

# NEWS

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United States Department of Justice  
U.S. Attorney, District of New Jersey  
970 Broad Street, Seventh Floor  
Newark, New Jersey 07102

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***Ralph J. Marra, Jr., Acting U.S. Attorney***

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***More Information?*** Call the Assistant U.S. Attorney or other contact listed below to see if more information is available.

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FOR IMMEDIATE RELEASE

Dec. 4, 2008

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Suspended Passaic County Sheriff's Department Detective-Sergeant  
Pleads Guilty to Conspiring to Steal Cocaine from Evidence Vault

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(More)

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NEWARK – A suspended detective-sergeant of the Passaic County Sheriff’s Department who was also a former Haledon Borough council member pleaded guilty today to conspiring to distribute significant quantities of cocaine that he had stolen from the evidence vault at the Sheriff’s Department, Acting U.S. Attorney Ralph J. Marra, Jr. announced.

Alan Souto, 40, admitted before U.S. District Judge Jose L. Linares that he received proceeds totaling at least \$250,000 from the sale of the cocaine by others participating with him in the conspiracy. Souto stipulated in his plea agreement that the amount of stolen drugs was at least 43 kilograms (94.6 pounds) of cocaine and 700 grams of heroin.

Souto pleaded guilty to a one-count criminal Information charging him with conspiracy to distribute, and possession with intent to distribute, 5 kilograms or more of cocaine. Souto is free on a \$300,000 secured bond pending sentencing scheduled for March 10.

“This is a disturbing crime on several levels, not the least of which is the fact that Souto was a ranking law enforcement officer and elected local official while he was doing this,” said Marra. “He was also conspiring with numerous other individuals. We will continue an aggressive investigation and prosecution of the matter.”

At his plea hearing, Souto admitted that beginning in about August 2007, he repeatedly stole multi-kilogram quantities of cocaine from the Sheriff’s Department evidence vault and arranged for the delivery of the cocaine to other co-conspirators’ who, in turn, would arrange for distribution of the narcotics in Passaic County and elsewhere.

Souto was first arrested in March on charges brought by the Passaic County Prosecutor’s Office, which then referred the matter for federal prosecution and has continued to assist in the investigation.

Souto told Judge Linares that he was assigned to the Sheriff’s Department Evidence Bureau and had 24-hour access to the evidence vault. Among the procedures he supervised was the destruction of evidence after a case and its related appeals were completed. Destruction of drugs occurred during scheduled “drug burns,” according to Souto.

Souto admitted that he falsely listed quantities of cocaine to be destroyed during scheduled drug burns. He said he would steal the drugs from the evidence vault during non-operating hours by opening evidence bags, taking out drugs and substituting sugar into the bags before resealing them with tape to conceal the theft.

Souto admitted that he transported the stolen cocaine to a pre-arranged location in Haledon for his co-conspirators to pick up and sell later. For his involvement in the

conspiracy, Souto admitted that he received shares of the drug-sale proceeds of at least \$250,000, an amount he agreed to forfeit under the terms of his plea agreement.

The charge to which Souto pleaded guilty carries a statutory mandatory minimum sentence of 10 years in prison and up to life in prison, as well a maximum fine of \$4 million. However, in determining an actual sentence, Judge Linares will consult the advisory U.S. Sentencing Guidelines, which provide appropriate sentencing ranges that take into account the severity and characteristics of the offense, the defendant's criminal history, if any, and other factors, including acceptance of responsibility. The judge, however, has wide discretion and is not bound by those guidelines in determining a sentence. The judge could also determine that certain factors make Souto eligible for the so-called "safety valve" provision that would allow the judge to consider a sentence below the mandatory minimum of 10 years.

Parole has been abolished in the federal system. Defendants who are given custodial terms must serve nearly all of that time.

Marra credited Special Agents of the FBI, under the direction of Special Agent in Charge Weysan Dun, for the investigation of Souto. He also credited for their assistance in the investigation prosecutors and investigators with the Passaic County Prosecutor's Office, under the direction of Prosecutor James F. Avigliano, and investigators with the Passaic County Sheriff's Department, under the direction of Sheriff Jerry Speziale.

This case is being prosecuted by Assistant U.S. Attorney Christopher J. Gramiccioni of the U.S. Attorney's Office Special Prosecutions Division.

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Defense counsel: Miles R. Feinstein, Esq. Clifton