

## UNITED STATES DISTRICT COURT

for the  
Western District of North CarolinaFILED  
CHARLOTTE, NC

SEP 27 2017

US District Court  
Western District of NCUnited States of America  
v.  
WALTER CLIFTON MARTIN Jr.  
a.k.a. CLIFF MARTIN;  
MICHAEL FAULKENBERRY;  
TIMOTHY BOWENS

Case No. 3:17MJ334

*Defendant(s)*

## CRIMINAL COMPLAINT

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

On or about the date(s) of January 2015 to Present in the county of Anson in the  
Western District of North Carolina, the defendant(s) violated:*Code Section*  
21 U.S.C. 846*Offense Description*

Conspiracy to possess and distribute Schedule I &amp; II controlled substances

21 U.S.C. 841(a)(1)

Possession with the intent to distribute Schedule I &amp; II controlled substances

This criminal complaint is based on these facts:

See Attached Affidavit which is incorporated fully herein by reference.

☒ Continued on the attached sheet.*Complainant's signature*

David E. Drew, Special Agent, FBI

*Printed name and title*

Sworn to before me and signed in my presence.

Date: 9/27/17*Judge's signature*City and state: Charlotte, North Carolina

David C. Keesler, U.S. Magistrate Judge

*Printed name and title*

I, David E. Drew, being duly sworn, depose and state as follows:

**AFFIANT**

1. Your Affiant makes this affidavit in support of a criminal complaint that probable cause exists that WALTER CLIFTON MARTIN Jr., a.k.a. CLIFF MARTIN, MICHAEL FAULKENBERRY, and TIMOTHY BOWENS within the Western District of North Carolina, have committed violations of Title 21, United States Code, Section 846, conspiracy and attempt to distribute and possess with the intent to distribute Schedule I and Schedule II controlled substances and Title 21, United States Code, Section 841(a)(1), distribution of controlled substances and possession with the intent to distribute Schedule I and Schedule II controlled substances. From in and around January of 2015 and continuing until on or about September 25, 2017, MARTIN and FAULKENBERRY have purchased and distributed quantities of cocaine and methamphetamine within the Western District of North Carolina, the Eastern District of North Carolina and the District of South Carolina
2. Your Affiant, David E. Drew, has been a Special Agent for the Federal Bureau of Investigation (FBI) since June of 1998. Prior to employment with the Federal Bureau of Investigation, your Affiant was employed as a San Diego Police Officer, San Diego, California, from 1993 to 1998. Your Affiant has a cumulative 24 years of law enforcement and investigative experience. Your Affiant is currently assigned to the Public Corruption squad at the Charlotte Division of the Federal Bureau of Investigation. Your Affiant is currently assigned to investigations involving public corruption, money laundering, Conspiracy and Hobbs Act violations. Additionally, your Affiant has extensive experience and training in the investigation of illegal narcotics activities and the laundering of the proceeds of specified unlawful activities. Your Affiant has

participated in various methods of investigation, including, but not limited to, undercover operations and the use of undercover agents, consensual monitoring, physical surveillances, interviews of witnesses and defendants, the use of search warrants, the use of seizure warrants, the use of confidential informants, the use of pen registers, and the use of intercepted wire communications.

3. The facts in this affidavit come from your Affiant's personal observations, training and experience, authorized wire and electronic interceptions, information obtained from subpoenas, pen registers, surveillance, confidential informants, and other Agents and witnesses. This affidavit is intended to show merely that there is sufficient probable cause for the requested warrant and does not set forth all of your Affiant's knowledge about this matter.
4. In early 2015, agents for the Federal Bureau of Investigation (FBI) and Federal Task Force Officers (TFO) developed a confidential human source (CHS1) concerning the distribution of cocaine and methamphetamine in Anson and Union Counties of North Carolina. CHS1 stated that they were obtaining cocaine and methamphetamine in Union County and selling the narcotics to CLIFF MARTIN in Anson County. Over a two month period in early 2015, CHS1 sold at least 7.5 ounces of cocaine to MARTIN. CHS1 sold cocaine to MARTIN in half ounce and whole ounce quantities, once to twice per week. CHS1 additionally sold "Ice" methamphetamine to MARTIN on three occasions. CHS1 sold the "Ice" to MARTIN in quarter ounce quantities for a total of 21 grams of "Ice" methamphetamine.
5. In June of 2015, with the cooperation of the CHS1, the CHS1's supplier was arrested with large quantities of narcotics and cash. CHS1's information was utilized in a search warrant and found to be truthful and reliable. FBI agents attempted to investigate MARTIN at that time with negative results. CHS1 no longer had the contact with MARTIN they previously had after their suppliers' arrest. In a consensually recorded conversation, CHS1 met with one of MARTIN's

