



**THE UNITED STATES OF AMERICA
V. CHARLIE L. MACDANIELS**

STIPULATIONS

Procedural matters

1. Federal Rules of Criminal Procedure and Federal Rules of Evidence apply.
2. All witnesses called to testify who have identified the parties, other individuals, or tangible evidence at deposition or prior testimony will, if asked, identify the same at trial.
3. The grand jury hearing transcript is a certified copy of the hearing that took place on 2 February 2023. Neither party may object to the authenticity of the transcript.
4. All reports and statements were signed under oath.
5. Each party will call one witness. The Government must call Kerry Gordon. The Defense must call Charlie MacDaniels.
6. Other than what is provided, there is nothing unusual that would detract from the background information of any of the witnesses that would bolster or detract from their credibility.
7. This competition does not permit a witness to invent a material fact. For clarity's sake, a material fact is a fact that would influence an element or defense in a substantive way to make it unfair for another team to provide a fair rebuttal.
8. "Beyond the record" will not be entertained as an objection.
9. All exhibits are considered authentic.
10. Jurisdiction is established. No challenges to jurisdiction shall be entertained.
11. Pretrial motions can consist of any evidentiary argument made for either side. Each side will have a total of five (5) minutes to do so. Each side will also have a total of five (5) minutes to argue the jury instructions prior to closings. Additional time may be granted at the discretion of the presiding judge for pre-closing motions pertaining to the jury instructions. No motions to suppress evidence on the grounds that it was obtained in violation of the Fourth or Fifth Amendment were brought prior to trial. No such motions will be entertained or serve as grounds for exclusion at trial.
12. This competition does not allow outside case law for argument.

Substantive Matters

1. In a pretrial hearing and over the objection of the Government, the Middle District of Penn's Woods authorized the defense to use the entrapment defense.

2. Welp's Berry and Harrison are located in the Middle District of Penn's Woods. Pittany and Webley are located in the Western District of Penn's Woods.
3. Jackie Santiago participated in a proffer session with the FBI and PWSP prior to trial on 1 March 2023. The statement provided is an accurate rendition of all the material facts learned during that proffer session.
4. Both Kerry Gordon and Charlie MacDaniels have knowledge of the contents of Jackie Santiago's proffer statement.
5. On 28 August 2023, Jackie Santiago plead guilty to Count 2 of the indictment. Her sentencing was scheduled for 15 September 2023. Pursuant to her plea agreement, Ms. Santiago agreed to testify against Charlie MacDaniels.
6. Jackie Santiago was pronounced dead on 10 September 2023 from apparent stab wounds while in pretrial confinement at Dolphin County Prison.
7. PWSP began an internal investigation in early January 2022 regarding missing evidence from the evidence locker. The investigation did not yield any results of officer misconduct. Kerry Gordon is aware of the investigation and results.
8. Adderall is an amphetamine.
9. A court martial is a federal trial for military members subject to Article 2 of the Uniform Code of Military Justice (UCMJ). As an active-duty member of the United States Army, Charlie MacDaniels was subject to Article 2 of the UCMJ.
10. Charlie MacDaniels pleaded guilty to use of amphetamines, in violation of Article 112(a) UCMJ, in a special court martial on 28 June 2020. As punishment, Charlie received an Other than Honorable Discharge, forfeiture of all pay and allowances, reduction in rank to E-1, and confinement for six (6) months.

**UNITED STATES DISTRICT COURT
Middle District of Penn's Woods**

United States v. JACKIE SANTIAGO CHARLIE LANDIS MACDANIELS	INDICTMENT Criminal No. 1:23-CR-22
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The Grand Jury charges that:

COUNT 1

On 3 January 2023 in the Middle District of Penn's Woods, the defendant **CHARLIE LANDIS MACDANIELS**, did knowingly and intentionally possess with the intent to distribute methamphetamine, a Schedule II substance, in violation of 21 U.S.C. §841(a)(1).

COUNT 2

On an unknown date before but ending on 3 January 2023 in the Middle District of Penn's Woods, the defendants **CHARLIE LANDIS MACDANIELS** and **JACKIE SANTIAGO**, did knowingly and intentionally combine, conspire, confederate, and agree with known and unknown persons to the Grand Jury, to distribute methamphetamine, a Schedule II controlled substance, in violation of 21 U.S.C. §846.

THE SCOPE OF THE CONSPIRACY

With respect to the narcotics charged in Counts 1 and 2, the amount of methamphetamine equaled one (1) ounce.

