

FILED

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U.S. DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
CLEVELAND

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

UNITED STATES OF AMERICA, )  
)  
Plaintiff, )  
)  
)  
v. )  
)  
ANTONIO MALONE, )  
ERIC JONES, )  
Defendants. )  
)

INFORMATION

JUDGE

**JUDGE POLSTER**

CASE NO. **1:15 CR 0373**  
Title 18, United States Code, Sections  
241 and 1951

INTRODUCTION

At all times relevant to this Indictment:

1. The City of East Cleveland ("East Cleveland") was incorporated in or around 1911. East Cleveland is adjacent to the City of Cleveland and located within Cuyahoga County, Ohio.
2. The East Cleveland Police Department ("ECPD") served the residents of East Cleveland and had responsibility for law enforcement within that jurisdiction. The ECPD was composed of a Chief, approximately 60 sworn police officers, and approximately 17 civilian personnel. The ECPD was divided into several departments, including the Street Crimes Unit ("SCU").
3. ECPD sworn police officers were East Cleveland employees, responsible for enforcing applicable local, state and federal laws.

4. The SCU was composed of a small group of sworn police officers, some of whom obtained the rank of detective, whose primary responsibility was to investigate illegal drug activity within East Cleveland (hereinafter "SCU officers"). SCU officers had many powers, including the power to: (1) conduct a probable cause arrest, (2) swear out affidavits in support of search and arrest warrants, (3) seize evidence pursuant to those warrants, (4) work with confidential informants, and (5) access government funds to purchase drugs in an undercover capacity.

5. Officer 1 was an ECPD officer who obtained the rank of Sergeant. Officer 1 supervised the SCU, and in that capacity, had responsibility for, among other things, reviewing police reports and overseeing investigations.

6. Defendant ANTONIO MALONE was an ECPD officer who obtained the rank of Detective. MALONE identified many of the investigative targets, completed a significant portion of the necessary reports and affidavits, and took a leadership role in the SCU in Officer 1's absence.

7. Defendant ERIC JONES was an ECPD officer who obtained the rank of Detective.

8. Officer 4 was an ECPD officer who obtained the rank of Detective.

The United States Attorney further charges:

COUNT 1  
(Conspiracy Against Rights, 18 U.S.C. § 241)

9. Paragraphs 1-8 of this Indictment are re-alleged and incorporated by reference as if fully set forth herein.

General Allegations related to J.W.

10. The SCU, including Officer 1, MALONE and JONES, knew and had reason to know that J.W. was a drug trafficker.

General Allegations related to M.M.

11. The SCU officers, including Officer 1, MALONE and JONES, knew and had reason to know that M.M. was a drug trafficker.

General Allegations related to K.B.

12. The SCU officers, including Officer 1, MALONE and JONES, knew and had reason to know that K.B. was a drug trafficker.

13. On or about May 15, 2013, while MALONE, JONES and other SCU officers conducted surveillance on a location which K.B. frequented, they witnessed what appeared to be a drug transaction and initiated a traffic stop.

14. On or about June 19, 2013, MALONE, JONES and another ECPD officer arrested both K.B. and another individual known to the United States Attorney.

General Allegations related to H.L.

15. SCU officers, including Officer 1, MALONE and Officer 4, knew and had reason to know that H.L. was a drug trafficker.

General Allegations related to S.H.

16. The SCU, including Officer 1, MALONE, JONES, and Officer 4, knew and had reason to know that S.H. was a drug trafficker.

17. In or around November 2013, a source provided general, second-hand information to MALONE about drug activity at a residence on Sylvia Road.

### THE CONSPIRACY

18. From in or around 2012, to in or around June 2014, the exact dates unknown to the United States Attorney, Defendants ANTONIO MALONE and ERIC JONES, Officer 1 (not charged herein), and others known and unknown to the United States Attorney, while acting under color of law as SCU officers, willfully combined, conspired and agreed with one another, to injure, oppress, threaten and intimidate persons, in the free exercise and enjoyment of rights and privileges secured to them by the Constitution and laws of the United States, namely, the right against unreasonable search and seizure.

### OBJECTS OF THE CONSPIRACY

19. It was an object of the conspiracy that the conspirators used their power and authority as SCU officers to unlawfully enter premises and exceed the scope of lawful entry, and thereafter conduct illegal searches and seizures therein.

20. It was an object of the conspiracy that the conspirators used their power and authority as SCU officers to seize money and property under the guise of search warrants and other law enforcement actions and to keep portions of the seized money and property for themselves and their designees.

