


FILED by  D.C.
MAY 27 2009
STEVEN M. LARIMORE
CLERK U.S. DIST. CT.
S.D. OF FLA. - W.P.B.

United States District Court

SOUTHERN DISTRICT OF FLORIDA

UNITED STATES OF AMERICA

CRIMINAL COMPLAINT

vs.

MARK PINDER and
PARSON EXANA,

CASE NUMBER: 09-8134-AEV

Defendants.

I, the undersigned complainant, being duly sworn, state the following is true and correct to the best of my knowledge and belief.


From on or about April 8, 2009 to on or about May 26, 2009, in Palm Beach County, in the Southern District of Florida, and elsewhere, MARK PINDER and PARSON EXANA, did knowingly and willfully combine, conspire, confederate, and agree with each other and others unknown to import into the United States from a place outside thereof, a controlled substance, that is, a mixture and substance containing a detectable amount of cocaine, in violation of Title 21, United States Code, Section 952(a) and 960(b)(1)(B)

all in violation of Title 21, United States Code, Section 963.

I further state that I am a Special Agent with the Immigration and Customs Enforcement, and that this Complaint is based on the following facts:

Please see attached Affidavit

Continued on the attached and made a part hereof.



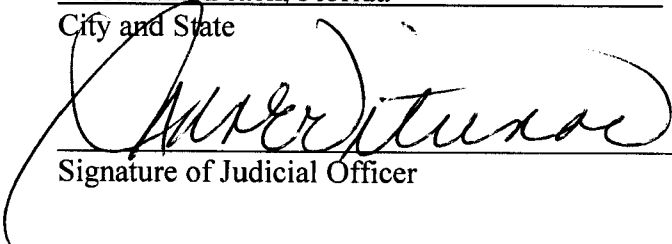
David Malone, Special Agent
Immigration and Customs Enforcement

Sworn to before me, and subscribed in my presence,
upon my finding of probable cause.

May 27, 2009 at
Date

West Palm Beach, Florida
City and State

ANN E. VITUNAC
UNITED STATES MAGISTRATE JUDGE



Signature of Judicial Officer

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

I, David R. Malone (the "Affiant"), being duly sworn, depose and state:

1. I am a Special Agent with the United States Department of Homeland Security, United States Immigration and Customs Enforcement (ICE), and have been so employed for the past five years. Prior to federal employment, I worked for the Town of Jupiter (Florida) Police Department for a period of eight and one half years, serving in the capacity of a police officer, traffic homicide investigator and police Sergeant.

2. As a Special Agent with the United States Immigration and Customs Enforcement, my duties and responsibilities include conducting criminal investigations of individuals and businesses who have violated federal laws, particularly those laws as found in Titles 8, 18, 19, and 21 of the United States Code. After being hired as a Special Agent in 2004, I received training with the United States Immigration and Customs Enforcement as to the legal principles and statutes representing criminal violations of the United States Code, as enumerated in Titles 8, 18, 19, and 21, from the Federal Law Enforcement Training Center located in Glynco, Georgia. I have obtained experience from other investigations involving the importation of narcotics through the use of marine vessels.

3. The facts set forth in this affidavit are based on my personal knowledge, information obtained in this investigation from others, including other law enforcement officers, and information gained through training and experience. Since this affidavit is being submitted for the limited purpose of establishing probable cause to support a criminal Complaint, I have not included each and every fact known to me concerning this investigation, but have set forth only those facts necessary

to establish probable cause to believe that Mark PINDER and Parson EXANA have committed violations of Title 21, United States Code, Sections 952 and 963.

4. MARK PINDER, a citizen and resident of the Bahamas, was negotiating with a Confidential Human Source (CHS), who was being directed by law enforcement, for the transportation of a large quantity (300-400 kilograms) of cocaine from the Bahamas to the United States. During these negotiations, PINDER utilized the cellular telephone numbers (917) 609-8753, (242) 441-0208, and (242) 439-9668.