A TRUE BILL:



FOREPERSON

DONALD JOSEPH BERGER
UNITED STATES ATTORNEY

/s/Jonathan Yates
JONATHAN YATES
Assistant United States Attorney

Harrison, Penn's Woods
2 February 2023

GRAND JURY TESTIMONY OF KERRY GORDON
2 FEBRUARY 2023
Questions by AUSA YATES

1 Q: Please state your name for the record.

2 A: Kerry Gordon

3 Q: What do you do for work?

4 A: I am a detective with the Penn's Woods State Police.

5 Q: How long have you been a detective?

6 A: Only a year or so.

7 Q: What did you do before you were a detective?

8 A: I was a trooper with the PWSP for approximately six years.

9 Prior to this, I was a local police officer in Webley, Penn's
10 Woods for approximately four years.

11 Q: Have you received any specialized training, aside from your
12 traditional training at the PWSP academy?

13 A: Yes, a large focus of my time as a trooper and, now
14 detective, is work in undercover units. Primarily, my work as
15 a detective was to go as an undercover unit, or UC, with the
16 intent to do drug stings and combat fentanyl coming into our
17 state.

18 Q: Is this what you did in this case?

19 A: Yes.

20 Q: Where did your investigation begin?

21 A: While I was a trooper, we had a large string of deaths
22 linked to fentanyl. We formed an internal task force poised to

1 stop the flow of drugs into our community. Once this task
2 force was formed, I was promoted to a detective on a
3 probationary role.

4 Q: Is it normal to be placed on a probationary role when being
5 promoted to detective?

6 A: Yes, and no. Every officer when they start is a
7 probationary officer, and I guess the same could be said about
8 detectives. My scores on the detective's exam were close to
9 the minimal cut-off, and the department needed more undercover
10 units with drug experience on the task force. I was informed
11 by my captain that if I was not performing as a detective
12 should, then I would go back to being a trooper after my time
13 as a UC.

14 Q: Understood. Tell us where the investigation began.

15 A: Right. Well, first the task force wanted to look at Persons
16 of Interest to see if there were any leads we could follow.
17 That really didn't turn anything up. Then, we looked at
18 organized crime associations to see whether there would be any
19 potential leads worth our time.

20 Q: Did you find any leads regarding organized crime?

21 A: Yes. We looked at the traditional spots of those who
22 traffic fentanyl, which you see from the mob, Chinese Triads,
23 or cartels. We also looked at street gangs like the Seven Side
24 Gang, the 38's, and La Casa Del Diablo. After speaking with

1 other agencies to see if we had anything there, we started
2 focusing on motorcycle gangs.

3 Q: Why did you do this?

4 A: I, I mean, we were running out of leads and time.

5 Q: Did you find anything?

6 A: We did. I identified a motorcycle gang that operates
7 primarily out of Harrison. I'm sure you may have seen them
8 about, the Escorts MC.

9 Q: Why the Escorts?

10 A: We had received a tip from a credible source that they had
11 been dealing in drug distribution across Harrison, Pittany,
12 and Welp's Berry. When you have these big cities, you can
13 usually expect drug trafficking.

14 Q: Are you able to identify your source to the members of the
15 Grand Jury?

16 A: I am not authorized at this time.

17 Q: After identifying the Escorts MC as a potential suspect,
18 what did you do?

19 A: I had to get in with them. It had been a bit since I had
20 been on a bike, so I had to learn fast. It took us about 3
21 months to get my cover ID in line with the necessary
22 information to pass a background check if they ran one on me.
23 Once I had that, I had to get an introduction.

24 Q: How did you get this?

1 A: Hanging around bars they frequented. I ran into a few
2 members at a local watering hole and when a fight broke out, I
3 made sure I had their back. They appreciated it and invited me
4 to the club. Very shortly, I became a hangaround.

5 Q: What is a hangaround?

6 A: The name says it all. You have different ranks or titles as
7 you climb the motorcycle gang ladder. At the top of a local
8 chapter is the president of the motorcycle gang. From there,
9 you go to a vice president, then treasurer, secretary,
10 sergeant-at-arms, and road captain. That is basically the
11 positions of authority. From there, you then see full members
12 that have their entire three patch jacket, then you have
13 prospects, then hangarounds, then just randoms.

14 Q: Randoms?

15 A: Random people. Not really in anything, nor are they being
16 potentially groomed to join.

17 Q: How long were you a hangaround?

18 A: Not long. Growing up in the sticks of Penn's Woods, I was
19 able to blend in and drink enough cheap beer to make my eyes
20 float out. I also offered to work on the bikes, and just kept
21 out of trouble.

22 Q: Did you ever get to the next step?

23 A: Yes. I became a prospect about, eh, 8 months ago? Yes,
24 sounds about right.

1 Q: What do you do as a prospect?

2 A: It is like pledging a frat or a sorority. You do not have a
3 name, everyone calls you "Prospect," and you do what you are
4 told. This can go from washing the bikes, to getting the
5 members a drink, to making deliveries of nonessential things.
6 I even picked the secretary of the club up after he almost
7 picked up a DUI.

