

AO 91 (Rev. 02/09) Criminal Complaint

US DISTRICT COURT
WESTERN DIST ARKANSAS
FILED

UNITED STATES DISTRICT COURT

for the
Western District of Arkansas
Texarkana Division

DEC 30 2014

CHRIS R. JOHNSON, Clerk
By
Deputy Clerk

United States of America)
v.)
Coleman Tuton)
_____)
Defendant)

Case No. 4:14MS4014-001

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 November 6, 2014 in the county of Hempstead, in the Western District of Arkansas, the Defendant, Coleman Tuton, violated 21 U.S.C. § 841(a)(1), an offense described as follows:

One count of knowingly possessing with intent to distribute a controlled substance, namely, Cocaine, a Schedule II controlled substance, in violation of Title 21 U.S.C. § 841(a)(1).

This criminal complaint is based on these facts:

■ Continued on the attached sheet.


Complainant's Signature

Dale Van Dorple, DEA Special Agent
Printed name and title

Sworn to before me and signed in my presence.

Date: 12/30/2015


Judge's signature

City and State: Fort Smith, Arkansas

James R. Marschewski, Chief U.S. Magistrate Judge
Printed name and title

AFFIDAVIT

I, Dale Van Dorple, being duly sworn, state as follows:

I am a Special Agent with the Drug Enforcement Administration (DEA) currently assigned to the Little Rock District Office, Arkansas. As such, I am a “federal law enforcement officer” within the meaning of Federal Rule of Criminal Procedure 41(a)(2)(C), that is, a government agent engaged in enforcing the criminal laws and duly authorized by the Attorney General to request an arrest warrant. I have been a Special Agent with the DEA for approximately 25 years. I have received specialized training in the enforcement of federal drug laws. In connection with my official duties, I investigate criminal violations of the federal narcotic laws. I have been involved in all aspects of federal narcotics investigations, including, among other things, debriefing defendants, witnesses, and informants; conducting surveillance and undercover operations; executing search warrants; and analyzing documentary and physical evidence.

Basis and Purpose of Affidavit

I submit this affidavit in support of a criminal complaint and arrest warrant for COLEMAN TUTON. My belief that probable cause exists to arrest TUTON for the commission of one or more federal criminal offenses, including but not limited to, Conspiring to Distribute or Possess with Intent to Distribute a Controlled Substance (cocaine), is based on the following facts that I have learned from my own personal investigation of this matter, including interviews of witnesses, as well as from information supplied by other law enforcement officials. Since this Affidavit is for the limited purpose of establishing probable cause to support the Criminal Complaint and Arrest Warrant, it contains only a summary of relevant facts. I have not included each and every fact known to me concerning the entities, individuals, and the events described in this Affidavit.

Summary of Investigation and Establishment of Probable Cause

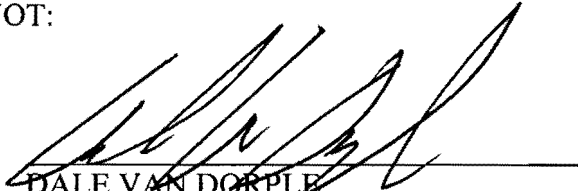
1. On November 6, 2014, Arkansas State Police (ASP) Corporal Chris Goodman conducted a traffic stop on a Tornado Bus for following to close. The traffic stop occurred near the eastbound 18 mile marker on I-30 in Hope, AR.
2. Corporal Goodman made contact with the driver, Jose SOTO. SOTO stated that he had only four passengers going to Milwaukee, Wisconsin traveling from south Texas. SOTO showed Corporal Goodman the passenger manifest, which reflected the passengers were actually going to Chicago, Illinois. SOTO appeared to be nervous.
3. Due to south Texas and Chicago, Illinois being very popular origins and destinations for drugs, the driver’s nervousness, and the trip not appearing to be cost effective to travel cross country with only four passengers, Corporal Goodman asked for consent to search the bus. SOTO gave

consent. He agreed to open the luggage compartment where Corporal Goodman began his search.

