

SEALED

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Phil Lombardi, Clerk  
U.S. DISTRICT COURT

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA )

No. 10-CR- 10 CR 058 CVE

Plaintiff, )

INDICTMENT

[21 U.S.C. § 846: Conspiracy to  
Distribute Drugs; 21 U.S.C. § 841(a)(1):  
Possession with Intent to Distribute  
Methamphetamine; 18 U.S.C. § 924(c)(1):  
Possession of Firearm During and In  
Relation to a Drug Trafficking Offense;  
18 U.S.C. § 1956(a)(1)(B)(i) & 2:  
Money Laundering, Aiding and Abetting]

v. )

BRANDON JAY McFADDEN )

Defendant. )

INDICTMENT

THE GRAND JURY CHARGES THAT:

COUNT 1

(Conspiracy to Distribute Schedule I and Schedule II Controlled Substances)

A. *Background Information*

It is pertinent to this Indictment that:

1. From July 2002 through approximately September 2009, **BRANDON JAY McFADDEN** was employed as a Special Agent with the Bureau of Alcohol, Tobacco, Firearms and Explosives (“ATF”). During the majority of this time period, **BRANDON JAY McFADDEN** was assigned to the ATF Resident Agency located in Tulsa, Oklahoma with his principal geographic area of operations focusing on the Northern District of Oklahoma.

2. As a Special Agent with ATF, **BRANDON JAY McFADDEN** occupied a position of public trust and authority.

3. As a Special Agent with ATF, **BRANDON JAY McFADDEN** was responsible for investigating potential violations of the federal firearms laws and related violent crime and drug trafficking activity occurring within the Northern District of Oklahoma.

4. As a regular part of his duties, **BRANDON JAY McFADDEN** worked in conjunction with investigative agents and patrol officers of the Tulsa, Oklahoma Police Department (TPD). **BRANDON JAY McFADDEN** frequently worked with detectives assigned to the Special Investigations Division (SID) of the TPD. The primary mission of the SID of TPD was to collect and analyze intelligence; disseminate intelligence information; investigate narcotics, vice, gang, and other organized criminal offenses; and arrest and prosecute those who commit these offenses.

5. As a regular part of his duties, **BRANDON JAY McFADDEN** participated in the preparation of affidavits for, and execution of, search, seizure and arrest warrants; conducted traffic stops; participated in consensual and non-consensual searches of vehicles, persons, and properties; effectuated arrests; and conducted and participated in interviews and interrogations.

6. In addition, **BRANDON JAY McFADDEN** routinely orchestrated, supervised, and participated in controlled drug purchases utilizing confidential informants (CIs). Generally, a CI is a person who provides assistance or information to a law enforcement officer for monetary gain or for prosecutorial consideration. A controlled drug purchase is a purchase of illegal narcotics from a targeted individual through the use of an undercover officer or CI utilizing buy money provided by the law enforcement agency conducting the investigation. Controlled drug purchases are to be made at the direction of and under the supervision of law enforcement officers as a method of developing or furthering a criminal investigation. Before a controlled drug purchase takes place, law enforcement officers generally conduct a search of the

CI to ensure that the CI does not have any illegal narcotics in his/her possession. The CI is then provided the buy money and makes the purchase under the supervision of the investigating officers. Oftentimes, the CI will be equipped with a body recording device, transmitter, or concealed video camera in order to capture audio and/or video of the controlled buy and to ensure the safety of the CI. During the controlled buy, law enforcement officers conduct surveillance both to ensure the accuracy of the information provided by the CI and to ensure the safety of the CI during the transaction. After the purchase is made, the CI then provides the purchased narcotics to the investigating officers, and is again searched to ensure that he/she has no illegal narcotics or buy money in his/her possession. **BRANDON JAY McFADDEN** developed, managed, and paid CIs as part of his investigations.

7. ATF policy requires that work performed by, and payments made to, CIs managed by its special agents be documented in official ATF reports. ATF also requires that evidence recovered through controlled buys, search warrants, or consent searches be logged and maintained into a property room operated by a law enforcement agency and that chain of custody be consistently maintained over the evidence.