8 Q: How long were you a prospect?

9 A: About 6 months.

10 Q: During your time as a prospect, did you ever witness any
11 criminal activity?

12 A: Nothing major. You had your speeding, underage drinking
13 when the club had family functions, and the like. Nothing like
14 what I was aiming for.

15 Q: Did you ever see any drug trafficking activity at the club?

16 A: Yes, absolutely. But not until I became a full member.

17 Q: When did you become a full member?

18 A: About 2 months ago. There was a big celebration and
19 everything.

20 Q: What did you do as a full member?

21 A: I was able to wear full colors, vote in meetings, and pay
22 more in dues. I was also able to meet more of the members of
23 the club in a more meaningful way.

24 Q: Anyone of note?

1 A: Yes, the vice president became a person of interest.

2 Q: Who is the vice president?

3 A: Jackie Santiago. She had been vice president since the club
4 was started.

5 Q: How is Ms. Santiago important?

6 A: She is who I suspected of organizing the drug trafficking
7 operation. She is the supervisor of the club, and seemed to be
8 one that was in the drug trade.

9 Q: How so?

10 A: She was very secretive about how the club made their money.
11 Even to full members. They had a legitimate line of income,
12 the dues and an autobody shop that was run in the front of the
13 club, but the math was not adding up. I suspected drugs.

14 Q: Did you ever learn of any drug involvement with Ms.
15 Santiago?

16 A: Yes, most definitely.

17 Q: How so?

18 A: Through Charlie MacDaniels.

19 Q: Walk us through that.

20 A: Sure. So, Charlie was a prospect at the time, and Jackie
21 seemed to take a shine to them. Jackie would always task
22 Charlie out with taking trips with them to Welp's Berry, and
23 sometimes Jackie would go with him. When they would come back,

1 Charlie would be all smiles and the club would make more money
2 as I would learn from our weekly board meetings.

3 Q: Did you ever hear them discuss anything about these trips?

4 A: Yes. Jackie talked about Charlie helping the club look good
5 by "putting in work" to make "a score." She also mentioned
6 something about slinging soup for Welp's Berry.

7 Q: Do those words mean anything to you?

8 A: Absolutely. In my training and experience, this is typical
9 talk for drug sales.

10 Q: What did you know about Charlie about this time?

11 A: Not much, really. Obviously, we did a background check on
12 him when the Santiago conversation happened. Found out s/he
13 was prior Army for about six years, and s/he got kicked out.
14 S/he pled guilty to use of amphetamines at a court martial.
15 S/he was also charged with amphetamine distribution.

16 Q: Did you ever get close with Charlie?

17 A: Of course. I started to show him/her more attention, which
18 s/he loved. S/he wanted to be a member so badly, you could see
19 it on his/her face. Jackie's attention was a big help to
20 become a member, but the only way you get in is with votes
21 from the club. The more people that think you are up for the
22 job, the better.

23 Q: So, what did you do?

1 A: Talked with Charlie more. Got to know him/her. Confirmed
2 everything I knew and more. I guess when they came back from
3 their tour in Afghanistan, they did not really have anyone to
4 call family. I found this as the perfect in.

5 Q: Why?

6 A: People looking to fit in usually are willing to do what
7 they are asked to get what they really want. Jackie wanted
8 drugs moved, Charlie wanted family. All I needed to do was
9 wait.

10 Q: How long did you wait?

11 A: It felt like an eternity, and I was starting to get nervous
12 that nothing was actually going to pan out, like I was wasting
13 my time and life. Then in December of 2022, things changed for
14 the better. The treasurer, Skips, announced the club was on
15 the verge of bankruptcy and that they may not make it to even
16 February. Only the leadership and some of the members knew.
17 Jackie was incredibly worried since she was trying to make a
18 bid for President. Little hard to be a president of a club
19 when the club is foreclosed on.

20 Q: Did Jackie ever say what she wanted?

21 A: Yes. She called the members and leadership to a closed-door
22 meeting. No hangarounds or prospects allowed. Told us that we
23 needed to either pay more in dues or find a way to bring more
24 money in.

1 Q: Did she ever mention drugs?

2 A: Yes. That was the first time I got excited. She said, "I
3 don't care what you need to do to keep these doors open. I
4 don't care what, or who, you need to sell to make sure that we
5 are still afloat. I have a plan, but we need money."

