

AFFIDAVIT

Christopher Destito, being duly sworn, deposes and states as follows:

1. I am a Special Agent with the Federal Bureau of Investigation (“FBI”), and have been since 1997. I was assigned to the Drug Enforcement Administration (DEA), Vermont Drug Task Force, Burlington, Vermont Office, from 1999 to 2001 where I was responsible for complex drug distribution investigations. I have extensive experience investigating drug crimes.
2. The purpose of this affidavit is to establish probable cause to conclude that on or about August 20, 2015, Troy Barnes, of Rutland, Vermont, knowingly and intentionally possessed with intent to distribute heroin, a schedule I controlled substance. The information presented below is based on information known to me by personal observation, as well as information relayed to me by other agents with knowledge of this investigation. Given the limited purpose of this affidavit, it does not contain everything I know about this case.
3. On August 20, 2015, I assisted in the arrest and interview of Troy Barnes of Rutland, Vermont, as part of an operation that included the execution of a

search warrant issued by Judge William Cohen of the Rutland County (Vermont) Criminal Court upon the application of the State of Vermont Drug Task Force. The warrant authorized the search of the residence located at 19 East Washington Street, in Rutland City, Vermont. This residence was known to law enforcement to be the residence of Troy Barnes.

4. Prior to the execution of the search, Barnes was placed under arrest. Det. Andrew Hunt of the Vermont Drug Task Force advised Barnes of his *Miranda* rights, and Barnes agreed to speak with us. Barnes admitted to the following:
 - a. Barnes possessed approximately 200 grams of heroin within his residence;
 - b. Barnes possessed a hand gun within his residence that he used for “protection”;
 - c. Barnes sold heroin as his primary source of income; and
 - d. Barnes resided at the 19 East Washington Street location.
5. During the execution of the search warrant within 19 East Washington Street, Detective Sergeant Thomas Mozzer (Vermont State Police) found a quantity of suspected heroin in a kitchen pantry, in close proximity to a

handgun. This heroin was packaged in a plastic sandwich bag, contained within a box of plastic bags. The plastic bag and its contents were weighed by Vermont Drug Task Force personnel and determined to weigh approximately 50 grams. A portion of the substance within the approximately 50 gram package found in the kitchen was field-tested by Vermont Drug Task Force Det. Roy, with a positive result for heroin.

6. In addition, D.E.A. Task Force Officer Matthew Cannon found a quantity of suspect heroin within a plastic bag within a vacuum sealed bag inside the top dresser drawer within Barnes' bedroom. This package (and its contents) were weighed by Vermont Drug Task Force personnel and determined to weigh approximately 150 grams. Before the discovery of this item Barnes advised that heroin would be found in a dresser drawer within his bedroom. A portion of the substance within the approximately 150 gram package found in the bedroom was field-tested by Vermont Drug Task Force Det. Roy, with a positive result for heroin.

7. In addition to Barnes' admission that he is a heroin dealer, I know based on my training and experience that the above-described quantity of heroin strongly indicates that it is intended for re-distribution.

Dated at Burlington in the District of Vermont on this 21st day of August, 2015.


CHRISTOPHER DESTITO, FBI SA

Sworn to and subscribed before me this 21st day of August, 2015.


JOHN M. CONROY
UNITED STATES MAGISTRATE JUDGE

UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF VERMONT

U.S. DISTRICT COURT
DISTRICT OF VERMONT
FILED

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CLERK
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UNITED STATES OF AMERICA

v.

TROY BARNES,
Defendant.

No. 15-cr-122

INDICTMENT

The Grand Jury charges:

On or about August 20, 2015, in the District of Vermont, defendant TROY BARNES knowingly and intentionally possessed with intent to distribute 100 grams or more of a mixture or substance containing a detectable amount of heroin, a schedule I controlled substance.

(21 U.S.C. §§ 841(a)(1), 841(b)(1)(B))

A TRUE BILL

FOREPERSON

Eric S. Miller

(JRP)

ERIC S. MILLER
United States Attorney
Rutland, Vermont
August 26, 2015

UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF VERMONT

UNITED STATES OF AMERICA,)	
)	
v.)	Docket No. 2:15-MJ-126
)	
TROY BARNES,)	
Defendant.)	

MOTION FOR DETENTION

NOW COMES the United States of America, by and through its attorney, Eric S. Miller, United States Attorney for the District of Vermont, and moves for pretrial detention of the above-named defendant pursuant to 18 U.S.C. § 3142(e) and (f).