4. Corporal Goodman opened a black suitcase that was not close to the other luggage and did not appear to have a name tag. Corporal Goodman immediately noticed a possible false compartment at the bottom. As Corporal Goodman further inspected the bag, he noticed the bag had a name tag on it that had been folded up underneath the bag. Corporal Goodman had not seen the tag. The tag identified the owner of the bag as COLEMAN TUTON. There was a second blue bag in the luggage area with the same name tag attached.
5. Corporal Goodman made contact with the four passengers inside the bus and requested their identification. A white male passenger provided a New Mexico driver's license which identified him as COLEMAN TUTON.
6. TUTON was the only passenger on the bus that appeared nervous. TUTON stated he was going to Chicago to pick up a car from an auto auction. TUTON did not have any paperwork for the car. TUTON stated that he was meeting a friend that lived there and they were going to drive the two cars to Mexico. TUTON stated that he would fly his friend back to Chicago, Illinois. TUTON explained that the plane ticket was only \$120.00. When Corporal Goodman asked TUTON why he wasn't flying to Chicago, he stated he could not afford it. Corporal Goodman asked TUTON how much the bus ticket cost. TUTON stated it cost \$192.00. TUTON could not explain how he could afford the bus ticket, but not the plane ticket which was cheaper.
7. TUTON stated he had two pieces of luggage under the bus. A K-9 was deployed on the luggage area. The K-9 strongly indicated the odor of narcotics in the luggage area, but wasn't able to give a final alert due to the overwhelming odor. The K-9 could not pinpoint the source of the odor.
8. Corporal Goodman conducted a probable cause search of all the bags in the luggage area. Corporal Goodman confirmed that there was a false compartment in the black suitcase that belonged to TUTON. After several minutes, they were finally able to access the compartment which resulted in the discovery of five packages of suspected cocaine.
9. Corporal Goodman advised TUTON of his Miranda Warnings. TUTON admitted that he was transporting three kilograms of cocaine to Chicago, Illinois. Corporal Goodman conducted a field test of one of the packages which tested positive for cocaine.
10. On November 6, 2014, your affiant responded to the Arkansas State Police office in Hope, Arkansas to conduct a follow up investigation.


11. Your affiant read a DEA Advise of Rights form to TUTON. TUTON advised that he understood his rights and signed the form. TUTON agreed to be interviewed.
12. On November 5, 2014, TUTON had picked up the piece of luggage containing the three kilograms of cocaine in El Paso, Texas. TUTON was to transport the three kilograms of cocaine to Chicago, Illinois. TUTON would be paid \$3,000.00 for transporting the cocaine. TUTON admitted that he had transported another three kilograms of cocaine to Chicago, Illinois in October, 2014. TUTON had been paid \$3,000.00 for that trip.
13. Your affiant obtained a hotel record from the Howard Johnson Hotel located at 600 East Lake Street in Addison, Illinois, a suburb of Chicago, Illinois. The record reflected that TUTON obtained a hotel room on October 17, 2014 and departed on October 18, 2014.
14. The five packages of cocaine were submitted to the Arkansas State Crime Laboratory. The Crime Laboratory tested one package which was positive as cocaine. The total weight of cocaine found in all five packages was approximately 3.5 kilograms of cocaine.
15. Based upon the foregoing facts, I believe that probable cause exists to conclude that COLEMAN TUTON did unlawfully Possess with the Intent to Distribute a Controlled substance (cocaine) in violation of Title 21 U.S.C. Sections 841(a)(1).

FURTHER YOUR AFFIANT SAYETH NOT:



DALE VAN DORPLE
Special Agent
U.S. Drug Enforcement Administration
Little Rock District Office

Sworn before me on this 30 day of December, 2014.



Honorable James R. Marschewski
Chief United States Magistrate Judge