

IN THE UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF WEST VIRGINIA
CHARLESTON

FILED

FEB 10 2014

TERESA L. DEPPNER, CLERK
U.S. District Court
Southern District of West Virginia

UNITED STATES OF AMERICA

v.

CRIMINAL NO. 2:13-00263

DALLAS L. TOLER

**MOTION TO REVOKE DEFENDANT'S BOND AND FOR ISSUANCE OF AN ARREST
WARRANT FOR DEFENDANT DALLAS TOLER**

Comes now the United States of America by Steven R. Ruby and C. Haley Bunn, Assistant United States Attorneys for the Southern District of West Virginia, and moves this Court pursuant to 18 U.S.C. § 3148(b) to revoke defendant's release order and for the issuance of a warrant for defendant's arrest. In support of this Motion, the United States represents as follows:

1. On October 9, 2013, the United States filed an Information charging defendant, Dallas Toler (hereinafter "defendant"), with one count of procuring a false voter registration application in violation of 42 U.S.C. § 1973gg-10. ECF No. 1. Defendant entered a plea of guilty to that charge on December 2, 2013. ECF No. 5.

2. Following the plea hearing, defendant was released on an unsecured \$10,000.00 personal recognizance bond. The Court entered an Order on December 2, 2013 setting the conditions of defendant's release. The first condition in the Order is that defendant must not violate any federal, state or local law while on release. ECF No. 9.

3. Since defendant was released on bond, an investigation separate from the underlying prosecution has revealed that defendant has been involved in the distribution of cocaine in violation of state and federal laws. Defendant knowingly allowed his personal vehicle

to be used to transport what he believed to be cocaine into the Southern District of West Virginia. The individuals who were transporting the substance in defendant's vehicle were stopped by the Williamson Police Department on December 31, 2013.¹ One of the individuals agreed to act as a confidential informant (CI), and told law enforcement officers that he had been buying and selling cocaine and sharing the profits with defendant. On that same day, the CI placed a recorded call to Toler. During the call, defendant acquiesces to the informant's statement that he needs to get the "coke" out of defendant's vehicle, which had been impounded.

4. The CI's statements regarding his dealings with defendant were corroborated on January 3, 2014, during an audio/video recorded encounter. During the encounter, defendant accepted a payment of \$850 from the CI which defendant believed to be proceeds from prior distribution of cocaine. Defendant also gave additional money back to the CI, and the two discuss a plan for the CI to buy additional cocaine to distribute it to individuals in the area for a profit. During the encounter, defendant agrees that the CI will bring defendant a portion of the profits from the drug distribution. On January 8, 2014, consistent with their previous discussion, defendant accepts a cash payment from the CI.

5. Defendant also contacted the Williamson Police Department on January 10, 2014 to inquire whether cocaine was found in his vehicle during the initial traffic stop. The conversation was recorded by a member of the Mingo County Sherriff's Department.

6. Based on the foregoing, there is probable cause to believe that defendant has violated the terms of his bond by violating state and federal laws while on release, namely, both conspiracy to distribute cocaine in violation of 21 U.S.C. §§ 841(a)(1) and 846; and aiding and

¹ The substance found in defendant's vehicle field tested negative for narcotic substances, but has been sent to the West Virginia State Police Laboratory for further testing. The CI told law enforcement that he had purchased an "eight ball" of cocaine from his source, but believed that it had been "cut" with wax.


abetting attempted possession with intent to distribute cocaine in violation of 21 U.S.C. §§ 841(a)(1), 846, and 18 U.S.C. § 2.

WHEREFORE, the United States respectfully requests that this Court revoke defendant's bond and issue a warrant for his arrest pursuant to 18 U.S.C. § 3148(b).

Respectfully submitted,

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