

INTRODUCTION

We, the members of the Thirty-Ninth Statewide Investigating Grand Jury, having received and reviewed evidence pertaining to suspected violations of The Controlled Substance, Drug, Device and Cosmetic Act and the Pennsylvania Crimes Code occurring in and around Blair County, York County and surrounding counties in Pennsylvania, do hereby make the following findings of fact and recommendation of charges pursuant to Notice of Submission of Investigation Number 28.

FINDINGS OF FACT

As a result of a collaborative law enforcement effort involving the Pennsylvania Office of Attorney General (“OAG”), the Pennsylvania State Police (“PSP”), the Blair County District Attorney’s Office, the Blair County Drug Task Force and the Altoona Police Department, the Grand Jury learned of a drug-distribution organization operating in and around Altoona, Blair County, Pennsylvania. Initially, the Grand Jury’s investigation resulted in the issuance of Presentment No. 9 on December 13, 2016, wherein it was recommended that the OAG institute criminal charges against Wayne Davis (“Davis”) and Lawrence Francis (“Francis”) based upon a number of sales of heroin that the two men made to confidential informants (“CI”s).

The investigation continued, however, and the Grand Jury received evidence of the activities of additional participants in Davis and Francis’ drug-distribution ring during the years 2015 and 2016 as well as additional controlled purchases made from these individuals and those working for Lawrence Francis and Wayne Davis. These participants included: Terron Miller, Nathan Foor, Katrina Leonard, Stephanie Duffield, Rachelle Keith, Holly Burroughs, Travis

Taylor, Joanne Helsel, Miranda McCaulley, Courtney Gority and Bernard Stoney. The members of the organization promoted drug distribution through the use of their telephones as well as transporting, distributing and selling heroin and ecstasy to multiple individuals in York, PA and Altoona, PA. The details of the latest investigation are summarized below.

PSP Trooper Matthew Hartung ("Trooper Hartung") informed the Grand Jury that Davis and Francis were residents of York, PA but had ties to suppliers of heroin and ecstasy in New York City. The two men sold the drugs on the streets of York as well as in Altoona, Blair County, Pennsylvania. They also had other individuals sell the drugs for them. During the course of the latest investigation, the Grand Jury heard evidence that Confidential Informants ("CI"s) made the following controlled purchases from Francis in York County and from other persons who sold heroin for Davis and Francis in Blair County:

Date of Controlled Purchase	Seller	CI	Amount of Drugs	Price	Location
6/12/15	Terron Miller Kahlil Graham	CI#8	10 bags .06 grams heroin	\$160	1 st St. & E. Maple Ave. Altoona, PA
7/16/15	Terron Miller	CI#2	3 bags .03 grams non-heroin	\$60	1100 block 19 th Ave. Altoona, PA
7/30/15	Nathan Foor	CI#3	5 bags .04 grams heroin	\$100	1118 6 th Ave. Altoona, Pa
8/6/15	Lawrence Francis	CI#1	.94 grams heroin	\$200	Steps / W. Maple St. York, PA
8/7/15	Lawrence Francis	CI#1	1.3 grams heroin	\$280	Steps / W. Maple. St. York, PA
9/10/15	Courtney Gority Terron Miller	CI#2	10 bags .16 grams heroin	\$120	1525 18 th Ave. Altoona, PA
10/23/15	James Rodgers	CI#4	10 bags	\$120	117 4 th Ave.

			heroin		Altoona, PA
10/26/15	Nathan Foor Terron Miller	CI#5	9 bags .14 grams heroin	\$120	117 4 th Ave. Altoona, PA
10/29/15	Nathan Foor	CI#2	7 bags .09 grams heroin	\$10	117 4 th Ave. Altoona, PA
11/16/15	Nathan Foor Terron Miller	CI5	10 bags .11 grams heroin	\$120	117 4 th Ave. Altoona, PA
1/27/16	Nathan Foor	CI#6	10 bags heroin	\$200	Cambria St. & 1 st St. Bellwood, PA
1/29/16	Terron Miller Miranda McCaulley	CI#7	10 bags, less than .1 gram heroin	\$125	12 th St. & 6 th Ave. Alley Altoona, PA
2/1/16	Nathan Foor	CI#6	10 bags, less than .1 gram heroin	\$150	400 block 2 nd Ave. Altoona, PA
2/3/16	Nathan Foor Wayne Davis Kylene Schneider	CI#6	50 bags .86 grams heroin	\$350	24 Main St. Bellwood, PA
2/9/16	Nathan Foor Wayne Davis Kylene Schneider	CI#6	50 bags .79 grams heroin	\$350	3 rd St. & Clark St. Bellwood, PA
2/11/16	Wayne Davis Kylene Schneider	CI#6	50 bags heroin	\$350	4 th St. & 2 nd Ave. Altoona, PA