1. Eligibility for Detention. This defendant is eligible for detention because the defendant is charged with a drug felony that has a potential sentence of up to 20 years.
2. Reason For Detention. The Court should detain the defendant because there are no conditions of release which will reasonably assure the defendant's appearance as required or the safety of the community.
3. Rebuttable Presumption. The United States will not invoke the rebuttable presumption against defendant under § 3142(e).
4. Time For Detention Hearing. The United States requests the court conduct the detention hearing at the initial appearance.
5. Other Matters.

Several factors weigh in favor of detention.

First, the weight of the evidence against Barnes is substantial. As explained in the complaint affidavit, the evidence includes the discovery of close to half-a-pound of heroin at

Barnes' Rutland residence, along with a handgun. The evidence also includes Barnes' post-arrest admission that his primary source of income was heroin distribution.

The gun is a Kel Tec 9mm. It had a fully loaded magazine (with seven bullets). It was located in a kitchen pantry within three feet of a package containing approximately 50 grams of heroin. Barnes admitted that he possessed the gun for protection. As a convicted felon, his simple possession of the handgun and ammunition constitutes another federal offense.

These facts give rise to the strong possibility that Barnes could be subject to mandatory minimum sentences of five or ten years.

Further evidencing Barnes' dangerousness, police also found within his kitchen pantry a taser. This taser was of the variety that shoots projectiles into the target of the weapon. The taser had a cartridge such that it was ready to shoot – essentially another loaded weapon.

In addition, his criminal history includes six felony convictions and four misdemeanors. He has three convictions for felony "Escape Custody-Furlough" -- in 2008, 2009, and 2011. In 2008 he was sentenced to 8 to 10 months; in 2009 he was sentenced to 24 to 30 months; and in 2011 he was sentenced to 24 to 48 months. His other felony convictions appear to be for multiple counts of Burglary-Occupied Dwelling in 2006, resulting concurrent sentences of 5 months to 10 years.

His misdemeanor convictions include 2013 convictions for possession of cocaine (7 to 9 months sentence) and marijuana (5 to 6 month sentence), as well as 2011 convictions for careless or negligent operation of a vehicle (6 to 12 month sentence), and attempting to elude law enforcement (also 6 to 12 months). The timing of these offenses suggests he committed these crimes while serving a sentence for his previous felony convictions.

Moreover, his offense conduct in this case appears to have occurred within 2 years of his most recent punishment for a drug crime.

He is today 26 years old. Clearly, his previous substantial interaction with the criminal justice system has failed to deter him from committing additional crimes. He presents a clear danger to the community as a result. Moreover, he has three times been convicted of having escaped from furlough, indicating a rank risk of flight.

He should be detained pre-trial.

Dated at Burlington, in the District of Vermont, August 21, 2015.

Respectfully submitted,

UNITED STATES OF AMERICA

ERIC S. MILLER
United States Attorney

By: Michael Drescher
Michael P. Drescher
Assistant U.S. Attorney
P.O. Box 570
Burlington, VT 05402-0570
(802) 951-6725
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Certificate of Service

I hereby certify that a true and correct copy of the foregoing was electronically filed with the Clerk of the Court using the CM/ECF system on August 21, 2015, and the CM/ECF system will provide service of such filing via Notice of Electronic Filing (NEF) to the following NEF parties:

Counsel for Defendant, Esq.

Dated at Burlington, in the District of Vermont, August 21, 2015.

/s/ Michael P. Drescher
Michael P. Drescher
Assistant U.S. Attorney
P.O. Box 570
Burlington, VT 05402-0570
(802) 951-6725
Michael.Drescher@usdoj.gov

SW 378-15

Docket No. _____

**State of Vermont
Rutland County**

**DISTRICT COURT OF VERMONT
Unit No. II
Rutland Circuit**

STATE OF VERMONT

vs.

