

ORIGINAL

United States District Court  
NORTHERN DISTRICT OF GEORGIA

FILED IN CHAMBERS  
U.S.D.C. Atlanta

DEC 19 2014

UNITED STATES OF AMERICA

v.

Eugene Harvey

JAMES N. HATTEN, Clerk  
CRIMINAL COMPLAINT

Case Number: 1:14-MJ-1100

*[Signature]*  
Deputy Clerk

I, the undersigned complainant being duly sworn, state the following is true and correct to the best of my knowledge and belief. On or about December 10, 2014 in Fulton County, in the Northern District of Georgia, defendant did, Traffic Firearms and Unlawfully Enter Secure Airport Area

in violation of Title 18, United States Code, 922(a)(1)(A) and 2, and Title 49, United States Code, Section 46314.

I further state that I am an FBI Task Force Agent and that this complaint is based on the following facts:

PLEASE SEE ATTACHED AFFIDAVIT

Continued on the attached sheet and made a part hereof. Yes

*George Randell Taylor*

Signature of Complainant  
George Randell Taylor

Based upon this complaint, this Court finds that there is probable cause to believe that an offense has been committed and that the defendant has committed it. Sworn to before me, and subscribed in my presence

December 19, 2014

Date

at Atlanta, Georgia

City and State

LINDA T. WALKER  
UNITED STATES MAGISTRATE JUDGE

Name and Title of Judicial Officer  
AUSA L. Skye Davis / 404 581-6349

*Linda T. Walker*

Signature of Judicial Officer

**AFFIDAVIT IN SUPPORT OF ARREST WARRANT**  
**FOR EUGENE HARVEY**

I, George Randell Taylor, being duly sworn, depose and state the following:

**A. Introduction and Agent Background**

1. I am a Senior Federal Air Marshal assigned as a Task Force Agent with the Federal Bureau of Investigation (“FBI”)/Joint Terrorism Task Force (JTTF) and have been so employed since August 2012. I have been employed in law enforcement since 1983 and as a Federal Law Enforcement Officer since 1995. I am currently assigned to the Atlanta, Georgia office at the Hartsfield-Jackson International Airport (“Hartsfield-Jackson”) and investigate crimes committed in and around the airport.
2. As a Federal Task Force Agent, I am authorized to investigate violations of laws of the United States and to execute arrest and search warrants issued under the authority of the United States.
3. By this affidavit, I submit that probable cause exists to believe that Eugene HARVEY, a Ramp Agent/Baggage Handler employed by Delta Air Lines at Hartsfield-Jackson, has violated Title 18, United States Code, Sections 922(a)(1)(A) and 2 (trafficking firearms and aiding and abetting) and Title 49, United States Code, Section 46314 (entering Airport Area in Violation of Security Requirements).

**B. Sources of Information**

4. I make this affidavit based upon personal knowledge derived from my participation in this investigation and upon information received from other law enforcement officers. Because this affidavit was prepared for the limited purpose of obtaining a criminal complaint, I have not included each and every fact known about this investigation.

**C. Factual Summary – Probable Cause Basis**

5. On December 10, 2014, Mark Quentin Henry (“Henry”), was arrested pursuant to a warrant obtained by the Kings County District Attorney’s Office, for the felony crimes of Criminal Possession of Weapons (3<sup>rd</sup> Degree) and Criminal Sale of Firearms (1<sup>st</sup> Degree). Henry<sup>1</sup> was arrested as a result of an ongoing investigation by the New York Police Department, Organized Crime Control Bureau - Firearms Investigation Unit, targeting individuals trafficking stolen and straw-purchased firearms from Atlanta, Georgia to the New York area. Henry had been identified during the course of the investigation as one of the individuals transporting and supplying firearms to other identified co-conspirators in the New York and Brooklyn areas.

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<sup>1</sup> Henry is a convicted felon and a prohibited person as defined by Title 18 United States Code 922.