The Grand Jury was advised that a controlled purchase includes, at minimum, a search of the CI (and the CI's vehicle, if the CI is going to use his/her vehicle during any portion of the controlled purchase) to confirm that the CI has no controlled substances or money in his/her possession. The money for the purchase of the controlled substance is provided to the CI by law enforcement. Law enforcement then remain in contact - - physically or visually - - with the CI before, during, and after the CI meets with the target and purchases the controlled substance(s). After the purchase is made, the CI returns to a pre-arranged location to meet with law

enforcement. At that time, the CI turns over the purchased controlled substance(s) and any remaining money to the officer(s). The CI (and his/her vehicle, if the vehicle was used) is then searched again. The controlled substance is preliminarily tested by the officer(s) for the presence of the particular controlled substance. The suspected controlled substance is then ultimately submitted to the PSP Crime laboratory to confirm the preliminary testing done by the officer(s).

Through interviews conducted with these CIs, law enforcement learned that the heroin was coming from New York City, via York, PA. PSP Trooper Hartung explained that a Global Positioning System ("GPS") tracker was placed on the car that the Francis and Davis used on many occasions and the car was tracked from York to Altoona on several occasions. Their sales in York and Altoona were confirmed by multiple witnesses. Additionally, PSP Trooper Mathew Hartung told the Grand Jury that on August 27, 2015, Trooper Charles Schaefer observed Francis and Davis meet with Terron Miller ("Miller") at the Logan Valley Mall in Altoona after receiving information that their vehicle was headed to Altoona from York by Trooper Hartung (who was tracking the vehicle using the GPS tracker).

One witness told the Grand Jury that he/she was introduced to Davis (a/k/a New York) near the beginning of 2015. He/she stated that he/she also met Francis (a/k/a Shake) and Miller (a/k/a Pimp). The witness quickly learned that Francis and Davis were transporting narcotics from New York City even though they resided in York. The witness stated that Francis was the one who was in charge and that he supplied Davis with the drugs. Both Francis and Davis supplied drugs to Terron Miller, who lived in Altoona. The witness told the Grand Jury that at various times, Miller, Davis and Francis were supplying Amber Plummer ("Plummer"), James Morgan ("Morgan") and Nathan Foor ("Foor") with bundles of heroin (one bundle is usually the

equivalent of 10 bags of heroin) which they, in turn, would sell. The Grand Jury learned that some of the sellers were themselves addicted to heroin and sold the drugs in order to support their drug addiction. The witness further advised that Grand Jury that he/she would drive Davis to New York City in order to obtain illegal drugs, primarily heroin. The trips would generally occur monthly, but the frequency was dictated by heroin sales. The witness stated that Francis, Davis and a woman by the name of Kylene Schneider ("Schneider") typically made the trips to New York City and that Katrina Leonard ("Leonard") would join them on occasion.

With respect to Schneider, the Grand Jury learned that that Schneider rented cars to drive to New York City. The rental cars were also used by Francis and Davis in order to deliver heroin or pick-up heroin and/or ecstasy in York or New York City. Records from Enterprise Rent-A-Car in Altoona confirmed the dates of the rentals. The rentals were in Schneider's name and on the following dates: November 11, 2015, December 25, 2015, January 28, 2016, February 27, 2016, and March 28, 2016.

With respect to Leonard, testimony revealed that from the beginning of 2015 to June, 2016, Leonard went by herself to New York City in order to obtain drugs for Francis and Davis. She would transport 200-300 grams of heroin during each trip. The Grand Jury learned that Leonard made approximately five trips to York from New York City. The Grand Jury was informed that Leonard boarded the bus from York with an empty suitcase of her own or with a suitcase provided by Francis and/or Davis. She would then meet Francis and Davis in New York City. Once they met Leonard, Francis and Davis would take the suitcase from her. They would leave her, but later return with the suitcase filled with illegal drugs. At that time, Leonard would

return to York with the suitcase. Francis and Davis would retrieve the suitcase from her when she returned. They paid her \$200 in connection with these trips.

