

AFFIDAVIT

I, Bryon J. Green (Affiant), do hereby depose and say:

1. Your affiant is a United States Postal Inspector and has been so employed since October 2006. Your affiant is presently assigned at Cleveland, Ohio, to investigate prohibited mailing offenses. Your affiant has received training in the detection and investigation of prohibited mailing offenses. Your affiant has worked U.S. Postal Service related investigations for approximately six (6) years, during which time I have been the case agent for investigations leading to prosecution in U.S. District Court as well as state courts.
2. Your affiant alleges that the facts contained herein show probable cause that RODNEY JOHN GAMBY have committed violations of federal narcotics laws, including but not limited to Title 21, United States Code, Section 841(a)(1), that is possession with the intent to distribute and distribution of oxycodone hydrochloride and oxymorphone hydrochloride, both Schedule II controlled substances.
3. Your affiant knows, from my training and experience, that Express Mail is commonly used to transport controlled substances because the Express Mail system provides traceability and reliable delivery. Further, the expected timeliness of Express Mail places time pressures on law enforcement agents to identify, search, and deliver these drug parcels in a timely manner.
4. On December 11, 2012, your affiant identified U.S. Express Mail Parcel EG540652644US addressed to Nick Kaczur, [REDACTED] Messenger Rd., Chagrin Falls, OH 44023 bearing a return address of Nick Kaczur, [REDACTED] Messenger Rd. Chagrin Falls, OH 44023 as a suspected drug parcel. The subject parcel was sent from Las Vegas, Nevada 89101 and weighed approximately 1 pound. According to your affiant, the parcel sounded and felt like pills or candy when shaken.

5. On December 11, 2012, U.S. Postal Inspectors, Cuyahoga County Sheriff Deputies, and your affiant went to [REDACTED] Messenger Rd. Chagrin Falls, OH 44023 and interviewed Nick Kaczur. Prior to any questioning, your affiant advised Nick Kaczur the interview was completely voluntary and he could stop answering questions anytime. Nick Kaczur advised he understood and stated he was the intended recipient of U.S. Express Mail Parcel EG540652644US. Nick Kaczur signed a consent to search form for U.S. Express Mail Parcel EG540652644US resulting in the identification of 319 oxycodone hydrochloride 30 mg pills, 49 oxycodone hydrochloride 15 mg pills, and 1 alprazolam pill concealed in a Gobstopper candy box. Nick Kaczur stated he placed the order for pills with his former Toledo Rockets football teammate, RODNEY JOHN GAMBY. After the order is placed by Nick Kaczur, RODNEY JOHN GAMBY flies to Las Vegas, obtains the pills, and mails them to him via U.S. Postal Service. Nick Kaczur stated he pays RODNEY JOHN GAMBY approximately \$1 per milligram and either pays RODNEY JOHN GAMBY in person or mails RODNEY JOHN GAMBY the payment. Nick Kaczur stated RODNEY JOHN GAMBY sent him three additional parcels, each containing approximately 325 Oxycodone pills. Nick Kaczur stated he had not provided payment to RODNEY JOHN GAMBY for this recent order of Oxycodone. Your affiant received video surveillance of the Las Vegas, Nevada Post office on December 10, 2012 which identifies RODNEY JOHN GAMBY mailing Express Mail Parcel EG540652644US. U.S. Postal Service Forensic Laboratory identified five fingerprints belonging to RODNEY JOHN GAMBY on Express Mail Parcel EG540652644US.
6. On December 13, 2012, your affiant and U.S. Postal Inspector Marc Kudley met with Nick Kaczur at the U.S. Postal Inspection Service Cleveland Field Office. At the direction of your affiant, Nick Kaczur conducted two recorded telephones call to RODNEY JOHN GAMBY (419-280-[REDACTED]). During the first phone call Nick Kaczur advised RODNEY JOHN GAMBY that he was not available to drive money out to him in Toledo and he would overnight money to him through the Postal Service. During the second recorded phone call, Nick Kaczur advised RODNEY JOHN GAMBY that he went to the Post Office and sent him \$10,000 for the package. RODNEY JOHN GAMBY

advised Nick Kaczur that \$10,000 was not enough to pay what he owes "Blake" or "Jeff". Nick Kaczur provided RODNEY JOHN GAMBY with Express Mail tracking number EG841570233US, which contained \$10,000, and then asked RODNEY JOHN GAMBY what the ½ white pill was that he put in Express Mail Parcel EG540652644US. RODNEY JOHN GAMBY advised that it was ½ of a zanax pill.