customers named JERRY POLK. In that conversation that occurred on July 30, 2015, POLK indicated to CHS1 that MARTIN was selling an "8-ball" (approximately 3.5 grams of cocaine) for \$200. POLK also indicated to CHS1 that he recently purchased an ounce of cocaine from MARTIN for \$1,600. POLK was not happy with the quality of cocaine being sold by MARTIN.

6. In June of 2016, a pen register for MARTIN's cellular phone was signed by United States Magistrate Judge David C. Keesler. That pen register revealed MARTIN had numerous contacts with MICHAEL FAULKENBERRY, JERRY POLK, CARL TILLMAN, TIMOTHY BOWENS, and HEATHER SHORT among others.
7. In November of 2016, Agents developed a second confidential human source (CHS2) in the investigation of MARTIN. CHS2 was developed by the FBI's Safe Streets Task Force in Union County which is adjacent to Anson County, North Carolina. The initial information provided by CHS2 was previously known by the investigating agents and known to be true and accurate. Your Affiant believes CHS2 to be proven reliable and truthful. CHS2 provided information concerning FAULKENBERRY because of his friendship with JANE AYCOTH and his concern over her involvement with FAULKENBERRY. AYCOTH is FAULKENBERRY's girlfriend. CHS2 stated MARTIN is a kilogram level dealer of cocaine in Anson County and MICHAEL FAULKENBERRY is MARTIN's "runner." AYCOTH told CHS2 that she assisted FAULKENBERRY in breaking down two kilograms of cocaine, at their address of 15 W. Polk Street, Polkton, North Carolina, provided to FAULKENBERRY by MARTIN.
8. On December 5, 2016, in a consensually recorded telephone call with FAULKENBERRY, CHS2 organized a cocaine purchase from FAULKENBERRY. On December 6, 2016, Agents utilized CHS2 in a controlled narcotic purchase from MARTIN's organization. CHS2 drove to 15 W. Polk Street, Polkton, North Carolina and met with JANE AYCOTH. Property records

for Anson County show that 15 W. Polk Street, Polkton, North Carolina is owned by WALTER CLIFF MARTIN. The controlled narcotic purchase was for one half ounce of cocaine for \$700 that was set up by FAULKENBERRY. AYCOTH mistakenly gave CHS2 an ounce of cocaine instead of half an ounce. In a consensually recorded meeting, the CHS returned to 15 W. Polk Street, Polkton, North Carolina on December 19, 2016 and paid AYCOTH and FAULKENBERRY for the half ounce of “fronted” cocaine. The Drug Enforcement Administration (DEA) Laboratory later confirmed the purchased narcotics was 27.69 grams of cocaine hydrochloride, approximately one ounce.

9. On January 19, 2017 CHS2 drove to 15 W. Polk Street, Polkton, North Carolina and met with FAULKENBERRY. CHS2 wore a recording device during the narcotics transaction with FAULKENBERRY. CHS2 paid FAULKENBERRY \$2,700, in cash, for cocaine. The cocaine delivered to CHS2 by FAULKENBERRY on January 19, 2017 was sent to the Drug Enforcement Administration Laboratory. The analysis performed determined that the net weight of the substance was approximately 55.67 grams of cocaine hydrochloride with approximately 55% purity.
10. During the consensual recording of the cocaine purchase from FAULKENBERRY on January 19, 2017, FAULKENBERRY told CHS2 that he had just received 15 ounces of “Ice” the “other night” from a person in Charlotte. FAULKENBERRY went on to describe the “Ice” to CHS2 and tell him it is “methamphetamine.” FAULKENBERRY also told CHS2 that a kilogram of cocaine is currently selling for between “32 and 38” (\$32,000 and \$38,000).
11. On May 4, 2017, CHS2 called FAULKENBERRY and arranged to purchase a half ounce of cocaine. CHS2 drove to 15 W. Polk Street, Polkton, North Carolina to conduct the transaction. FAULKENBERRY sold the cocaine to CHS2 for \$640.
12. Court authorized interception of the wire communications of telephone numbers associated with

