

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF CLEARFIELD



POLICE CRIMINAL COMPLAINT
COMMONWEALTH OF PENNSYLVANIA
VS.

Magisterial District Number: 46-3-04
MDJ: Hon. James B. Glass
Address: PO Box 362
251 Spring Street
Houtzdale, PA 16651
Telephone: (814)378-7160

DEFENDANT: (NAME and ADDRESS):
KENNETH ROBERT QUADE
First Name Middle Name Last Name
3192 Sanborn RD
Houtzdale, PA 16651-8252

NCIC Extradition Code Type

- | | | | |
|--|---|--|--|
| <input checked="" type="checkbox"/> 1-Felony Full | <input type="checkbox"/> 5-Felony Pending Extradition | <input type="checkbox"/> C-Misdemeanor Surrounding States | <input type="checkbox"/> Distance: _____ |
| <input type="checkbox"/> 2-Felony Limited | <input type="checkbox"/> 6-Felony Pending Extradition Determ. | <input type="checkbox"/> D-Misdemeanor No Extradition | |
| <input type="checkbox"/> 3-Felony Surrounding States | <input type="checkbox"/> A-Misdemeanor Full | <input type="checkbox"/> E-Misdemeanor Pending Extradition | |
| <input type="checkbox"/> 4-Felony No Extradition | <input type="checkbox"/> B-Misdemeanor Limited | <input type="checkbox"/> F-Misdemeanor Pending Extradition | |

DEFENDANT IDENTIFICATION INFORMATION

Docket Number	Date Filed	OTN/LiveScan Number	Complaint/Incident Number	Request Lab Services? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
	/ /		BN-40223-17T	
GENDER <input checked="" type="checkbox"/> Male <input type="checkbox"/> Female	DOB 06/09/1987	POB Pennsylvania	Add'l DOB / /	Co-Defendant(s) <input checked="" type="checkbox"/>
	First Name AKA KEN	Middle Name ROBERT	Last Name QUADE	Gen.

RACE <input checked="" type="checkbox"/> White <input type="checkbox"/> Asian <input type="checkbox"/> Black <input type="checkbox"/> Native American <input type="checkbox"/> Unknown	ETHNICITY <input type="checkbox"/> Hispanic <input checked="" type="checkbox"/> Non-Hispanic	Hair Color <input type="checkbox"/> GRY (Gray) <input type="checkbox"/> RED (Red/Aubrn.) <input type="checkbox"/> SDY (Sandy) <input type="checkbox"/> BLU (Blue) <input type="checkbox"/> PLE (Purple) <input type="checkbox"/> BRO (Brown) <input type="checkbox"/> BLK (Black) <input type="checkbox"/> ONG (Orange) <input type="checkbox"/> WHI (White) <input type="checkbox"/> XXX (Unk./Bald) <input type="checkbox"/> GRN (Green) <input type="checkbox"/> PNK (Pink)	Eye Color <input type="checkbox"/> BLK (Black) <input type="checkbox"/> BLU (Blue) <input type="checkbox"/> BRO (Brown) <input checked="" type="checkbox"/> GRN (Green) <input type="checkbox"/> GRY (Gray) <input type="checkbox"/> HAZ (Hazel) <input type="checkbox"/> MAR (Maroon) <input type="checkbox"/> PNK (Pink) <input type="checkbox"/> MUL (Multicolored) <input type="checkbox"/> XXX (Unknown)
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DNA <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	DNA Location	WEIGHT (lbs.)
FBI Number	426262HD7	MNU Number
Defendant Fingerprinted <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		Ft. HEIGHT In.
Fingerprint Classification:		6 0

DEFENDANT VEHICLE INFORMATION

Plate #	State	Haz mat <input type="checkbox"/>	Registration Sticker (MM/YY) /	Comm'l Veh. Ind. <input type="checkbox"/>	School Veh. <input type="checkbox"/>	Oth. NCIC Veh. Code	Reg. same as Def. <input type="checkbox"/>
VIN	Year	Make	Model	Style	Color		

Office of the attorney for the Commonwealth Approved Disapproved because:

(The attorney for the Commonwealth may require that the complaint, arrest warrant affidavit, or both be approved by the attorney for the Commonwealth prior to filing. See Pa.R.Crim.P. 507).

