

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA

v.

HAKIM WILLIAMS

CRIMINAL ACTION  
NO. 18-00579-4

PAPPERT, J.

December 6, 2019

MEMORANDUM

A federal grand jury indicted Hakim Williams and three other alleged members of a drug-trafficking organization. Williams is charged with conspiracy to distribute methamphetamine, possession with intent to distribute methamphetamine and unlawful possession of a firearm. He moves to suppress all evidence seized, pursuant to a search warrant, from his residence at 6161 Delancey Street in Philadelphia. The Court denies the Motion.<sup>1</sup>

I

In January of 2018, the FBI in Philadelphia began investigating a drug-trafficking organization allegedly run by Curshawn Banks.<sup>2</sup> *See* (Mot. to Suppress Ex. B, at ¶ 16, ECF No. 128-2). During the eleven-month investigation, the FBI learned that the Banks organization obtained methamphetamine from a California supplier known as “Teddy,” who shipped the drugs via the U.S. Postal Service or Federal

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<sup>1</sup> Williams also asks the Court to suppress statements he made to law enforcement officers when he was arrested. Because the government represents that it will not introduce those statements at trial, the Court denies that part of the Motion as moot.

<sup>2</sup> All facts relevant to probable cause are drawn from the four corners of FBI Special Agent Kevin Coleman’s affidavit of probable cause attached to the search warrant application. *See* (Mot. to Suppress Ex. B, ECF No. 128-2).

Express to members of the Banks organization in Philadelphia. *See (id. at ¶¶ 6–7)*. Intercepted phone calls showed that the Banks organization trafficked substantial amounts of methamphetamine and other drugs. *See, e.g., (id. at ¶ 142)*. The FBI identified dozens of packages sent from California to various addresses in the Philadelphia area; several of these packages were intercepted and found to contain methamphetamine. *See, e.g., (id. at ¶¶ 77, 80, 135, 155, 184)*.

In December of 2018, Special Agent Coleman applied for a warrant to search ten locations—including a house at 6161 Delancey Street in Philadelphia—for evidence or contraband related to conspiracy to distribute and actual distribution of controlled substances, as well as conspiracy to launder money. *See (Mot. to Suppress Ex. A, at 1, ECF 128-1); (id. Ex. B, at ¶ 70(c))*. Coleman’s affidavit of probable cause recounted his experience in the FBI’s Philadelphia Violent Drug Gang Task Force and his “specialized training . . . in narcotics distribution investigations.” (*Id. at ¶ 2.*) Relying on this expertise, Coleman explained that narcotics traffickers often hide evidence—such as drugs, weapons, money or records of drug trafficking—in their residences. *See (id. at ¶ 3(a)–(d))*. The affidavit also noted that Coleman had reviewed video surveillance, interviewed witnesses, examined records and listened to hundreds of intercepted phone calls and text messages between members of the Banks organization. *See, e.g., (id. at ¶¶ 21, 25, 38, 71)*.

According to Coleman, Williams was a “high-level” member of the Banks organization. (*Id. at ¶ 7.*) The affidavit noted that in early July of 2018, Williams transferred \$9,000 from his bank account to one controlled by Teddy as payment for drugs. *See (id. at ¶¶ 46–52)*. Around the same time, Teddy sent a courier, Danielle

Bradford, to Philadelphia to retrieve drug payments. *See (id. at ¶¶ 53–59)*. The plan was for Williams to give Bradford \$4,000 to deposit in an ATM and then hide the remaining cash in Bradford’s clothing for her to take back on the plane to California. *See (id.)* When Bradford arrived, she called Williams’s cell phone and got into an Uber that Williams had arranged for her. *See (id. at ¶¶ 57–58)*. A few minutes later, Bradford texted Teddy, “6161 Delancey St. . . . that’s his address. Just in case.” (*Id. at ¶ 60.*) Within the hour, Bradford relayed to Teddy that Williams had given her the \$4,000 to deposit in the ATM. *See (id. at ¶ 61)*. From these facts, Coleman inferred that during this encounter Williams took Bradford to the Delancey Street house to count and hide drug payments in Bradford’s clothing. *See (id. at ¶ 97)*. The affidavit added that later in July, FedEx intercepted a package containing methamphetamine destined for 6161 Delancey Street,<sup>3</sup> *see (id. at ¶¶ 98–100)*.