The Grand Jury learned that Leonard also made approximately five bus trips from New York City to Altoona. Leonard would travel from New York City to State College and then take a taxi cab to Altoona. She was paid \$500 for the trips to Altoona. Leonard on one occasion was driven back to York from Altoona by Stephanie Duffield ("Duffield"). The Grand Jury was presented with several receipts reflecting bus trips that Leonard took to New York City and back. Evidence further revealed that it was Schneider, who was the girlfriend of Davis, who created an e-mail address (at Davis' insistence) so that the reservations for the bus trips could be made.

Testimony revealed that Duffield met Miller in May, 2015. Duffield then proceeded to drive Miller around the Altoona area while he sold drugs. Thereafter, she met Davis in July/August 2015 after Miller asked her to pick him up at a bus stop in State College. She then began to drive Davis around while he distributed heroin and ecstasy. The Grand Jury learned that Davis transported five ounces of ecstasy and 20-30 bricks of heroin (each brick had five bundles or 50 bags of heroin) in a backpack. He sold a bundle of heroin for \$90; a brick of heroin for \$300; and a bag or dose of ecstasy for \$30.

Witnesses told the Grand Jury that Miller was an individual who sold heroin provided to him by Francis and Davis. The investigation revealed that Miller had many customers including Rachelle Keith ("Keith") who purchased bundles of heroin from him. Keith then began selling the heroin in order to support her drug habit. Keith's heroin customers included Plummer, Samantha Beckwith, Amber Vanomer, Bobby Holland and Kane Stehley.

Testimony before the Grand Jury revealed that Keith ultimately met Davis through Holly Burroughs ("Burroughs"). Burroughs allowed Davis and Francis to stay at her house and she introduced addicts to them. The addicts subsequently became customers. Davis stayed with Burroughs from approximately September 10, 2015 until the beginning of October 2015. With respect to Keith, Davis eventually began "fronting" heroin to her (providing the heroin to her with payment to be made after the heroin was sold) and she developed a \$700 drug debt. As a result of this debt Davis stopped providing heroin to Keith, so Keith began purchasing heroin from Plummer. At that point, Davis relented and again began to front heroin to Keith. Keith ultimately reduced her debt to Davis to \$300 by selling/using four to five bricks of heroin every two to three days. On October 22, 2015, Keith's house was raided by police and, after that, Davis no longer provided heroin to her.

The Grand Jury heard testimony that Summer Maher ("Maher") bought ecstasy from Miller and heroin from Nathan Foor ("Foor"). She, in turn, provided the drugs to Chad Barr ("Barr"). It was estimated that Maher purchased heroin from Miller and Foor on approximately 75 occasions. Maher and Barr later met Davis in October, 2015. Testimony revealed that Maher bought heroin from Davis on approximately 30 occasions.

Joanne Helsel ("Helsel") was identified to the Grand Jury as an individual who bought one to two bundles of heroin each day from Foor beginning in 2015 for \$100 per bundle. The Grand Jury learned that she also sold heroin. Helsel later met Miller, who was Foor's source for the drugs. She bought heroin from Miller and Foor multiple times each day. She also bought three bundles of heroin for \$250 from Davis on two to three occasions.

Miller resided with Foor in July/August, 2015. Foor's daily heroin habit of using up to one bundle of heroin per day prompted Foor to begin to sell the drugs. Foor would obtain ten to 20 bricks of heroin at a time for \$250 per brick. He then sold the heroin for \$350 per brick. He purchased heroin from Miller beginning in the summer of 2015. The Grand Jury learned that Foor was introduced to Davis when Davis brought heroin and ecstasy to Foor's residence in order for Miller to sell the drugs. Davis ultimately replaced Miller with Foor as his main heroin seller because Miller was "messing up" the money. Foor's customers included Barr, J.T. Harkins, Malcolm Foor, Amanda Steele ("Steele"), Ed Wilson, Maher, and others. These individuals subsequently purchased heroin from Miller, as well. When Foor moved to Florida in the summer of 2016, Steele took over his role as the seller of heroin.

