

SEALED

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF VIRGINIA

Harrisonburg, Virginia

UNITED STATES OF AMERICA)
)
 v.)
)
 Paul Hampton THOMSON)
 Nannette BODEN)

CASE NO. 5:11mj00003

A F F I D A V I T

I, J. Brian Padgett, being duly sworn, depose and state as follows:

1. I have been a Special Agent with the United States Drug Enforcement Administration (DEA) since August 1998. I am currently assigned to Enforcement Group 44, Winchester Post of Duty, of the DEA Washington Division Office. I have received training in all areas of narcotics investigations including search and seizure laws and statutes pertaining to enforcement of the Controlled Substances Act. Since becoming a law enforcement officer, I have either conducted or assisted other law enforcement officers in conducting numerous narcotics investigations that have resulted in the arrest and conviction of numerous individuals.
2. This affidavit is submitted in support of a **criminal complaint** and **arrest warrants** charging Paul Hampton THOMSON and Nannette BODEN jointly with Conspiracy to Tamper with Evidence, in violation of 18 U.S.C. ss 1512 (k), Evidence Tampering, in violation of 18 U.S.C. ss 1512(c)(1), and Altering Documents to Influence a Federal Investigation, in violation of 18 U.S.C. ss 1519. In addition, charging THOMSON with Witness Tampering, in violation of 18 U.S.C. ss 1512 (b)(3).



3. The facts and information contained in this affidavit are based upon my personal knowledge, a review of official reports (police and otherwise), the observations of other law enforcement officers, as well as other parties involved in this investigation. All observations that were not personally made by me were related to me by the persons who made such observations. This affidavit contains information necessary to support probable cause for this application. It is not intended to include each and every fact and matter observed by me or known to the government.
4. For purposes of this affidavit, "controlled" is defined as an event that is approved and supervised by law enforcement personnel.
5. On May 26, 2010 DEA and the Northwest Virginia Regional Drug Task Force made the first of five (5) controlled purchases of cocaine HCl from an individual hereinafter referred to as Confidential Source 1 (CS1). All of these controlled purchases took place in Winchester, Virginia. All of the suspected cocaine HCl purchased from CS1 was analyzed by either the Commonwealth of Virginia's Department of Forensic Science or the DEA Mid-Atlantic Laboratory and was found to be an aggregate total of 224.7 grams of a mixture or substance containing a detectable amount of cocaine HCl.
6. On August 24, 2010 CS1 was arrested by DEA and the NWVRDTF following negotiations to purchase an additional ten (10) ounces of cocaine HCl from CS1. CS1 was not in possession of any cocaine HCl when he/she was arrested. Following the arrest, CS1 was advised of his/her Constitutional Rights and agreed to speak with agents without an attorney being present.
7. Among the statements made by CS1 was that he/she had been selling cocaine HCl to an attorney in Winchester named Paul THOMSON. CS1 said he/she had met THOMSON approximately three (3) months prior at his law office in Winchester.



CS1 said approximately one (1) month after this initial meeting he/she made his/her first cocaine HCl sale to THOMSON. CS1 said he delivered the cocaine to THOMSON's assistant who CS1 knew as "NEIL". Further investigation has revealed that NEIL is actually Nannette BODEN. CS1 said he/she sold BODEN an "8 Ball", or approximately 3.5 grams, of cocaine HCl for \$270. CS1 said even though he made the transaction with BODEN the cocaine was for THOMSON. CS1 said just prior to his/her arrest August 24, 2010 he/she delivered BODEN an additional 3.5 grams of cocaine HCl for \$270 and said this transaction took place at a red building in Winchester that belonged to THOMSON (204 South Loudon Street). CS1 said this cocaine HCl was for THOMSON as well. CS1 showed agents cellular telephone number (540) 247-4611 which he/she had saved in his/her cellular telephone's contact list and said it was BODEN's number.

8. CS1 then agreed to contact one of his/her sources of supply for cocaine HCl and have ten (10) ounces delivered to the Martins Grocery Store at 200 Rivendell Court in Winchester. CS1 made contact with this source of supply via cellular telephone and placed the order. Approximately twenty (20) minutes later the source of supply arrived at the Martins and was arrested without incident. Approximately ten (10) ounces of cocaine HCl was seized from the source of supply's vehicle. The suspected cocaine HCl was later analyzed by the DEA Mid-Atlantic Laboratory and was found to be 279.3 grams of a mixture or substance containing a detectable amount of cocaine HCl. Both CS1 and his/her source of supply were booked into the Northwest Virginia Regional Adult Detention Center in Winchester for state narcotics charges.
9. On October 25, 2010 agents received authorization from the United States Department of Justice, Office of Enforcement Operations to consensually monitor and record conversations between CS1 and THOMSON. The next day



monitoring/recording devices were installed by agents at the Rockingham County Jail in Harrisonburg, Virginia.

