

ORIGINAL

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U.S.D.C. - Atlanta

FEB 16 2018

United States District Court
NORTHERN DISTRICT OF GEORGIA

JAMES N. HATTEN, Clerk
By: Deputy Clerk

UNITED STATES OF AMERICA

v.

CRIMINAL COMPLAINT

Case Number: 1:18-MJ-159

Edward CULTON

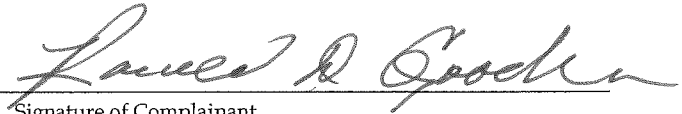
I, the undersigned complainant being duly sworn, state the following is true and correct to the best of my knowledge and belief. On or about February 15, 2018 in Fulton County, in the Northern District of Georgia, defendant(s) did,

knowingly and intentionally possess with the intent to distribute a controlled substance, said act involving a mixture and substance containing a detectable amount of fentanyl, a Schedule II controlled substance, in violation of Title 21 United States Code, Sections 841(a)(1) and 841(b)(1)(C).

I further state that I am a(n) Task Force Officer with the Drug Enforcement Administration (DEA) and that this complaint is based on the following facts:

PLEASE SEE ATTACHED AFFIDAVIT

Continued on the attached sheet and made a part hereof. Yes



Signature of Complainant
Ronald D. Gooden

Based upon this complaint, this Court finds that there is probable cause to believe that an offense has been committed and that the defendant has committed it. Sworn to before me, and subscribed in my presence

February 16, 2018

Date

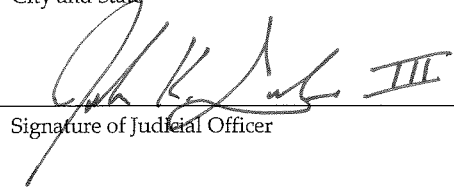
at Atlanta, Georgia

City and State

JOHN K. LARKINS III
UNITED STATES MAGISTRATE JUDGE

Name and Title of Judicial Officer

AUSA Nicholas Hartigan / 2018R00100



Signature of Judicial Officer

AFFIDAVIT IN SUPPORT OF COMPLAINT

I, Ronald D. Gooden, a Task Force Officer with the Drug Enforcement Administration (DEA), being duly sworn, do hereby depose, and state as follows:

A. Introduction

1. I am an “investigative or law enforcement officer” of the United States within the meaning of Title 18, United States Code, Section 2510(7), that is, an officer of the United States who is empowered by law to conduct investigations and to make arrests for offenses enumerated in Title 18, United States Code, Section 2516.

2. By this affidavit, I submit that probable cause exists to believe that Edward CULTON committed narcotics offenses by knowingly and intentionally possessing with the intent to distribute a controlled substance, said act involving a mixture and substance containing a detectable amount of fentanyl, a Schedule II controlled substances, in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(C).

B. Training and Experience

3. I have been continuously employed by the City of Roswell Police Department since November 27, 1989 and have been assigned to the DEA Task Force since August 2003 as a Task Force Officer.

4. During the course of my assignment with DEA, I have conducted investigations into the unlawful possession, importation, possession with the intent to distribute, and distribution of controlled substances, and the associated conspiracies.

Through the experience I have gained during my years of criminal investigations including hundreds of interviews I have conducted with defendants, informants, and other witnesses and participants in drug trafficking activity, and additional training I have received, I have become familiar with distribution methods used by narcotics traffickers, including, but not limited to, the methods of importing, packaging, transferring and distributing narcotics, the use of cellular telephones to facilitate drug activity, the use of numerical codes, code words and other methods of avoiding detection by law enforcement, as well as the types and amounts of profits made by narcotics dealers and the methods, language and terms that are used to disguise the source and nature of the profits from their illegal narcotics dealing. I also am familiar with the ways that drug traffickers conceal, convert, transmit, and transport their drug proceeds, including but not limited to, the use of couriers to transport currency and proceeds, the use of third parties to purchase or hold title to assets, and the use of off-shore accounts.

C. Sources of Information

5. The facts set forth in this affidavit are based upon my personal observations, my training and experience, and information obtained from other law enforcement agents and witnesses. Unless otherwise noted, wherever in this affidavit I assert that a statement was made, the information was provided by another law enforcement officer (who may have had either direct or hearsay knowledge of the statement) to whom I have spoken or whose report I have reviewed. Such statements are stated in substance, unless otherwise indicated. Wherever in this affidavit I state a

belief, such belief is based upon my training and experience and the information obtained through this investigation.

6. Because this affidavit was prepared for the limited purpose of supporting a complaint against the individual listed herein, I have not included each and every fact known about this investigation. I have set forth only those facts that I believe are necessary to establish the required basis for a criminal complaint. I do not rely upon facts not set forth herein in reaching my conclusion that a criminal complaint should be issued, nor do I request that this Court rely upon any facts not set forth herein in reviewing this Affidavit in support of the application for a criminal complaint.

