

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
TAMPA DIVISION

UNITED STATES OF AMERICA

CRIMINAL COMPLAINT

vs.

CASE NUMBER: 8:09-mj-1544-T-EAT

MARK ANTHONY MYRIE,  
a/k/a Buju Banton,  
IAN THOMAS,  
JAMES JACKSON MACK,  
a/k/a Spencer Clarke.

I, the undersigned complainant, being duly sworn, state the following is true and correct to the best of my knowledge and belief. From an unknown date through on or about December 10, 2009, in the Middle District of Florida, and elsewhere, the defendant(s) did,

knowingly and willfully conspire and agree with each other and with others both known and unknown to possess with intent to distribute five (5) kilograms or more of a mixture and substance containing a detectable amount of cocaine, contrary to the provisions of Title 21, United States Code, Section 841(a)(1),

in violation of Title 21, United States Code, Section 846. I further state that I am a Special Agent with Drug Enforcement Administration, and that this Complaint is based on the following facts:

SEE ATTACHED AFFIDAVIT

Continued on the attached sheet and made a part hereof: ☒ Yes ☐ No

  
\_\_\_\_\_  
Signature of Complainant  
Daniel P. McCaffrey

Sworn to before me and subscribed in my presence,

December 10, 2009

at

Tampa, Florida

ELIZABETH A. JENKINS  
United States Magistrate Judge  
\_\_\_\_\_  
Name & Title of Judicial Officer

  
\_\_\_\_\_  
Signature of Judicial Officer

## **AFFIDAVIT**

I, Daniel McCaffrey, after being duly sworn, depose and say as follows:

1. I am commissioned as a Special Agent with the Drug Enforcement Administration (DEA) and have been so appointed since July 2004. I am presently assigned to the DEA Tampa District Office in the Middle District of Florida. My duties as a DEA Special Agent involve the investigation of various criminal activities of narcotics traffickers and their associates.

2. This affidavit is being submitted in support of a Criminal Complaint charging, Mark MYRIE, a/k/a Buju Banton, Ian THOMAS and James MACK, a/k/a Spencer Clarke, with conspiracy to possess with intent to distribute cocaine, a Schedule II controlled substance, the amount of the cocaine being five (5) kilograms or more, in violation of Title 21, United States Code, Section 846. This affidavit does not contain all of the information pertaining to this investigation, and merely provides probable cause for a Court finding. I have personally participated in this investigation described below and am familiar with the information contained in this affidavit either through personal observations or those of other law enforcement officers and credible confidential sources.

3. On December 8, 2009, I, along with agents from the DEA Tampa District Office and officers from the Sarasota Police Department, received information from a Confidential Source (CS) that "Buju Banton" a/k/a Mark MYRIE and associates wanted to purchase kilogram amounts of cocaine in the Sarasota area of the Middle District of Florida. Furthermore, the CS advised me that he/she telephonically contacted MYRIE on December 7, 2009 where MYRIE advised that he would travel and meet with the CS

in Sarasota, FL to continue negotiations with MYRIE to obtain kilogram amounts of cocaine.

4. On December 8, 2009, at approximately 8:00am, the CS telephonically contacted Mark MYRIE. During the subsequent conversation, Mark MYRIE agreed to meet with the CS later that day in Sarasota, FL to continue negotiations for MYRIE and unknown associates to obtain kilogram amounts of cocaine.

5. On December 8, 2009, at approximately 12:45pm, I, along with additional agents and officers, met with the CS at a neutral location in Sarasota, FL. At that time, agents searched the CS and the CS' vehicle and found no contraband or large amounts of U.S. Currency. The CS was then outfitted with audio and video recording equipment.

While under constant Law Enforcement surveillance, the CS traveled to the La Tropicana de Havana restaurant located in Sarasota, FL.