SDAG MICHAEL MADEIRA
(Name of the attorney for the Commonwealth)

(Signature of the attorney for the Commonwealth)

1/13/2019
(Date)

I, <u>AGENTS D. MORGAN / J. VESNESKY</u> (Name of the Affiant)	<u>#369 / 348</u> (PSP/MP/POETC -Assigned Affiant ID Number & Badge #)
of <u>Pennsylvania Office of Attorney General</u> (Identify Department or Agency Represented and Political Subdivision)	<u>PA0222400</u> (Police Agency ORI Number)
do hereby state: (check appropriate box)	
1. <input checked="" type="checkbox"/> I accuse the above named defendant who lives at the address set forth above <input type="checkbox"/> I accuse the defendant whose name is unknown to me but who is described as _____	
<input type="checkbox"/> I accuse the defendant whose name and popular designation or nickname are unknown to me and whom I have therefore designated as John Doe or Jane Doe with violating the penal laws of the Commonwealth of Pennsylvania at [] 3192 Sanborn Rd Houtzdale, Pa 16651-8252 (Subdivision Code) (Place-Political Subdivision)	
in CLEARFIELD County [17] (County Code)	on or about AUGUST THROUGH AND INCLUDING SEPTEMBER 2018



POLICE CRIMINAL COMPLAINT

Docket Number:	Date Filed: / /	OTN/LiveScan Number	Complaint/Incident Number BN-40223-17T
Defendant Name:	First: KENNETH	Middle: ROBERT	Last: QUADE

The acts committed by the accused are described below with each Act of Assembly or statute allegedly violated, if appropriate. When there is more than one offense, each offense should be numbered chronologically. (Set forth a *brief* summary of the facts sufficient to advise the defendant of the nature of the offense(s) charged. A citation to the statute(s) allegedly violated, without more, is not sufficient. In a summary case, you must cite the specific section(s) and subsection(s) of the statute(s) or ordinance(s) allegedly violated. The age of the victim at the time of the offense may be included if known. In addition, social security numbers and financial information (e.g. PINs) should not be listed. If the identity of an account must be established, list only the last four digits. 204 PA.Code §§ 213.1 - 213.7.)

Inchoate Offense	<input type="checkbox"/> Attempt 18 901 A	<input type="checkbox"/> Solicitation 18 902 A	<input type="checkbox"/> Conspiracy 18 903	Number of Victims Age 60 or Older _____
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<input checked="" type="checkbox"/>	1	780-113	(A)(30)	of the	35	1	F		
Lead?	Offense #	Section	Subsection		PA Statute (Title)	Counts	Grade	NCIC Offense Code	UCR/NIBRS Code

PennDOT Data (if applicable)	Accident Number _____	<input type="checkbox"/> Interstate	<input type="checkbox"/> Safety Zone	<input type="checkbox"/> Work Zone
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Statute Description (include the name of statute or ordinance): **DELIVERY/POSSESSION WITH THE INTENT TO DELIVER A CONTROLLED SUBSTANCE (TITLE 35; 780-113(A)(30))**

Acts of the accused associated with this Offense: That the Defendant, Kenneth QUADE, did unlawfully, willfully and feloniously deliver/possess with the intent to deliver a controlled substance, while not being registered under this Act; that is, on or between August and September 2018, in Clearfield and surrounding counties, the Defendant did unlawfully, willfully and feloniously deliver or possess with the intent to deliver Methamphetamine, a Schedule II Controlled Substance, all of which is in violation of Title 35 Pa.S. § 780-113(a)(30).

Inchoate Offense	<input type="checkbox"/> Attempt 18 901 A	<input type="checkbox"/> Solicitation 18 902 A	<input checked="" type="checkbox"/> Conspiracy 18 903	Number of Victims Age 60 or Older _____
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<input type="checkbox"/>	2	780-113	(A)(30)	of the	35	1	F		
Lead?	Offense #	Section	Subsection		PA Statute (Title)	Counts	Grade	NCIC Offense Code	UCR/NIBRS Code

PennDOT Data (if applicable)	Accident Number _____	<input type="checkbox"/> Interstate	<input type="checkbox"/> Safety Zone	<input type="checkbox"/> Work Zone
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Statute Description (include the name of statute or ordinance): **CONSPIRACY TO DELIVER/POSSESS WITH THE INTENT TO DELIVER A CONTROLLED SUBSTANCE (TITLE 18; 903(A)(1) - TITLE 35; 780-113 (A)(30))**

Acts of the accused associated with this Offense: That the Defendant, Kenneth QUADE, did agree with such other person or persons that they or more than one of them would engage in conduct which constitutes such crime or an attempt or solicitation to commit such crime; that is, on or between August and September 2018, while in Clearfield and surrounding counties, the Defendant did conspire and agree with Sondra McQUILLEN and others that they or more than one of them would engage in conduct constituting the delivery or possession with the intent to deliver Methamphetamine, a Schedule II Controlled Substance, and in pursuance of such conspiracy one or more overt acts were committed, all of which are violations of Title 18 Pa.C.S.A. § 903.