6 Q: Why did you take this as her mentioning drugs?

7 A: Well, she was talking previously about scores and slinging
8 soup with Charlie. Then she's talking about selling things.
9 She also snorted a line of cocaine after her soliloquy, so
10 that was helpful to feel like I was on the right track.

11 Q: Was Charlie a part of this conversation?

12 A: I don't recall.

13 Q: Okay. So, what happened after this?

14 A: We were planning our December toy drive. The club does this
15 thing once a year where they round up toys for children who
16 aren't going to have a good holiday. We do a giant cookout for
17 everyone in the community to come by, donate toys or cash, and
18 to make the club seem more legitimate. It's all a front.

19 During the meeting when we were planning the cookout, all the
20 prospects were there with the members and leadership. Jackie
21 called the meeting and broke the news to the club about our
22 financial issues. I kept my eyes trained on Charlie and some
23 of the other prospects to see their reaction. Then the twist,
24 Jackie was only going to let one more prospect become a full

1 member at that time until further notice. She would announce
2 who that prospect would be at our January meeting.

3 Q: How many prospects were at the meeting?

4 A: About four, I think. Some who had been around longer than
5 Charlie, even. You could see Charlie was worried about not
6 being a member.

7 Q: Did Jackie mention drugs during this meeting?

8 A: No, not expressly. She did call a private meeting with just
9 the prospects. She kicked everyone else out.

10 Q: Do you know what happened at that meeting?

11 A: Yeah, I talked with Charlie. S/he came out of that meeting,
12 all hang dog about the situation. You could tell they were
13 upset. I grabbed us beers and talked about the meeting.

14 Charlie told me that Jackie said they needed to really step
15 up, to do whatever it takes to become a member. Unless they
16 wanted to spend the rest of their days in the club cleaning
17 toilets and polishing chrome on our bikes. I said, "well, what
18 are you going to do?" Charlie replied, "whatever it takes."

19 Q: Did you discuss drugs during this conversation?

20 A: Yes. I asked Charlie whether s/he was going to keep running
21 fentanyl with Jackie to make the cut. Charlie looked
22 quizzically at me but didn't outright deny it in that moment.
23 S/he took a sip of beer and told me, "I don't know what you're
24 on about" with a smile. I told Charlie that if he needed to

1 move some weight, that I knew a guy looking to buy. We had a
2 confidential informant trying to work off a sentence that
3 would pose as a buyer. Charlie said they left that life behind
4 them but said they would talk with me later. Charlie got up
5 and left after that.

6 Q: Did you see where Charlie went?

7 A: Yep, to talk to Jackie in her office.

8 Q: What was their conversation?

9 A: Not a clue. About a week went by, and Charlie approached me
10 again. You could see the desperation in his/her eyes. Charlie
11 asked me again about the buyer, to which I said that I could
12 set something up. Charlie then pulled an ounce of
13 methamphetamine out of his pack, telling me to set it up.

14 Q: What did you do?

15 A: Called our contact to set up a buy. I went with Charlie to
16 make sure they got the job done, and to ensure we could make a
17 bust.

18 Q: Why bust a low-level dealer?

19 A: To get to Jackie and the Escorts as a whole. You bust a
20 low-level person, they roll on someone more important for a
21 sentence reduction, until we can cut the head off the snake.

22 Q: Did you go to the deal?

23 A: I did. Charlie got nervous about having it on his/her bike,
24 so I put it in my saddlebag, and we drove to the meet. Once we

1 got there, I took it out of my saddlebag and handed it to
2 Charlie.

3 Q: What happened next?

4 A: A drug deal. Charlie gave the ounce, the CI gave the money,
5 and we shut the site down. Police swarmed the area, blocking
6 off all points of ingress and egress. I placed Charlie in
7 handcuffs, read their rights, and placed them in the back of
8 squad car for booking.

9 Q: Did you go back to the club?

10 A: I did. I hurried back to base to see what the reaction
11 would be. Jackie was beside herself, asking if she was next. I
12 told her that as long as Charlie didn't roll on her, then she
13 would be fine.

14 Q: What was her reaction?

15 A: She dismissed the idea as nonsense. Told me there wouldn't
16 be anything to say. But I knew it was all a front.

17 Q: Are you still a member of the club?

18 A: No, Charlie blew my cover. Charlie placed a call to the
19 club once they were processed, saying I was a fed and I set
20 them up. After the task force gave me a heads up, I stopped
21 showing up at the club for fear of retaliation or worse.

22 Q: Were you ever threatened by the club?

23 A: I didn't give them the opportunity to.

TRANSCRIPT OF PROFFER SESSION OF CHARLIE MACDANIELS

25 APRIL 2023

Questions by Agent Ortiz, FBI, and PWSP Detective Muldraugh.