5. PINDER and the CHS have conducted numerous cocaine smuggling operations together over the past seven years. During these operations, the CHS, or someone the CHS hires, would pilot a boat to the Bahamas to pick up cocaine. The CHS or his/her representative would bring the cocaine back to the United States where the CHS would store it in his/her home until PINDER flew to the United States to pick up the drugs. Once PINDER arrived in the United States, he would meet the CHS and give him/her keys to an automobile. The CHS would then load the automobile with the cocaine, and leave the automobile in a pre-determined location for PINDER or his representatives to pick up. PINDER would pay the CHS, either by cash or quantities of cocaine.

6. On or about April 8, 2009, the CHS conducted a law enforcement directed telephone call to PINDER at phone number (242) 441-0208. PINDER answered, and the CHS inquired if the "girls" are still hanging out, or did they go home. The CHS knew this to be coded language referring to the transportation of cocaine. PINDER replied that he would make some phone calls, and then call the CHS back. This phone call was monitored and recorded.

7. On or about April 15, 2009, the CHS conducted a law enforcement directed telephone call to PINDER at phone number (917) 609-8753. The CHS and PINDER arranged to meet at Dave

& Busters Restaurant, located at 3000 Oakwood Boulevard, Hollywood, Florida. This phone call was monitored and recorded. During this meeting, which occurred later that same day, the CHS introduced an Undercover Agent (UCA) to PINDER. The UCA was playing the role of a boat captain, who would be used to smuggle several hundred kilograms of cocaine into the United States. This transaction would only go down if PINDER approved the boat captain after meeting him.

8. On or about April 29, 2009, PINDER instructed the CHS to meet an unidentified black male inside the Kmart located at 3800 Oakwood Boulevard, Hollywood, Florida. On April 29, 2009, the CHS went to the aforementioned Kmart, where an unidentified black male provided the CHS with a cellular telephone and a Nokia user guide. The Nokia user guide had a phone number, 439-9668, written on the back. It also had the following numbers written on page 51: "26-32-74," and "78-31-09." During a subsequent phone call, PINDER told the CHS to give the cellular phone to the UCA, whom PINDER believed to be the boat captain. The phone number to the cellular phone was the number PINDER planned to use to contact the UCA during the smuggling venture. PINDER also told the CHS that the other numbers represented the location (i.e., marine coordinates) where the boat-to-boat transfer of cocaine would take place.

9. On or about May 20, 2009, PINDER told the CHS to meet the same unidentified black male inside the Kmart, located at 3800 Oakwood Boulevard, Hollywood, Florida. On this occasion, the unidentified black male gave the CHS \$2,500.00 in U.S. Currency. This money was to be used to repair the transport vessel (UC marine vessel).

10. On or about May 24, 2009, the CHS called PINDER at the direction of law enforcement at phone number (242) 439-9668, which was the phone number written on the back of the Nokia user guide given to the CHS at the April 29th meeting. The CHS handed the cellular

telephone to the UCA, and the UCA and PINDER discussed the amount of cocaine (10 to 12 bags) that was to be transported.

11. On or about May 25, 2009, the UCA conducted a boat-to-boat transfer of cocaine with PINDER, at the marine coordinates previously described. Nine bags containing 297 kilogram-size bricks of cocaine were transferred from an unidentified boat (which PINDER was on) to the UCA's vessel.

12. On or about May 25, 2009, the CHS received a cellular text message from PINDER, utilizing cellular telephone number (242) 439-9668, instructing the CHS to remove 54 kilogram-size bricks of cocaine from the load. In the text, PINDER told the CHS that the rest (meaning the remaining 243 bricks) would be given to "dady p." Specifically, PINDER told the CHS to keep 30 bricks for himself as payment, and to reserve another 24 bricks for PINDER. On this same date, at approximately 7:00 PM, PINDER asked the CHS if he received his text message describing the breakup of the cocaine.

13. On or about May 26, 2009, the CHS told PINDER to park the automobile that was to be used to pick up the cocaine in the parking lot of the Dunkin Doughnuts located at 6230 West Indiantown Road, Jupiter, Florida. This location was pre-determined by law enforcement. At approximately 7:46 AM, PINDER, driving a gray Dodge Caliber, entered the parking lot of Dunkin Doughnuts. At the same time, another black male, later identified as Parson EXANA, drove a black Ford Expedition, with a Florida registration tag bearing "DADDY P," into the parking lot at Dunkin Doughnuts. A query of law enforcement indices revealed the Ford Expedition was registered to Parson EXANA, date of birth 01/10/1971. PINDER and EXANA exited their vehicles and went to the Dunkin Doughnuts.

