

**IN THE COURT OF COMMON PLEAS
ALLEGHENY COUNTY, PENNSYLVANIA**

IN RE: : **SUPREME COURT OF PENNSYLVANIA**
: **71 W.D. MISC. DKT. 2017**
THE FORTY-THIRD STATEWIDE :
: **ALLEGHENY COUNTY COMMON PLEAS**
INVESTIGATING GRAND JURY : **CP-02-MD-5947-2017**
:
: **NOTICE NO. 25**

ORDER SEALING PRESENTMENT NO. 6

The Court has accepted Presentment No. 6. This Presentment shall be sealed and no person shall disclose a return of the Presentment except when necessary for issuance and execution of process, or as otherwise directed or permitted by order of the Supervising Judge.

SO ORDERED this 18 day of October, 2018.



NORMAN A. KRUMENACKER, III
Supervising Judge
The Forty-Third Statewide Investigating
Grand Jury

**IN THE COURT OF COMMON PLEAS
ALLEGHENY COUNTY, PENNSYLVANIA**

IN RE: : **SUPREME COURT OF PENNSYLVANIA**
: **2 W.D. MISC. DKT. 2016**
THE FORTY-THIRD STATEWIDE :
: **ALLEGHENY COUNTY COMMON PLEAS**
INVESTIGATING GRAND JURY : **CP-02-MD-121-2016**
:
: **NOTICE NO. 25**

ORDER ACCEPTING PRESENTMENT NO. 6

1. The Court finds Presentment No. 6 of the Forty-Third Statewide Investigating Grand Jury is within the authority of said Grand Jury and is in accordance with the provisions of the Investigating Grand Jury Act, 42 Pa.C.S. § 4121, et seq. Accordingly, this Presentment is accepted by the Court.

2. The County for conducting the trial of all charges pursuant to this Presentment shall be **Clearfield County**.

3. The Attorney General of the Commonwealth of Pennsylvania, or his designee, is hereby authorized to prosecute as recommended in this Presentment by instituting appropriate criminal proceedings in the aforesaid County.

SO ORDERED this 18 day of October, 2018.



NORMAN A. KRUMENACKER, III
Supervising Judge
The Forty-Third Statewide Investigating
Grand Jury

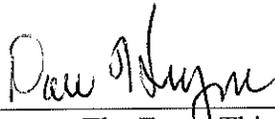
**IN THE COURT OF COMMON PLEAS
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: NOTICE NO. 25

TO THE HONORABLE NORMAN A. KRUMENACKER, III, Supervising Judge:

PRESENTMENT NO. 6

We, the Forty-Third Statewide Investigating Grand Jury, duly charged to inquire into offenses against the criminal laws of the Commonwealth, have obtained knowledge of such matters from witnesses sworn by the Court and testifying before us. We find reasonable grounds to believe that various violations of the criminal laws have occurred. So finding with no fewer than twelve concurring, we do hereby make this Presentment to the Court.



Foreperson - The Forty-Third Statewide
Investigating Grand Jury

DATED: October 18, 2018

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 McQuillen^{e M} 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.

RECOMMENDATION OF CHARGES

Based on the evidence we have obtained and considered, which establishes a *prima facie* case, we, the members of the Forty-Third Statewide Investigating Grand Jury, recommend that the Attorney General, or his designee, institute criminal proceedings against the following individuals and charge them with the listed offenses:

James Thomas

Violations of the Controlled Substance, Drug, Device and Cosmetic Act, 35 P.S. § 780-113(a)(30);

Criminal Conspiracy to commit violations of the Controlled Substance, Drug, Device and Cosmetic Act, 18 Pa.C.S. § 903(a)(1) - 35 P.S. § 780-113(a)(30);

Criminal Use of a Communication Facility, 18 Pa.C.S. § 7512(a);

Dealing in Proceeds of Unlawful Activity, 18 Pa.C.S. § 5111(a)(1),(2); and,

Corrupt Organizations, 18 Pa.C.S. § 911(b)(3),(4)

Sondra Schmoke-McQuillen

Violations of the Controlled Substance, Drug, Device and Cosmetic Act, 35 P.S. § 780-113(a)(30); and,

Criminal Conspiracy to commit violations of the Controlled Substance, Drug, Device and Cosmetic Act, 18 Pa.C.S. § 903(a)(1) - 35 P.S. § 780-113(a)(30);

Dealing in Proceeds of Unlawful Activity, 18 Pa.C.S. § 5111(a)(1),(2); and,

Corrupt Organizations, 18 Pa.C.S. § 911(b)(3),(4)

Kenneth Quade

Violations of the Controlled Substance, Drug, Device and Cosmetic Act, 35 P.S. § 780-113(a)(30);

Criminal Conspiracy to commit violations of the Controlled Substance, Drug, Device and Cosmetic Act, 18 Pa.C.S. § 903(a)(1) - 35 P.S. § 780-113(a)(30);

Dealing in Proceeds of Unlawful Activity, 18 Pa.C.S. § 5111(a)(1),(2); and,

Corrupt Organizations, 18 Pa.C.S. § 911(b)(3),(4)