FAULKENBERRY commenced on June 12, 2017.

13. On June 29, 2017, CHS2 spoke to FAULKENBERRY. The calls were intercepted and recorded. CHS2 arranged to purchase an ounce of cocaine from FAULKENBERRY. FAULKENBERRY was intercepted calling and speaking to CARL TILLMAN immediately after CHS2 ordered the ounce of cocaine. FAULKENBERRY ordered an ounce of cocaine from TILLMAN and TILLMAN had the cocaine delivered to FAULKENBERRY by a runner. FAULKENBERRY paid \$1,200 for the ounce of cocaine. On June 30, 2017, CHS drove to 15 W. Polk Street, Polkton, North Carolina, and purchased an ounce of cocaine from FAULKENBERRY, in a recorded conversation, for \$1,300.
14. On August 5, 2017, FAULKENBERRY received an incoming call from BOB CHAVIS and the call was intercepted and recorded. CHAVIS explains that he has a customer headed to the beach at eight o'clock. FAULKENBERRY asked, "What are you talking about, money wise?" CHAVIS responded, "A game of pool." CHAVIS then advised he would like more than that but that is what the customer wanted. CHAVIS stated that he would call his customer and that it would be approximately twenty five minutes to get to FAULKENBERRY'S residence. Your affiant believes CHAVIS is asking for an 8-ball of cocaine to supply his customer and purchased the cocaine from FAULKENBERRY at 15 W. Polk Street, Polkton, North Carolina.
15. Throughout the course of the wire interception of FAULKENBERRY'S telephones, the transaction completed with CHAVIS on August 5, 2017 is typical and demonstrative as to how FAULKENBERRY has conducted numerous narcotics transactions during the investigation. FAULKENBERRY uses 15 W. Polk Street, Polkton, North Carolina as his primary location to sell and receive narcotics.
16. Court authorized interception of wire communications of the cellular telephone number utilized by MARTIN commenced on July 18, 2017.

17. On June 30, 2017, in a recorded call between MARTIN and FAULKENBERRY, MARTIN ordered FAULKENBERRY to meet with known cocaine supplier, CARL TILLMAN and get “7 quarts of oil” from TILLMAN for MARTIN. FAULKENBERRY went and picked up the cocaine for MARTIN. Your affiant believes “7 quarts of oil” is a reference to \$700 or half an ounce of cocaine.
18. On August 4, 2017, in a recorded call between MARTIN and CARL TILLMAN’s brother, ANTHONY, MARTIN ordered “7 pieces of that wood” and stated he was sending RUSTY MOORE to get the narcotics and would pay CARL TILLMAN later that evening. MOORE obtained the cocaine for MARTIN and delivered it to MARTIN. Your affiant believes “7” is a reference to \$700 or half an ounce of cocaine.
19. On August 17, 2017, in a recorded call between MARTIN and CARL TILLMAN’s brother, ANTHONY, MARTIN said he wanted to get “7” and stated he was “pulling in now.” Your Affiant believes MARTIN purchased “7”, a reference to \$700 or half an ounce of cocaine.
20. On August 18, 2017, in a recorded call between MARTIN and BOB CHAVIS, CHAVIS placed an order for two “8-balls” of cocaine from MARTIN.
21. On August 23, 2017, in a recorded call between MARTIN and CARL TILLMAN, MARTIN ordered cocaine from CARL TILLMAN and confirmed it was “one whole piece.” Your Affiant believes “a whole piece” is a reference to one ounce of cocaine.
22. On August 27, 2017, in a recorded call between MARTIN and HEATHER SHORT, MARTIN stated he was going to the “office” to get his cash that came in and he stated “he had a few things to do.” Just prior to the call with SHORT, MARTIN had a conversation with known cocaine supplier, CARL TILLMAN, and ordered narcotics from TILLMAN stating he would pay him by lunch. There were a series of contacts on the wire intercept between MARTIN and RUSTY MOORE, a narcotics dealer and runner for MARTIN, where MARTIN sent MOORE to

pick up narcotics from TILLMAN.