D. Factual Summary – Probable Cause Basis

Background of the Investigation

7. During this investigation, the Roswell Police Department (“RPD”) identified Hubert NATHANS as a distributor of pressed pills that resembled Roxicodone, but actually contained fentanyl or fentanyl analogues such as U-47700. As discussed herein, RPD used a Confidential Source (“CS”)¹ to conduct controlled purchases of suspected Roxicodone pills from NATHANS in January and February 2018. On each occasion, the CS purchased blue pills with the imprint “M30” on each pill. Based on electronic surveillance, NATHANS travelled to the apartment complex where CULTON resides before two of these transactions. And NATHANS identified CULTON as his sole supplier for the blue pills imprinted with “M30.” On February 15, 2018, agents executed a federal search warrant on CULTON’s apartment, located at the

¹ The CS is cooperating with law enforcement in hopes of receiving a reduced sentence for a recent drug arrest. The CS has no felony convictions, but their criminal history includes arrests for theft, drug possession, and fraud.

Eclipse Condominium building, 250 Pharr Road, Apartment 1011, Atlanta, Georgia.

Upon entering the apartment, agents found CULTON and two other individuals inside.

During the process of securing the residence, agents found that a sliding glass door in

the apartment's only bedroom was open, providing access to the balcony. When agents

walked out onto the balcony, they observed a black bag similar to a "fanny pack" was

lying on a rooftop patio of the business adjoining the Eclipse Condominiums. Agents

retrieved the fanny pack and determined that it contained approximately 11 small

plastic bags with approximately 50 blue pills in each bag. Each of the pills was

imprinted with the same "M30" markings found on the pills NATHANS sold during

the controlled buys.

Controlled Buys of Drugs From NATHANS After He Left 250 Pharr Road

8. On January 29, 2018, RPD received state court authorization to place a GPS tracking device on NATHANS' white Lexus. On January 30 and February 14, GPS data from the tracking device showed the Lexus travel to 250 Pharr Road and leave that location shortly before NATHANS sold controlled substances to the CS. Indeed, based on GPS data from the tracking device, the vehicle has traveled to the area of 250 Pharr Road every day since the tracker was installed on January 29, 2018 except January 31, February 5, February 11, February 13, and February 15, 2018. Specifically:

9. On January 30, 2018, at approximately 7:47 p.m., GPS data from the tracking device on NATHANS' Lexus showed the vehicle arrive in the vicinity of 250 Pharr Road. At approximately 8:15 p.m., GPS data from the tracking device showed the Lexus depart the area of 250 Pharr Road.

10. That same day, at approximately 8:45 p.m., RPD used the CS to conduct a controlled purchase of two suspected Roxicodone pills using Official Advanced Funds ("OAF"). Prior to the purchase, at law enforcement's instruction, the CS contacted NATHANS via Instagram and requested two Roxicodone pills. NATHANS called the CS from a blocked telephone number and asked the CS to meet in a parking lot in Roswell, Georgia to complete the transaction. Law enforcement was present during these calls. Law enforcement later observed NATHANS meet with the CS in a parking lot in Roswell, Georgia and conduct the transaction. Specifically, RPD officers observed NATHANS arrive in the parking lot in the same white Lexus. The officers observed the CS meet NATHANS at his drivers-side window and purchase two blue pills with the imprint "M30" on each pill using the OAF. Following this transaction, the CS turned the pills over to RPD. The pills the CS purchased on January 30 have been sent to the GBI crime lab for analysis, but final results have not been received.

11. On February 6, 2018, GPS data from the tracking device on NATHANS' Lexus showed the vehicle travel to the parking lot of the Eclipse Condominium building at 250 Pharr Road. At approximately 10:36 a.m., video surveillance from the Eclipse Condominium building showed CULTON exit the exterior door to the building and enter the front passenger seat of the NATHANS' LEXUS. Shortly thereafter, CULTON got out of the vehicle and walked back inside the building. NATHANS' vehicle never moved from the parking space while CULTON was in the car. NATHANS departed the area in his Lexus after CULTON walked back inside.

12. On February 14, 2018, GPS data from the tracking device on NATHANS' Lexus showed the vehicle travel to the parking lot of the Eclipse Condominium building at 250 Pharr Road at approximately 10:39 a.m. Video surveillance from the Eclipse Condominium building showed CULTON exit the exterior door to the building and enter the front passenger seat of NATHANS' LEXUS. Shortly thereafter, CULTON got out of the vehicle and walked back inside the building. NATHANS' vehicle never moved from the parking space while CULTON was in the car. GPS data for the Lexus and video surveillance from the condo building showed NATHANS' white Lexus depart the parking lot at approximately 10:47 a.m. At approximately 10:48 a.m., video surveillance showed CULTON exit the condo elevator on the 10th floor. GPS data for the Lexus showed the vehicle return to the north Fulton County area.

- a. Based on the investigation to date, I believe CULTON provided a number of pills containing controlled substances to NATHANS during this meeting.