21. It was a further object of the conspiracy that the conspirators created and approved false reports, affidavits and other government records and documents to conceal their illegal searches and seizures.

### MANNER AND MEANS

It was part of the conspiracy that:

22. The conspirators placed false and inaccurate information in police reports about certain investigative steps allegedly performed.

23. Officer 1 reviewed police reports that she knew contained inaccurate information, but failed to correct the inaccuracies.

24. The conspirators made materially false and misleading statements and material omissions in search warrant affidavits in order to obtain court ordered warrants to search certain premises.

25. The conspirators executed and caused to be executed the unlawful search warrants.

26. The conspirators executed some of these search warrants in East Cleveland, but other times, obtained and executed search warrants for locations in other cities within the greater Cleveland area.

27. Even when the conspirators made lawful entry onto a premises pursuant to valid consent, they illegally expanded the scope of that entry, and conducted searches thereon.

28. The conspirators seized and caused to be seized money and property during the course of searches.

29. The conspirators diverted some of the seized money and property for their own use and the use of their designees, rather than logging all of the items seized into evidence.

30. At times, the conspirators divided the money and property equally, at other times shared the proceeds with others, and at yet other times, kept the proceeds for themselves.

31. To conceal their illegal conduct, Officer 1 and MALONE created and caused to be created false police reports and other documentation, to conceal the lack of probable cause for the searches and to conceal the stolen money and property.

32. To conceal their illegal conduct, MALONE provided materially false information to the Cuyahoga County Prosecutor's Office regarding certain investigative steps allegedly taken in certain cases.

33. To conceal their illegal conduct, MALONE directed criminal defendants who had acted as sources to provide false information to the Cuyahoga County Common Pleas Court.

Acts in Furtherance of the Conspiracy

In furtherance of the conspiracy, and to affect the objects thereof, the conspirators committed the following acts, among others:

Acts Related to J.W.

34. On or about September 10, 2012, JONES presented an affidavit in support of a search warrant for a Sheldon Avenue residence, associated with J.W., to an East Cleveland Municipal Court Judge. The conspirators knew that the Affidavit contained false and misleading statements, including the following:

- A. "Affiant states that on September 10, 2012, a Confidential Informant called Det. JONES and stated that he found that a male known to him as [name] was selling marijuana."
- B. "Affiant met with the CI later on 9-10-12, to make a controlled buy of marijuana from the CI. The CI then contacted "Black" using [telephone number] and ordered 2 ounces of marijuana and was told to meet at the meeting spot for the transaction."
- C. "Affiant states that the CI drove back to East Cleveland Police Department and the CI handed JONES two clear plastic bag [sic] containing marijuana. CI and the CI's vehicle were searched and no money or drugs were found."

35. The Judge, unaware of the false and misleading statements in JONES's affidavit, issued the warrant for the Sheldon Avenue residence.

36. On or about September 10, 2012, JONES caused to be drafted a police report which contained false information.

37. Officer 1, MALONE, JONES and Officer 4 participated in executing the search warrant at the Sheldon Avenue residence. During the search, SCU officers seized approximately \$20,000 in cash, as well as a quantity of drugs.

38. On or about September 11, 2012, following the execution of the search warrant at the Sheldon Avenue residence, Officer 1, MALONE and JONES met at an East Cleveland park and divided a portion of the \$20,000 cash seized during the search, each receiving approximately \$2,000 to \$3,000.

39. On or about September 11, 2012, Officer 4 completed an ECPD Search Warrant Inventory List, which reflected three bundles of currency seized: (1) \$2,000, (2) \$131, and (3) "U.S. Currency \$," while, by contrast, JONES authored a report on or about the same day, which reflected the three bundles of currency as follows: (1) \$2,000, (2) \$131, and (3) \$9,042.

Acts related to M.M.

40. On or about January 15, 2013, MALONE presented an affidavit in support of a search warrant for a Linwood Avenue residence, associated with M.M., to a Cuyahoga County Common Pleas Court Judge. The conspirators knew that the Affidavit contained false and misleading statements, including the following:

A. "Affiant states that within the past week the East Cleveland Police Department received information from a Confidential Informant indicating that a male known to CI as [name] possesses guns, including automatic weapons, and that [name] sells crack cocaine. Affiant states that based on this information Affiant and other members of the East Cleveland Police, with the assistance of CI, have conducted two controlled buys of crack cocaine from the person known to CI as [name]."

B. "Affiant states that, with respect to the first buy, CI placed a police monitored call to [name] at [telephone number]."