The Grand Jury heard testimony that in August, 2015, Miranda McCaulley ("McCaulley") was selling heroin from her home with Miller. The Grand Jury learned that up to five bricks of heroin were stored in a safe at her residence. Other times, the heroin was stored at Foor's residence. The investigation revealed that McCaulley began selling heroin every day for Miller. She would later meet with Miller, Davis and Schneider in order to turn over the profits from the heroin sales. She received between four-five bricks of heroin and 10 grams of ecstasy each week from Davis and Schneider. The group rented cars through Enterprise Rent-A-Car in Altoona in order to travel to New York City.

The Grand Jury's investigation revealed that Courtney Gority ("Gority") used heroin and also sold the drug. The Grand Jury learned that she met Miller in April, 2015 through Kahlil Graham ("Graham"). At that time, she had been purchasing cocaine from Graham. Upon her

introduction to Miller, Gority began buying heroin from him. Later, she sold the heroin. It was determined that Gority sold between a brick of heroin each day for Miller.

In addition to Gority, Travis Taylor ("Taylor") was identified as a user and a seller of heroin. The Grand Jury learned that during the middle of 2015, he sold the heroin that he received Miller. Taylor's profit consisted of a few bags of heroin from each bundle that he sold. In order to obtain the heroin, Taylor would telephone Miller and then meet Miller at Foor's residence to pick up the drugs. Taylor was ultimately introduced to Davis, who began to provide heroin to him. Taylor paid Davis \$50 per bundle and \$250 per brick of heroin. Taylor also met Bernard Stoney ("Stoney") (a/k/a Trey), who was an associate of Davis. Stoney, in turn, delivered heroin to Taylor. Specifically, the Grand Jury learned that on June 27, 2016, Stoney delivered heroin to Taylor and then Taylor sold the heroin to a C.I.

During the course of the Grand Jury's investigation, Chelsea Diehl ("Diehl") was identified as a girlfriend of Miller. She met him during the summer of 2015 and they ultimately moved into Foor's residence in Altoona where Miller and Foor sold heroin and ecstasy. Addicts and buyers would contact Miller and Foor by telephone and then arrive at the residence to purchase heroin and, on occasion, ecstasy. The Grand Jury learned that Miller subsequently used Diehl's residence to store drugs. Diehl was familiar with Davis (known to her as "New York") and knew that he supplied Miller and Foor with up to three to five bricks of heroin and grams of ecstasy. Other individuals were identified to the Grand Jury as selling up to five bundles of heroin per day for Miller in the Altoona area. Many of the individuals, as testified to by Sgt. Moser in relating the controlled buys, used cell phones to communicate with each other as well as the buyers and sellers of heroin. Indeed the monies made from the sales of heroin and ecstasy

would be utilized to rent the cars that were used to transport the controlled substances, pay for the trips by Katrina Leonard to and from New York City to obtain additional supplies of drugs and obtain additional supplies of heroin and ecstasy.

When the Grand Jury issued Presentment 9, there was evidence that Francis was using 252 West College Avenue, Apartment 213 in York as a storage location for his heroin. When Francis was arrested on December 19, 2016, he had two keys in his possession that provided access to Apartment 213. Trooper Hartung and other law enforcement officers ultimately went to the apartment where they encountered Byron Handy, II ("Handy II"). Handy explained that he lived in Atlanta, Georgia but was visiting his father, Byron Handy, Sr. Byron Handy, II said that his father treated Francis like a son. The Grand Jury learned that Byron Handy, Sr. advised law enforcement authorities that he allowed Francis to stay at the apartment and he consented to a search of it.

During the search of the apartment, law enforcement authorities seized a backpack from a closet near the front door. The backpack contained items used to package heroin, specifically, two large glass plates, latex gloves, straws, two digital scales, and 21,000 empty heroin bags. Two handguns and a rifle were also recovered from the same closet. A piece of paper with Francis' new telephone number and a 9"x12" safe were also located within the apartment. Upon inspection of the safe, law enforcement authorities discovered a large quantity of empty heroin bags. Trooper Hartung informed the Grand Jury that based upon his training and experience in the field of narcotics that the apartment was being used as a "stash house" for the distribution of heroin.