6. Specifically, during the investigatory period of May 1, 2014 to December 10, 2014, Henry supplied 129 handguns in various makes and models, and two “assault rifles” (described as an AR-15 and an AK-47), to a co-conspirator, who would then sell the trafficked firearms to a New York Undercover Officer. Based on the investigation, New York agents knew Henry had obtained these firearms from Georgia.
7. At the time of his arrest and in a search incident to that arrest, Henry was found to be in possession of a black Oakley backpack. Inside the Oakley backpack was a second dark-blue bag with “Jeppesen” written on it. The “Jeppesen” bag held eighteen (18) handguns of various makes and models, seven of which were loaded. Also in the Oakley backpack was a zip-lock clear bag containing toiletry items. Nothing else was located inside the Oakley bag.
8. After being read his Miranda rights, Henry agreed to speak with investigating agents. During the post-arrest interview, Henry informed the investigating agents that he had flown from Atlanta to New York with the 18 firearms and associated ammunition in his carry-on bag. At the time of his arrest, Henry was in possession of a Delta Air Lines boarding pass for Delta flight 2352 (“Flight 2352”), traveling from Hartsfield-Jackson to New York’s John F. Kennedy International Airport (“JFK”) on December 10,

2014. Flight 2352 departed Hartsfield-Jackson at approximately 8:12 a.m., and arrived at JFK at 10:22 a.m. Airline records confirm that Henry boarded this flight, and was flying using the “Buddy Pass” privileges of his mother, a retired gate agent for Delta Air Lines.

9. Following Henry’s arrest, it was determined that Henry had been employed as a Ramp Agent/Baggage Handler for Delta Air Lines from February 2007 to December 2010, when he was terminated for abusing the Delta “Buddy Pass” system.
10. At the time of his arrest, Henry was in possession of a cellular telephone, telephone number 404-518-9664. Call detail records for telephone number 404-518-9664 indicate that shortly before his scheduled December 10, 2014 flight, Henry was in contact with telephone number 404-822-7594, twelve times via text message. A review of subscriber records establishes Eugene HARVEY as the registered subscriber for telephone number 404-822-7594. Moreover, telephone number 404-822-7594 is the listed emergency contact number and the primary contact number for Eugene HARVEY on Delta Air Line’s emergency employee telephone list and HARVEY’s SIDA security application.
11. HARVEY is currently employed as a Ramp Agent/Baggage Handler by Delta Air Lines. Harvey is assigned to work at the Hartsfield-Jackson

International Airport, in Concourse B-North's Baggage Transfer Room.

Concourse B is located within the Secure Identification Display Area ("SIDA"), a designated "secure area" which is restricted by the Department of Aviation, Hartsfield-Jackson International Airport, the Department of Homeland Security, the Transportation Security Administration, and the Federal Aviation Administration. Access to SIDA areas is strictly controlled, and those who enter do so by using a SIDA badge that has a unique access passcode associated with each individual badge holder.

12. Upon examining HARVEY's SIDA Access History Report,<sup>2</sup> it was determined that HARVEY entered the designated SIDA area at the Delta Air Lines Employee Parking Lot at 6:57:59 a.m. on December 10, 2014, the same date that Henry flew with the 18 firearms in his carry-on bag. This is the designated entry point for Delta Air Lines Employees who are cleared by the Hartsfield-Jackson International Airport Department of Aviation, Department of Homeland Security, Transportation Security Administration and the Federal Aviation Administration to access the internal SIDA area at Hartsfield-Jackson International Airport. Once Delta Air Line employees gain access, they are then shuttled by Delta Air Lines' employee buses to the internal secure/restricted area at Hartsfield-Jackson. Delta Air Lines

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<sup>2</sup> This report is the history of access to restricted areas and movement within the designated secure SIDA areas at the Hartsfield-Jackson International Airport.

Employees entering this area are not subjected to screening by the Transportation Security Administration (TSA), neither at the time of entry into the employee parking lot, nor upon entry to the internal secure/restricted area at Hartsfield-Jackson.

13. A review of all available security video for December 10, 2014, was conducted by law enforcement officials. The review of the footage revealed that Henry submitted for TSA screening at 07:27 a.m. and exited screening at 07:32 a.m. At the time of entry and exit at the screening checkpoint, Henry was in possession of the black Oakley backpack. Had the eighteen firearms been inside the Oakley bag when Henry passed through TSA screening, the firearms would have been discovered. Accordingly, I reasonably believe the eighteen firearms bypassed security.