Troy V. Barnes, DOB 02-12-1989

SEARCH WARRANT

- 1. Kel Tec 9mm handgun bearing SN RW372 w/ holster inside of tan zippered pouch
- 2. black Taser brand stun gun with projectile cartridge
- 3. Heroin packaging material
- 4. Papers/Documents
- 5. Papers/Documents located in Dodge Charger rental vehicle
- 6. bag containing 51.7 grams of heroin from residence
- 7. bag containing 157.3 grams of heroin from residence
- 8. two glassine bags containing heroin from residence
- 9. plastic baggie containing 80 glassine bags of heroin from Dodge Charger rental vehicle

At Rutland City in said county, this 20th day of August, 2015, by virtue of this warrant, I entered at 1149 o'clock (a.m. – p.m.) upon the premises and into the residence (person, premises, or vehicle) located at 19 East Washington Street, as well as the BMW sedan and the Dodge Charger sedan described in said warrant, and there made diligent search for the goods and chattels in said warrant described, and thereupon such search found and seized:



Search Warrant

VERMONT DRUG TASK FORCE

STATE OF VERMONT
RUTLAND COUNTY, §

TO: Detective Andrew Hunt or ANY VERMONT LAW ENFORCEMENT OFFICER

You are hereby commanded to search:

1. The second floor apartment of 19 East Washington Street in Rutland City. The residence is a two tone apartment building, yellow on top and white on the bottom, that is situated on the north side of East Washington Street and is the fifth residence as you travel west on East Washington Street from East Street. The apartment is accessed through an interior door as well as a set of exterior wooden stairs on the west side of the building.
2. The person of Troy Barnes, DOB 02-12-1989, who is approximately 5'10" tall, weighing approximately 160 pounds, with brown hair and blue eyes.
3. Any other persons found inside of the residence at 19 East Washington Street, Rutland City, VT.
4. The black 2008 BMW 700 series bearing Vermont registration GMH702.
5. The grey 2015 Dodge Charger bearing New Jersey registration G56EKP.

For the following property or objects:

Any evidence of criminal violations involving the sale and distribution of regulated drugs, that evidence includes **HEROIN**, distribution records, cell phones, smart phones, and other mobile devices, receipts for equipment and materials purchase and rentals, telephone records, address books, photographs, firearms including handguns, ammunition and other weapons, currency, paraphernalia including scales, cutting material and tools and evidence of financial transactions including; money, negotiable instruments, precious metals and/or stones, books, records, receipts, notes, ledgers, and other papers related to the transportation, ordering, sales and distribution of regulated drugs and address and telephone records suggesting names and/or phone numbers of drug trafficking associates, all of which have been used in and/or constitute evidence of violations of Vermont's Regulated Drug Laws.

Serving this warrant by knocking and announcing and making the search between 6 am and 10 pm within 10 days from the date hereof, and if the property or object to be found there, to seize it, prepare a written inventory of it, and bring such property or object before the Superior Court of Vermont, Bennington Criminal Division.

This warrant is issued upon the basis of an affidavit and finding of probable cause by me, filed with the clerk of that Unit.

Dated at Rutland, County of Rutland, this 19th day of August, 2015 at 7:06 PM (time).

Wm. Cohen

JUDICIAL OFFICER Wm. Cohen



Application for Search Warrant

VERMONT DRUG TASK FORCE

STATE OF VERMONT
RUTLAND COUNTY, §

Detective Andrew Hunt requests the Honorable Court to issue a warrant to search:

1. The second floor apartment of 19 East Washington Street in Rutland City. The residence is a two tone apartment building, yellow on top and white on the bottom, that is situated on the north side of East Washington Street and is the fifth residence as you travel west on East Washington Street from East Street. The apartment is accessed through an interior door as well as a set of exterior wooden stairs on the west side of the building.



2. The person of Troy Barnes, DOB 02-12-1989, who is approximately 5'10" tall, weighing approximately 160 pounds, with brown hair and blue eyes.



3. Any other persons found inside of the residence at 19 East Washington Street, Rutland City, VT.
4. The black 2008 BMW 700 series bearing Vermont registration GMH702 registered to Troy V. Barnes.



5. The grey 2015 Dodge Charger bearing New Jersey registration G56EKP registered to EAN Holdings Inc.



For the following property or object:

Any evidence of criminal violations involving the sale and distribution of regulated drugs, that evidence includes **HEROIN**, distribution records, cell phones, smart phones, and other mobile devices, receipts for equipment and materials purchase and rentals, telephone records, address books, photographs, firearms including handguns, ammunition and other weapons, currency, paraphernalia including scales, cutting material and tools and evidence of financial transactions including; money, negotiable instruments, precious metals and/or stones, books, records, receipts, notes, ledgers, and other papers related to the transportation, ordering, sales and distribution of regulated drugs and address and telephone records suggesting names and/or phone numbers of drug trafficking associates, all of which have been used in and/or constitute evidence of violations of Vermont's Regulated Drug Laws.