8. During the relevant time period, **BRANDON JAY McFADDEN** referred cases for prosecution to the United States Attorney's Office for the Northern District of Oklahoma and to the Tulsa County District Attorney's Office. In order to present cases to these prosecuting authorities for consideration, law enforcement officers and agents generally prepare reports documenting investigative activities and witness interviews. These reports are relied upon by prosecuting attorneys in order to determine if the case has prosecutive merit and if the case presents any significant evidentiary or Constitutional issues. The reports are also utilized by prosecuting attorneys in preparing for and presenting evidence to petit and grand juries and

judges.

9. During the relevant time period, **BRANDON JAY McFADDEN** testified in the United States District Court for the Northern District of Oklahoma before grand and petit juries, magistrates, and district judges. **BRANDON JAY McFADDEN** also testified before state court judges in Tulsa County, Oklahoma.

B. *The Charge*

From on or about January 1, 2007 through in or about October 2008, in the Northern District of Oklahoma,

**BRANDON JAY McFADDEN**

knowingly and intentionally conspired with persons known and unknown to the Grand Jury, to distribute Schedule I and Schedule II controlled substances, to-wit, marijuana; cocaine hydrochloride; and methamphetamine, in violation of Title 21, United States Code, Section 841(a)(1), and that during the course of this conspiracy, the following amounts were involved: less than 50 kilograms of a mixture or substance containing a detectible amount of marijuana; 500 grams or more, but less than 5 kilograms, of a mixture or substance containing a detectible amount of cocaine hydrochloride; and in excess of 500 grams of a mixture or substance containing a detectible amount of methamphetamine, its salts, isomers, and salts of its isomers.

C. *Object of the Conspiracy*

The object of the conspiracy was for **BRANDON JAY McFADDEN** to personally profit through drug trafficking activity in the Northern District of Oklahoma.

D. *Manner and Means of the Conspiracy*

1. **BRANDON JAY McFADDEN** utilized his position as a Special Agent with ATF to further his drug trafficking activity by persuading, coercing, and intimidating people to assist

him in his illegal activities. In doing so, **BRANDON JAY McFADDEN** misused and abused his position of trust and authority by, among other things: (a) representing to potential criminal defendants that he would not refer their particular case for prosecution to the relevant prosecuting authorities; and (b) representing to potential criminal defendants that he had significant influence with regard to charging and sentencing decisions of the relevant prosecuting authorities.

2. **BRANDON JAY McFADDEN** utilized his position as a Special Agent with ATF to further his drug trafficking activity by converting seized drugs and money for his own personal profit and benefit.

3. **BRANDON JAY McFADDEN** utilized his position as a Special Agent with ATF to further his drug trafficking activity by illegally enlisting people to distribute drugs on his behalf.

4. **BRANDON JAY McFADDEN** utilized his position as a Special Agent with ATF to further his drug trafficking activity by falsifying official investigative reports or failing to document significant investigative events including, but not limited to, failing to document the existence of CIs; failing to document payments to CIs; failing to document alleged controlled drug purchases made by CIs; failing to document seizures of drugs and money; and failing to accurately document seizures of drugs and money.

5. **BRANDON JAY McFADDEN** utilized his position as a Special Agent with ATF to further his drug trafficking activity by obstructing justice through providing false testimony under oath and persuading others to provide false testimony under oath.

6. **BRANDON JAY McFADDEN** utilized his position as a Special Agent with ATF to further his drug trafficking activity by disclosing confidential and sensitive information pertaining to an ongoing law enforcement investigation to a target. This was done in order to

alert the target of impending law enforcement action, including but not limited to the future execution of a search warrant. By disclosing such information to an investigative target, **BRANDON JAY McFADDEN** was able to protect a co-conspirator and continue his drug distribution activities on an uninterrupted basis.

E. *Overt Acts in Furtherance of the Conspiracy*

In furtherance of the conspiracy and to effectuate the objects thereof, **BRANDON JAY McFADDEN**, and co-conspirators known and unknown to the Grand Jury, performed one or more of the following overt acts in the Northern District of Oklahoma:

1. *INDIVIDUAL 1- A PERSON KNOWN TO THE GRAND JURY  
OVERT ACTS OCCURRING BETWEEN APPROXIMATELY  
JANUARY 28, 2007 AND OCTOBER 2008*

a. On or about January 28, 2007, **BRANDON JAY McFADDEN** and another TPD officer known to the Grand Jury (hereinafter TPD Officer A) planted a quantity of marijuana in Individual 1's garage and pretended to discover it while executing a search warrant on Individual 1's residence. When **BRANDON JAY McFADDEN** showed Individual 1 the marijuana allegedly found, **BRANDON JAY McFADDEN** also threatened to have Individual 1's minor child taken into protective custody by the Department of Human Services. **BRANDON JAY McFADDEN**'s action caused Individual 1 to then voluntarily retrieve two pounds of methamphetamine and \$60,000 in cash Individual 1 had hidden and turn it over to **BRANDON JAY McFADDEN**. **BRANDON JAY McFADDEN** told Individual 1 that if Individual 1 would turn over his/her supplier of methamphetamine, that Individual 1 might be able to avoid having criminal charges filed against Individual 1.

b. TPD Officer A only reported and turned in \$10,121 cash from the search of Individual 1's residence.

c. Sometime near the end of February 2007, **BRANDON JAY McFADDEN** and TPD Officer A, came to Individual 1's house and offered to sell Individual 1 approximately ten ounces of methamphetamine for \$7,000. **BRANDON JAY McFADDEN** and TPD Officer A received \$7,000 from Individual 1 for the drugs. **BRANDON JAY McFADDEN** and TPD Officer A then gave Individual 1 the methamphetamine.

d. From the end of February 2007 through approximately October 2008 **BRANDON JAY McFADDEN** delivered approximately 25 pounds total of methamphetamine to Individual 1 for Individual 1 to distribute on behalf of **BRANDON JAY McFADDEN**.

e. On a specific date unknown, but sometime during the summer of 2007, **BRANDON JAY McFADDEN** delivered approximately 50 pounds of marijuana to Individual 1 for Individual 1 to distribute on behalf of **BRANDON JAY McFADDEN**, and **McFADDEN** received approximately \$10,000 in exchange from Individual 1. **BRANDON JAY McFADDEN** told Individual 1 that he/she could probably sell the marijuana for \$20,000, thereby allowing Individual 1 to yield a \$10,000 profit, which **BRANDON JAY McFADDEN** would allow Individual 1 to keep.

f. During the same time period **BRANDON JAY McFADDEN** received from Individual 1 information about other drug suppliers and drug transactions allowing **BRANDON JAY McFADDEN** to intercept and seize additional

quantities of drugs, which **BRANDON JAY McFADDEN** then distributed through Individual 1 and Individual 2.

g. In or about Spring 2007, TPD Officer A gave Individual 1 approximately three ounces of methamphetamine and instructed Individual 1 to falsely represent that the drugs had been purchased by Individual 1 in a controlled drug buy from certain persons known to the Grand Jury, hereinafter referred to as John Doe and Jane Doe. As a result, TPD Officer A and **BRANDON JAY McFADDEN** presented the matter to the United States Attorney's Office for the Northern District of Oklahoma as a legitimate case to be prosecuted, resulting in the indictment of John Doe and Jane Doe. Prior to trial in May 2008, TPD Officer A and **BRANDON JAY McFADDEN** coached Individual 1 on certain details of the purported controlled drug purchase. The details provided by TPD Officer A and **BRANDON JAY McFADDEN** included instructing Individual 1 to testify that the purported controlled drug purchase took place on May 8, 2007 for \$3,000. When the case against John Doe and Jane Doe ultimately went to trial in April 2008 in federal court in the Northern District of Oklahoma, Individual 1, TPD Officer A, and **BRANDON JAY McFADDEN** all testified falsely that the controlled drug purchase of methamphetamine was made from John Doe and Jane Doe on May 8, 2007 utilizing \$3,000 of ATF buy money.

h. In or about late February 2008, **BRANDON JAY McFADDEN** contacted a Tulsa County, Oklahoma deputy sheriff known to the Grand Jury to inquire whether there was a potential search warrant for Individual 1's residence.

**BRANDON JAY McFADDEN** subsequently confirmed to Individual 1 the



anticipated execution of a search warrant by the Tulsa County Sheriff's Office.

Individual 1 then contacted the Tulsa County deputy sheriff and stated that

Individual 1 "had friends in high places" who had informed Individual 1 that a

search warrant was going to be executed on Individual 1's residence, resulting in

the cancellation of the impending search warrant.