6. On December 8, 2009, at approximately 1:28pm, the CS, under surveillance of Law Enforcement, arrived and entered the La Tropicana de Havana restaurant located at 5911 Fruitville Road in Sarasota, FL. At approximately 1:31pm, SA Dan McCaffrey and SA Justin Duralia observed a black male, later identified as Mark MYRIE, along with another black male, later identified as Ian THOMAS and an unknown black female, exit a silver colored Land Rover SUV, which contained Florida license tag # JAH ONE, and walk towards the front of the La Tropicana de Havana restaurant. At approximately 1:32pm, Sarasota Police Sergeant Chip Halsey observed Mark MYRIE and the unknown female enter the La Tropicana de Havana restaurant where they met with the CS. THOMAS was then observed by Sergeant Halsey re-entering the silver Land Rover. Myrie then met THOMAS outside the restaurant

before both MYRIE and THOMAS then met with the CS inside the restaurant, without the unknown female. During the meeting, which was captured on audio recording equipment, the CS instructed MYRIE and associates to follow the CS to an alternate location to continue negotiations about obtaining large amounts of cocaine. At approximately 2:15pm, Sergeant Halsey observed the CS and MYRIE enter CS vehicle and THOMAS and the unknown female enter the silver Land Rover and each vehicle departed the area followed by surveillance units.

7. At approximately 2:29pm, Sergeant Halsey observed the CS vehicle and the silver Land Rover arrive at the Sarasota Police Department controlled undercover warehouse. At approximately 2:30pm, the CS and MYRIE exited the CS vehicle and THOMAS exited the silver Land Rover, and all three subjects subsequently entered the Sarasota undercover warehouse and met with Sarasota Police Sergeant Ken Castro, who was acting in an undercover capacity. During the meeting inside the warehouse, which was captured on audio and video recording, Sergeant Castro, acting in an undercover capacity, showed MYRIE and THOMAS a compartmentalized vehicle which contained twenty (20) kilograms of cocaine. At that time, THOMAS approached the undercover vehicle and, after observing the hidden compartment, pulled one (1) kilogram of cocaine out of the vehicle and placed it on a nearby table for inspection. THOMAS subsequently utilized a knife to cut open the noted kilogram of cocaine and began to inspect, along with MYRIE, the cocaine. THOMAS subsequently handed the knife that was utilized to cut open the kilogram of cocaine to MYRIE who instantly wiped the blade of the knife with his finger and placed that finger into his mouth in what appeared to be an attempt to taste the cocaine. After viewing the cocaine, MYRIE

and THOMAS continued to negotiate with the CS for them to obtain multiple kilograms of cocaine. At approximately 2:50pm, the CS, along with MYRIE and THOMAS enter their vehicles and departed the area.

8. On December 9, 2009, at approximately 1:00pm, the CS contacted SA McCaffrey and SA Duralia and advised that THOMAS telephonically contacted the CS earlier that day and advised that he (THOMAS) wanted to meet with the CS later that day in Sarasota, FL to continue negotiations about obtaining approximately fifteen (15) kilograms of cocaine. At approximately 4:40pm, the CS met with agents and officers and a neutral location in Sarasota, FL at which time the CS and CS vehicle were searched and no contraband was found. The CS was also outfitted with the audio recording equipment. At approximately 4:48pm, the CS, under constant law enforcement surveillance, departed the neutral location and traveled to the Applebee's restaurant located in Sarasota, FL. At approximately 5:00pm, SA McCaffrey observed the CS arrive and enter the Applebee's restaurant. At approximately 5:03pm, SA Duralia observed Ian THOMAS exit a dark colored BMW, which contained Florida license tag # T08 3EF, and enter that Applebee's restaurant where he subsequently met with the CS. During the meeting with CS, THOMAS continued to negotiate about obtaining kilogram amounts of cocaine. At approximately 5:12pm, the CS telephonically contacted SA Duralia and advised that THOMAS informed the CS that the organization that he works for wants to first purchase five (5) kilograms of cocaine to verify that there is no problems with the deal and then wants to purchase additional kilograms of cocaine if the transaction takes place without any problems. The CS then advised SA Duralia that THOMAS informed the CS that an associate from the drug