And if such property or object be found there, to seize it, prepare a written inventory of it, and promptly return the inventory to the Vermont Superior Court, Rutland Criminal Division.

The applicant has probable cause to believe that such property or object will be found in such premises or on such person and will constitute: evidence of the commission of a crime; contraband, the fruits of crime or other things otherwise criminally possessed; weapons or other things used or about to be used in the commission of a crime.

For the purposes of establishing probable cause for the issuance of this warrant, there are attached hereto the following affidavits:

A. Affidavit of Detective Andrew Hunt

This application is made on this 19 day of August, 2015.

A handwritten signature in black ink, appearing to read "Andrew Hunt", written over a horizontal line.

APPLICANT



Affidavit

VERMONT DRUG TASK FORCE

STATE OF VERMONT
RUTLAND COUNTY, §

NOW COMES Detective Andrew Hunt, affiant, after being duly sworn and on oath, makes the following statement to establish that he has probable cause for the issuance of a search warrant:

1. This affiant is employed by the Bennington Police Department, currently assigned to the Vermont State Police Narcotics Investigation Unit (Vermont Drug Task Force). This affiant has been a Law Enforcement Officer since February of 2003. I am currently assigned to the Narcotics Investigation unit as a Detective, specializing in the enforcement of Vermont's regulated drug laws. I have been assigned to the Narcotics Investigation Unit since October 27, 2014.

This affiant has completed the Basic Training course at the Alaska DPS Academy, graduating in November of 2007. This affiant received a waiver certification as a full-time police officer by the Vermont Police Academy in November of 2009. During my assignment I have received intensive field training by members and supervisors of the Vermont Drug Task Force relative to drug investigations.

2. During my assignment I have received intensive field training by members and supervisors of the Vermont Drug Task Force relative to drug investigations. During my career, I have been involved in numerous cases which resulted in the arrest and convictions for possession and sale of regulated drugs.

Based on my training and experience and based on my discussions with other experienced drug enforcement agents, I know:

- a. That **HEROIN** drug traffickers and distributors, as well as other controlled substance traffickers and distributors normally keep their drugs in their homes on their property or in hotel/motel rooms where they are staying. Dealers do this to keep their products readily available for sale, and to provide security for their drugs as they are constantly vigilant of other drug users who would steal their products, and to help keep their activities clandestine as their trade is illegal and they are constantly aware of law enforcement efforts to discover their activity.
- b. Traffickers commonly maintain on hand large amounts of cash in order to finance their on-going business. The courts have recognized that unexplained wealth is probative evidence of crimes including trafficking in controlled substances. Drug traffickers often have large amounts of currency on hand. Selling illegal drugs and purchasing illegal drugs is typically a cash-only business.
- c. Traffickers in controlled substances commonly maintain addresses and telephone numbers in books or ledgers which reflect the names, addresses, and telephone numbers of their drug trafficking associates.

- d. That it is common for large scale traffickers to conceal contraband, proceeds of drug sales, and records pertaining to their drug manufacture and drug transactions in secure locations within their residences and/or hotel/motel rooms for ready access.
- e. That persons selling and distributing regulated drugs usually keep at the locations where those activities take place, paraphernalia including scales, cutting agents, packaging materials, and instruments for consumption.
- f. That drug traffickers frequently take or cause to be taken, photographs of themselves, their associates, their property, and their product. These traffickers usually maintain these photographs in their residences and/or on their cell phones, smart phones, computers or other electronic devices.
- g. Dealers in regulated substances often keep firearms including handguns, ammunition, and other weapons in their residences to safeguard supplies of drugs and fruits of regulated drug dealings.
- h. Traffickers who have amassed proceeds from the sales of drugs will often attempt to legitimize these profits. In this process drug traffickers often utilize among other things, banks and their attendants, ATM machines, services, securities, cashier's checks, money drafts, real estate, shell corporations, and business funds. Records evidencing such services and transactions are maintained where the traffickers have ready access to them.
- i. Persons that deliver, distribute or possess regulated drugs often speak with others, in person and over the telephone, regarding the acquisition and delivery or distribution of drugs. Oftentimes, particularly when speaking over the telephone, drug distributors will employ code words or speak cryptically regarding meetings, drug availability and price or about arrangements necessary to affect deliveries. During meetings with their customers the distributors will sometimes refer to their drug sources by name or otherwise as well as make statements about the quantity and quality of the drugs which are being distributed as well as future availability of drugs and price in the future.
- j. In order to keep track of their illegal enterprises drug traffickers use cell phones, smart phones, mobile devices, computers or other electronic devices, which they usually maintain at their residences or on their persons, to track drug business. Drug traffickers utilize their cell phones, smart phones, computers or other electronic devices to maintain updated address and telephone directories of their customers. Drug traffickers also utilize their cell phones, smart phones, computers or other electronic devices to monitor such things as recent and historical sales, proceeds from these sales, the quantities of drugs that are sold /ordered and purchased in the course of their operation, and of transactions that lead to outstanding debts from their customers. In addition, drug dealers use the cell phones, smart phones, mobile devices, computers or other electronic devices to communicate about drug sales through social media sites such as Facebook, Twitter, Insta-gram and others.
- k. Drug traffickers use motor vehicles as a tool to conduct their businesses. Drug traffickers use their vehicles to both transport and store drugs. Drug traffickers will also oftentimes store such things as drug records, customer lists, and paraphernalia within their vehicles.
- l. Persons who are present in a drug dealers residence are likely willing participants of drug transactions to include buying and selling narcotics. These people likely possess evidence of

