

# UNITED STATES DISTRICT COURT

for the

SOUTHERN DISTRICT OF TEXAS

United States of America )

v. )

CORLEY, Kevin (29) )

WALKER, Samuel (28) )

DAVIS, Shavar (29) )

Case No.

5:12mj358-01  
02  
03

Defendant(s)

## CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of 03-24-2012 in the county of Webb in the Southern District of Texas, the defendant(s) violated:

*Code Section*  
See Attachment

*Offense Description*  
See Attachment

This criminal complaint is based on these facts:

See Attachment


Continued on the attached sheet.

  
Complainant's signature

Brandon Rodriguez, DEA Special Agent  
Printed name and title

Sworn to before me and signed in my presence.

Date: 03-26-2012

  
Judge's signature

City and state: Laredo, TX

Diana Song Quiroga, U.S. Magistrate Judge  
Printed name and title

**Attachment**

*Code Section*

21 USC 846

21 USC 841 (a)(1)

21 USC 841 (b)(1)(A)

*Offense Description*

The defendants did knowingly and unlawfully conspire to possess with intent to distribute a controlled substance listed under Schedule II, Title II of the Controlled Substances Act, to wit; approximately 25 kilograms of cocaine.

18 USC 924 (c)(1)(A) & (c)(1)(B)

18 USC 924 (o)

The defendants did knowingly and unlawfully possess a firearm in furtherance of a drug trafficking crime and crime of violence and did use and carry a firearm during in and in relation to a crime of violence and drug trafficking crime and did knowingly and unlawfully conspire with one another to possess a firearm in furtherance of a drug trafficking crime and crime of violence and to use and carry a firearm during in and in relation to a crime of violence and drug trafficking crime.

I, Brandon Rodriguez, a Drug Enforcement Administration Special Agent, swear that the information below, as to my knowledge, is true and correct.

In January 2011, Marcus MICKLE began negotiations with Laredo-based DEA undercover agents, posing as Los Zetas cartel members, for the purchase of 500 pounds of marijuana. MICKLE initially proposed trading stolen guns as a down payment for the marijuana.

On September 14, 2011, MICKLE and co-conspirator Calvin EPPS traveled to Laredo, TX to meet with undercover agents. MICKLE and EPPS proposed that the agents front them 500 pounds of marijuana which they would distribute in the Columbia, SC area. The undercover agents informed MICKLE and EPPS that if distribution went well, a shipment of marijuana could be delivered to South Carolina every 15 days. MICKLE and EPPS agreed to pay \$350 per pound of marijuana if the undercover agents could deliver it, as they were both on supervised release and did not want to transport the marijuana themselves.

MICKLE and EPPS stated they would use a portion of the profits from the sale of this marijuana to begin purchasing weapons for the undercover agents. They expressed their ability to acquire handguns, rifles, and fully-automatic rifles through straw purchases at gun stores and gun shows. MICKLE stated he had access to three stolen .50 caliber sniper rifles which the undercover agents could purchase for \$800 each. The agents inquired about a picture of a grenade which MICKLE sent to an undercover agent prior to the meet. EPPS stated he had a friend in the military with access to grenades, which the friend would smuggle off of the military base.

During this meeting, MICKLE and EPPS told undercover agents about a friend who could provide military weapons to the agents. On September 26, 2011, agents were introduced to this friend, later identified as Kevin CORLEY, via a conference call with MICKLE and EPPS. Kevin CORLEY stated that he was currently an active duty officer in the Army responsible for training soldiers. Kevin CORLEY offered to provide tactical training for cartel members, including approaches, room clearing, security, and convoy security. Kevin CORLEY also offered to purchase weapons for the cartel under his name as long as he could destroy the serial numbers.

Over the next several months, Kevin CORLEY continued to communicate with undercover agents via text messaging, phone calls, and emails regarding the services he could provide the cartel as a result of the training, experience, and access to information/equipment afforded to him as an active duty soldier. Kevin CORLEY explained that weapons could easily be stolen from military posts, and he explained removing sear pins to make rifles fire faster. Kevin CORLEY thoroughly explained military tactics and told undercover agents he could train 40 cartel members in two weeks. Kevin CORLEY said he had already discussed this opportunity with several experienced soldiers in his platoon who expressed interest in working with the cartel. On several occasions, Kevin CORLEY discussed compartmentalizing information to minimize his risk of being detected by law enforcement.