Coleman’s affidavit traced Williams’s participation in the Banks organization through November of 2018. In early October, Williams arranged to drop off money at a home associated with drug trafficking and owned by Banks’s mother. *See (id. at ¶¶ 157–63)*. Around the same time, Banks called to see if Williams had any more “ice” left. (*Id. at ¶ 102*). Williams confirmed that he “ain’t got none of that shit” and asked if Banks had already sold the existing product. (*Id.*) Coleman inferred from this conversation that Williams sold methamphetamine for Banks. *See (id.)* On October 24, Williams met Banks in a parking lot and entered a Bank of America branch. *See*

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<sup>3</sup> During oral argument, Williams challenged the statement in the affidavit that the intercepted package was indeed headed for the Delancey Street address. *See (Tr. of Suppression Hr’g 13:11–14:14, ECF No 133)*. But he offered no evidence showing that the statement was false or that Special Agent Coleman knowingly and intentionally included a false statement in the affidavit. *See (id. at 24:11–24)*.

(*id.* at ¶ 120). Later that day, Williams told Banks that he had to go to a different Bank of America branch that evening and to a Wells Fargo branch the next morning to make the deposits. *See (id.* at ¶ 121). Banks conveyed this information to Teddy. *See (id.* at ¶ 122). Outgoing text messages from Williams’s cell phone showed two receipts for bank deposits of \$5,000 each—one for a Bank of America deposit on October 24; the other for a Wells Fargo deposit on October 25. *See (id.* at ¶ 123). In mid-November, a female associate gave bank account numbers to Banks so that he could give them to Williams. *See (id.* at ¶ 170). On an intercepted phone call hours later, Williams was heard counting cash, telling Banks that he had \$28,000 and discussing how much of that cash to deposit. *See (id.* at ¶¶ 171–72).

Drawing on his expertise and the facts recounted above, Coleman believed that the Banks organization used the house at 6161 Delancey Street to receive shipments of narcotics. *See (id.* at ¶ 103). And from surveillance and address records, Coleman concluded that Williams lived at that address. *See (id.)* This evidence convinced Coleman that there was probable cause to believe that police would find “instrumentalities, fruits, and evidence of drug trafficking and money laundering crimes” at the Delancey Street house. (*Id.*)

On December 12, 2018, the grand jury returned an indictment charging four members of the Banks organization—including Banks and Williams—with conspiracy to distribute methamphetamine.<sup>4</sup> *See* (Indictment, ECF No. 1). The next day, a federal Magistrate Judge approved and issued the warrant to search the Delancey Street

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<sup>4</sup> A second superseding indictment added charges against Williams for possession with intent to distribute methamphetamine and unlawful possession of a firearm. *See* (Second Superseding Indictment 12–14, ECF No. 105).

house. *See (id. Ex. A, at 2)*. Law enforcement officers executed the warrant and arrested Williams there the next morning. *See (Mot. to Suppress ¶ 1, ECF No. 128)*.<sup>5</sup>

While executing the warrant, officers found and seized: (1) a bag containing heroin and methamphetamine; (2) loose bundles of heroin and fentanyl; (3) a 9mm handgun (with a magazine and four rounds of ammunition); (4) seventy-two other rounds of ammunition; (5) \$5,000 in cash; (6) a digital scale with trace white powder; (7) a plastic bag containing 775 grams of methamphetamine; and (8) Williams's identity documents and cell phone. *See (Resp. to Mot. to Suppress 8, ECF No. 132)*.