Counsel Brian Young present for Defendant

1 Q: Alright, we are recording. Charlie, I have to say I was
2 expecting this conversation a little later in the game. But
3 after hearing what Jackie said about you, I guess it makes
4 sense.

5 A: I figured Jackie talked. And I am sure all of it was true.

6 Q: Is that sarcasm I sense?

7 A: And now I see why you're a special agent.

8 Q: Cute. So, I am Special Agent Ortiz, and this is Detective
9 Muldraugh with the PWSP. Do you know what this is?

10 A: Yes, a proffer session.

11 Q: You are aware you still have your rights against self-
12 incrimination, and that anything you say here cannot be used
13 against you in your trial if it comes to that.

14 A: Yes, I am aware.

15 Q: The only way this stuff comes into trial is if you tell us one
16 thing here, and something completely different at trial. Then it
17 will come in. Make sense?

18 A: Yes.

19 Q: Brian, anything to add?

20 (Attorney Young) Nothing to add, that is accurate.

1 Q: Great. So, you are aware of the benefits of giving us useful
2 information?

3 A: I am. Time off my sentence.

4 Q: So how that works is you give us valuable information, we use
5 it, and if it yields something substantive, we tell the US
6 attorney's office that you did a great job and submit a 5K1 at
7 your sentencing. The 5K1 can knock off a substantial amount of
8 your sentence, sometimes almost half. Lie to us? We let the US
9 Attorney's Office know of our wild goose chase and they will
10 likely mention that at sentencing. We clear?

11 A: Crystal.

12 Q: That a pun? Alright, so why agree to meet with us?

13 A: To tell you about your rat problem with Gordon.

14 Q: I'm sorry?

15 A: Kerry Gordon, or whatever their real name was, set me up.
16 Told me to make a score for the club, to say that was what
17 needed done, and even handed me the meth prior to the deal. When
18 I saw Kerry pull a gun on me as soon as I handed over the meth,
19 I knew for a fact that it was a setup.

20 Q: So, you admit to selling methamphetamine on 2 January 2023?

21 A: Yeah. And the only reason I did it was because of Kerry.

22 Q: Sure, let's unpack that. What do you mean?

23 A: So, I was looking to become a member in the club. I was doing
24 menial jobs: scrubbing toilets, grocery shopping, even fetching

1 beers for the other members. I was a prospect, and you know how
2 clubs treat prospects.

3 Q: Right.

4 A: So, Jackie called this meeting in December to say that the
5 club was in a bad spot financially, and that they were going to
6 need to make cuts for full members. I'm not really sure how that
7 makes financial sense, but whatever. I needed to be a member, I
8 just needed to be, so when Kerry told me s/he could get me a
9 buyer and even give me the product to make the sale, I guess
10 that is why I sold it.

11 Q: I mean, you jumped at the chance to.

12 A: Wrong. I never, and I mean, never, wanted to go back to drug
13 life again. That's the whole reason why I got out of the Army.

14 Q: Right, when you sold drugs in the Army.

15 A: 0 for 2, not a good start buddy. I got kicked out due to drug
16 use, not selling.

17 Q: Right, you took a plea deal at a Special Court Martial?

18 A: Yes. The government charged me with distribution and use, and
19 I plead to what I did. I failed a drug test, which started that
20 whole issue.

21 Q: Out of curiosity, why use?

22 A: I couldn't cope. I had just come back from my second tour
23 overseas, and the meds they were giving me weren't helping. My
24 focus was all over the place, and I was having bad dreams. Docs

1 diagnosed me with Post-traumatic Stress Disorder, but help came
2 too late. Much like when those rich kids have to cram for a
3 test, I figured taking some Adderall may help with my focus and
4 get me good to go for my career. I wasn't thinking, and regret
5 doing it. But I certainly didn't sell anything.

6 Q: Alright, so why the Escorts?

7 A: There were a lot of veterans in the club already. I met a few
8 of the members at the VA when I was getting treatment. They were
9 the first people that didn't react negatively when I told them
10 my discharge and what had happened. They asked me if I wanted to
11 come around and get a beer. I happily agreed.

12 Q: Did you like the club?

13 A: I did. I don't have any family that will talk to me anymore,
14 so it was like I was back in the service. There was a hierarchy,
15 rules, and respect among everyone. If you stepped out of line,
16 you got fixed.