On December 2, 2011, undercover agents received an Army Tactics Battle Book which Kevin CORLEY mailed to the agents in Laredo, TX.

During a conversation between Kevin CORLEY and an undercover agent on December 23, 2011, Kevin CORLEY explained that he had one team prepared to help train cartel members and another to conduct "wet work" at the direction of the cartel. Your Affiant believes "wetwork" means murder-for-hire.

On January 7, 2012, Kevin CORLEY traveled to Laredo, TX to meet with undercover agents. The agents inquired about Kevin CORLEY's earlier assertion of his ability to perform "wet work," specifically whether he could provide a team to raid a ranch where 20 kilograms of stolen cocaine were being kept by rival cartel members. Kevin CORLEY confirmed that he would conduct the contract killing with a small team, at a minimum comprised of himself, his cousin (Jerome CORLEY), and another active duty soldier (Samuel WALKER) whom Kevin CORLEY had already consulted with about "wet work." Kevin CORLEY proposed a \$50,000 fee to perform the contract killing and retrieve the 20 kilograms of cocaine, and Kevin CORLEY offered to refund the money if the victim survived. Kevin CORLEY also told the agents he would accept cocaine in lieu of the fee for his service, but ultimately agreed to accept \$50,000 and five kilograms of cocaine for a full team.

Kevin CORLEY and the undercover agents also discussed Kevin CORLEY's intended involvement in MICKLE and EPPS' purchase of 500 pounds of marijuana. Kevin CORLEY stated he would provide security for the transport of the marijuana from Texas to South Carolina. Kevin CORLEY explained that four people including himself, his

cousin Jerome CORLEY, EPPS, and MICKLE would drive two vehicles to escort the marijuana to its destination.

Kevin CORLEY also explained his plans to establish a limited liability company as a front for his illicit activities. Kevin CORLEY stated he would purchase 40-50 weapons at a time, which he would then arrange to have stolen. He then intended to provide the "stolen" weapons to the cartel and file an insurance claim for the stolen property.

At this meet Kevin CORLEY sold the undercover agents a ballistic vest (allegedly stolen from a Sergeant Major at Fort Carson, CO), Army training manuals, and other miscellaneous equipment. The agents paid Kevin CORLEY \$6,000 for the equipment and as a reimbursement for his travel expenses.

On January 14, 2012, Kevin CORLEY, MICKLE, EPPS, and Jerome CORLEY traveled to Laredo, TX in a rental car to escort 500 pounds of marijuana to South Carolina. Undercover agents met them at a truck stop and escorted them to a parking lot where an undercover utility box truck and a tractor trailer were waiting. Kevin CORLEY, MICKLE, and EPPS exited their vehicle and proceeded to assist in transferring eight bundles of marijuana, with a combined weight of approximately 235 kilograms, from the utility box truck to the tractor-trailer. Jerome CORLEY remained in the rental car during this transaction. An undercover agent asked about Jerome CORLEY, and EPPS stated that Jerome CORLEY would be on the kill team and MICKLE stated that Jerome CORLEY knew about the 500 pounds of marijuana. An undercover agent also approached the rental vehicle and asked Jerome CORLEY if he was good with what was going on. Jerome CORLEY nodded his head in agreement.

Kevin CORLEY, MICKLE, EPPS, and Jerome CORLEY then began driving northbound on IH-35 with the loaded tractor trailer following behind. The tractor trailer was pulled over on a traffic stop in La Salle County. Shortly thereafter Kevin CORLEY called an undercover agent and notified him the tractor trailer had been pulled over. Kevin CORLEY stated he saw bundles pulled out of the trailer and the driver arrested on the side of the highway.

In the weeks following this seizure, Kevin CORLEY, MICKLE, and EPPS continued to contact undercover agents regarding the seized marijuana load and to discuss the possibility of future transactions with the agents.

On March 5, 2012, Kevin CORLEY delivered two AR-15 assault rifles with scopes, an airsoft assault rifle (for training purposes), five allegedly stolen ballistic vests, and other miscellaneous equipment to an undercover agent in Colorado Springs, CO in exchange for \$10,000. At the meet Kevin CORLEY and the undercover agent discussed Kevin CORLEY bringing his team to Laredo, TX to conduct the contract killing and retrieve the 20 kilograms of cocaine on March 24, 2012. Kevin CORLEY agreed to conduct the killing in exchange for \$50,000 and five kilograms of cocaine. Kevin CORLEY told the undercover agent he had bought a new Ka-Bar knife to carve a "Z" into the victim's chest and was planning on buying a hatchet to dismember the body. Kevin CORLEY and the

undercover agent also discussed Kevin CORLEY and his co-conspirators placing orders for cocaine and marijuana.