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drug transactions on their person to include money, drugs, weapons, and electronic communications devices.

3. On August 3, 2015, this affiant applied for a Search Warrant for the same Residence/Persons/Vehicles listed in the first three pages of this warrant. This warrant was issued by the Honorable Judge Nancy Corsones on August 3, 2015. Due to the likeliness of disrupting an ongoing DEA investigation into another illicit drug distributor in another jurisdiction, this warrant was not executed during the ten day time period.
4. The information provided in this application is solely for the purpose of establishing probable cause, and does not reflect all of my knowledge in regards to this investigation. The information contained herein reflects my personal knowledge and observations, as well as information obtained from other members of law enforcement, and by reviewing reports in reference to this investigation.

PROBABLE CAUSE IN THIS SPECIFIC CASE:

INTRODUCTION:

In the summer of 2015, the Vermont Drug Task Force (VDTF) conducted an investigation into the distribution of heroin in Rutland City by a male known to police as Troy V. Barnes, DOB 02-12-1989. Barnes is known to customers by his legal name as well as the street name "Busy." Multiple controlled purchases of heroin have been conducted from Barnes both in vehicles and at his residence of 19 East Washington Street.

With respect to this investigation, the SVDTF was assisted by two confidential informants. I will refer to the first confidential informant by the pseudonym, "JOSIE". For the sole purpose of maintaining literary flow, "JOSIE" will be referred to in the masculine throughout the entirety of this case and is in no way indication of the sex of the confidential informant. Throughout this investigation, Detective Hunt has attempted to protect the identity of "JOSIE" for three reasons. First, he wants to protect "JOSIE" from harm. I know of cases where informants have been threatened or even assaulted by criminals who suspected that people assisted the police. Second, it is likely that "JOSIE" may be able to assist Detective Hunt with other investigations, and this ability will be hampered if he gets a reputation for informing on others. Third, the VDTF's reputation for protecting the identity of our informants is crucial to our continued ability to investigate drug trafficking. If potential informants learn that the identities of our informants are getting out, they will be reluctant to talk to us. "JOSIE" is a registered informant with the VDTF. In order to register him, a VDTF detective formally interviewed him, recorded his personal information and assigned him an informant control number. In addition to Detective Hunt, Trooper Lucas Hall of the Vermont State Police in Shaftsbury, has also met "JOSIE" and knows "JOSIE's" real identity. "JOSIE" is cooperating with this investigation of his own free will, in exchange for monetary compensation which is not contingent upon the identity of the target.

Though "JOSIE" has never cooperated with law enforcement in the past, Detective Hunt believes the information he provided to me during this investigation is credible because some of that information has been corroborated by surveillance and other confidential informants. "JOSIE" has made statements against penal interest, admitting to Detective Hunt that he has previously been involved in criminal activity. Specifically, "JOSIE" told Detective Hunt that he has possessed, sold, and used heroin on multiple occasions in Rutland County.

For the purpose of full disclosure, "JOSIE" does have a criminal history in the State of Vermont. His convictions include; Driving with License Suspended 2014, Retail Theft 2013, Burglary 2013, Attempting to Elude Law Enforcement 2013, and Marijuana Possession 2009.