17 Q: So, tell us about Jackie. How many times did you run drugs
18 for her?

19 A: Never.

20 Q: You sure about that?

21 A: Yes, absolutely.

22 Q: You know, she says otherwise.

23 A: I'm sure she does. It was her idea after all.

24 Q: Oh?

1 A: Yeah. Jackie took me and a few other prospects up to Welp's
2 Berry to do some outreach work for the VA. So, while the
3 prospects were in the soup kitchen line giving out meals, Jackie
4 disappeared. Jackie was smiling up a storm on our ride back to
5 Harrison. When we got back to the club, she put her arm around
6 me and yelled about us putting in work to help make a big score
7 slinging soup. At the moment, I thought she was just talking
8 about the outreach work we were doing. Turns out, she used all
9 our bikes to act as a giant smoke screen for her to run cocaine.

10 Q: Did you have any drugs on your bike?

11 A: No, I don't have saddlebags on my ride.

12 Q: Okay. Did Jackie ever mention drugs any other times?

13 A: Not really. The only time we ever talked about drugs was when
14 Kerry told me about selling meth for the club.

15 Q: Tell me more about that.

16 A: Okay. Jackie had just got done telling the club that we were
17 in a bad spot financially and they would only offer a spot to
18 one prospect. She said that she didn't care what we had to sell
19 to make money, just that we needed money. I didn't actually
20 think she meant drugs, but I guess she did. I wanted to join,
21 and knew I just needed to work harder to be a member. Then
22 Jackie called a private meeting with just the prospects. Jackie
23 told us that it was going to be a tough couple months for us,
24 and that all eyes were on us to see whether we would make the

1 cut. I didn't want to lose out on becoming a member, so I just
2 listened attentively.

3 Q: Did she mention drugs during this private meeting?

4 A: No, but she did use cocaine during the meeting. I was very
5 put off.

6 Q: Why?

7 A: I know the dangers of drug use, hell it destroyed my career.
8 It was the first time I saw drug use happening at the club, and
9 it was very disappointing to see. Up until that moment, I
10 thought the club was not your typical biker gang set. I mean, we
11 do community outreach and toy drives for underprivileged kids in
12 the Harrison area. We even show up to court to protect victims
13 of abuse from their abusers, to give them a sense of security
14 when testifying. When I saw Jackie do that, it all started to
15 feel like I was living a lie.

16 Q: Okay, then why not stop?

17 A: I saw the drug stuff as a Jackie issue, not a club issue. One
18 bad apple should not ruin the bunch.

19 Q: So, what did you do after the meeting?

20 A: I went out and saw Kerry. Kerry was waiting for me, and
21 almost made a beeline to me, beer in hand, to talk about the
22 meeting. It was like s/he was a reporter trying to get a scoop.

23 Q: Did you talk with Kerry?

24 A: Yes, I did.

1 Q: What did you tell Kerry?

2 A: It's more like what Kerry told me. Kerry said that I must be
3 stressed about losing a spot, and that I must be looking for a
4 way to get an in. I told Kerry that I was, but I wasn't sure how
5 to do it. That's when Kerry said that I could keep doing what I
6 had been doing for Jackie, selling drugs, just with someone else
7 to expand the market. I wasn't sure what they meant, and that is
8 when Kerry told me about the Welp's Berry trip. That it was all
9 a front. Another punch to the gut.

10 Q: Did Kerry say anything else?

11 A: Yep. Told me that s/he had a contact that they could move
12 crystal meth easily. All I had to do was take it, sell it, and
13 give Jackie the proceeds. That was a for-sure way to get in with
14 Jackie and the club. That Kerry would even provide me the meth
15 to peddle.

16 Q: And so, you agreed to sell it?

17 A: No, not at first. I left to talk with Jackie about what all
18 went down, what Kerry was. Kerry seemed like a slimy person
19 before, but now I knew it for a fact. Maybe Kerry just lied
20 about Jackie moving fentanyl. I had to know what really was
21 going on. I told Jackie about it, how Kerry was trying to move
22 meth, but she blew me off. She seemed pretty high on cocaine,
23 and she told me, "well, money is money." I left immediately.

24 Q: So, then what?

1 A: Kerry came up to me again after a week. Told me that s/he
2 heard that other prospects were looking to get the bid, and that
3 I needed to decide fast. S/he then pulled out a thing of meth
4 and handed it to me. I sat with it in my hands, staring at it,
5 and began to feel overwhelmed. I mean, I'd never sold this
6 before. I didn't know what to do. Kerry made it seem so easy to
7 do, and like it was the only way forward. Kerry said, "game
8 time, you in or out? I'm sure someone else will do what needs
9 done if you won't."

10 Q: And you did what?

11 A: Told Kerry to set up the meeting.

12 Q: What did you do with the methamphetamine?

13 A: Gave it back to Kerry. I didn't want to hang onto it, and I
14 had no place to put it on my bike. Kerry held onto it, took it,
15 set up the meeting, and came with me to the meet. That's when I
16 got arrested.

