

CASE SUMMARY

On 8/8/07, I.C.E. intercepted a package shipped from Trinidad which contained 1 kilo of Heroin. The package was opened and the drugs were removed and resealed. The package was addressed to NY Inc. c/o, A. Forde 2313 East 19th St., Brooklyn. The return address was Victor Livingston, Circle Mall St. James, Trinidad. The package also contained several souvenirs from Trinidad.

On 8/9/07 an I.C.E. agent posing as a Fed Ex Driver took the package to recipient's address which houses two auto repair businesses: "Transmission and Auto Repair" and "Well Done Auto," but no business known as NY Inc., and asked for Anthony Forde. The Defendant John Doe came forward and identified himself as Anthony Forde. He accepted delivery saying he had been waiting all day. When asked his name he said Cooper which is in fact John Doe's nickname.

Immediately after accepting the package John Doe, who was working at Well Done Auto, put the package into a Land Rover and drove it around the block. He double parked the Land Rover and placed the package in the Trunk of an unoccupied Toyota Camry parked on the street. The agents then arrest him.

John Doe was advised of his rights and stated that Elmore, last name unknown, was from Trinidad and asked him to accept delivery of a package for him. He further stated he gave Elmore the address of the business next to where he worked so that Elmore could send the package. John Doe said he was supposed to give the package to Mitchell whom he was supposed to call after receiving the package.

According to the agents, when asked for Mitchell's number, John Doe was unable to produce it. John Doe admitted Elmore had called and said the package had been shipped to John Doe. Agents alleged that John Doe further admitted he had accepted another package for Elmore approximately two months earlier and had then contacted an unidentified male at a number that Elmore had provided and that said unidentified male had come to get the package from John Doe. John Doe claimed that he thought the package contained transmission parts and that that was why he had it sent to the transmission shop next to where he worked.

Upon checking John Doe's phone, agents found "Elmore" in his address book. A review of John Doe's cell phone records indicates seven calls for Elmore in the preceding 28 hours and approximately 15 calls between Doe and Elmore in the month before the delivery.

Important Facts:

- The defendant's testimony is totally worthless.
- The defendant makes a great appearance and is a skilled mechanic employed by Well Done Auto, the location where he received the package.
- The entire conversation of delivery was recorded. Client was relaxed and admits waiting all day for the package. He answers to name A. Forde – not his name but when asked his name says Cooper, his nickname.
- The arrest, which occurred two minutes after delivery, was not recorded.
- The interview of the Defendant was not recorded.
- There is no record of a previous package from Fed Ex.
- A witness from next door comes in and testifies that John Doe had come to him and said he was expecting a package.
- Defendant's boss, a young guy, met with investigators from I.C.E. approximately one week after arrest. The boss claimed John Doe had received a package from Fed Ex two months earlier.
- At trial the boss claimed that he had heard the name Anthony Forde when John Doe accepted the package. This was 14 months after John Doe's arrest.
- The boss at Well Done Auto is on probation for a gun charge.
- Defendant claims to I.C.E. that he thought the package contained transmission parts and he did not know about any drugs.
- The last call from Elmore comes in at 3:15.
- The defendant is arrested at 3:25.