14. Security video shows that upon his exit from the screening lane, Henry proceeded down the escalator to the "Plane-Train" platform, where he then boarded a train. During his ride on the "Plane-Train," video coverage was lost due to non-availability of security cameras on-board the trains. However, approximately 5 minutes later, security footage shows Henry exiting the escalator at center-point for Concourse B. Henry then proceeded towards Gate B-26, where he removed the Oakley backpack and sat down. Call records establish that at this time, Henry began texting with HARVEY.

15. Security footage shows that HARVEY enters the men's restroom across from Gate B-26. My identification of HARVEY in the video is based on the fact that there is known photograph of HARVEY exiting a tarmac door a few moments later, and he is wearing the same clothing. Immediately after HARVEY enters the men's restroom, Henry was observed walking from where he had been seated, and entering the same men's restroom. One minute later, Henry walked out of the restroom while carrying the Oakley backpack with both shoulder-straps over his shoulders. Then, shortly thereafter, HARVEY is seen leaving the bathroom. He is observed going through a locked door that leads to tarmac exit door BN35-2-E2-ST35 ("B35"). SIDA Access Reports establish that the SIDA badge issued to HARVEY was used at that time to exit tarmac exit door B35.
16. After leaving the men's restroom across from B-26, Henry was observed walking back to the "Plane Train," where he then boarded the train. Henry traveled on the "Plane Train" to Concourse A, where he was seen on security footage exiting the train and walking to Gate A-1. At 8:05 a.m., records show Henry boarded flight 2352 for JFK through Gate A-1.
17. Subsequent investigation establishes that Henry and HARVEY have engaged in behavior and communication consistent with their actions on December 10, 2014, as follows:

- On January 31, 2014, HARVEY was on employee “sick leave” from Delta, and should not have reported to the airport. However, at 6:40 a.m. that day, HARVEY entered the SIDA area at Hartsfield-Jackson in violation of Delta Air Lines and airport policy, which allows access to restricted areas only while an employee is on duty and in performance of official work. On that same date, Henry flew from Hartsfield-Jackson to New York La Guardia on a Buddy Pass, via Delta Flight 1586, which departed at 7:46 a.m.
- On June 6, 2014, HARVEY was not scheduled to work. However, at 5:14 a.m., HARVEY entered the SIDA area at Hartsfield-Jackson in violation of Delta Air Lines policy. On that same date, Henry flew from Hartsfield-Jackson to JFK on a Buddy Pass, via Delta Flight 1563, which departed at 5:58 a.m.
- On August 23, 2014, HARVEY was not scheduled to work. However, at 1:15 p.m., HARVEY entered the SIDA area at Hartsfield-Jackson, in violation of Delta Air Lines policy. On that same date, Henry flew from Hartsfield-Jackson to JFK on a Buddy Pass, via Delta Flight 1419, which departed at 3:07 p.m. Ten text messages were exchanged between HARVEY and Henry on this date, with nine being exchanged prior to Henry’s flight departing.

18. On dates shortly following the above referenced trips, the New York Undercover Officer made controlled buys of firearms from Henry's co-conspirator. Specifically, a purchase and sale was made on June 6, 2014, June 11, 2014, August 27, 2014, August 28, 2014, and August 29, 2014.
19. Thereafter, another similar course of conduct occurred. On November 24, 2014, HARVEY was on employee vacation. However, at 11:51 a.m., HARVEY entered the SIDA area at Hartsfield-Jackson, in violation of Delta Air Lines policy. On that same date, Henry flew from Atlanta to La Guardia on a Buddy Pass, via Delta Flight 362, which departed at 2:45 p.m. A review of airport security footage from November 24, 2014, shows HARVEY alone in an employee-only elevator with a black duffle bag. The video shows HARVEY exiting the elevator into a food-court area of the airport concourse and turning a corner out of camera view. Within seconds, Henry is seen coming around that same corner with the bag that was previously in HARVEY's possession. Further, nineteen text messages were exchanged between HARVEY and Henry on November 24, all prior to Henry boarding his flight. On November 25, 2014 and December 1, 2014, the New York Undercover Officer made controlled purchases of firearms from Henry's co-conspirator.

20. Accordingly, I believe there is probable cause to believe HARVEY has trafficked in firearms and unlawfully entered an airport area in violation of security requirements, in violation of Title 18, United States Code, Sections 922(a)(1)(A) and 2, and Title 49, United States Code, 46314.