## II

The Fourth Amendment guarantees that “no Warrants shall issue, but upon probable cause.” U.S. Const. amend. IV. “Probable cause is a ‘fluid concept’ that ‘turns on the assessment of probabilities in particular factual contexts.’” *United States v. Stearn*, 597 F.3d 540, 554 (3d Cir. 2010) (alteration omitted) (quoting *Illinois v. Gates*, 462 U.S. 213, 232 (1983)). A magistrate must “make a practical, common-sense decision whether . . . there is a fair probability that contraband or evidence of a crime will be found in a particular place.” *Id.* (quoting *Gates*, 462 U.S. at 238). Direct evidence linking the crime with the place to be searched is unnecessary; probable cause often is inferred from the circumstances and commonsense. *See id.* But all inferences and facts regarding probable cause must be drawn from the four corners of the affidavit. *See Virgin Islands v. John*, 654 F.3d 412, 420 (3d Cir. 2011)

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<sup>5</sup> Williams's Motion to Suppress combines the actual Motion and the brief supporting the Motion into one document without page numbers. The Court cites material from the Motion by paragraph number; it cites material from the brief according to the page number assigned by the Court's ECF electronic filing system.

A district court conducts “a deferential review of the initial probable cause determination made by the magistrate.” *Stearn*, 597 F.3d at 554. The reviewing court does not decide probable cause *de novo*; it asks if “the magistrate had a substantial basis for concluding that probable cause existed.” *Id.* (quoting *Gates*, 462 U.S. at 238). Without acting as a “rubber stamp,” a district court must resolve “doubtful or marginal cases” in favor of the magistrate’s conclusion. *Id.* (quoting *United States v. Whitner*, 219 F.3d 289, 296 (3d Cir. 2000)).

Even if the magistrate erred in issuing a warrant, a reviewing court need not suppress evidence derived from that warrant if the police relied in good faith on the warrant’s validity. *See id.* at 560–61. This good faith exception, however, does not apply in four situations. First, if “the magistrate issued the warrant in reliance on a deliberately or recklessly false affidavit.” *United States v. Zimmerman*, 277 F.3d 426, 436 (3d Cir. 2002). Second, if “the magistrate abandoned his or her judicial role and failed to perform his or her neutral and detached function.” *Id.* Third, if “the warrant was based on an affidavit so lacking in indicia of probable cause as to render official belief in its existence entirely unreasonable.” *Id.* at 437. And fourth, if “the warrant was so facially deficient that it failed to particularize the place to be searched or the things to be seized.” *Id.* In reviewing for good faith, a court must “consider not only any defects in the warrant but also the officer’s conduct in obtaining and executing the warrant and what the officer knew or should have known.” *United States v. Franz*, 772 F.3d 134, 147 (3d Cir. 2014).

## III

## A

Under Third Circuit precedent, the inference “that drug dealers often store evidence of drug crimes in their residences” can provide probable cause to search a suspected drug dealer’s residence. *Stearn*, 597 F.3d at 559. But this inference applies only if the affidavit of probable cause supporting the warrant shows: “(1) that the person suspected of drug dealing is actually a drug dealer; (2) that the place to be searched is possessed by, or the domicile of, the dealer; and (3) that the home contains contraband linking it to the dealer’s activities.” *Id.* (quoting *United States v. Burton*, 288 F.3d 91, 104 (3d Cir. 2002)).

## 1

The affidavit accompanying the warrant application offers ample probable cause to believe that Williams was a drug trafficker within the Banks organization. It outlines how Williams transferred \$9,000 from his bank account to one controlled by Teddy as payment for drugs. *See* (Mot. to Suppress Ex. B, at ¶¶ 46–52). Intercepted phone calls reveal Williams meeting Bradford in July to transfer more drug money to Teddy. *See (id.* at ¶¶ 53–60). In October of 2018, Williams arranged to drop off money at a home associated with drug trafficking and talked about the sale of “ice” with Banks. *See (id.* at ¶¶ 102, 157–63). The same month, Williams twice deposited money associated with drug trafficking into different bank accounts. *See (id.* at 120–23). And in November, Williams was heard counting cash, telling Banks that he had \$28,000 and discussing how much of that cash to deposit. *See (id.* at ¶¶ 171–72). This and other evidence convinced Coleman, an FBI Special Agent trained in narcotics investigations,

that Williams was a “high-level” member of the Banks drug-trafficking organization. (*Id.* at ¶ 7.)