C. "Affiant states that CI was searched and found to be free of any money, drugs, or contraband. CI was then issued a sum of United States currency from which the serial numbers had been recorded. Affiant states CI was taken to the area of [Linwood residence] in an undercover vehicle."

D. "Affiant states that he and other officers remained in surveillance distance and observed the following: CI approached the premises; CI was met by the target, who came out of the house; CI and the target entered a parked vehicle [license plate number] for a brief period of time; both CI and the target exit the parked vehicle; the target returned inside the premises; CI proceeded directly to the predetermined meet location."

41. The Judge, unaware of the false and misleading statements in MALONE's affidavit, issued the search warrant for the Linwood Avenue residence.

42. On or about January 16, 2013, SCU officers, including Officer 1 and MALONE, executed the search warrant at the Linwood Avenue residence.

43. SCU officers seized several firearms, marijuana, cocaine and cash.

44. SCU officers arrested one of the occupants of the residence, C.M., and obtained an arrest warrant for M.M.

45. In or around January 2013, MALONE altered police reports to conceal the false and misleading statements made in the search warrant affidavit.

#### Acts related to K.B.

46. On or about June 20, 2013, SCU officers, including MALONE, went to the residence of K.B.'s relative located around E. 85th Street. MALONE persuaded K.B.'s relative to consent to the search of K.B.'s bedroom, which was secured with a padlock. Without probable cause or a duly issued search warrant, MALONE forced entry into the room and caused to be seized approximately \$100,000 in cash.



47. On or about June 20, 2013, SCU officers transported the approximately \$100,000 to the ECPD station, where Officer 1, MALONE and JONES removed a portion of the cash before causing the remainder of the cash to be secured in the ECPD evidence room.

48. On or about June 20, 2013, Officer 1, MALONE and JONES met at the same East Cleveland park in paragraph 38 above and divided the money, each receiving approximately \$10,000.

49. When questions arose about MALONE's report on the E. 85th Street search, which detailed MALONE forcing entry into a padlocked room, MALONE altered his report to omit mention of the forced entry and instead falsely wrote, "[K.B.'s relative] detached the pad lock from the door using a crow bar and Detectives began the search which resulted in the recovery of \$74,670."

Acts Related to H.L.

50. On or about August 22, 2013, Officer 1 presented an affidavit in support of a search warrant for a Nathaniel Street residence associated with H.L. to a Cuyahoga County Common Pleas Court judge. The conspirators knew that the Affidavit contained false and misleading statements, including the following:

A. "Affiant avers that from approximately August 12, 2013 through approximately August 15, 2013, Affiant from the East Cleveland Police Department conducted surveillance of the above-described premises and observed high vehicle traffic at the above described premises."

B. "Affiant avers that CI was followed to a pre-determined meeting location. Upon arriving at this location, CI handed to Sgt. Officer 1 what, in her experience, was Cocaine, based upon its appearance as a white, slightly hard with white powdery remnants, and its odor. Affiant avers that CI and CI [sic] vehicle were searched for money, drugs and contraband with negative results."

C. "Affiant avers that he field-tested the suspected Cocaine using a field test kit, which did test positive for the presence of Cocaine."

51. The Judge, unaware of the false statements in Officer 1's affidavit, issued the search warrant.

52. On or about August 22, 2013, Officer 1, MALONE, and Officer 4 executed the search warrant at the Nathaniel Street residence.

53. On or about August 26, 2013, when the Cuyahoga County Prosecutor's Office asked MALONE to identify the CI, MALONE knowingly provided false information about the identity of the non-existent CI, whose information summarized in Officer 1's affidavit had been fabricated.

Acts Related to S.H.

54. On or about November 15, 2013, MALONE presented a search warrant affidavit to a Cuyahoga County Common Pleas Court Judge that he knew contained false and misleading statements, including the following:

- A. "Affiant avers that based upon the information provided by CI an investigation was started on [name]."
- B. "Affiant avers that within the past week intermittent surveillance on the above-listed location, at which time moderate foot and vehicle traffic was observed coming to and leaving from rear of the residence."
- C. "Affiant avers that prior to the purchase the CI and CI's vehicle were searched for money, drugs and contraband with negative results. Affiant issued CI an amount of buy money, the serial numbers of which had been pre-recorded."
- D. "Affiant avers that the CI was followed to the meet location where we maintained constant surveillance of the CI."
- E. "Affiant avers that the CI was followed to a predetermined meet location where CI hands Affiant the quantity of suspected Marijuana. The CI and CI's vehicle were checked once again with negative results for contraband, drugs, or currency."