17 Q: So, what's the deal with the prison call and letting them
18 know about Kerry?

19 A: I didn't know if s/he had gotten anyone else at the club, so
20 I called back to report what happened. Jackie picked up the
21 line, and when I told her what happened Jackie told me that she
22 didn't know what I was talking about and that this isn't the way
23 to be a member of the club. I told her that she's a fool for not

1 believing me, and she hung up the call. I guess when the feds
2 came to get her, she started believing me.

3 Q: You got anything else to add?

4 A: Yeah. I'm hoping that Kerry never does this to another
5 person. I'll take this thing to trial to let the world know how
6 crooked they are.

7 Q: Noted. We're done here.

PROFFER STATEMENT FROM JACKIE SANTIAGO

My name is Jackie Santiago. This statement is given freely and voluntarily, and I agree that the signature on the last page is my signature. I was the Vice President for the Escorts Motorcycle Club and have been for about 5 years. I know that any statements I give as part of a proffer session can lead to a decrease in my sentence if I am able to assist the Government in their case against Charlie MacDaniels.

Charlie is not an innocent character in this and is the whole reason why methamphetamine was sold. Charlie learned how to get really good at peddling meth while in the Army, which is why s/he got discharged. Charlie came into the fold at the club, and looked like they had no friends or family. Charlie was a great prospect, and really wanted to join. So, when I saw someone tenacious, I knew I may be able to use that to my advantage. Charlie wanted to do good, so our trip to Welp's Berry was the perfect start. I told Charlie that I'd be taking money to buy cocaine while up there, to which Charlie thought our "charity run" was a perfect smoke screen. We drove up to Welp's Berry, I bought some cocaine, and we rode back to Harrison.

Yes, it is true that the club almost went under. And I did sell some cocaine to see if I could keep the place at least on life support. Charlie knew all about it, as did the other prospects. Charlie never batted an eye when we talked about selling drugs, even with his/her past.

Charlie came into my office after our private meeting with the prospects. Told me that they stumbled upon an idea to help the club. S/he told me that s/he had a contact that we could move meth through, and how it was much more lucrative than my coke. I told him/her, "well, money is money" and "how much can we get off the street?" Charlie told me not to worry about it, and that he just needed my blessing before s/he made "money moves." I told him/her we need money, so go ahead. Charlie also remarked how s/he hoped that this would get them as a full member, to which I ignored. Charlie always had an agenda, and I should have known they were going to get caught.

The US Attorney's office told me about Kerry being an undercover cop. I had no idea. As far as I saw, Kerry never told anyone about selling drugs.

/s/ Jackie Santiago

Exhibit A

To: team

From: IA@pwsp.gov

Subject: Internal Procedures/Evidence Locker

Message:

Font Arial Size 1

Everyone,

It has come to our attention that there have been multiple security breaches regarding access to the evidence locker. We have investigated this issue for almost a year; however, cannot find who is doing this. Make no mistake, we will find the person responsible. People have been entering and exiting the evidence locker without signing in and out, and there have been reports of missing narcotics to include methamphetamine, heroin, cocaine, and worst of all fentanyl. Any officer caught taking a controlled substance without permission will be prosecuted to the fullest extent. We should not have to remind you that you are not above the law, even if you are an undercover unit. Acknowledge this email.

V/R,
Claire Madison
Head of Internal Affairs for PWSP

sent from myPhone
23 December 2022



Pattern Jury Instructions for the Middle District of Penn's Woods

6.21.841A Controlled Substances – Possession with Intent to (Manufacture) (Distribute) (21 U.S.C. § 841(a) & (b))

Count 1 of the indictment charges Charlie MacDaniels with possessing one (1) ounce of a mixture or substance containing a controlled substance, specifically methamphetamine, with the intent to distribute the controlled substance, which is a violation of federal law. In order to find Charlie MacDaniels guilty of this offense, you must find that the government proved each of the following four elements beyond a reasonable doubt:

- First: That Charlie MacDaniels possessed a mixture or substance containing a controlled substance;
- Second: That Charlie MacDaniels possessed the controlled substance knowingly or intentionally;
- Third: That Charlie MacDaniels intended to distribute the controlled substance; and
- Fourth: That the controlled substance was methamphetamine.

To “possess” a controlled substance means to have it within a person's control. The government does not have to prove that the defendant physically held the controlled substance, that is, had actual possession of it. As long as the controlled substance was within Charlie MacDaniels’ control, s/he possessed it. If you find that Charlie MacDaniels either had actual possession of the controlled substance or had the power and intention to exercise control over it, even though it was not in Charlie MacDaniels’ physical possession, you may find that the government has proved possession. Possession may be momentary or fleeting. Proof of ownership of the controlled substance is not required.