10. On October 26, 2010 CS1 was arrested for federal narcotics charges and remanded to the custody of the United States Marshal's Service. CS1 was placed into the Rockingham County Jail pending trial. On the same date, agents proffered CS1 in the presence of his/her court appointed federal counsel. Among the topics discussed was a more thorough drug history between CS1, THOMSON, and BODEN. CS1 said he/she initially met THOMSON through a black male CS1 knew as GREGORY (LNU). CS1 said GREGORY told him/her THOMSON was his "right hand man" and that he was a great attorney. CS1 said he/she sold GREGORY cocaine HCl at least twenty (20) times in restaurant parking lots in Winchester and one (1) time in the parking lot of THOMSON's red building in Winchester. CS1 said he/she sold GREGORY two (2) to three (3) grams of cocaine HCl each time. CS1 said GREGORY would usually be on foot when they would meet and on four (4) to five (5) occasions he/she saw THOMSON pick GREGORY up immediately following the transactions. CS1 said THOMSON was driving a pickup truck that had his name written on it. CS1 said on two (2) occasions he saw GREGORY get picked up by BODEN's mother (Lanelle BODEN) following their cocaine transactions.
11. CS1 said he also met BODEN through GREGORY. CS1 said on one occasion he/she went to deliver cocaine HCl to GREGORY and GREGORY was intoxicated. CS1 said BODEN greeted him/her and told him/her she knew why CS1 was there and that he/she could deal with her from now on. CS1 said BODEN told him/her that GREGORY had been charging her and THOMSON too much money for the cocaine he had been getting from CS1. CS1 said he/she began selling cocaine HCl to BODEN and sold to her at least twenty (20) times. CS1 said he would meet BODEN



at THOMSON's red building, a restaurant on Route 522, or a new apartment complex located near the Salvation Army in Winchester to conduct the transactions. CS1 said BODEN would usually purchase one (1) or two (2) grams each time and that they would normally communicate via text messaging. CS1 said that THOMSON was present in the same room during two (2) of these cocaine transactions. CS1 said on one occasion he/she asked BODEN if he/she should call THOMSON directly to arrange drug transactions instead of going through her and she told him/her no because THOMSON was crazy.

12. CS1 said within a day or two after he/she had been initially arrested in Winchester on August 24, THOMSON and BODEN came to see him/her at the Northwest Virginia Regional Adult Detention Center. CS1 said during that meeting THOMSON asked him/her if agents had asked any questions about his/her customers. CS1 said he/she told THOMSON no. CS1 said THOMSON then asked him/her if BODEN's number was saved in CS1's cellular telephone, which agents had seized. CS1 said he/she told THOMSON that it was. CS1 said THOMSON became agitated and told BODEN to change her cellular telephone number immediately.

13. Agents contacted the Northwest Virginia Regional Adult Detention Center and learned that THOMSON was listed on the visitation log as having visited CS1 on August 25, 2010. Agents were advised that THOMSON had only gone to a visitation booth and had not entered the inside of the facility so if he had someone with him that person's name would not appear on the log. Agents were provided with an electronic printout of the visitation log which indicated THOMSON arrived at 9:15pm and departed at 9:50pm.

14. DEA Administrative Subpoenas were served to AT&T who was determined to be the service provider for (540) 247-4611. The results of those subpoenas showed that



number was subscribed to Leigh BODEN, Nannette BODEN's sister, and had been since June 6, 2005. The records showed an email contact for that number as being nboden@csv-inc.com. In addition, the subscriber records showed that on August 28, 2010 that cellular telephone number was changed for the reason of harassing phone calls. Toll records were also reviewed for contacts between CS1's three (3) telephones and BODEN's number. Per the toll records, from the period of May 1, 2010 until August 24, 2010, BODEN's number was in contact with CS1's numbers 684 times, including 387 text messages and 297 calls.

15. On November 24, 2010 THOMSON visited CS1 in the Rockingham County Jail. During the conversation, which was monitored and recorded by agents, CS1 told THOMSON that BODEN's number was in his/her cellular telephone under the name "NEIL". THOMSON first tells CS1 "Well, you could just say Neil is a guy that, downtown or something, that you dropped off to. They won't know. They won't know nothing like that." Later in the conversation, THOMSON tells CS1 "You can just tell them that Nan's your, uh, just a friend of your moth-, of your wife's. There's no big deal. But you have her as Neil? Just say it's a dude that you sold them the to downtown, you know what I mean?" THOMSON then asked CS1 about GREG (LNU). THOMSON asks "Yeah. Greg's number not in there?" CS1 asks THOMSON who he is talking about and THOMSON replies "Greg, my friend Greg, the black (unintelligible)" to which CS1 answers no.

16. On December 21, 2010 agents contacted Leigh Sabbagh, formerly Leigh BODEN, on the front porch of her residence in Winchester. During the conversation Sabbagh was asked if she recognized the phone number (540) 247-4611. Sabbagh said she did recognize the number and that it was registered in her name but utilized by her sister Nannette BODEN. Sabbagh said BODEN was on her cellular telephone service plan



and had utilized that number for years. Sabbagh also confirmed that the number had been changed on August 28, 2010 for harassing telephone calls.

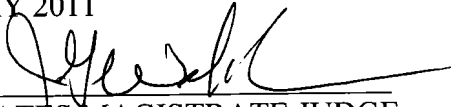
17. All of the above activities occurred within the Western District of Virginia.

18. Based on foregoing facts, there is probable cause to believe that from August 25, 2010 and November 24, 2010, within the Western District of Virginia, Paul Hampton THOMSON and Nannette BODEN did unlawfully and intentionally Conspire to Tamper with Evidence, in violation of Title 18 U.S.C. ss 1512(k), Tamper with Evidence, in violation of Title 18 U.S.C. ss 1512(c)(1), and Alter Documents to Influence a Federal Investigation, in violation of Title 18 U.S.C. ss 1519. Additionally, there is probable cause to believe that on November 24, 2010, within the Western District of Virginia, Paul Hampton THOMSON Tampered with a Witness, in violation of Title 18 U.S.C. ss 1512(b)(3).



J. Brian Padgett
Special Agent
Drug Enforcement Administration

SWORN AND SUBSCRIBED TO
BEFORE ME THIS 6th DAY
OF JANUARY 2011



UNITED STATES MAGISTRATE JUDGE
Harrisonburg, Virginia