13. That same day, after NATHANS' Lexus returned to north Fulton County, RPD used the CS to contact NATHANS via Instagram to conduct a controlled purchase of three suspected Roxicodone pills using OAF. Prior to the purchase, at law enforcement's instruction, the CS contacted NATHANS via Instagram and requested three Roxicodone pills. NATHANS called the CS from a blocked telephone number and asked the CS to meet at NATHANS' home to complete the transaction. Law enforcement was present during these calls. RPD officers followed the CS to NATHANS' residence (2110 Westwind Drive, Roswell, Georgia 30075) and observed

the CS park in front of the residence. RPD officers observed NATHANS' white Lexus parked in the driveway of the residence. Through an audio recording/transmitting device, RPD officers were able to hear the CS make contact with NATHANS at the front door of the residence. The CS left the residence a short time later, met with RPD officers, and turned over the three blue pills marked with "M30" that the CS had purchased from NATHANS. The CS advised that they entered the residence and followed NATHANS into the kitchen. NATHANS removed 3 pills from a plastic bag that contained approximately 20-25 blue pills and gave them to the CS in exchange for the OAF. DEA Agents conducted a test on the pills using a TruNarc system. The TruNarc returned a positive result for the presence of U-47700, which is a Schedule I controlled substance. The pills have been placed into evidence at RPD pending their transfer to the GBI crime lab for testing.

CULTON Identified as NATHANS' Source of Supply

14. On February 15, 2018, agents executed a federal search warrant at NATHANS' residence. NATHANS' girlfriend, who also lives in the residence, agreed to speak with agents following the search. She said that NATHANS' purchased pills containing controlled substances from CULTON at 250 Pharr Road. Specifically, NATHANS' girlfriend said that on multiple occasions in 2017 and 2018, she has ridden in the car with NATHANS to purchase these pills in the parking lot of 250 Pharr Road. NATHANS' girlfriend explained that CULTON would exit the building, get in NATHANS' car, hand NATHANS a bag filled with multiple pills, and then NATHANS

would hand CULTON money for the drugs. CULTON would then go back inside the building.

15. That same day, NATHANS was arrested on a federal criminal complaint charging him with distributing a controlled substance on February 14, 2018. He waived his *Miranda* rights and agreed to speak with agents without a lawyer present. During the interview, NATHANS identified CULTON as his sole supplier for the blue pills that he distributed. NATHANS explained that he regularly travelled to 250 Pharr Road to purchase bags of the pills from CULTON.

Evidence that CULTON Resides at 250 Pharr Road, Apartment 1011

16. On February 15, 2018, DEA agents spoke with management at the Eclipse Condominium building, located at 250 Pharr Road, Atlanta, Georgia and obtained lease information for CULTON. Based on these records, CULTON signed a lease to rent Apartment 1011 on September 22, 2017. Agents also learned that parking space 452 is assigned to Apartment 1011. Agents located a silver 2005 Chrysler Town and Country parked in that parking space that is registered to CULTON's father at an address in DeKalb County, Georgia.

Execution of Search Warrant at Apartment 1011

17. On February 15, 2018, law enforcement executed a federal search warrant at Apartment 1011. It took law enforcement multiple attempts to breach the door. Upon entry, agents found CULTON, a man, and a woman inside the main room of the apartment. There is no door separating the main room in the apartment from the apartment's only bedroom. During the process of securing the residence, agents found

that a sliding glass door in the bedroom was open, providing access to the balcony. When agents walked out onto the balcony, they observed a black bag similar to a "fanny pack" was lying on a rooftop patio of the business adjoining the Eclipse Condominiums. Agents retrieved the fanny pack and determined that it contained approximately 11 small plastic bags with approximately 50 blue pills in each bag. Each of the pills was imprinted with the same "M30" markings found on the pills NATHANS sold during the controlled buys. In total, agents estimate that there were approximately 550 pills in the fanny pack. DEA Agents conducted a test on the pills using a TruNarc system. The TruNarc returned a positive result for the presence of fentanyl or methamphetamine, which are Schedule II controlled substances. The pills have been placed into evidence and are pending transfer to the Southeastern Regional Laboratory for testing.

18. Agents advised CULTON and the two other individuals of their *Miranda* rights. CULTON invoked his *Miranda* rights, but the two other individuals in the apartment waived their *Miranda* rights and agreed to speak with agents without a lawyer present. The woman said she met CULTON on social media recently and spent the last two nights with him. She said she did not know anything about the fanny pack or items that were thrown from the balcony before agents entered the apartment. The man advised that he attended classes at Oglethorpe University and arrived earlier that day to smoke marijuana with CULTON. He said that CULTON placed three bundles of United States currency in his backpack while agents were entering the apartment.

E. Conclusion

19. Based upon the evidence described above, I believe that there is probable cause to believe the defendant, Edward CULTON, did knowingly and intentionally possess with the intent to distribute a controlled substance, said act involving a mixture and substance containing a detectable amount of fentanyl, a Schedule II controlled substance, in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(C).

FURTHER YOUR AFFIANT SAYETH NOT