

AMB:ABX

AO 91 (Rev. 11/11) Criminal Complaint

UNITED STATES DISTRICT COURT

for the

District of Minnesota

UNITED STATES OF AMERICA

v.

Case No. 13-MJ-302(JJG)

DEMAR DESHAWN POWELL,

CRIMINAL COMPLAINT

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 September 20 and 21, 2012, in Hennepin County, in the State and District of Minnesota, defendant Demar Deshawn Powell

did, unlawfully, knowingly and intentionally, distribute, or aid and abet the unlawful, knowing and intentional distribution of, a controlled substance,

in violation of Title 18, United States Code, Sections 841(a)(1), 841(b)(1)(B), and 2.

I further state that I am a United States Postal Inspector and that this complaint is based on the following facts:

SEE ATTACHED AFFIDAVIT

Continued on the attached sheet and made a part hereof: ☒ Yes ☐ No

  
Complainant's signature

Jesse L. Swanson, United States Postal Inspector  
Printed name and title

Sworn to before me and signed in my presence.

Date: 4/26/13

  
Judge's signature

City and state: ~~St. Paul~~ Minneapolis, MN.

Jeanne J. Graham, United States Magistrate Judge  
Printed name and title



STATE OF MINNESOTA )  
 )  
COUNTY OF HENNEPIN )

ss. AFFIDAVIT OF JESSE L. SWANSON

I, Jesse L. Swanson, being first duly sworn under oath, depose and state as follows:

1. I have been a United States Postal Inspector since 2003 and am currently assigned to the Twin Cities field office. My duties and responsibilities include investigating crimes involving the United States Mail and protecting the United States Mail service and its employees from criminal misuse. I have conducted and participated in numerous criminal investigations of dangerous mail, narcotics, and external crimes such as assaults and threats related to the U.S. Mail service and its employees. I have participated in numerous investigations which have resulted in the arrests, searches, seizures, and convictions of individuals who have violated Federal and State law.

2. This Affidavit is submitted in support of a Complaint against DEMAR DESHAWN POWELL ("POWELL") charging him with unlawful, knowing and intentional distribution of, or aiding in the unlawful, knowing and intentional distribution of, a controlled substance in violation of Title 18, United States Code, Sections 841(a)(1), 841(b)(1)(B) and 2. The facts set forth in this Affidavit are based upon my review of reports, my personal investigation, and discussions I have had with other law enforcement personnel. This Affidavit contains information to support probable cause. It is not intended to convey all of the facts related to the investigation.

3. On September 20, 2012, a Fed-Ex employee at the Minneapolis-St. Paul International airport requested airport police to inspect a suspicious looking package held in a container of approximately 40-50 packages. An MSP officer with canine partner responded, and the canine alerted to a package in the container; meaning the canine detected the odor of

narcotics. The officer looked at the package, which appeared to contain a child's "potty" seat in the shape of a large plastic baseball. The officer noticed that the label was handwritten and the package had been sent from Sacramento, California via Express Mail (a costlier method usually used by businesses). In addition, the sender had executed a "Waiver of Signature" allowing the package to be left at the intended address. Based on the foregoing information, the officer contacted the United States Postal Inspection Service.

4. Later that morning on September, 20, 2012 Your Affiant responded to MSP Airport to investigate. Your Affiant asked the canine unit to again inspect the package, and again the canine alerted to the odor of narcotics. Your Affiant then obtained a federal search warrant for the parcel from this Court. Inside the package Your Affiant found approximately 283 grams of suspected cocaine base and 123.5 grams of suspected marijuana, including packaging materials. Both samples field tested positive for their respective suspected substances.

5. The package indicated it had been sent from a "Travis Hunt" in Sacramento, California to an addressee named "James Trost" at 10425 Quebec Avenue South in the City of Bloomington, Minnesota. I contacted the local post office and inquired whether "James Trost" was known to receive mail at 10425 Quebec Avenue South and was informed that "James Trost" was not a known person at that address. Based on this information, Your Affiant contacted Bloomington Police Department to coordinate a controlled delivery to the address and a follow-up search of the premises.

6. On September 21, 2012 Officer Thomas Maloney of the Bloomington Police Department obtained an anticipatory search warrant to search the premises at 10425 Quebec, Avenue South, Bloomington, based on the above information.



7. On September 21, 2012 at approximately 10:58 a.m., the package was delivered to 10425 Quebec Avenue South. The package was accepted by an occupant of the residence. Officers immediately executed the search warrant and received information from occupants of the home that an individual later identified as DEMAR DESHAWN POWELL would arrive to pick up the package.

8. Officers awaited the arrival of POWELL and arrested him and a female companion when they arrived at 10425 Quebec Avenue South just minutes later.

9. Your Affiant has reviewed POWELL'S criminal history and discovered he has numerous prior felony convictions including but not limited to: (1) possession and/or purchase of cocaine base for sale, Sacramento, CA, 2010; (2) Felon-in-possession of a firearm, Sacramento, CA, 2010; (3) transporting narcotics for sale, Sacramento, CA, 2009; (4) possession and/or purchase of cocaine base for sale, Sacramento, CA, 2005; and (5) possession and/or purchase of cocaine base for sale, Sacramento, CA, 2005.

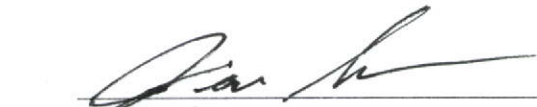
10. During a post-Miranda interview, POWELL admitted that he arranged for the package to be delivered from California to the residence, but claimed he believed it would contain 5 pounds of marijuana. POWELL stated that he owes \$70,000 for the contents of the package.

11. As a result of the September 20-21 event described above, POWELL was charged in Hennepin County District Court on one count of first degree possession of narcotics and one count of fifth degree possession of narcotics on September 24, 2012. POWELL posted a non cash bond for \$75,000 on September 26, 2012 and was released. POWELL failed to show up for further proceedings in that case and on November 14, 2012 the Court forfeited his bond and issued a warrant for his arrest for failing to appear. POWELL has remained at-large.

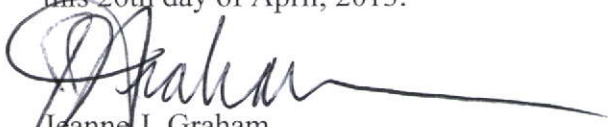
12. On Tuesday, April 23, 2013 law enforcement was notified that POWELL had been arrested in California on suspicion of unlawful possession of a firearm. He is currently being held by the Sacramento County Sheriff's office.

13. Based upon the facts conveyed in this affidavit, I have probable cause to believe that on or about September 20-21, 2012, DEMAR DESHAWN POWELL committed the crime of knowing and intentional distribution of, or aiding in the unlawful, knowing and intentional distribution of, a controlled substances in violation of Title 18, United States Code, Sections 841(a)(1), 841(b)(1)(B) and 2.

Further your Affiant sayeth not.

  
Jesse L. Swanson  
United States Postal Inspector

SUBSCRIBED and SWORN to before me  
this 26th day of April, 2013.

  
Jeanne J. Graham  
United States Magistrate Judge