2. *INDIVIDUAL 2- A PERSON KNOWN TO THE GRAND JURY  
OVERT ACTS OCCURRING BETWEEN APPROXIMATELY  
EARLY 2007 AND FALL 2008*

a. On an unknown date during the Spring of 2007, **BRANDON JAY McFADDEN** and another TPD officer known to the Grand Jury (hereinafter TPD Officer B) conducted a traffic stop of Individual 2 in Tulsa, Oklahoma. During that traffic stop, **BRANDON JAY McFADDEN** discovered and initially took approximately \$15,000 cash and approximately one ounce of methamphetamine from Individual 2. **BRANDON JAY McFADDEN** then returned \$1,000 of the cash and ½ ounce of the methamphetamine to Individual 2, telling Individual 2 that if he/she was willing to work for **BRANDON JAY McFADDEN** and TPD Officer B, Individual 2 would get the rest of the money back.

b. Within a week of the traffic stop referred to in the preceding paragraph, **BRANDON JAY McFADDEN** asked Individual 2 if he/she would distribute marijuana for **BRANDON JAY McFADDEN**. A few days later, **BRANDON JAY McFADDEN** told Individual 2 that the marijuana was not available, but asked if Individual 2 would sell methamphetamine for **BRANDON JAY McFADDEN**. **BRANDON JAY McFADDEN** offered to provide methamphetamine to Individual 2 at the price of \$850 an ounce.

c. Shortly thereafter, **BRANDON JAY McFADDEN** introduced Individual 2 to Individual 1, who served as the contact through which Individual 2 would obtain drugs for distribution.

d. On a date uncertain to the Grand Jury, but sometime between the initial traffic stop of Individual 2 and June 16, 2007, **BRANDON JAY McFADDEN** instructed Individual 2 and Individual 1 to meet at a Quik Trip convenience store in Tulsa, Oklahoma. On that occasion, Individual 2 purchased approximately one ounce of methamphetamine from Individual 1 for \$850. **BRANDON JAY McFADDEN** had supplied the methamphetamine to Individual 1. At the Quik Trip, Individual 1 told Individual 2 that Individual 2 needed to keep **BRANDON JAY McFADDEN** happy in order to avoid prosecution for Individual 2's past criminal activity.

e. After Individual 2 was stopped on or about June 16, 2007 by a law enforcement officer in Sapulpa, Oklahoma with in excess of \$9,000 cash and approximately 40 grams of methamphetamine (which had been provided to Individual 2 by Individual 1), and at least 10 grams of cocaine hydrochloride, **BRANDON JAY McFADDEN** contacted the Tulsa County, Oklahoma District Attorney's office requesting that charges not be filed against Individual 2 because Individual 2 was working as an informant for him.

f. From approximately Spring 2007 through approximately Fall 2008, Individual 2 distributed methamphetamine for **BRANDON JAY McFADDEN**. **BRANDON JAY McFADDEN** instructed Individual 2 to obtain the drugs from Individual 1, and **BRANDON JAY McFADDEN** received money from

Individual 1. During this time period, **BRANDON JAY McFADDEN** repeatedly urged Individual 2 to sell more drugs.

3. *INDIVIDUAL 3 - A PERSON KNOWN TO THE GRAND JURY  
OVERT ACTS OCCURRING ON OR ABOUT JUNE 12, 2007*

On or about June 12, 2007, **BRANDON JAY McFADDEN** and other TPD officers conducted a warrantless search of Individual 3's residence in Tulsa, Oklahoma. During the search, **BRANDON JAY McFADDEN** located approximately \$25,000 and kept all but \$310 for his personal benefit.

4. *INDIVIDUALS 4, 5, AND 6 - THREE PERSONS KNOWN TO THE GRAND JURY  
OVERT ACTS OCCURRING ON OR ABOUT FEBRUARY 26, 2008*

a. On or about February 26, 2008, Individual 12, who is known to the Grand Jury and later referred to in this Indictment, arranged to purchase one half kilogram of cocaine from Individuals 4, 5, and 6 at a carwash in Tulsa, Oklahoma at the instruction of **BRANDON JAY McFADDEN**.

b. On the same date, **BRANDON JAY McFADDEN** and other TPD officers went to the car wash and recovered one half kilogram of cocaine from the Individuals. **BRANDON JAY McFADDEN** kept the cocaine for his personal benefit.

