

UNITED STATES DISTRICT COURT
for the
Western District of Missouri

United States of America
v.
CARLOUS S. HORTON
DOB: 05/28/1975

Case No. 11-2067JCE-01

Defendant

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief. On or about the date(s) of January, 2010 to March 14, 2011 in the county of Greene in the Western District of Missouri, the defendant(s) violated :

Code Section
21 U.S.C. 846, 841(a)(1) and (b)(1)(A)

Offense Description
See Attachment A

This criminal complaint is based on these facts:

See Attached Affidavit.

Continued on the attached sheet.

/s/ Daniel P. Banasik

Complainant's signature

Daniel P. Banasik, Drug Task Force Officer

Printed name and title

Sworn to before me and signed in my presence.

Date: Mar. 14, 2011

/s/ James C. England

Judge's signature

City and state: Springfield, Missouri

James C. England, United States Magistrate Judge

Printed name and title

## **ATTACHMENT A**

### **CHARGE:**

On or between January, 2010 and March 14, 2011, in Greene County, in the Western District of Missouri, and elsewhere, Carlous S. Horton, the defendant, did knowingly and intentionally conspire and agree with other persons known and unknown, to distribute in excess of 5 kilograms of cocaine, a Schedule II controlled substance, the distribution of which is a felony in violation of Title 21, United States Code, Section 841(a)(1) and (b)(1)(A); all in violation of Title 21, United States Code, Section 846.

### **RANGE OF PUNISHMENT:**

21 U.S.C. § 846 and 841(a)(1) and (b)(1)(A)  
NLT 10 Years Imprisonment, NMT Life  
and/or \$4 million fine  
NLT 5 Years Supervised Release  
Class A Felony

\$100 Mandatory Special Assessment

**AFFIDAVIT**  
*of*  
**SGT. DANIEL P. BANASIK**  
*Missouri State Highway Patrol*  
**(Currently Assigned to DEA Drug Task Force)**

I, DANIEL P. BANASIK, being first duly sworn, do depose and state that:

1. I am a Sergeant with the Missouri State Highway Patrol (MSHP), currently deputized and assigned, as a Task Force Officer (TFO), to the Drug Enforcement Administration (DEA) Drug Task Force. As such, I am an investigative and law enforcement officer of the United States authorized to conduct investigations of, and to make arrests and seizures for, offenses enumerated in the "Controlled Substances Act," Title 21, United States Code.

2. Your affiant has been a sworn law enforcement officer for 23 years. I have received specialized training and attended numerous seminars presented by MSHP and DEA relating to the manufacture, distribution and/or possession with the intent to distribute controlled substances. From my training and field experience, I have extensive knowledge of complex illegal drug distribution and/or manufacturing organizations.

3. I, along with other members of the Drug Enforcement Administration's Springfield, Missouri Resident Office, the Missouri State Highway Patrol, and the Springfield, Missouri Police Department, have been investigating a multi-kilogram cocaine drug trafficking organization responsible for distributing cocaine HCL and cocaine base (crack cocaine) in the Springfield, Missouri area.

4. For at least the past two (2) years, the organization has been importing multi-kilogram shipments of cocaine from Chicago, Illinois and/or Dallas, Texas, on a monthly basis. The shipments average two (2) kilograms per trip. The cocaine is believed to be transported by vehicles, commercial bus lines, and commercial airlines. Once the cocaine arrives in Springfield, Missouri, the organization breaks it down, processes it, and then distributes it in multi-ounce to partial ounce quantities as either cocaine HCL or as cocaine base (crack cocaine).

5. On July 6, 2010, Special Agents Mark Hooten and Tim Krisik interviewed a Source of Information, herein referred to as SOI #1, relative to the SOI #1's knowledge of Carlous HORTON'S drug trafficking organization. SOI #1 stated HORTON has approached SOI #1 in an attempt to have SOI #1 broker a multi-kilogram cocaine transaction with HERNANDEZ, a cocaine source of supply SOI #1 is familiar with.

6. On October 13, 2010, Special Agent Mark A. Hooten and Task Force Officers Shane Gooden and Daniel P. Banasik interviewed a Source of Information who later became a Confidential Source, herein referred to as CS #1, concerning the Carlos HORTON Drug Trafficking Organization.

7. CS #1 stated HORTON is the largest cocaine dealer in the Springfield, Missouri area and he/she has been purchasing cocaine from HORTON's organization for approximately one year. The last transaction occurred on or about October 4, 2010, when CS #1 purchased a quarter ounce of cocaine directly from HORTON.