7. On December 14, 2012, your affiant, acting in an undercover capacity, delivered U.S. Express Mail Parcel EG841570233US addressed to RODNEY JOHN GAMBY, 6318 Northbrooke Lane [REDACTED], Toledo, Ohio 43612 which contained \$10,000 U.S. Currency concealed inside a magazine. Blake Grodi answered the door and RODNEY JOHN GAMBY signed Postal Service Form 3849 accepting the parcel.
8. On January 3, 2013, Nick Kaczur called your affiant and stated he spoke with RODNEY JOHN GAMBY. According to Nick Kaczur, RODNEY JOHN GAMBY stated he was going to Las Vegas and he was going to send him some pills.
9. On January 8, 2013, your affiant interdicted Express Mail parcel bearing tracking no. EG911190883US sent from Las Vegas, NV 89123 and addressed to Nick Kaczur, [REDACTED] Messenger Rd. Chagrin Falls, OH 44023.
10. On January 14, 2013, Nick Kaczur came into the U.S. Postal Inspection Service Cleveland Field Office and signed a consent to search form for Express Mail parcel EG911190883US. FBI Agent J. Kiesel and your affiant executed the consent search warrant which resulted in the identification of 362 oxycodone hydrochloride 30 mg pills, 89 oxycodone hydrochloride 15 mg pills, and 54 amphetamine/dextroamphetamine 30 mg pills. U.S. Postal Inspection Service Forensic Lab identified nine fingerprints belonging to RODNEY JOHN GAMBY on U.S. Express Mail Parcel EG911190883US.
11. On January 28, 2013, your affiant interdicted U. S. Postal Service Express Mail parcel bearing label no. EG540652658US addressed to RODNEY JOHN GAMBY, 6318 Northbrooke Lane [REDACTED], Toledo, OH 43612 with a

return address of RODNEY JOHN GAMBY, 6318 Northbrooke Lane [REDACTED], Toledo, OH 43612. This parcel was mailed on January 25, 2013, from the Las Vegas, Nevada Post Office 89123.

12. On January 29, 2013, your affiant obtained and executed a federal search warrant case number 1:13MJ2011 for the parcel and recovered 275 oxycodone 30mg pills inside a pill bottle stuffed with a paper towel that was concealed in a magazine. The pill bottle listed the following information:

Sav-on Pharmacy, Store #6032, 4800 Blue Diamond Rd. Las Vegas, NV 89139

Fill Date: 10/15/12, RODNEY JOHN GAMBY, 8956 Tomnitz Ave. Las Vegas, NV 89178

Refills: Zero by 04/14/2013

Oxycodone HCL 30mg Tablet ACTAV 00228-2878-11


Prescribed by Victor Bruce, MD 3824 S. Jones Blvd, Las Vegas, NV 89103

Your affiant knows based on training and experience that 275 oxycodone 30mg pills in one pill bottle exceeds any legitimate prescription. Your affiant knows from training and experience that shipping 275 oxycodone 30mg pills concealed by a magazine also infers that RODNEY JOHN GAMBY is aware that the oxycodone pills were obtained illegally.

13. Through analysis of U.S. Postal Service records, your affiant identified six additional associated Express Mail parcels that were sent from Las Vegas, Nevada and delivered to the Northern District of Ohio since August 16, 2012.
14. Over the past twelve months your affiant is aware of RODNEY JOHN GAMBY traveling from Detroit, Michigan to Las Vegas, Nevada approximately two times per month. Your affiant has been made aware that each of RODNEY JOHN GAMBY's previous trips to Las Vegas, Nevada were made to illegally obtain oxycodone and anticipate RODNEY JOHN GAMBY's next trip will also be made to illegally obtain oxycodone.