5. *INDIVIDUALS 7 AND 8 - TWO PERSONS KNOWN TO THE GRAND JURY  
OVERT ACTS OCCURRING ON OR ABOUT APRIL 12, 2008*

On or about April 12, 2008, **BRANDON JAY McFADDEN** arranged for Individual 12 to set up a drug deal in which Individuals 7 and 8 would deliver five pounds of methamphetamine to Individual 1. **BRANDON JAY McFADDEN** orchestrated a traffic stop of Individuals 7 and 8, who were traveling with five pounds of methamphetamine. During the course of the traffic stop, **BRANDON JAY McFADDEN** took the five pounds of methamphetamine and delivered it to Individual 12 to distribute.

6. *INDIVIDUAL 9 - A PERSON KNOWN TO THE GRAND JURY  
OVERT ACTS OCCURRING IN OR ABOUT 2008*

In or about 2008, **BRANDON JAY McFADDEN** arranged for Individual 9 to make what Individual 9 thought were controlled drug buys while Individual 9 was under federal indictment for drug and gun charges. **BRANDON JAY McFADDEN** provided \$11,000 to Individual 9 on two separate occasions to purchase one pound of methamphetamine from Individual 10 on each occasion. In orchestrating these two drug buys, **BRANDON JAY McFADDEN** led Individual 9 to believe Individual 9 was conducting law enforcement controlled drug buys. **BRANDON JAY McFADDEN** took possession of the drugs from Individual 9 after each buy. **BRANDON JAY McFADDEN** concealed these drug purchases by Individual 9 from ATF supervisors.

7. *INDIVIDUAL 10 - A PERSON KNOWN TO THE GRAND JURY  
OVERT ACTS OCCURRING IN OR ABOUT 2008*

In or about 2008, **BRANDON JAY McFADDEN** instructed Individual 12 to

introduce Individual 10 to Individual 1. On two different occasions, Individual 10 sold Individual 1 a pound of methamphetamine. After these two sales, **BRANDON JAY McFADDEN** then approached Individual 10 and threatened Individual 10 with arrest for the drug distributions unless Individual 10 sold methamphetamine for **BRANDON JAY McFADDEN**. **BRANDON JAY McFADDEN** then fronted one pound of methamphetamine to Individual 10 for Individual 10 to sell. **BRANDON JAY McFADDEN** instructed Individual 10 to pay **BRANDON JAY McFADDEN** \$10,000 after Individual 10 sold the methamphetamine.

8. *INDIVIDUAL 11 - A PERSON KNOWN TO THE GRAND JURY  
OVERT ACTS OCCURRING IN SUMMER 2008*

In or about Summer 2008, **BRANDON JAY McFADDEN** provided \$11,000 on two different occasions to Individual 9 and instructed Individual 9 to purchase one pound of methamphetamine from Individual 11. Individual 9 and Individual 11 met and conducted the transactions on each occasion. After each transaction, **BRANDON JAY McFADDEN** met with Individual 9 and took possession of the methamphetamine. **BRANDON JAY McFADDEN** concealed each of these drug purchases by Individual 9 from ATF supervisors.

9. *INDIVIDUAL 12 - A PERSON KNOWN TO THE GRAND JURY  
OVERT ACTS OCCURRING IN OR ABOUT 2007-2008*

In or about 2007 and 2008, **BRANDON JAY McFADDEN** instructed Individual 12, who was a previous CI of **BRANDON JAY McFADDEN**, to assist Individual 1 in setting up a drug transaction in which Individual 1 would buy two pounds of methamphetamine from a female unknown to the Grand Jury. When

this drug transaction took place, **BRANDON JAY McFADDEN** showed up and seized the drugs, but did not arrest anyone. Approximately two weeks later, **BRANDON JAY McFADDEN** sold Individual 1 two pounds of methamphetamine for \$18,000.

All in violation of Title 21, United States Code, Section 846.

**COUNT 2**

(Possession with Intent to Distribute Methamphetamine)

In or about May 2007, in the Northern District of Oklahoma,

**BRANDON JAY McFADDEN**

did knowingly and intentionally possess with intent to distribute less than 50 grams of a mixture or substance containing a detectible amount of methamphetamine, its salts, isomers, and salts of its isomers.