8. CS #1 estimates he/she has purchased, on average, one quarter ounce of cocaine daily from HORTON for the past ten (10) months. CS #1 stated it was not unusual to complete several transactions with HORTON in one day.

9. On October 18, 2010, CS #1, under the direction of Task Force Officer Banasik and Special Agent Hooten, purchased three-eighths ( $3/8^{\text{th}}$ ) of an ounce of cocaine from Carlous HORTON in Springfield, Missouri.

10. On October 19, 2010, CS #1, under the direction of Task Force Officer Banasik and Special Agent Hooten, purchased three-eighths ( $3/8^{\text{th}}$ ) of an ounce of cocaine from Carlous HORTON in Springfield, Missouri.

11. After the aforementioned transaction with CS #1 was complete, surveillance officers observed HORTON drive down the road and go into the parking lot at One Springfield Plaza, 1835 E. Republic Road, and meet with a red Dodge Durango, bearing Missouri registration 6KL-421, this vehicle had been observed meeting with HORTON on previous surveillances. Officers observed the front seat passenger get out of the Dodge Durango and get into the front passenger seat of HORTON's vehicle.

12. Officer's believed the individual had obtained a quantity of drugs from HORTON, and the Durango was stopped after the individual returned to it. The vehicle was occupied by a driver, front seat passenger, and a back seat passenger. The front seat passenger was identified as the owner of the Durango, and it was this individual who surveillance officers saw get into and out of HORTON's vehicle. During the traffic stop, the back seat passenger fled on foot, but was quickly caught by officers. A subsequent search of the back seat passenger led to the discovery of approximately one ounce of cocaine base inside his right shoe.

13. On October 26, 2010, CS #1, under the direction of Task Force Officer Daniel P. Banasik and Special Agent Mark A.

Hooten, purchased one quarter (1/4) ounce of cocaine from Carlous HORTON in Springfield, Missouri.

14. On November 5, 2010, CS #1 purchased one half ounce (1/2) of cocaine from Carlous HORTON in Springfield, Missouri.

15. On December 28, 2010, a court authorized Title III Wire Intercept was authorized to intercept the oral and electronic communications of HORTON'S cellular telephone. During the course of the Title III intercepted telephone calls and text messages intercepted indicated HORTON had traveled to Chicago on at least four occasions and purchased kilogram and multi-kilogram quantities of cocaine. During two of the trips to Chicago, it is believed from intercepted communications that HORTON obtained two kilogram amounts of cocaine during each of those trips (for a total of approximately 4 kilograms). During one of the trips, it is believed from intercepted communications, that HORTON obtained 43 ounces (1.2 kilograms) of cocaine. During the final trip, it is believed from intercepted communications that HORTON obtained one-half (1/2) kilogram of cocaine. Additionally, during other intercepted communications, HORTON has made statements indicating that he typically distributes 2-3 kilograms of cocaine every 2-3 weeks.

16. Upon HORTON'S return to Springfield, Missouri the cocaine was reprocessed and distributed. The wire intercept revealed HORTON was distributing ounce quantities of cocaine/crack cocaine on a daily basis and on numerous days it was determined HORTON distributed in excess of ten ounces of cocaine/crack cocaine daily.

17. On March 14, 2011, a federal search warrant was executed at HORTON'S residence, 4788 S. Bellhurst, Springfield, Missouri. Seized pursuant to this warrant was approximately nine (9) ounces of cocaine, two handguns, and approximately thirty thousand dollars (\$30,000.00) U. S. currency.

18. On March 14, 2011, a federal search warrant was also executed on HORTON'S residence, 435 N. Greg Road, Nixa, Missouri. Seized pursuant to this warrant was approximately one and a half kilograms of cocaine.

19. Seizure pursuant to seizure warrants issued on HORTON'S bank accounts resulted in the seizure of approximately sixty nine thousand dollars (\$69,000.00)

20. Based upon my training and experience, the total amount of cocaine involved in this conspiracy represents a



distribution amount and is in excess of five kilograms of cocaine.

\_\_\_\_/s/ Daniel P. Banasik\_\_\_\_\_  
**SGT. DANIEL P. BANASIK, MSHP**  
(Currently assigned as a Task Force)  
Officer to the DEA Drug Task Force)

Subscribed and sworn to before me in my presence on this 14th day of March, 2011.

\_\_\_\_/s/ James C. England\_\_\_\_\_  
**JAMES C. ENGLAND**  
United States Magistrate Judge