

UNITED STATES DISTRICT COURT

for the District of Rhode Island

United States of America)
v.)
DONERI AGUILAR SANDOVAL)
DOB 1960)
Attleboro, MA)
Defendant)

Case No. 1:12-MJ-36195

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 12/10/2012 in the county of in the District of Rhode Island, the defendant violated 21 U. S. C. § 846, an offense described as follows:

Conspiracy to possess with intent to distribute 500 grams or more of methamphetamine in violation of 21 U.S.C. Section 846.

This criminal complaint is based on these facts:

See attached affidavit of Special Agent David M. DiTullio, U.S. Drug Enforcement Administration.

Continued on the attached sheet.

David M. DiTullio
Complainant's signature

David M. DiTullio, Special Agent
Printed name and title

Sworn to before me and signed in my presence.

Date: December 11, 2012

Patricia A. Sullivan
Judge's signature

City and state: Providence, Rhode Island

Patricia A. Sullivan, U.S. Magistrate Judge
Printed name and title

AFFIDAVIT

I, David DiTullio, do under oath depose and say:

1. I am a Special Agent with the U.S. Drug Enforcement Administration ("DEA") and I have been so employed for approximately 12 years. Prior to this, I was a uniformed police officer for approximately 2 years. I have received specialized narcotics training from DEA and I have been involved in numerous narcotics investigations involving the use of various investigative techniques, including controlled purchases of narcotics, the use of confidential informants and other cooperators, physical surveillance, electronic surveillance, financial investigations, narcotics related arrests and the execution of dozens of narcotics related search and arrest warrants. During the course of my law enforcement career, I have participated in investigations relating to the distribution and sale of controlled substances including cocaine, cocaine base ("crack"), ecstasy ("MDMA"), methamphetamine, oxycodone, heroin, marijuana and steroids. Since January 2006, I have been assigned to the DEA's Tactical Diversion Squad ("TDS").

2. This affidavit is based upon information I have gained from my investigation, my training and experience, as well as information from other law enforcement officers. This affidavit is presented as probable cause to arrest Doneri Aguilar Sandoval for conspiracy to possess with the intent to distribute 500 grams or more of a mixture and substance containing a detectable amount of methamphetamine, in violation of 21 U.S.C. § 846. Methamphetamine is a Schedule II controlled substance. Since this affidavit is being submitted for the limited purpose of securing arrest

warrants, I have not included each and every fact known to me concerning this investigation. I have set forth only the facts that I believe are necessary to establish probable cause for the requested warrant.

Background

3. In September, 2012 and continuing to the present, a Confidential Source (CS) provided information regarding the activities of Carlo LNU, Doneri Sandoval (Sandoval) and others who were illegally trafficking in large quantities of controlled substances. The CS is cooperating with the hope of receiving leniency in a pending criminal matter. The CS has provided information which has led to arrests, prosecutions and a conviction. The CS has never provided information to your affiant which has proven to be false. The CS reported that he had known Sandoval for many years and that recently Sandoval asked the CS to participate in bringing multi-kilogram cocaine shipments to the Massachusetts area for distribution. According to Sandoval, he and "Carlo", who Sandoval indicated was a Mexican national, recently transported thirty kilograms of cocaine from the Atlanta, Georgia area to Massachusetts in three shipments.

4. The CS later reported that Sandoval introduced him to Carlo. Carlo told the CS that he had access to large quantities of "ice", referring to crystal Methamphetamine. The CS inquired if they had access to pharmaceutical drugs, specifically Percocet, to which Sandoval said "he" (meaning Carlo) could get anything the CS wanted. When later shown a Massachusetts Registry of Motor Vehicle photograph of Doneri Sandoval (D.O.B. X/XX/60), the CS positively identified him.

4. In October 2012, the CS, accompanied by an undercover officer from the Drug Enforcement Administration, met with Sandoval and Carlo at a North Providence, RI diner. During this meeting, arrangements were made for Sandoval and Carlo to supply the CS and the undercover with 10-15 kilograms of crystal Methamphetamine and 2,000-4,000 Percocet tablets. Following this meeting, the CS engaged in further discussions with Sandoval and Carlo relative to the delivery of the Methamphetamine and Percocet. Carlo and Sandoval told the CS that they believed law enforcement officers followed the CS and the undercover officer to the North Providence diner. Despite assurances from the CS that this did not happen, Carlo and Sandoval instructed the CS that they would no longer communicate on their phones.

