

AO 91 (Rev. 01/09) Criminal Complaint

UNITED STATES DISTRICT COURT

for the District of Rhode Island

United States of America )
v. )
IAN ANDRADE )
DOB 1977 )
Newport, RI )
Defendant

Case No. 1:13-MJ-391/PAS

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 of 11/08/2013 in the county of in the District of Rhode Island, the defendant violated 21 U. S. C. § 841(a)(1), an offense described as follows:

- 1. Possession with intent to distribute cocaine, in violation of 21 U.S.C. 841(a)(1) & (b)(1)(C); and,
2. Possession of a firearm in furtherance of a drug trafficking crime, in violation of 18 U.S.C. 924(c).

This criminal complaint is based on these facts:

See attached affidavit of Task Force Officer Kevin Antinucci, Drug Enforcement Administration.

Continued on the attached sheet.

Complainant's signature
KEVIN ANTONUCCI, Task Force Officer
Printed name and title

Sworn to before me and signed in my presence.

Date: Nov. 9, 2013

Judge's signature
PATRICIA A. SULLIVAN, U.S. Magistrate Judge
Printed name and title

City and state: Providence, Rhode Island

**AFFIDAVIT**

I, Kevin Antonucci, do under oath depose and say:

1. I am a member of the Cranston Police Department, and have been continuously employed in this capacity for eighteen years. I hold the rank of Detective Sergeant and have been responsible for investigating narcotics offenses for the past three years. I have worked on numerous investigations involving the distribution of cocaine, crack cocaine, heroin, marijuana, and a variety of other controlled substances. For the past two years, I have served as a Task Force Officer on the U.S. Drug Enforcement Administration (DEA) Task Force. My duties include, but are not limited to, the investigation of violations of the Controlled Substances Act, 21 U.S.C. § 841, et seq..

2. The following information is based upon my personal knowledge as well as information provided to me by other officers and agents and is presented in support of the issuance of a complaint and arrest warrant against Ian Andrade, (ANDRADE), born in 1977, with a last known address in Newport, Rhode Island, charging him with possession with intent to distribute cocaine, in violation of 21 U.S.C. §§ 841(a)(1) and (b)(1)(C); and, possession of a firearm in furtherance of a drug trafficking crime, in violation of 18 U.S.C. § 924(c).

3. Since this affidavit is being submitted for the limited purpose of establishing probable cause, I have not included each and every fact known to me regarding the instant investigation. More specifically, I have set forth only the pertinent facts that I believe are necessary to establish probable cause.

4. On November 7, 2013, Newport Police Detective Seth Godek obtained state court authorized search warrants for ANDRADE's person, Andrade's residence located in Newport Rhode Island, and ANDRADE's vehicle (a 1999 Nissan Pathfinder).<sup>1</sup>

5. On November 8, 2013, members of the Newport Police began conducting surveillance of the 1999 Pathfinder which was parked outside of ANDRADE's residence. At approximately 2:25PM, detectives observed ANDRADE exit the residence and get into the 1999 Nissan Pathfinder along with a twelve year old female, who was identified as the daughter of ANDRADE's girlfriend. ANDRADE got into the driver's seat and the young female got into the front passenger seat.

6. Detectives followed the Pathfinder to the area of Broadway and Bedlow Avenue in Newport Rhode Island, where Newport Police Officer Ryan Doyle, who was operating a marked police cruiser, stopped the vehicle. Officer Doyle asked ANDRADE to exit the vehicle as detectives approached and Detective Godek informed ANDRADE about the search warrants.

7. As Officer Doyle conducted a pat down search of ANDRADE down, ANDRADE handed Officer Doyle what was later determined to four thousand four hundred and thirty five dollars in United States currency. Detective Godek then advised ANDRADE of his *Miranda* rights, which ANDRADE stated he understood.

8. ANDRADE told Detective Godek that he had  $\frac{3}{4}$  of a pound of marijuana

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<sup>1</sup> Although the Pathfinder is not registered to ANDRADE, officers had seen him operating the vehicle on multiple occasions.

and a shotgun under the bed at his residence. Detective Godek then removed a house key from ANDRADE's key ring, which also held the keys for the Pathfinder.

9. Detective Godek asked ANDRADE about the presence of a hidden compartment or "trap" inside of the Pathfinder, but ANDRADE denied any knowledge of the "trap."

10. Detective Godek, Newport Police Detective Maurice Sellers and Newport Police Sergeant Anthony Chauvin responded to ANDRADE's residence and made entry using the key removed from ANDRADE's key chain. The officers located three baggies of suspected marijuana, with a total approximate weight of eleven ounces, and a Mossberg 12 gauge shotgun with a pistol grip inside of the bedroom under the bed. A check of the shotgun revealed that it was unloaded.

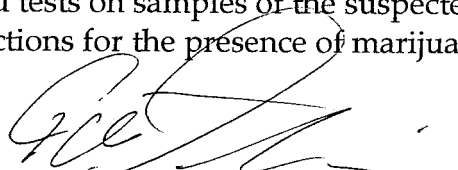
11. Officer Amaral then transported ANDRADE, who was still detained at Broadway and Bedlow, to the Newport Police Department. The female child was turned over to her grandmother and the Pathfinder was towed to a secure location at the Newport Police Department, where officers began to search the vehicle.

12. While searching the Pathfinder, Officer Doyle located what he believed to be the location of a hidden compartment behind the vehicle's passenger seat. Detective Godek once again advised ANDRADE of his Miranda Rights and asked him about the hidden compartment. ANDRADE admitted that the Pathfinder had a hidden compartment and provided operating instructions to Newport Police Sergeant Michael Naylor and Officer Doyle. Sergeant Naylor followed those instructions which resulted in the rear of the passenger seat opening up and revealing a hidden compartment. The

officers located a plastic container holding approximately 400 grams of suspected cocaine and a .22 Caliber Beretta handgun inside of the compartment. A check of the handgun revealed that it was loaded with seven rounds of ammunition in the magazine.

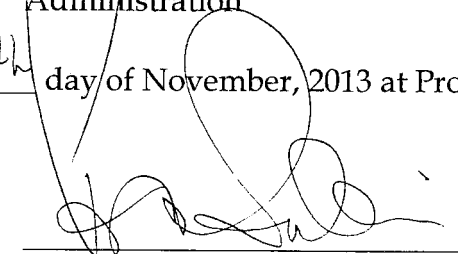
13. Sergeant Naylor and Officer Doyle later conducted a recorded interview of ANDRADE. Sergeant Naylor advised ANDRADE of his *Miranda* Rights and signed a rights form indicating that he understood those rights. ANDRADE admitted to having control of the Pathfinder for the past several months and knowing that the "trap" was inside of it. ANDRADE stated that the cocaine and gun located in the "trap" belonged to him and that he knew the "drug business" was dangerous. ANDRADE also acknowledged that the marijuana and the shotgun that detectives located at his house were his and that his girlfriend did not know anything about the drugs.

14. Detective Godek conducted field tests on samples of the suspected marijuana and cocaine, receiving positive reactions for the presence of marijuana and cocaine.



KEVIN ANTONUCCI  
Task Force Officer  
United States Drug Enforcement  
Administration

Sworn and subscribed to before me this the 9<sup>th</sup> day of November, 2013 at Providence, Rhode Island.



PATRICIA A. SULLIVAN  
United States Magistrate Judge  
United States District Court