23. On September 4, 2017, in a recorded call between MARTIN and CARL TILLMAN, MARTIN wanted to see TILLMAN about “that whole one, like the one before.” TILLMAN directed MARTIN to meet him at his brother’s. Your affiant believes MARTIN was referencing at least an ounce of cocaine by the term “whole one”, but possibly a kilogram of cocaine.
24. On September 12, 2017, in a recorded call between MARTIN and CARL TILLMAN’s brother, ANTHONY, MARTIN asked if he could send RUSTY MOORE to get “7” and pay CARL TILLMAN later for narcotics he has already received and for the “7” MOORE was picking up. MOORE obtained the narcotics for MARTIN. Your affiant believes “7” was a reference to \$700 or half an ounce of cocaine. Your Affiant believes MARTIN owed TILLMAN for at least one ounce of cocaine.
25. On September 12, 2017, in an intercepted text communication, MARTIN comminuted to TIMOTHY BOWENS, “can u bring me one of those cakes?” Your affiant believes that MARTIN ordered cocaine from BOWENS.
26. On September 25, 2017, Special Agents Eric Pelletier and David Drew, approached MARTIN and interviewed him. MARTIN was advised that he was not under arrest. MARTIN was advised of his rights and that he did not have to speak with investigating agents if he did not desire to cooperate with the investigation. MARTIN stated he understood his rights. After reviewing an advice of rights form, MARTIN verbally waived his rights and signed the form, waiving his rights and agreeing to be interviewed by the case agents.
27. Following an interview of MARTIN, he agreed to make controlled purchases of narcotics from two of his cocaine suppliers, CARL TILLMAN and TIMOTHY BOWENS. MARTIN was provided with FBI funds and in two separate controlled narcotics purchases, MARTIN purchased one ounce of cocaine from CARL TILLMAN and one ounce of cocaine from



TIMOTHY BOWENS.

28. Your affiant observed the hand to hand narcotics transaction between TIMOTHY BOWENS and MARTIN as it occurred. BOWENS was driving his white pick-up truck, known to your affiant. MARTIN was followed away from the deal and provided the cocaine to your affiant. Based upon your affiant's experience, the white powdery substance purchased from BOWENS was cocaine. The package weighed approximately 26.7 grams.

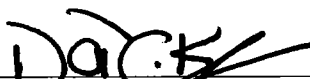
29. On September 26, 2017, a search warrant was served at BOWENS home. BOWENS was also detained and questioned by SA Timothy Stutheit. BOWENS was advised of his rights and waived his rights, agreeing to be interviewed by investigating agents. BOWENS confessed to selling cocaine to MARTIN over the last year, and for selling MARTIN an ounce of cocaine the night prior in the controlled purchase conducted by your affiant.

30. Based upon the preceding information, your Affiant believes probable cause exists that WALTER CLIFTON MARTIN Jr., a.k.a. CLIFF MARTIN, MICHAEL FAULKENBERRY, and TIMOTHY BOWENS within the Western District of North Carolina, have committed violations of Title 21, United States Code Section 846, conspiracy and attempt to distribute and possess with the intent to distribute Schedule I and Schedule II controlled substances and Title 21, United States Code, Section 841(a)(1), distribution of controlled substances and possession with the intent to distribute Schedule I and Schedule II controlled substances.



David E. Drew, Special Agent, FBI

Sworn to me before and subscribed in my presence, this, the 25<sup>th</sup> day of September, 2017.



David C. Keesler  
United States Magistrate Judge