

AO 91 (Rev. 01/09) Criminal Complaint

UNITED STATES DISTRICT COURT
for the
District of Rhode Island

United States of America
v.

Sean Costigan

Defendant

Case No.

1:14-MJ-10715

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 _____ 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:

Please See Attached Complaint

This criminal complaint is based on these facts:

See attached Affidavit of David Verity, Task Force Officer on the Drug Enforcement Agency (TFO-DEA).

Continued on the attached sheet.

[Handwritten Signature]

Complainant's signature

David Verity, Task Force Officer-DEA

Printed name and title

Sworn to before me and signed in my presence.

Date: 01/17/2014

[Handwritten Signature]

Judge's signature

City and state: Providence, Rhode Island

Patricia A. Sullivan, U.S. Magistrate Judge

Printed name and title

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND

UNITED STATES OF AMERICA

V.

Case No.

SEAN COSTIGAN

COMPLAINT

Count 1

On or about the 25th day of October, 2013, in the District of Rhode Island, the defendant, SEAN COSTIGAN, did knowingly and intentionally distribute a mixture and substance containing a detectable amount of methamphetamine, a Schedule II controlled substance.

Count 2

On or about the 8th day of November, 2013, in the District of Rhode Island, the defendant, SEAN COSTIGAN, did knowingly and intentionally distribute a mixture and substance containing a detectable amount of methamphetamine, a Schedule II controlled substance.

Count 3

On or about the 15th day of November, 2013, in the District of Rhode Island, the defendant, SEAN COSTIGAN, did knowingly and intentionally distribute a mixture and substance containing a detectable amount of methamphetamine, a Schedule II controlled substance.

Count 4

On or about the 5th day of December, 2013, in the District of Rhode Island, the defendant, SEAN COSTIGAN, did knowingly and intentionally distribute a mixture and substance containing a detectable amount of methamphetamine, a Schedule II controlled substance.

AFFIDAVIT

I, David Verity, being duly sworn, depose and state the following:

1. I am a Task Force Officer of the Drug Enforcement Administration (DEA) and have been so employed for over 1 year. I am also employed as a detective with the Warwick Police Department for the past 14 years. I am currently assigned to the Special Operation Group and have been so for the past 5 years. During my tenure as a federal and local law enforcement officer, I have participated in investigations which include the illegal distribution of controlled substances and crimes of violence perpetrated in furtherance of organized criminal activity. In addition, I have coordinated controlled purchases of illegal drugs utilizing confidential sources, cooperating witnesses and undercover police officers. I have written, obtained and coordinated the execution of search and arrest warrants pertaining to individuals involved in the distribution of illegal drugs. I have conducted electronic as well as physical surveillance of individuals involved in illegal drug distribution. I have also analyzed records documenting the purchase and sale of illegal drugs, provided testimony both in Grand Jury proceedings and District Court proceedings, and spoken with informants and subjects, as well as other local, state and federal law enforcement officers, regarding the manner in which drug distributors obtain, finance, store, manufacture, transport, and distribute their illegal drugs. I have participated fully in this investigation and, as a result, am thoroughly familiar with the information contained herein.

2. This affidavit is submitted in support of arrest warrant and criminal complaint against Sean Costigan (COSTIGAN), of Pawtucket, Rhode Island, born in 1962, for knowingly and intentionally distributing a mixture or substance containing a detectable amount of methamphetamine in violation of 21 U.S.C. §§ 841(a)(1) and (b)(1)(C).

3. This affidavit sets forth facts and evidence that are relevant to the requested arrest warrants and criminal complaints, but does not set forth all of the facts and evidence that have been gathered during the course of the investigation of this matter. I have participated in the investigation described herein, and have received information from other members of the DEA, state, and local law enforcement agents involved in this case.

4. Since May, 2013, your affiant and members of the Warwick Police Department have been investigating COSTIGAN for the illegal trafficking of controlled substances specifically methamphetamine. As part of this investigation, an undercover police officer (UC) was utilized to make controlled purchases from COSTIGAN.

5. On October 25, 2013, at approximately 6:55 p.m., the UC went to the Hilton Garden Inn located at 1 Thurber Street in Warwick, Rhode Island to purchase a quantity of methamphetamine. At approximately 7:10 p.m., the UC observed a dark colored vehicle pull into a parking space two spaces away. The front seat passenger rolled down his window. The UC rolled down his window and asked the front seat passenger if he was 'Sean.' The front seat passenger replied, 'yes,' and waved the UC over to his

vehicle. The UC exited his vehicle and approached the suspect vehicle from the passenger side. The UC spoke with the front seat passenger then handed him \$150.00 in Warwick Police funds. In exchange, the front seat passenger handed the UC a small blue plastic bag containing suspected methamphetamine. The UC returned to his vehicle and left the area. The UC positively identified the front seat passenger who delivered the suspected methamphetamine to be COSTIGAN.