Inchoate Offense	<input type="checkbox"/> Attempt 18 901 A	<input type="checkbox"/> Solicitation 18 902 A	<input type="checkbox"/> Conspiracy 18 903	Number of Victims Age 60 or Older _____
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<input type="checkbox"/>				of the					
Lead?	Offense #	Section	Subsection		PA Statute (Title)	Counts	Grade	NCIC Offense Code	UCR/NIBRS Code

PennDOT Data (if applicable)	Accident Number _____	<input type="checkbox"/> Interstate	<input type="checkbox"/> Safety Zone	<input type="checkbox"/> Work Zone
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Statute Description (include the name of statute or ordinance):

Acts of the accused associated with this Offense:



POLICE CRIMINAL COMPLAINT

Docket Number:	Date Filed: / /	OTN/LiveScan Number	Complaint/Incident Number BN-40223-17T
Defendant Name:	First: KENNETH	Middle: ROBERT	Last: QUADE

- I ask that a warrant of arrest or a summons be issued and that the defendant be required to answer the charges I have made.
- I verify that the facts set forth in this complaint are true and correct to the best of my knowledge or information and belief. This verification is made subject to the penalties of Section 4904 of the Crimes Code (18 Pa.C.S. § 4904) relating to unsworn falsification to authorities.
- This complaint consists of the preceding page(s) numbered 1 through .
- I certify that this filing complies with the provisions of the *Case Records Public Access Policy of the Unified Judicial System of Pennsylvania* that require filing confidential information and documents differently than non-confidential information and documents.

The acts committed by the accused, as listed and hereafter, were against the peace and dignity of the Commonwealth of Pennsylvania and were contrary to the Act(s) of the Assembly, or in violation of the statutes cited.
(Before a warrant of arrest can be issued, an affidavit of probable cause must be completed, sworn to before the issuing authority, and attached.)

(Date)

(Year)

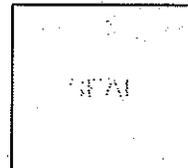
(Signature of Affiant)

AND NOW, on this date _____ I certify that the complaint has been properly completed and verified.

An affidavit of probable cause must be completed before a warrant can be issued.

(Magisterial District Court Number)

(Issuing Authority)





POLICE CRIMINAL COMPLAINT

Docket Number:	Date Filed: / /	OTN/LiveScan Number	Complaint/Incident Number BN-40223-17T
Defendant Name:	First: KENNETH	Middle: ROBERT	Last: QUADE

AFFIDAVIT of PROBABLE CAUSE

Your Affiants are Narcotics Agents D. Morgan and J. Vesnesky, Pennsylvania Office of Attorney General, Bureau of Narcotics Investigation and Drug Control.

The Forty-Third Statewide Investigating Grand Jury, the Office of Attorney General, your Affiants, and Law Enforcement, have been conducting a criminal investigation into the suspected violations of the criminal laws of the Commonwealth of Pennsylvania, including violations of the Controlled Substance, Drug, Device and Cosmetic Act, by James Thomas, Donald Mullens Jr., Sondra McQuillen, Jason Merritts, Joyce Merritts, and others .

Your Affiants allege that the evidentiary results of this investigation and the investigative efforts of the Statewide Grand Jury, as reported in Presentment number Six of the Forty-Third Statewide Investigating Grand Jury, which is attached hereto and made part of this Affidavit of Probable Cause, demonstrates violation(s) of the Pennsylvania Controlled Substance, Drug, Device, and Cosmetic Act in Clearfield and surrounding Counties of Pennsylvania and the state of Ohio.

I, AGENTS D. MORGAN / J. VESNESKY, BEING DULY SWORN ACCORDING TO THE LAW, DEPOSE AND SAY THAT THE FACTS SET FORTH IN THE FOREGOING AFFIDAVIT ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF.

I CERTIFY THAT THIS FILING COMPLIES WITH THE PROVISIONS OF THE CASE RECORDS PUBLIC ACCESS POLICY OF THE UNIFIED JUDICIAL SYSTEM OF PENNSYLVANIA THAT REQUIRE FILING CONFIDENTIAL INFORMATION AND DOCUMENTS DIFFERENTLY THAN NON-CONFIDENTIAL INFORMATION AND DOCUMENTS.