14. At approximately 7:54 AM, the CHS was dropped off at the location, and got inside the black Ford Expedition, which still contained the keys. The CHS drove the Ford Expedition out of the parking lot and went to an undisclosed location where law enforcement loaded the vehicle with nine duffel bags containing 297 kilogram size bricks of cocaine. At approximately 8:50 AM, the CHS drove the black Ford Expedition to the Home Depot parking lot, located at 1694 West Indiantown Road, Jupiter, Florida. The CHS parked the black Ford Expedition in the parking lot and departed the area. The CHS then called PINDER and told him the location of the vehicle. At approximately 9:00 AM, PINDER and EXANA arrive at the Home Depot Parking lot in the Dodge Caliber (PINDER in the driver's seat and EXANA in the passenger seat). PINDER stopped the Dodge Caliber at or near the black Ford Expedition. EXANA exited PINDER's vehicle, approached the black Ford Expedition, and entered the Expedition. PINDER and EXANA were then taken into custody by law enforcement.

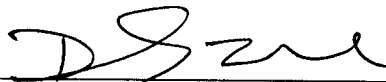
15. During a post-Miranda interview, PINDER told law enforcement that he got the cocaine from someone he knew as "Talio" in the Bahamas, who transported the cocaine to PINDER through a person named "Abner." PINDER put the cocaine on a boat in the Bahamas, and admitted that he and "Abner" were present on the boat on May 25th at approximately 4AM when 297 bricks of cocaine were transferred to the UCA's vessel. PINDER told agents that he then flew into Miami Airport from Freeport, Bahamas on the evening of May 25th. From the airport, PINDER went to the Howard Johnson Hotel and called an individual he knew as "P." PINDER told "P" where he was, so "P" could meet him in the morning. PINDER stated that "P" met him at the hotel on the morning of May 26th at approximately 6:00 AM. From the hotel, "P" followed PINDER to Jupiter in a black truck to pick up the cocaine. PINDER stated that "P" dropped the black truck off at the Dunkin Doughnuts parking lot, and PINDER and "P" then

went to IHOP for breakfast. PINDER said he then received a call that he could pick the truck up at Home Depot. PINDER identified the person arrested with him as "P." According to PINDER, he would be paid \$20,000 for his role in transporting the cocaine.

16. Your affiant conducted a field test on one of the kilogram packages and the result was positive for cocaine.

17. Based upon the foregoing, your affiant states that there is probable cause to believe that from on or about April 8, 2009 to on or about May 26, 2009, in Palm Beach County, in the Southern District of Florida, and elsewhere, MARK PINDER and PARSON EXANA, did knowingly and willfully combine, conspire, confederate, and agree to import into the United States from a place outside thereof, a controlled substance, that is, a mixture and substance containing a detectable amount of cocaine, in violation of Title 21, United States Code, Section 952(a); all in violation of Title 21, United States Code, Section 963.

FURTHER YOUR AFFIANT SAYETH NAUGHT



DAVID MALONE, SPECIAL AGENT
IMMIGRATION AND CUSTOMS ENFORCEMENT

Sworn to and subscribed before me
this 27 day of May 2009.



ANN E. VITUNAC
UNITED STATES MAGISTRATE JUDGE

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

No. 09- 8134 -AEV

UNITED STATES OF AMERICA

vs.

MARK PINDER and
PARSON EXANA,

Defendants.

_____ /

CRIMINAL COVER SHEET

1. Did this matter originate from a matter pending in the Northern Region of the United States Attorney's Office prior to October 14, 2003? Yes No
2. Did this matter originate from a matter pending in the Central Region of the United States Attorney's Office prior to September 1, 2007? Yes No

Respectfully submitted,
R. ALEXANDER ACOSTA
UNITED STATES ATTORNEY

BY:

Shaniek M. Maynard

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