5. Later that month, the CS met with Sandoval and Carlo in Attleboro, MA. At this time Carlo provided the CS with a prepaid cellular telephone. Carlo instructed the CS to only use that phone when calling him. Additionally, Carlo showed the CS a new prepaid phone and informed the CS that he would use only this phone to communicate with the CS. Carlo told the CS that (774) 203-6361 was the number for this new phone. Carlo further informed the CS that the price for the crystal Methamphetamine would be \$30,500 per kilogram.

6. In the following days, the CS was in communication with Carlo over Carlo's new prepaid cellphone. In the presence of your affiant, the CS placed a consensually recorded call to Carlo at (774) 203-6361, the number Carlo said was his

new cellphone number.¹ A male answered the phone and told the CS that Carlo was not available but would be returning in ninety minutes.

7. In the days thereafter, the CS said he spoke to Carlo several times over (774) 203-6361. During these communications Carlo told the CS that the shipment of drugs would be arriving. The CS informed Carlo that the undercover was putting the money together for the purchase of the drugs. In response, Carlo told the CS that payment for the drugs could be made days after receipt of the drugs. Based upon representations from Carlo to the CS, it was expected that the shipment of Methamphetamine and Percocet would arrive during the week of October 15, 2012.

8. In early December 2012, members of the DEA Taskforce were notified by DEA agents in California that there was a Jeep Liberty that had been shipped from California to Massachusetts. The California agents suspected that there would be methamphetamine inside of a hidden compartment in the Jeep Liberty. The California agents had been working a methamphetamine investigation and as a result of that investigation, they suspected that a 2005 Jeep Liberty, VIN 1J4GK48K85W558831 would be at 295 Union Street, East Walpole, MA. Members of the DEA Taskforce in Massachusetts knew that your affiant had been working a methamphetamine investigation and notified me of the information.

9. After receiving the information, your affiant and other agents went to Chip's Transport Service located at 295 Union Street, East Walpole, MA on December 5,

¹ This telephone call was in Spanish and was recorded. The call was subsequently reviewed by a Spanish speaking officer.

2012. Consent was provided by the owner of Chip's to be on their property. The yard at Chip's Transportation is very large and has a fence surrounding it. The gates at the front of the yard are always open. The yard is shared by several other companies that have access to the open area where the Jeep is parked. There are people and vehicles coming and going on the property 24 hours a day, 7 days a week. There is no security on duty. Anyone can drive into the yard and around the parking lot. Vehicles have been broken into and vehicles have been stolen from this location in the past.

At Chip's on December 5th, your affiant learned that a 2005 Jeep Liberty, VIN 1J4GK48K85W558831 had arrived on November 28, 2012. A bill of lading with the vehicle indicated that the intended recipient was Apolina Vargas, 26 Carpenter Street, Attleboro, MA with a cellphone number of (909) 609-8843. Prior to December 5, 2012, efforts had been made by the shipper and members of Chip's Transport Service to reach Apolina Vargas. A woman who answered a call to (909) 609-8843 indicated that she would need to speak to her husband, Apolina Vargas, to arrange receipt of the vehicle and would call back. The woman failed to contact the shipper or Chip's and efforts to reach anyone at (909) 609-8843 thereafter were unsuccessful. Verbal and written consent was obtained from the owner of Chip's to conduct a search of the Jeep Liberty.

On December 5, 2012, at the request of the DEA, a Massachusetts State Police certified drug detection canine, Zander was brought to the exterior of the Jeep Liberty. The canine and its handler, MA State Trooper Hannigan were NESPAC certified in narcotic odor detection on December 3, 2010 and yearly thereafter. The dog alerted to the rear of the vehicle. The canine then entered the vehicle and alerted to the rear of the

vehicle. Agents searched the vehicle in the area where Zander indicated for narcotics. Above the mud guard on the right rear tire of the Jeep was a piece of metal which appeared to be after-market. When the piece of metal was removed, agents located a concealed compartment. Inside this void agents located 16 packages containing suspected Methamphetamine. A subsequent field test resulted in a positive indication for Methamphetamine. An approximate gross weight of 13.75 kilograms was obtained for the 16 packages of suspected Methamphetamine. Underneath the front driver's seat was located two California registration plates bearing 6NKY293. Inside the glove box was located the Jeep registration paper. The registration and the plates identified the Jeep owner as PRIME MTRS CARS, 1251 E 99 St LOS ANGELES C. C. 90002.

10. On December 7, 2012 an unidentified female contacted the transport company and requested delivery of the vehicle to 26 Carpenter Street, Attleboro, MA on December 8, 2012. Later on December 7, 2012 the female was contacted at (909) 609-8843 and told that the vehicle could only be delivered in the morning. She indicated that she needed to speak to her husband. The female later called the transport company and indicated that no one would be available during that period, but her cousin would be available to take receipt on Monday December 10, 2012 and she would call later with his number.