Distribute, as used in the offenses charged, means to deliver or to transfer possession or control of a controlled substance from one person to another. Distribution includes the sale of a controlled substance by one person to another but does not require a sale.

You are instructed that, as a matter of law, methamphetamine is a controlled substance, which is a prohibited drug under federal drug abuse laws.

To act knowingly, as used in the offense(s) charged, means that Charlie MacDaniels was conscious and aware that s/he was engaged in the act(s) charged and knew of the surrounding facts and circumstances that constitute the offense(s). Knowingly does not require that Charlie MacDaniels knew that the acts charged, and surrounding facts amounted to a crime.

6.21.846B Controlled Substances – Conspiracy to Distribute (21 U.S.C. § 846)

Count 2 of the indictment charges that on or about the 2nd day of January 2023, in the Middle District of Penn's Woods, Charlie MacDaniels agreed or conspired with one or more other person(s) to distribute a controlled substance.

It is a federal crime for two or more persons to agree or conspire to commit any offense against the United States, even if they never actually achieve their objective. A conspiracy is a kind of criminal partnership.

In order for you to find Charlie MacDaniels guilty of conspiracy to (distribute) a controlled substance, you must find that the government proved beyond a reasonable doubt each of the following three (3) elements:

- First: That two or more persons agreed to distribute a controlled substance.
- Second: That Jackie Santiago or another person was a party to or member of that agreement; and

Third: That Charlie MacDaniels joined the agreement or conspiracy knowing of its objective(s) to distribute a controlled substance and intending to join together with at least one other alleged conspirator to achieve that objective; that is, that Charlie MacDaniels and at least one other alleged conspirator shared a unity of purpose and the intent to achieve that objective. It is not an agreement if one individual believes the purpose of the agreement is for one intended goal, when another conspirator believes the purpose of the agreement is to achieve a different intended goal.

8.05 Entrapment

Charlie MacDaniels has raised as a defense that s/he was entrapped by an agent of the government, specifically Kerry Gordon, to commit the offenses charged in Counts 1 and 2 of the indictment. A defendant may not be convicted of a crime if he or she was entrapped by the government to do the acts charged. The government is permitted to use undercover agents, deception, and other means of providing opportunities for an unwary criminally-minded person to commit a crime, but the law does not permit the government to induce an unwary innocent person into committing a criminal offense. The defense of entrapment includes two inquiries:

First, did the government induce Charlie MacDaniels to commit the offense?

Second, was Charlie MacDaniels predisposed, that is, ready and willing to commit the offense before s/he was first approached by the government?

It is the government's burden to prove beyond a reasonable doubt that Charlie MacDaniels was not entrapped; it is not Charlie MacDaniels' burden to prove that s/he was entrapped. Thus, you may find Charlie MacDaniels guilty of the offense charged in Count 1 only if you find that, in addition to proving the elements of that offense, the government also proved beyond a reasonable doubt either (1) that the government did not induce the commission of the offense; or (2) that Charlie MacDaniels was predisposed, meaning that Charlie MacDaniels was ready and willing to commit the offense before the government agents first approached spoke to him/her about the crime.

You should first consider whether there is any evidence that the government induced Charlie MacDaniels to commit the offense. Government actions that could amount to inducement include persuasion, fraudulent representations, threats, coercive tactics, harassment, promises of reward, or pleas based on need, sympathy, or friendship. The government does not induce a person to commit an offense if the government merely approaches that person, or solicits, requests, or suggests that he or she commit the offense, or affords an opportunity or facilities to commit the offense. If you find that the government proved beyond a reasonable doubt that it did not induce the defendant to commit the offense, then you should find that there was no entrapment, and you need not consider this defense any further.

However, if you do have a reasonable doubt about whether the government proved that it did not induce Charlie MacDaniels to commit the offense, then you must decide whether the government proved beyond a reasonable doubt that Charlie MacDaniels was predisposed – that is, that Charlie MacDaniels was ready and willing to commit the offense before the government first approached him/her about it. In deciding this question, you should consider all the evidence, including any evidence about whether the government initially suggested the criminal activity; the nature of the government's inducement or persuasion; whether Charlie MacDaniels had already formed an intent or design to commit the offense charged; whether Charlie MacDaniels was engaged in an existing course of criminal conduct similar to the offense charged; whether Charlie MacDaniels was engaged in criminal activity for profit; and whether Charlie MacDaniels showed a willingness to commit the offense or showed any reluctance that was overcome by repeated government inducement or persuasion and evidence of the defendant's character or reputation, including a prior record of criminal convictions. If, after considering all the evidence, you have a reasonable doubt that the defendant would have committed the offense charged without the government's inducement, you should find the defendant not guilty.