On February 28, 2012, United States District Judge Marina Garcia Marmolejo, of the Southern District of Texas, issued an Order authorizing the interception of communication occurring to and from the cellular telephone utilized by Kevin CORLEY. During monitored interceptions from February 29 through March 24, 2012, agents intercepted Kevin CORLEY conspiring with WALKER, Jerome CORLEY, and Shavar DAVIS regarding the murder-for-hire conspiracy. During the court-authorized interception, Kevin CORLEY arranged with an undercover agent to have 300 pounds of marijuana delivered to Mario CORLEY in Charleston, SC. Kevin CORLEY also assisted in brokering 500 pounds of marijuana and 5 kilograms of cocaine to be received and distributed by MICKLE and EPPS in Columbia, SC. Agents intercepted calls between Kevin CORLEY and MICKLE, EPPS, Mario CORLEY, and other unknown co-conspirators regarding the distribution of these narcotics in South Carolina, Texas, and Colorado.

On March 24, 2012, Kevin CORLEY, Samuel WALKER, Jerome CORLEY, and Shavar DAVIS traveled to Laredo, TX. Based upon recorded conversations with undercover agents, this was the date Kevin CORLEY agreed to bring a team to Laredo, TX to conduct a contract killing on behalf of the Los Zetas drug cartel. At approximately 12:35 PM, Kevin CORLEY, Samuel WALKER, Jerome CORLEY, and Shavar DAVIS met with undercover agents and discussed the location of the intended victim, the logistics of performing the contract kill, and their respective roles. The undercover agents confirmed each individual's knowledge that they were to be paid \$50,000 and five kilograms of cocaine upon completion of the kill. At a pre-arranged time the undercover agents distanced themselves from Kevin CORLEY, WALKER, Jerome CORLEY, and DAVIS and signaled for an arrest team. During the course of affecting the arrest, an agent discharged his weapon, striking Jerome CORLEY multiple times. Jerome CORLEY was transported to Doctors Hospital, where he was pronounced dead on arrival. Kevin CORLEY, WALKER, and DAVIS were arrested and taken to the DEA Laredo District Office, pending further processing.

A subsequent search of the vehicle Kevin CORLEY and the other co-conspirators arrived in revealed two semi-automatic rifles with scopes, one bolt-action rifle with a scope and bipod, one hatchet, one K-Bar knife, one bag of .223 caliber ammunition, and one box of .300 caliber ammunition.

During the post-arrest interview of Kevin CORLEY, after having been advised of and waiving his Miranda rights, Kevin CORLEY stated an undercover agent had asked him to kill someone who had stolen twenty kilograms of cocaine. Kevin CORLEY stated he created a team consisting of himself, Jerome CORLEY, WALKER, and Shavar DAVIS, and agreed with the undercover agent to be paid \$50,000 and five kilograms of cocaine upon completion of the contract kill and the retrieval of the stolen twenty kilograms of cocaine. Kevin CORLEY stated he and his team decided to steal the twenty kilograms of

cocaine and flee Laredo. Kevin CORLEY stated the he and his team brought weapons to Laredo to prove to the undercover agent they were serious about performing the contract kill.

During the post-arrest interview of Samuel WALKER, after having been advised of and waiving his Miranda rights, WALKER stated he was contacted by Kevin CORLEY approximately two months ago about performing a drug recovery. WALKER stated he found out they would retrieve twenty kilograms of cocaine during the drive from Colorado to Texas. WALKER stated he thought he would be paid in cash and that Kevin CORLEY would be paid in drugs. WALKER stated the .300 caliber rifle was his and that he was aware of the other rifles in the vehicle. WALKER stated he intended to serve as the hit team's "overwatch" with the .300 caliber rifle.

During the post-arrest interview of Shavar DAVIS, after having been advised of and waiving his Miranda rights, Shavar DAVIS stated he came to Laredo to serve as a driver for Kevin CORLEY, WALKER, and Jerome CORLEY, who intended to kill someone on a ranch and retrieve twenty kilograms of cocaine. Shavar DAVIS stated he was never told by Kevin CORLEY how much they would be paid, but he believed it would be several thousand dollars. Shavar DAVIS stated he was aware of gun cases in the vehicle as they drove to Laredo, Texas.