11. On December 10, 2012 a DEA agent acting in an undercover capacity contacted (909) 609-8843. A female answered the phone and arrangements were made to deliver the 2005 Jeep Liberty to 26 Carpenter Street, Attleboro, MA. The female indicated that a male would be present and receive the vehicle at the address.

After the phone conversation, the Jeep Liberty was transported by a tow truck to 26 Carpenter Street, Attleboro, MA. An undercover DEA agent knocked at the door. After a few minutes, a woman opened the third floor window. The undercover agent told her that they were there to drop off the vehicle. She said she knew nothing about it. The tow truck with the Jeep left the area. The undercover agent called the female at (909) 609-8843 and indicated that delivery was attempted and no one was there to take receipt. During the call, the female told the undercover that someone wouldn't be able to receive the vehicle at the address for a couple of hours.

Shortly thereafter the undercover agent again called the female at (909) 609-8843 who now indicated that someone was present to accept the vehicle. The undercover agent said that delivery would now take place. The tow truck with the undercover returned to 26 Carpenter Street, Attleboro, MA. The undercover knocked on the door and no one answered. Again a woman on the third floor opened the window and spoke to the undercover agent. The undercover agent told her that he spoke to the woman who said that delivery could take place. The undercover agent got back in the tow truck. Immediately a male approached the tow truck and indicated that it was his car and he would accept delivery of the Jeep. The undercover agent obtained his identification and had him sign for the Jeep. The male told the undercover agent that this was the wrong address and it was going to his cousin's residence. The male then placed a call and was heard asking where delivery would occur. After the call, the male told the undercover agent that the Jeep was to be delivered to 24 Sunset Drive, Randolph, MA. As the male arrived and was speaking with the undercover agent,

surveillance agents observed Sandoval's 1998 white Acura bearing MA 796 KN4 operating in the area in a manner your agent knows to be consistent with counter-surveillance.

The male entered the tow truck with the undercover agent. During the trip to 24 Sunset Drive, the male was speaking on his phone and receiving directions to the location. At 24 Sunset Drive, the vehicle was removed from the tow truck and left in the driveway of the residence. After the tow truck left the area, surveillance agents observed the male, not enter the residence but walk away while on his cellphone. Agents conducting surveillance in the area again observed the white Acura bearing MA 796 KN4 conducting counter-surveillance. The Acura was also observed stopping a short distance from 24 Sunset Drive.

12. Immediately after the Jeep arrived at 24 Sunset Drive, the CS contacted your affiant. The CS said that he received a call from Sandoval who told him the stuff was here and he wanted to meet the CS to arrange for the future transaction. Your affiant instructed the CS to arrange a 3:00 PM meeting at Twin River Casino, Lincoln, RI.

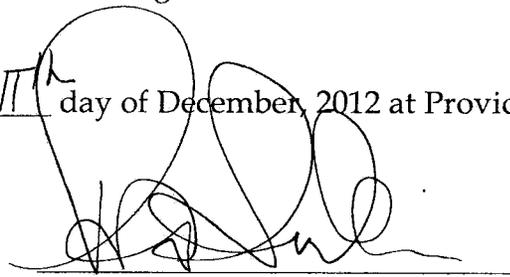
13. Surveillance was set up at Twin River Casino. At 3:15 PM, the CS arrived in the area and spoke with Sandoval who told the CS he was inside the casino. Agents located the white Acura bearing MA 796 KN4 in the parking lot of the casino. The CS met with Sandoval inside the casino. Sandoval discussed an earlier offer of five kilograms of Methamphetamine which the CS did not accept. Sandoval told the CS that those five kilograms had been sold to another for approximately \$37,000 per kilogram.

Sandoval told the CS that a new shipment arrived and the vehicle which contained the stuff was here and boasted that inside his car he had the title for the vehicle which transported the drugs. He asked the CS to come to his car and see the title. As Sandoval and the CS approached the white Acura, Sandoval was placed under arrest. A search of the white Acura bearing MA registration 796 KN4 produced the title to the Jeep Liberty which had contained approximately 13.75 kilograms of Methamphetamine.

14. Based upon my knowledge of the investigation and my training and experience, I believe that there is probable cause to arrest Doneri Aguilar Sandoval, for the criminal offense of conspiracy to possess with intent to distribute 500 grams or more of methamphetamine in violation of 21 U.S.C. § 846. Based on the information set forth in this affidavit, I ask that the Court order the requested arrest warrant to be issued.


DAVID DITULLIO
Special Agent
U.S Drug Enforcement Administration

Sworn and subscribed to before me this the 11th day of December, 2012 at Providence, Rhode Island.


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