1:13 MJ 9170

15. On August 27, 2013, RODNEY JOHN GAMBY is scheduled to fly from Detroit, Michigan to Las Vegas, Nevada on Spirit Airlines and return to Detroit, Michigan from Las Vegas, Nevada on August 31, 2013. Your affiant believes RODNEY JOHN GAMBY will be in possession of illegally obtained oxycodone based on the aforementioned events described above.
16. Based on the foregoing facts and circumstances, Affiant submits that there is probable cause to believe that RODNEY JOHN GAMBY has committed violations of federal narcotics laws, including but not limited to Title 21, United States Code, Section 841(a)(1), that is possession with the intent to distribute and distribution of oxycodone hydrochloride and oxymorphone hydrochloride, both Schedule II controlled substances.



BRYON J. GREEN
U.S. POSTAL INSPECTOR

Sworn to and subscribed before me this 28th day of August, 2013.



WILLIAM H. BAUGHMAN JR.
U. S. MAGISTRATE JUDGE
NORTHERN DISTRICT OF OHIO

FILED
2013 SEP 25 PM 2:56
NORTHERN DISTRICT OF OHIO
CLEVELAND

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 v.)
)
 RODNEY JOHN GAMBY,)
)
 Defendant.)

INDICTMENT

1:13CR432

Case No. _____

21 U.S.C. §§ 841(a)(1)
and (b)(1)(C),
United States Code
Title 21, § 843(b),
United States Code

JUDGE GWIN

COUNT 1

The Grand Jury charges:

On or about December 11, 2012, in the Northern District of Ohio, Eastern Division, and elsewhere, RODNEY JOHN GAMBY did knowingly and intentionally possess with intent to distribute a mixture or substance containing a detectable amount of oxycodone, a Schedule II controlled substance, in violation of Title 21, United States Code, Sections 841(a)(1) and (b)(1)(C).

COUNT 2

The Grand Jury further charges:

On or about December 11, 2012, in the Northern District of Ohio, Eastern Division, and elsewhere, RODNEY JOHN GAMBY did knowingly and intentionally use a communication facility, that is the U.S. Mail, in committing or in causing or facilitating the commission of any act or acts constituting a felony under any provision of Subchapter I of Title 21 of the United States Code, specifically Possession with Intent to Distribute Oxycodone, in violation of Title 21, United States Code, Sections 841(a)(1) and (b)(1)(C), in violation of Title 21, United States Code, Section 843(b).

COUNT 3

The Grand Jury further charges:

On or about January 8, 2013, in the Northern District of Ohio, Eastern Division, and elsewhere, RODNEY JOHN GAMBY did knowingly and intentionally possess with intent to distribute a mixture or substance containing a detectable amount of oxycodone, a Schedule II controlled substance, in violation of Title 21, United States Code, Sections 841(a)(1) and (b)(1)(C).

COUNT 4

The Grand Jury further charges:

On or about January 8, 2013, in the Northern District of Ohio, Eastern Division, and elsewhere, RODNEY JOHN GAMBY did knowingly and intentionally use a communication facility, that is the U.S. Mail, in committing or in causing or facilitating the commission of any act or acts constituting a felony under any provision of Subchapter I of Title 21 of the United

States Code, specifically Possession with Intent to Distribute Oxycodone, in violation of Title 21, United States Code, Sections 841(a)(1) and (b)(1)(C), in violation of Title 21, United States Code, Section 843(b).

FORFEITURE

The Grand Jury further charges:

For the purpose of alleging forfeiture pursuant to Title 21, United States Code, Section 853, the allegations of Counts 1 and 2 are incorporated herein by reference. As a result of the foregoing offenses, defendant RODNEY JOHN GAMBY, shall forfeit to the United States any and all property constituting, or derived from, any proceeds he obtained, directly or indirectly, as the result of such violations; and any and all of his property used or intended to be used, in any manner or part, to commit or to facilitate the commission of such violations.

A TRUE BILL.