55. The Judge, unaware of the false statements contained in the Affidavit, issued the search warrant.

56. On or about November 15, 2013, Officer 1, MALONE, JONES, Officer 4 and others executed a search warrant at S.H.'s residence, during which cash was seized.

57. Following the illegal search, a portion of the cash seized was not entered into evidence, but instead converted to an unlawful use by MALONE.

58. SCU documents prepared by MALONE and by Officer 1 knowingly listed only a portion of the cash seized.

Acts Related to M.M.

59. On or about June 19, 2014, MALONE, while on duty, encountered a vehicle parked in front of a vacant building in East Cleveland.

60. MALONE approached the driver of the vehicle, who he recognized to be a known drug trafficker, M.M.

61. MALONE arrested M.M. and placed him in the rear of the police cruiser. M.M. said that he had eleven or twelve thousand dollars in the vehicle's glove box. MALONE told M.M., "You gotta go to jail for this money."

62. M.M. told MALONE that he was on bond and that an arrest would create problems. He repeatedly asked MALONE to release him with a citation and not arrest him.

63. MALONE agreed to release M.M., but insisted on towing the vehicle. MALONE allowed M.M. to retrieve some items from the vehicle prior to the tow. They had the following dialogue:

MALONE: I looked out for you. You gotta look out for me.

MM: What'ya mean.

MALONE: You'll figure it out.

MM: How much, 2,000?

MALONE: I ain't greedy.

MM: That's my Father's Day gift man.

MALONE: Just get whatever you gotta get out of the car and ahh leave me three.

MM: Alright, uh, it's two?

MALONE: No.

MM: Three, alright man. Good looking man. D--n.

64. MALONE removed approximately \$3,000 from M.M.'s vehicle.

65. When MALONE completed the inventory form, he did not list the \$3,000 taken from the vehicle.

All in violation of Title 18, United States Code, Section 241.

The United States Attorney further charges:

COUNT 2

(Hobbs Act Conspiracy, 18 U.S.C. § 1951)

66. Paragraphs 1-8 of this Indictment are re-alleged and incorporated by reference as if fully set forth herein.

67. The factual allegations in Count 1 related to J.W. and K.B. at paragraphs 34-39 and 46-49 respectively, are re-alleged and incorporated by reference as if fully set forth herein.

68. The operations of East Cleveland affected interstate commerce.

69. The operations of drug traffickers, including K.B. and J.W. affected interstate commerce.

THE CONSPIRACY

70. From in or around 2012, to in or around June 2014, the exact dates being unknown to the United States Attorney, in the Northern District of Ohio, Eastern Division and

elsewhere, Defendants ANTONIO MALONE and ERIC JONES, Officer 1 (not charged herein), and others known and unknown to the United States Attorney, did knowingly and intentionally combine, conspire, confederate and agree with each other to obstruct, delay and affect commerce and the movement of articles and commodities in commerce by robbery, in that Officer 1, MALONE, JONES and others known and unknown to the United States Attorney, unlawfully took and obtained personal property from the person and in the presence of another, against their will, by means of actual and threatened force, violence and fear of injury, immediate and future, to their persons and property, and property in their custody and possession and the person and property of a relative and member of their family and of anyone in their company at the time of the taking and obtaining.

All in violation of Title 18, United States Code, Section 1951.

By:

  
STEVEN M. DETTELBACH  
United States Attorney

UNITED STATES DISTRICT COURT

for the Northern District of Ohio

United States of America

v.

Antoinio Malone

Defendant

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Case No.

1:15 CR 0373  
JUDGE POLSTER

WAIVER OF AN INDICTMENT

I understand that I have been accused of one or more offenses punishable by imprisonment for more than one year. I was advised in open court of my rights and the nature of the proposed charges against me.

After receiving this advice, I waive my right to prosecution by indictment and consent to prosecution by information.

Date: \_\_\_\_\_

Defendant's signature

Signature of defendant's attorney

Mike Shaughnessy  
Printed name of defendant's attorney

Judge's signature

Judge's printed name and title

UNITED STATES DISTRICT COURT

for the  
Northern District of Ohio

United States of America

v.

Eric Jones

*Defendant*

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Case No.

1:15 CR 0373

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Date: \_\_\_\_\_

\_\_\_\_\_  
*Defendant's signature*

\_\_\_\_\_  
*Signature of defendant's attorney*

James Jenkins  
*Printed name of defendant's attorney*

\_\_\_\_\_  
*Judge's signature*

\_\_\_\_\_  
*Judge's printed name and title*