joshua Smith, U.S. Postal Inspector
Printed name and title

Sworn to before me and signed in my presence.

Date: 2/22/19 _____

R. S. Edwards
Judge's Signature

City and State: Louisville, Kentucky

Hon. Regina S. Edwards, United States Magistrate Judge
Printed Name and Title

____ (AUSA initials)

**AFFIDAVIT IN SUPPORT OF A CRIMINAL COMPLAINT
AND ARREST WARRANT**

I, Joshua Smith, being duly sworn, depose and state as follows:

I. INTRODUCTION

1. I am a U.S. Postal Inspector assigned to investigate the unlawful transportation of contraband, including Title 21 controlled substances, through the United States mail. I have been a Postal Inspector since February 2017, and I am currently assigned to the Louisville, KY Domicile of the United States Postal Inspection Service's Pittsburgh Division.
2. I have received formal instruction from U.S. Postal Inspectors, Assistant United States Attorneys, and other law enforcement agents who have done extensive work in investigating the sale, distribution, and manufacture of controlled substances. I have received controlled substance training through the U.S. Postal Inspection Service Training Academy and through contacts with experts from state and federal drug enforcement agencies.
3. During my employment as a law enforcement officer, I have performed the following tasks relevant to this search warrant:
 - a. Since May 2017, I have participated in interdictions at the USPS Louisville, KY Processing and Distribution Center searching for packages mailed unlawfully of controlled substances and/or the proceeds from the sale of controlled substances through the United States mail. In particular, I have worked on cases involving the mailing of controlled substances and/or the proceeds from the sale of controlled substances in mail parcels.
 - b. I have participated in controlled deliveries of known drug parcels.
 - c. I have been present for the execution of search warrants on residences where there was a known drug parcel delivered.

- d. I have participated in interviews with witnesses, cooperating individuals, and informants regarding illegal trafficking in drugs and have read official reports of other officers.
 - e. I have been a surveillance officer observing and recording movements of persons trafficking in drugs and those suspected of trafficking in drugs.
4. The facts in this affidavit have been obtained through my personal observations, training and experience from the Postal Inspection Service, interviews with law enforcement, interviews of witnesses, and a review of the evidence. Not all of the facts of the investigation known to me are contained herein, only those necessary to establish probable cause for an arrest warrant.
5. This affidavit is submitted in support of a criminal complaint and application for an arrest warrant charging JOHN FRANK NABER III (hereinafter referred to as "NABER") with 21 U.S.C. Section 841(a) (1) and 841(b).

II. SUMMARY

6. This affidavit is made in connection with the criminal investigation of NABER by the Homeland Security Investigations Service, U.S. Postal Inspection Service, Internal Revenue Service Criminal Investigations, U.S. Customs and Border Protection, and the Kentucky State Police. There is probable cause to believe that NABER has involvement in the distribution of narcotics, including methamphetamine, marijuana, marijuana derived products, cocaine, and counterfeit Adderall and violations of the following federal crimes: (1) possession with intent to distribute and distribution of controlled substance in violation of Title 21 controlled substances, through the United States Postal Service (USPS).

III. STATEMENT OF FACTS SUPPORTING PROBABLE CAUSE

7. Over the course of several months, investigators have conducted an investigation into NABER for suspected drug trafficking. This investigation has included monitoring of suspicious shipping packages associated with NABER that appeared to contain substances and products often used in the manufacturing, packaging, and distribution of narcotics. Investigators also gathered information about NABER's financial transactions, physical movements, daily habits, and associations that further corroborated their suspicions that NABER was involved in drug trafficking activities.
8. Investigators obtained reliable witness information, corroborated by other facts previously known to them, that confirmed NABER was engaged in drug trafficking. Witness statements provided information that:
 - a. NABER is engaged in drug trafficking, both locally through hand-to-hand drug sales (of substances including cocaine, methamphetamine, and marijuana derived products) and on the Dark Web where he operates as a vendor selling counterfeit Adderall pills. The narcotics are mailed through the United States Postal Service (USPS).
 - b. NABER earns proceeds both in cash and in the form of the cryptocurrency Bitcoin, which he stores in one or more secure wallets accessible using secret passphrases.
 - c. NABER stores drugs and drug paraphernalia at his parents' home in Goshen, KY and operates a pill pressing operation in a trailer on the property, where he makes pills for sale on the Dark Web.
 - d. NABER has control of a rental property near Taylor Blvd., currently under construction and owned by a family member, where he has

packages of contraband associated with drug trafficking delivered and had plans to build in “stash” locations for contraband within the property.

9. On February 21, 2019, based on the information collected in the course of the investigation into NABER prior to that date, investigators obtained federal search warrants for two properties: (1) 10415 West Highway 42, Goshen, KY 40026 (NABERs’ parents’ address); and (2) 929 Brentwood Avenue, Louisville, KY 40215 (the rental property near Taylor Blvd.)
10. On February 22, 2019, investigators executed the search warrant for 10415 West Highway 42, Goshen, KY 40026. Executing officers located evidence of narcotics trafficking, including but not limited to:
 - a. Over 1000 grams of suspected methamphetamine stored in a shed on the property
 - b. Numerous USPS parcels
 - c. Numerous firearms, including in the shed where the 1000 grams of methamphetamine was found and in NABER’s room with other drugs and paraphernalia
 - d. A trailer containing an automated pill press and large containers of orange powder believed to be raw ingredients to be pressed into pills
 - e. A large quantity of clear plastic bags containing suspected counterfeit Adderall
 - f. Marijuana
 - g. Marijuana derived products
 - h. Large amounts of U.S. currency
 - i. Counterfeit U.S. currency

11. At 929 Brentwood Ave., Louisville, KY 40215, executing officers located evidence of narcotics trafficking, including but not limited to:

- a. A Pringles can with a false bottom container with suspected MDMA packaged in multiple bindles
- b. A “key” to a cryptocurrency wallet, i.e. passphrases for access
- c. Digital scales
- d. A chemical frequently utilized as a cutting agent in the manufacturing of narcotics

IV. CONCLUSION

12. Based on the forgoing facts and circumstances, I believe probable cause exists to issue a criminal complaint against JOHN FRANK NABER III for criminal acts related to involvement in distribution of narcotics, including methamphetamines, marijuana and marijuana derived products, cocaine, and counterfeit Adderall, and violations of the following federal crimes: (1) possession with intent to distribute and distribution of controlled substance in violation of Title 21 U.S.C. Section 841(a) (1) and 841(b), as described above. I hereby make application that an Arrest Warrant be issued authorizing me, or other federal agents or state detectives, with the necessary and proper assistants, to arrest JOHN FRANK NABER III.


Joshua Smith
U.S. Postal Inspector
United States Postal Inspection Service

Subscribed and sworn before me this 22nd day of February, 2019.


United States Magistrate Judge Regina Edwards