Williams does not dispute that Coleman’s affidavit supplies probable cause to believe he was a drug dealer at certain points in 2018. *See* (Tr. of Suppression Hr’g 6:13–7:7, ECF No. 133). Instead, he argues that the facts tying him to the Banks organization were stale because the most recent link to drug activity occurred in November, roughly three weeks before the warrant issued. *See (id.* at 5:12–15). Without this stale information, Williams reasons, there was no basis from which a magistrate could find probable cause to support the search warrant.

The Court disagrees. Williams’s alleged participation in the Banks organization’s drug trafficking occurred over several months. As he concedes, such a continuing offense is less susceptible to staleness. *See (id.* at 18:1–4); *see also United States v. Ninety-Two Thousand Four Hundred Twenty-Two Dollars and Fifty-Seven Cents, (\$92,422.57)*, 307 F.3d 137, 148 (3d Cir. 2002). Indeed, “[p]rotracted and continuous activity is inherent in a large-scale narcotics operation.” *United States v. Harris*, 482 F.2d 1115, 1119 (3d Cir. 1973). As a result, “the events establishing probable cause will not necessarily occur a few hours or even a few weeks before a search warrant is issued.” *Id.* Given Williams’s months-long and ongoing role in the Banks organization, the evidence showing Williams’s drug trafficking activity was not stale when the warrant issued. *Cf. United States v. Caple*, 403 F. App’x 656, 659 (3d Cir. 2010) (unpublished).

2

The affidavit supplies probable cause showing that Williams lived at 6161 Delancey Street in Philadelphia. Law enforcement saw Williams repeatedly entering

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and exiting the Delancey Street house, and a commercial database listed that house as Williams's residence. *See* (Mot. to Suppress Ex. B, at ¶ 101). And at oral argument, Williams conceded that he lived at the Delancey Street house. *See* (Tr. of Suppression Hr' 4:25–5:3).

## 3

For the inference “that drug dealers often store evidence of drug crimes in their residences” to apply, the affidavit must link Williams's “drug-dealing activities and his home.” *Stearn*, 597 F.3d at 559. Factors that can create this “required nexus” include: (1) the scale of the criminal activity; (2) an experienced affiant's conclusions “regarding where evidence of a crime is likely to be found”; (3) “the proximity of the defendant's residence to the location of criminal activity”; and (4) “probable cause to arrest the defendant on drug-related charges.” *Id.* at 560 (footnotes omitted). These factors are neither required nor exhaustive. *See id.*

The affidavit ties Williams's alleged drug trafficking to his home at 6161 Delancey Street. It recounts the Banks organization's large-scale drug trafficking and Williams's high-level role in that organization. Williams himself concedes that, at a minimum, he was “the money man in th[e] organization.” (Tr. of Suppression Hr'g 44:15–16). Facts in the affidavit confirm that concession. After all, Williams was heard on intercepted phone calls counting \$28,000 in cash and discussing with Banks how and when to deposit the cash. *See (id.* at ¶¶ 171–72). The scale of the criminal activity and Williams's sophisticated role in it increases the odds that he would have evidence, such as financial records, drugs or weapons, in his home. *Cf. United States v. Kaplan*, 526 F. App'x 208, 213 n.4 (2013) (unpublished). As does the Delancey Street house's location in Philadelphia—where nearly all the drug shipments were sent and the bank deposits

occurred. *See, e.g.*, (Mot. to Suppress Ex. B, at ¶¶ 16, 19, 36, 120); *cf. United States v. Hodge*, 246 F.3d 301, 307 (3d Cir. 2001) (noting as evidence of probable cause that the defendant’s home “was in the same city” as the drug activity). Special Agent Coleman’s experienced conclusion that police would likely find “instrumentalities, fruits, and evidence and drug trafficking and money laundering crimes” at the Delancey Street house bolsters the inference that Williams kept evidence at his home. (*Id.* at ¶ 103.) And that Williams does not contest that the FBI had probable cause to arrest him on drug-related charges the same day it executed the search warrant lends further support.

