

## **AFFIDAVIT IN SUPPORT OF APPLICATION FOR RESTRAINING ORDER**

I, Eric J. Pelletier, being duly sworn, declare under penalty of perjury that the following is true and correct to the best of my knowledge and information:

1. I have been a Special Agent for the FBI since July of 2009. I am therefore an officer of the United States who is empowered to conduct investigations of, and to make arrests for, the offenses enumerated in Title 18, United States Code, Section 2516. I attended the basic agent training program in Quantico, Virginia during 2009. Prior to my employment with the FBI, I was employed in the financial sector for eight years. I am currently assigned to the Public Corruption squad at the Charlotte Division of the Federal Bureau of Investigation. In my current capacity, I am assigned to investigations involving public corruption, money laundering, conspiracy and Hobbs Act violations. Additionally, I have received training in the investigation of illegal narcotics activities and the laundering of the proceeds of specified unlawful activities at the FBI Academy at Quantico, Virginia. My training has continued through numerous in-service training seminars. I have 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.

USA v. In Re: All Assets Related to Walter Clinton Martin, WMJ Enterpr., Faulkenberry et Ficti 2. Doc. 1 Att. 1 I am also familiar, through my training and experience, with the habits and practices of persons engaged in violations of controlled substance laws. Additionally, I am familiar with practices used by controlled substance traffickers involving the collection of money proceeds of narcotics trafficking and associated money laundering methods used to conceal the nature of

these proceeds, including the language and terms used to disguise the source and nature of the profits of illegal narcotics dealing.

3. The facts and information contained in this Affidavit are based upon my knowledge and observations, interviews of witnesses, review of documents and law enforcement databases, information communicated to me by other law enforcement personnel with knowledge of this investigation, and knowledge gained through training and work experience. Because this Affidavit is being submitted for the limited purpose of establishing probable cause for a requested Restraining Order, your Affiant has not included every detail learned over the course of this investigation.

4. Your Affiant makes this Affidavit in support of the Government's Application for a Restraining Order, whereby the Government request that this Court restrain any and all individuals and entities from disposing of any assets or making any withdrawals or transfers of any assets held in the name of, by, on behalf of, or for the benefit of WALTER CLIFTON MARTIN, JR. (MARTIN), MICHAEL FAULKENBERRY (FAULKENBERRY), and WMJ ENTERPRISES. Your Affiant submits that there is probable cause that such assets constitute fraud proceeds and substitute property subject to criminal forfeiture pursuant to Title 21 United States Code Section 853 based on violations of 21 United States Code Section 841 (possession with intent to distribute Schedule I & II controlled substances and 846 (conspiracy to possess and distribute Schedule I & II controlled substances and are subject to a Temporary Restraining Order pursuant to 21 U.S.C. § 853(e)(2).

5. Your Affiant is familiar with the criminal Complaint in the Western District of North Carolina Case 3:17 mj 334, charging MARTIN, and FAULKENBERRY with violations of Title 21, United States Code Section 846: Conspiracy to possess and distribute Schedule I & II

controlled substances and Title 21, United States Code Section 841 (a)(1): Possession with intent to distribute Schedule I & II controlled Substances. Your Affiant incorporates the facts set forth in the Affidavit in support of that Complaint for purposes of the instant Application for Restraining Order.

6. From on or about January of 2015 to the present, WALTER CLIFTON MARTIN and MICHAEL FAULKENBERRY have been involved in a drug trafficking organization in the Western District of North Carolina. MARTIN owns a trailer rental company called WMJ Enterprises, 17 W. Polk Street, Polkton, North Carolina. FAULKENBERRY is a narcotics dealer working for MARTIN and also an employee of WMJ Enterprises.

7. The investigation of MARTIN involved authorized interception of wire and electronic communications over the cellular phones of both MARTIN and FAULKENBERRY from at least June 12, 2017. The investigation also encompassed controlled narcotics purchases and consensual recordings. On September 26, 2017, FAULKENBERRY was arrested and found to be in possession of credit cards bearing MARTIN's name. Wire intercepts showed FAULKENBERRY used these cards to assist MARTIN as an employee of WMJ Enterprises and the drug trafficking organization.