Additionally, "JOSIE" knows about heroin because he has been involved with its use, purchasing and possession in the past. He knows what heroin looks like, how it is packaged, the common street prices, and the jargon associated with its use. "JOSIE" used to live in close proximity to 19 East Washington Street and knows this to be the residence of Troy Barnes based on "JOSIE's" personal observations. Detective Hunt showed "JOSIE" a DMV photograph of Troy Barnes with no identifying information on the photograph, and "JOSIE" identified the male in the photo as Troy Barnes.

The second confidential informant assisting with this investigation, I will refer to by the pseudonym, "CHARLIE". For the sole purpose of maintaining literary flow, "CHARLIE" will be referred to in the masculine throughout the entirety of this case, and is in no way indication of the sex of the confidential informant. Throughout this investigation, I have attempted to protect the identity of "CHARLIE" for three reasons. First, I want to protect "CHARLIE" from harm. I know of cases where informants have been threatened or even assaulted by criminals who suspected that people assisted the police. Second, it is likely that "CHARLIE" may be able to assist with other investigations, and this ability will be hampered if he gets a reputation for informing on others. Third, the VDTF's reputation for protecting the identity of our informants is crucial to our continued ability to investigate drug trafficking. If potential informants learn that the identities of our informants are getting out, they will be reluctant to talk to us. "CHARLIE" is a registered informant with the VDTF. In order to register him, a VDTF detective formally interviewed him, recorded his personal information and assigned him an informant control number. In addition to myself, Trooper Matt Steeves of the Vermont State Police in Rockingham has met "CHARLIE" and knows "CHARLIE's" real identity. "CHARLIE" is cooperating with this investigation of his or her own free will, in exchange for consideration in a criminal matter, which is not contingent upon the identity of the target. "CHARLIE's" current charges that he is working for consideration are; Possession of Heroin x2, Eluding Law Enforcement, Driving Under the Influence-Drugs, Gross Negligent Operation of a Vehicle, and Violation of Conditions of Release x2

"CHARLIE" has the following criminal convictions in Vermont; Escape Custody-Officer in 2007, Assault-Domestic in 2007, Operation without owner consent 2007, Marijuana Possession 2007, Alcohol -Sale furnish to minor 2005, False info LE officer/implicate another 2005, Vehicle operation without owners consent/aggravated 2003, Burglary 2003, Marijuana Possession <2 oz 2003, Burglary 2006 (CT), Probation Violation 2013 (CT), (2) Larceny charges in 2006 (CT). "CHARLIE" has participated in other controlled purchases of regulated drugs under the supervision of the Vermont Drug Task Force.

"CHARLIE" is a trustworthy source because he has admitted to me that he has previously been involved in criminal activity. In spite of "CHARLIE's" former criminal activity, I believe the information he provided to me during this investigation is creditable because some of that information has been corroborated by surveillance and other confidential informants. "CHARLIE's" cooperation with law enforcement has led to the arrest and indictment of a defendant in the past.

Additionally, "CHARLIE" knows about heroin because he has been involved with its use and possession in the past. He knows what heroin looks like, how it is packaged, the common street prices, and the jargon associated with its use.

Summary of "JOSIE's" controlled purchases from BARNES

1. Sometime during the summer of 2015, "JOSIE" made a controlled purchase of 20 bags of heroin from Troy Barnes at his residence of 19 East Washington Street for \$180. During this buy, "JOSIE" was observed by law enforcement approaching the residence and accessing the entrance to the residence using the stairs on the west side of the building. A short while later, "JOSIE" was observed exiting the building by law enforcement down the same set of stairs. Upon meeting with law enforcement, "JOSIE" surrendered 20 bags of suspected heroin (positive field test) that was purchased from Barnes. In a sworn statement, "JOSIE" stated that the purchase took place in the living room of the residence and that Troy Barnes was the only person at the residence during the buy. Prior to the purchase, I showed "JOSIE" a DMV photograph of Troy Barnes with no identifying information on the photograph. "JOSIE" identified the male in the photo as Troy Barnes.
2. Sometime during the summer of 2015, "JOSIE" made a controlled purchase of 40 bags of heroin from Troy Barnes for \$360. The sale took place inside of Barnes' 2008 BMW bearing VT registration GMH702, which is registered to him. Barnes was surveilled by law enforcement to pick up "JOSIE" and bring him to 19 East Washington Street and then drop "JOSIE" off at the original pick up site. A male matching Barnes' description was observed leaving the residence at 19 East Washington and entering the BMW while "JOSIE" was seated inside. Upon meeting with me, "JOSIE" surrendered 40 bags of suspected heroin (positive field test) that was purchased from Barnes. In a sworn statement, "JOSIE" stated that Barnes did not have enough heroin on him and that they rode to 19 East Washington Street where "JOSIE" stayed in the vehicle while Barnes went inside of the residence to get more heroin.
3. Sometime during the summer of 2015, "JOSIE" made a controlled purchase of 100 bags of heroin from Troy Barnes for \$800. The sale took place inside of Barnes' 2008 BMW bearing VT registration GMH702 in a parking lot somewhere in Rutland City. At the completion of the controlled buy, "JOSIE" surrendered 100 bags of suspected heroin (positive field test) to this affiant. In a sworn statement, "JOSIE" stated that he purchased 100 bags of heroin from Troy Barnes in his BMW. This purchased was video recorded by law enforcement.