6. The small blue plastic bag was turned over to Warwick Police Detective Jedidiah Pineau who conducted a field test on the substance inside the bag. The field test indicated a positive result for the presence of methamphetamine. The bag was weighed and the gross weight was 1.5 grams.

7. On November 8, 2013, at approximately 7:10 p.m., the UC went to the Hilton Garden Inn located at 1 Thurber Street in Warwick, Rhode Island. At approximately 7:20 p.m., the UC observed a dark colored vehicle as pull up next to the UC vehicle. COSTIGAN exited the vehicle from the front passenger side. The UC exited his vehicle and met with COSTIGAN in the parking lot. The UC spoke with COSTIGAN briefly and then handed him \$100.00 in Warwick Police funds. In exchange, COSTIGAN handed the UC a small bag containing suspected methamphetamine. COSTIGAN provided the UC with a phone number and told the UC to call if he needed more 'meth.' The UC returned to his vehicle and left the area.

8. The small blue plastic bag was turned over to Warwick Police Detective Jedidiah Pineau who conducted a field test on the substance inside the bag. The field

test indicated a positive result for the presence of methamphetamine. The bag was weighed and the gross weight was 1.4 grams.

9. On November 15, 2013, the UC contacted COSTIGAN and made arrangements to purchase \$700.00 worth of methamphetamine at the Hilton Garden Inn parking lot at 1 Thurber Street in Warwick, Rhode Island. At approximately 7:00 p.m., COSTIGAN called the UC and stated that he only had an 8 ball worth of methamphetamine which he would sell for \$350.00. The UC agreed to the change and went to the Hilton Garden Inn. At approximately 7:30 p.m. the UC observed COSTIGAN walk across the parking lot and approach the UC's vehicle. After a brief conversation, COSTIGAN handed the UC a small plastic bag containing suspected methamphetamine. The UC then handed COSTIGAN \$350.00 in official DEA funds. The UC then returned to his vehicle and left the area.

10. The small bag was turned over to me and I conducted a field test on the substance inside the bag. The field test indicated a positive result for the presence of methamphetamine. The bag was weighed and the gross weight was 4.6 grams.

11. On December 5, 2013, at approximately 9:26 a.m. the UC called COSTIGAN and discussed the purchase of 9 grams of methamphetamine. COSTIGAN stated that it would cost \$900.00. COSTIGAN stated that he would be done 'cooking' the methamphetamine later in the evening and would call him when it was ready for purchase. COSTIGAN called the UC later that evening and told him that he was only able to 'cook' a couple of grams but he would have the 9 grams in the morning. On

December 6, 2013, at approximately noon, the UC received a call from COSTIGAN. COSTIGAN said he did not make the 9 grams but would have 7 or 8 grams available. At approximately 8:21 p.m., the UC called COSTIGAN and COSTIGAN told the UC to head towards the Traveler's Motor Lodge off of Route 146. COSTIGAN said that he was staying in room 120. The UC travelled to 1210 Eddie Dowling Highway in North Smithfield, Rhode Island and arrived at the Traveler's Motor Lodge. At approximately 9:12 p.m., the UC called COSTIGAN and told him he was there. COSTIGAN exited the hotel room and waved the UC inside. The UC immediately detected the smell of burning chemicals and noted the smoke. Two unidentified females were present in the room. COSTIGAN handed the UC a plastic bag containing suspected methamphetamine. COSTIGAN stated that he could only 'cook' 4 grams. COSTIGAN stated that he was working on a new batch. The UC handed COSTIGAN \$400.00 in DEA funds. The UC then left the room.

12. The small bag was turned over to me and I conducted a field test on the substance inside the bag. The field test indicated a positive result for the presence of methamphetamine. The bag was weighed and the gross weight was 6.84 grams.

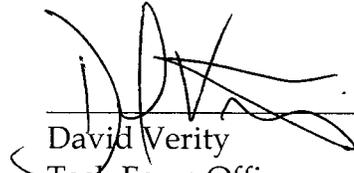
13. On January 15, 2014, COSTIGAN contacted the UC and said that he had left over methamphetamine from a batch, about 6 grams of methamphetamine for sale.

COSTIGAN said he could sell it to him on Thursday morning (January 16, 2014). ~~THE~~ ^{DMV} ~~UC~~ ^{COSTIGAN} told him to go to the Pineapple Inn in Newport. COSTIGAN said he did not have a phone and to call the front desk and ask for Room 132. On January 16, 2014,

COSTIGAN called the UC and told him not to come because the police were there. Investigators responded to the Pineapple Inn and observed COSTIGAN at the doorway of Room 132. At the request of investigators, a hotel employee knocked on the door of Room 132, and COSTIGAN opened the door. At that point, COSTIGAN was immediately taken into custody. A sweep of Room 132 was conducted, and no other individuals were located.