All in violation of Title 21, United States Code, Section 841(a)(1).

**COUNT 3**

(Possession of Firearm During and In Relation to Drug Trafficking Offense)

From on or about January 1, 2007 through in or about October 2008, in the Northern District of Oklahoma,

**BRANDON JAY McFADDEN**

during and in relation to the drug trafficking crime alleged in Count 1 of this Indictment, carried and possessed a firearm.

All in violation of Title 18, United States Code, Section 924(c)(1).

**COUNT 4**

(Aiding and Abetting Money Laundering)

On or about June 8, 2007 in the Northern District of Oklahoma, and elsewhere, while

aided and abetted by other persons known to the Grand Jury,

**BRANDON JAY McFADDEN**

knowing that the property involved in a financial transaction represented the proceeds of some form of unlawful activity, conducted a financial transaction which in fact involved the proceeds of specified unlawful activity, knowing that the transaction was designed in whole or in part to conceal and disguise the nature, location, source, ownership, and control of the proceeds of specified unlawful activity in that **BRANDON JAY McFADDEN** arranged to purchase a 2007 Chevrolet Silverado 1500, Vehicle Identification Number 2GCEK13M471648363, by paying \$7,000 cash and tendering a check in the amount of \$17,000, thus combining the two sums for a total of \$24,000 to be applied toward the purchase price of approximately \$36,242.00.

All in violation of Title 18, United States Code, Section 1956(a)(1)(B)(i) and Section 2.

**FORFEITURE ALLEGATION 1**

1. Upon conviction of the controlled substance offenses alleged in Counts 1 or 2 of this Indictment, **BRANDON JAY McFADDEN** shall forfeit to the United States pursuant to 21 U.S.C. § 853, any property constituting, or derived from, proceeds obtained, directly or indirectly, as a result of the said violations and any property used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of the said violations, including but not limited to the following:

a 2007 Chevrolet Silverado 1500, Vehicle Identification Number 2GCEK13M471648363

2. If any of the above-described forfeitable property, as a result of any act or omission of the defendant:

- (a) cannot be located upon the exercise of due diligence;
- (b) has been transferred or sold to, or deposited with, a third party;

(c) has been placed beyond the jurisdiction of the court;

(d) has been substantially diminished in value; or

(e) has been commingled with other property which cannot be divided without difficulty;

it is the intent of the United States, pursuant to 21 U.S.C. § 853(p), to seek forfeiture of any other property of said defendant up to the value of the forfeitable property described above.

### **FORFEITURE ALLEGATION 2**

1. Pursuant to Title 18, United States Code, Section 982(a)(1), upon conviction for the offense set forth in Count 4 of this Indictment, the defendant shall forfeit to the United States the following property:

(a) All right, title and interest in any and all property involved in the offense in violation of Title 18, United States Code, Section 1956, for which the defendant is convicted, and all property traceable to such property, including the following:

(1) all money or other property that was the subject of such transaction, transportation, transmission or transfer in violation of Section 1956;

(2) all commissions, fees and other property constituting proceeds obtained as a result of that violation; and

(3) all property used in any manner or part to commit or to facilitate the commission of that violation. Such property includes, but is not limited to, the following:

a 2007 Chevrolet Silverado 1500, Vehicle Identification Number  
2GCEK13M471648363

2. Pursuant to Title 21, United States Code, Section 853(p), as incorporated by Title 18, United States Code, Section 982(b), the defendant shall forfeit substitute property, up to the

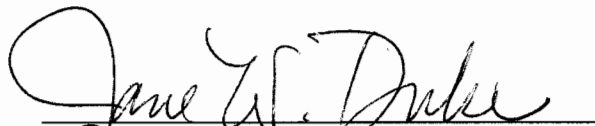


value of the property described in Paragraph 1 of this Forfeiture Allegation, if, by any act or omission of the defendant, the property described, or any portion thereof, cannot be located upon the exercise of due diligence; has been transferred, sold to or deposited with a third party; has been placed beyond the jurisdiction of the court; has been substantially diminished in value; or has been commingled with other property which cannot be divided without difficulty.

A TRUE BILL.

/s/ Grand Jury Foreperson  
Grand Jury Foreperson

JANE W. DUKE  
SPECIAL UNITED STATES ATTORNEY

  
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