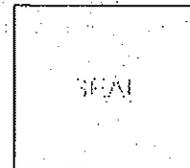
(Signature of Affiant)

Sworn to me and subscribed before me this _____ day of _____

Date

, Magisterial District Judge

My commission expires first Monday of January,



INTRODUCTION

We, the members of the Forty-Third Statewide Investigating Grand Jury, having received and reviewed evidence pertaining to violations of the Pennsylvania Crimes Code and the Controlled Substance, Drug, Device and Cosmetic Act occurring in and around Clearfield County, Pennsylvania pursuant to Notice of Submission of Investigation No. 25, do hereby make the following findings of fact and recommendation of charges:

FINDINGS OF FACT

The Grand Jury conducted an investigation into the distribution of methamphetamine in and around Clearfield County by members of a drug organization including James Thomas ("Thomas"), Donald Mullens ("Mullens"), Sondra Schmoke-McQuillen ("McQuillen"), and other conspirators, between September 2017 and July 2018.

The Grand Jury learned that in September 2017, Narcotics Agent Delores Morgan ("Agent Morgan") of the Pennsylvania Office of Attorney General Bureau of Narcotics Investigation and Drug Control ("OAG BNIDC") was introduced to a confidential informant ("CI") who provided information about the distribution of crystal methamphetamine in the Clearfield County area. The information provided by the CI would subsequently be corroborated by law enforcement investigative techniques, including surveillance, as well as other sources of information and testimony presented to this Grand Jury.

From September 2017 through July 2018, law enforcement made several controlled purchases of methamphetamine through the use of a CI. The Grand Jury learned that a controlled purchase or controlled buy is a method to buy drugs under the "control" of law enforcement. Each of the purchases occurred within Clearfield County from Jason Merritts and/or Joyce Merritts and testimony established that the source of these drugs was McQuillen and Mullens (until Mullens'

death on May 22, 2018). Data from Pen Registers/Trap & Trace Devices installed on the conspirators' phones, surveillance, statements made by the Merritts during some of the controlled purchases, and testimony further connected Mullens and McQuillen to the methamphetamine. On August 15, 2018, the Grand Jury issued Presentment No. 3, recommending that criminal charges be filed against McQuillen and the Merritts. The investigation into McQuillen and her source of the methamphetamine continued.

The Grand Jury learned that Mullens and McQuillen obtained their methamphetamine from Thomas in Akron, Ohio. Testimony established that Thomas was the source for Mullens' and McQuillen's methamphetamine from early 2017 through July of 2018. Text messages received by the CI confirmed that Mullens and McQuillen were making short trips to Akron and then returning to Clearfield County. Such short trips, based upon the expert testimony of Agent Morgan and OAG BNIDC Narcotics Agent Jonathan Vesnesky, were consistent with these drug dealers obtaining additional quantities of controlled substances for purposes of re-sale.

The testimony before the Grand Jury established that from early 2017 until the time of Mullens' death, Thomas was supplying up to one pound of methamphetamine to McQuillen and/or Mullens whenever they traveled to Ohio to meet with him. The Grand Jury heard that throughout 2017, Mullens would travel weekly or bi-weekly to Ohio to obtain the methamphetamine. Indeed, in April 2018 alone, Mullens purchased one pound of methamphetamine from Thomas once or twice per week. Thomas told McQuillen that he charged Mullens \$10,000 per pound of methamphetamine.

Even after Mullens' death, McQuillen continued to travel to Ohio and obtained at least four ounces of methamphetamine from Thomas on every occasion when she met with him. According to telephone records obtained by the Grand Jury, Mullens and/or McQuillen traveled to Ohio on

approximately 26 occasions in 2018: Three trips in January, four trips in February, four trips in March, five trips in April, two trips in May, four trips in June, and, finally, four trips in July. The Grand Jurors heard testimony that McQuillen sometimes used different vehicles. Additionally, on various occasions, different individuals accompanied Mullens and McQuillen on the trips.

Agent Morgan testified that on July 3, 2018, law enforcement officers followed McQuillen from her residence in Houtzdale, Clearfield County to the Pennsylvania/Ohio border. Surveillance was terminated at the border as agents/officers waited for McQuillen to return to Pennsylvania. At approximately 10:40 AM, surveillance units observed McQuillen returning to Pennsylvania in the same vehicle that she used to travel to Ohio. The time spent in Ohio was consistent with the travel to/from Akron, Ohio, with a short stop to obtain a supply of crystal methamphetamine. Surveillance units followed McQuillen to her residence. Testimony established that McQuillen made a purchase of methamphetamine on this trip.