8. There exists probable cause that the assets in First Bank and UBS Bank constitute proceeds traceable to the exchange of a controlled substance and/or substitute property furnished or intended to be furnished in exchange for a controlled substance. The following are examples of MARTIN using personal assets, WMJ Enterprises' assets, and assets under the control of FAULKENBERRY as a source for narcotics funds and operation. The following are also examples of MARTIN comingling the legitimate business activities of WMJ Enterprises with the drug trafficking organization MARTIN operated.

9. On January 19, 2017, in a controlled narcotics purchase from FAULKENBERRY of two ounces of cocaine, FAULKENBERRY was paid \$2,700 in cash. FAULKENBERRY placed the money in his pocket and was surveilled by FBI agents driving to the First Bank of Polkton, 7996 Highway 74 West, Polkton, North Carolina where he approached the drive-thru teller handing the teller an item. Your affiant believes FAULKENBERRY made a deposit of the drug proceeds into an account at that location.

10. Credit records indicate that MARTIN uses First Bank as his primary bank for possible personal and business accounts. During the wire intercepts banking officials from First Bank would call MARTIN and if he could not be reached, call FAULKENBERRY to relay messages to MARTIN. Also during the wire intercepts, MARTIN would indicate he needed to go to the bank on several occasions and also direct FAULKENBERRY to the bank for various deposits.

11. An employee of WMJ Enterprises, Pam Medlin, stated to SA David Drew that she believed MARTIN used First Bank for the business and both MARTIN and FAULKENBERRY were the ones who picked up money from the business on a routine basis. Your affiant believes MARTIN and FAULKENBERRY were using accounts at First Bank to further the drug trafficking organization.

12. On multiple intercepted calls MARTIN reference money he needed to collect from his business, WMJ Enterprises, which he would utilize in narcotics transactions. Additionally, in an interview of MARTIN on September 25, 2017, he confessed to using WMJ Enterprises as a source for narcotics funds and operation. Your affiant believes that MARTIN comingled the legitimate business activities of WMJ Enterprises with the drug trafficking organization MARTIN operated.

13. In addition to First Bank, MARTIN utilized UBS Financial services as a possible asset manager. In an intercepted call on August 17, 2017, MARTIN spoke to a representative of UBS and the call reference a monetary transfer to an account at First Bank.

14. On September 14, 2017, in an intercepted call with a representative of UBS, MARTIN discusses his portfolio and their assistance in selling stocks for MARTIN.

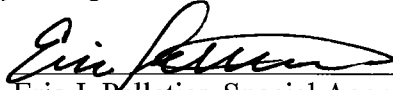
15. On September 14, 2017, in an intercepted call with GRAY THREATT, an "Ice" methamphetamine supplier, THREATT want to know if MARTIN wanted to "go in with him" to purchase narcotics. MARTIN told THREATT he sold stock for \$30,000 and would have the money on Monday morning, and that he needed to go to the bank.

16. On September 14, 2017, in an intercepted call with TIMOTHY BOWENS, a known "Ice" methamphetamine and cocaine dealer, MARTIN told BOWENS he sold stocks and would also have money by Monday.

17. On September 15, 2017, in an intercepted call with Sarah Roman, MARTIN told her he was going to make a \$10,000 deposit in the bank, believed to be First Bank, and he discovered the balance was \$32,000. MARTIN confirmed the money was transferred from UBS.

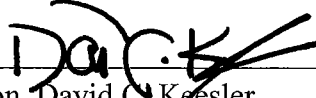
18. Accordingly, your Affiant submits that there is probable cause that restraint of disposal of any assets or withdrawals or transfers of any assets held in the name of, by, on behalf of, or for the benefit of MARTIN, FAULKENBERRY, or WMJ ENTERPRISES is appropriate so as to temporarily secure such assets – which constitute proceeds and/or substitute property – for forfeiture pending further investigation of Bank records and information. Therefore, your Affiant submits that there is probable cause for issuance of a Restraining Order in the form submitted herewith.

Respectfully submitted this the 28 day of September, 2017.



Eric J. Pelletier, Special Agent, FBI

Sworn to and subscribed to before me this the 28<sup>th</sup> day of September, 2017.



Hon. David C. Koesler

UNITED STATES MAGISTRATE JUDGE