Coleman’s affidavit offers more direct links between Williams’s alleged drug trafficking and the Delancey Street house. For example, when meeting Williams to retrieve a drug payment, Bradford texted Teddy, “6161 Delancey St. . . . that’s his address. Just in case.” (*Id.* at ¶ 60.) That text suggests that Williams and Bradford used the Delancey Street house to count and hide the drug money in Bradford’s clothes. *See (id.* at ¶¶ 53–60, 97). And the Banks organization at least once tried to ship a package containing methamphetamine to the Delancey Street house. *See (id.* at ¶¶ 98–100). In short, because the affidavit here amply establishes a nexus between Williams’s drug activity and his home, the magistrate had a substantial basis for finding probable cause to search the Delancey Street house.

Williams’s argument to the contrary again invokes staleness. He points out that the early July incident with Bradford is the last link in the affidavit between his drug activity and the Delancey Street house. *See* (Tr. of Suppression Hr’g 9:24–10:2); (Mot.

to Suppress 5). That five-month gap, according to Williams, renders stale any probable cause that may have once existed to search the Delancey Street house. *See (id.)*

As before, the ongoing and continuous nature of Williams's involvement with the Banks organization makes "the passage of time . . . less significant." *United States v. Williams*, 124 F.3d 411, 420 (3d Cir. 1997). And Williams's suspected criminal activity continued until at least mid-November, just weeks before the FBI executed the warrant. This continued criminal activity—though not directly linked to the Delancey Street house—helps refresh the older information in the affidavit about the residence. *See id.* Williams's role as the money man in a large-scale drug-trafficking organization and that he was heard counting \$28,000 in cash just weeks before the search, *see* (Mot. to Suppress Ex. B, at ¶¶ 171-72), also suggests that police would find records of bank deposits, cash or other evidence likely to be retained for extended periods, *cf.* *\$92,422.57*, 307 F.3d at 148; *Kaplan*, 526 F. App'x at 213 n.4. Given the totality of the circumstances, the probable cause to search the Delancey Street house was not stale.

## B

Even if probable cause was lacking, the Court need not suppress the evidence, because law enforcement relied in good faith on the warrant's validity. *See United States v. Leon*, 468 U.S. 897, 924–25 (1984). Though Williams argues that the affidavit so lacked indicia of probable cause that any reliance on the warrant's validity was entirely unreasonable, *see* (Tr. of Suppression Hr'g 24:3–25:20), the affidavit itself proves otherwise. It details Williams's role in the Banks organization, the scope of that organization's drug trafficking and how the organization shipped methamphetamine from California to residences in Philadelphia. *See* (Mot. to Suppress Ex. B, at ¶¶ 13–69). It then links the Delancey Street house to that criminal activity. *See (id.)* at ¶¶ 97–

103). This affidavit far exceeds “a bare bones assertion that evidence would be found” at the Delancey Street house. *Stearn*, 597 F.3d at 569. With the affidavit’s specific facts supporting Coleman’s belief that police would find evidence at Williams’s home and with the magistrate’s imprimatur, a well-trained officer could reasonably rely on the warrant’s validity. *See id.*

An appropriate Order follows.

BY THE COURT:

*/s/ Gerald J. Pappert*  
GERALD J. PAPPERT, J.

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**ORDER**

**AND NOW**, this 6th day of December 2019, upon consideration of Hakim Williams's Motion to Suppress (ECF No. 128), the government's Response (ECF No. 132) and the parties' arguments at the suppression hearing (ECF No. 133), it is **ORDERED** that Williams's Motion is **DENIED**. Specifically, the Motion is:

1. **DENIED** as to the physical evidence seized from 6161 Delancey Street, Philadelphia, Pennsylvania; and
2. **DENIED without prejudice as moot** as to Williams's statements made during his arrest.

BY THE COURT:

*/s/ Gerald J. Pappert*  
GERALD J. PAPPERT, J.