Testimony before the Grand Jury also established that on July 11, 2018, McQuillen borrowed a car to make another trip to the Ohio. Surveillance officers followed McQuillen and another individual towards Ohio. During the trip, McQuillen made telephone contact with Thomas to tell him that she was en route to see him. Law enforcement officers from Ohio and the United States Drug Enforcement Administration assisted with surveillance of McQuillen as she drove into Akron. Testimony established that McQuillen was observed in the area of the Top Notch barbershop, which is where Thomas worked. Ohio and federal surveillance units then followed McQuillen back to the Ohio/Pennsylvania border where local surveillance units followed her to Clearfield County. The Grand Jury heard testimony that this trip was made for the purpose of McQuillen purchasing quantities of methamphetamine from Thomas for re-sale.

The Grand Jury also learned that on July 26, 2018, law enforcement officers followed McQuillen and another individual to Akron where McQuillen²⁰¹ met with Thomas and purchased methamphetamine and other drugs for \$3,800.00. She was observed entering Thomas' home and leaving approximately 30 minutes later. She was followed by law enforcement during her return trip to Clearfield County. Investigators then executed a search warrant on the vehicle in which she was traveling. From the vehicle and/or McQuillen's purse located inside of the vehicle, investigators seized approximately 1/3 pound of methamphetamine, approximately two 1/8 ounces of cocaine/crack, a small quantity of marijuana, and a quantity of pills suspected to be prescription medications. Testimony established that McQuillen received the methamphetamine, the cocaine/crack, and the marijuana directly from Thomas.

On July 26, 2018, search warrants were executed at Thomas' residence and at the Top Notch barbershop in Akron. From Thomas' residence, law enforcement officials seized approximately four ounces of crystal methamphetamine, almost 200 grams of cocaine/crack, and marijuana. From the Top Notch barbershop, law enforcement officials seized nearly two pounds of methamphetamine, over four ounces of cocaine, and almost three pounds of marijuana.

Through recordings of prison telephone calls, the Grand Jury learned that Thomas admitted that he met with McQuillen on the day that she was stopped by police. Thomas further admitted that he was "doing things with them" (meaning Mullens and McQuillen) that he should have stopped doing when Mullens died. The Grand Jury was informed that based upon the investigation and the training and experience of investigators, Thomas was referring to drug transactions with Mullens and McQuillen. Though Mullens' brother had advised him not to trust McQuillen, Thomas was heard saying "I didn't listen, I didn't listen, I didn't listen."

OAG BNIDC agents testified that on September 7, 2018, an arrest warrant was served on McQuillen at her residence in Houtzdale. Upon their arrival, the agents were invited into the residence by Kenneth Quade ("Quade"), who was identified as a customer of McQuillen's. Quade was also staying at the residence at that time. The Grand Jury heard testimony that Quade possessed approximately one 8-ball (3½ grams) of methamphetamine, a smoking pipe, a digital scale, and several razor blades. Agents also observed a digital scale with white residue on it in the kitchen. McQuillen told agents that the digital scale was used to weigh the methamphetamine before it was sold.

In McQuillen's bedroom, agents observed a smoking device used for marijuana and/or methamphetamine. McQuillen also advised that there was an additional amount of methamphetamine located within the house. Upon obtaining and executing a search warrant, agents seized approximately 12 ounces of methamphetamine, a quantity of marijuana, a notebook describing previous methamphetamine deals, and over \$500.00.

McQuillen appeared before the Grand Jury. She testified that she and Quade were using some of the methamphetamine found in her room. She stated that she also believed that Quade was selling it because he had sold methamphetamine previously. For his part, Quade told investigators that he had found the methamphetamine in the garage one week prior to his arrest, and that the methamphetamine weighed 14.4 ounces. OAG BNIDC agents testified that, based upon their training and experience, individuals that possess methamphetamine in such quantities possess it with the intent to deliver it. Additionally, Quade possessed a scale which is used by individuals that deliver methamphetamine to weigh quantities for re-sale.

When interviewed, Quade admitted to investigators that he recalled two occasions when he sold methamphetamine in 1/8 ounce quantities to another individual. He stated that the

methamphetamine that he sold had come from McQuillen. He also admitted that he had travelled with McQuillen and others to Ohio on two occasions to obtain methamphetamine from McQuillen's source. The Grand Jury heard that Quade occasionally gave money to McQuillen when she travelled to Ohio in order to obtain several 1/8 ounces of methamphetamine.