organization that he (THOMAS) works for is currently located inside a separate vehicle in the Applebee's parking lot and has in his possession approximately \$125,000.00 to purchase five (5) kilograms of cocaine. At approximately 5:39pm, SA Duralia observed the CS exit the Applebee's restaurant and meet with THOMAS and an unknown individual, later identified as James MACK, a/k/a Spencer Clarke, who was sitting inside the driver's seat of a dark colored Honda sedan, which contained Georgia license tag # HU27OY, that was parked in the lot of the Applebee's restaurant. The CS and THOMAS later re-entered the Applebee's restaurant and continued negotiations about obtaining kilogram amounts of cocaine. During a later debriefing of the CS, the CS advised agents that THOMAS and MACK agreed to meet with the CS the following morning to complete the purchase of five (5) kilograms of cocaine. I later met with the CS at a neutral location and allowed the CS to view the Florida driver's license photograph of Ian THOMAS and the CS positively identified Ian THOMAS as the same subject that the CS had met with inside the Applebee's restaurant earlier that evening and also as one of the individuals that the CS had met the afternoon before at the Sarasota Police undercover warehouse. Special Agent Duralia also viewed the Florida drivers photo of Ian THOMAS and informed me that the photo of Ian THOMAS was the same person who he observed exiting the BMW at the Applebee's restaurant earlier that evening.

9. On December 10, 2009, at approximately 8:30am, I, along with additional law enforcement personnel, met with the CS in Sarasota, FL in preparation for a pre-arranged meeting between the CS, Ian THOMAS and James MACK. At that time, the CS and CS vehicle were searched and no contraband was found. The CS was also

outfitted with audio and video recording equipment. At approximately 9:55am, the CS departed the neutral location, under constant surveillance of law enforcement units, and traveled to the Perkins restaurant located in Sarasota, FL. At approximately 10:08am, SA Duralia observed the dark BMW sedan, which contained Florida license tag # T08 3EF, travel over to the Perkins parking lot followed by the dark colored Honda sedan which contained Georgia license tag # HU270Y. At approximately 10:10am, SPD Detective Greg Grodoski observed the CS meet with Ian THOMAS near the BMW sedan and then observed the CS at the passenger window of dark colored Honda sedan. At approximately 10:11am, SA Duralia observed the CS depart the area in the CS vehicle followed by the dark colored BMW and the dark colored Honda sedan.

10. On December 10, 2009, at approximately 10:30am, SA Duralia observed the CS vehicle, the dark colored BMW driven by THOMAS and the dark colored Honda sedan driven by MACK arrive at the Sarasota Police Department controlled undercover warehouse located in Sarasota, FL. At approximately 10:31pm, SPD Sergeant Ken Castro, acting in an undercover capacity, opened the bay door to the undercover warehouse which allowed MACK to drive the Honda sedan into the vehicle area of the warehouse followed by the CS and THOMAS. Once inside the UC warehouse Sergeant Castro, acting in an under capacity, observed MACK access a hidden compartment in the rear driver's side of the Honda sedan and pull out plastic bags which contained a large amount of UC Currency. MACK subsequently tore open the plastic bags and placed the currency on a nearby table for Sergeant to examine. After looking over the money, Sergeant Castro presented a bag which contained seven (7) kilograms of cocaine to MACK and THOMAS for inspection. MACK subsequently cut

into one of the kilograms of cocaine and inspected the substance the package.

Sergeant Castro subsequently provided a pre-determined arrest signal and agents and officers approached and took THOMAS and MACK into custody with out incident.

11. Following the arrest, a handgun was discovered in the same compartment in the above-referenced Honda where the money was stored.

12. Based upon the information contained in this affidavit, I believe there is probable cause to believe that Mark MYRIE, Ian THOMAS and James MACK , knowingly, willfully and intentionally attempted to possess with intent to distribute and conspired to distribute cococaine, a Schedule II controlled substance, the amount of the cocaine being five (5) kilograms or more in violation of Title 21, United States Code, Sections 841 (a)(1) , 841(b)(1)(B) and 846.



Daniel P. McCaffrey  
Special Agent  
U.S. Drug Enforcement Administration

Sworn to before me this the 11<sup>th</sup> day of December, 2009.



Honorable Elizabeth Jenkins  
United States Magistrate Judge