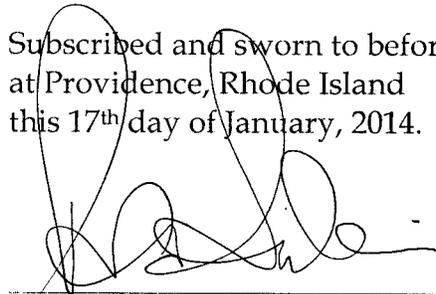
14. On January 16, 2014, members of the DEA and local law enforcement obtained a State search warrant for 372 Coddington Highway, Room 132, Newport, Rhode Island, which is the address for the Pineapple Inn. Upon executing this search warrant, members of the DEA Clandestine Laboratory Tactical Team discovered and seized multiple items associate with a methamphetamine manufacturing operation, including bottles of Coleman fuel, batteries stripped of the casing to remove the lithium, ice packs cut open to expose the ammonium nitrate contained therein, tubes, salt, fertilizer, and bottles. In addition, investigators seized what they believe to be pseudoephedrine, a precursor chemical to the manufacture of methamphetamine, which is still pending confirmatory testing. A quantity of suspected methamphetamine was also seized at the motel room and is also pending confirmatory testing. Simply put,

according to members of the Clandestine Laboratory Tactical Team, it appears that the motel room contained every stage of the methamphetamine manufacturing process.



David Verity
Task Force Officer
Drug Enforcement Administration

Subscribed and sworn to before me
at Providence, Rhode Island
this 17th day of January, 2014.



PATRICIA A. SULLIVAN
UNITED STATES MAGISTRATE JUDGE
DISTRICT OF RHODE ISLAND

DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURT

BY: INFORMATION INDICTMENT COMPLAINT

CASE NO. _____

USA vs.

Defendant: Sean Costigan

Address _____

Int

REDACTED

Birth Date 1 _____

Social S _____

Issue: Warrant Summons

Location Status:

Arrest Date 1/16/2014 or Date Transferred to Federal Custody _____

Currently in Federal Custody

Currently in State Custody

Writ Required

Currently on bond

Fugitive

Defense Counsel (if any): _____

FPD CJA RET'D

Appointed on Target Letter

This report amends AO 257 previously submitted

Matter Sealed: Juvenile Other than Juvenile
 Pre-Indictment Plea Superseding Defendant Added
 Indictment Charges/Counts Added
 Information

Name of District Court, and/or Judge/Magistrate Location (City)

UNITED STATES DISTRICT COURT RHODE ISLAND
 DISTRICT OF RHODE ISLAND Divisional Office

Name and Office of Person Furnishing Information on THIS FORM PETER F. NERONHA
 U.S. Atty Other U.S. Agency
 Phone No. (401) 709-5036

Name of Asst. U.S. Attorney (if assigned) Pamela Chin

PROCEEDING

Name of Complainant Agency, or Person (& Title, if any)
Drug Enforcement Administration

person is awaiting trial in another Federal or State Court (give name of court)

this person/proceeding transferred from another district per (circle one) FRCrP 20, 21 or 40. Show District

this is a re prosecution of charges previously dismissed which were dismissed on motion of:

U.S. Atty Defense

this prosecution relates to a pending case involving this same defendant. (Notice of Related Case must still be filed with the Clerk.)

prior proceedings or appearance(s) before U.S. Magistrate Judge regarding this defendant were recorded under

SHOW DOCKET NO.

MAG. JUDGE CASE NO.

Place of offense RHODE ISLAND County

OFFENSE CHARGED - U.S.C. CITATION - STATUTORY MAXIMUM PENALTIES - ADDITIONAL INFORMATION OR COMMENTS

Total # of Counts 4

Set	Title & Section/Offense Level (Petty = 1 / Misdemeanor = 3 / Felony = 4)	Description of Offense Charged	Felony/Misd.
1-4	21 U.S.C. §§ 841(a)(1) and 841(b)(1)(C) a schedule II controlled substance	knowing and intentional distribution of methamphetamine	<input checked="" type="checkbox"/> Felony <input type="checkbox"/> Misdemeanor
			<input type="checkbox"/> Felony <input type="checkbox"/> Misdemeanor
			<input type="checkbox"/> Felony <input type="checkbox"/> Misdemeanor
			<input type="checkbox"/> Felony <input type="checkbox"/> Misdemeanor
		Estimated Trial Days:	<input type="checkbox"/> Felony <input type="checkbox"/> Misdemeanor