Summary of "CHARLIE's" first controlled purchase from Barnes

1. In the last week of July 2015, Detective Roy coordinated with "CHARLIE" to arrange to purchase heroin from Troy BARNES in Rutland, VT. "CHARLIE" previously advised Detective Roy that BARNES was distributing heroin in the Rutland, VT area and that he had been present while another subject purchased heroin from BARNES a couple weeks prior to this controlled drug transaction.
2. Detective Roy met with "CHARLIE" and I searched his person and vehicle and found no contraband during this search. "CHARLIE" had money on his person which Detective Roy took possession of and gave back to him following this controlled purchase. Detective Roy showed "CHARLIE" a DMV photograph of Troy Barnes with no identifying information on the photo, and asked "CHARLIE" if he recognized the male in the photo. "CHARLIE" identified this male as Troy Barnes with 100% surety. Detective Roy provided "CHARLIE" with a recording device and also put an audio transmitting device and recording equipment in his vehicle. The CI spoke to BARNES on

the phone while Detective Roy was present and arranged to purchase two bundles (20 bags) of heroin from BARNES for \$200. BARNES advised the CI to meet him in a parking lot in Rutland, VT. Detective Roy provided "CHARLIE" with \$200 of recorded DTF funds to purchase the heroin from BARNES. Detective Roy then directed "CHARLIE" to drive to the location where BARNES told him to meet.

3. Detective Roy followed "CHARLIE" to the pre-arranged meeting location at which point Detective Hunt was able to visually observe and maintain surveillance of "CHARLIE". After a short period of time Detective Hunt and Detective Roy were able to observe a dark colored Dodge Charger pull up near "CHARLIE's" vehicle. The vehicle was a 2015 Dodge Charger bearing New Jersey registration G56EKP. Detective Hunt and Detective Roy observed "CHARLIE" exit his vehicle and get into the front passenger seat of the Charger. A short time later "CHARLIE" exited the Charger and got back into his vehicle. Detective Roy was able to maintain surveillance of "CHARLIE" as he left the buy location and traveled to a pre-determined location where Detective Roy again met with "CHARLIE".
4. "CHARLIE" then entered Detective Roy's vehicle at the pre-determined location and handed him two rubber banded bundles of suspected heroin, and a twenty dollar bill that was not used during this controlled purchase. Detective Roy then searched "CHARLIE's" person and found no contraband or money. He also searched "CHARLIE's" vehicle and found no money, Detective Roy observed an empty glassine bag in the front passenger side door which he missed during the original search of the vehicle. It should be noted that the empty bag did not match the heroin bags purchased from BARNES during any of the controlled purchases.
5. Detective Roy then took a sworn recorded statement from "CHARLIE" regarding this controlled purchase, he stated the following in essence:
 - a. "CHARLIE" spoke with this Detective that day about trying to make a deal with Troy Barnes. "CHARLIE" then contacted BARNES and verified that he would be able to meet with him.
 - b. "CHARLIE" then met with the Detective and his person and vehicle was searched and he was given \$200 to purchase the two bundles of heroin from BARNES.
 - c. "CHARLIE" then spoke to BARNES on the phone and BARNES told "CHARLIE" the price was \$100 a bundle. "CHARLIE" arranged to purchase two bundles of heroin from BARNES for \$200 and BARNES directed "CHARLIE" to meet him at a parking lot in Rutland, VT.
 - d. "CHARLIE" then went to the parking lot that BARNES directed it to go, and "CHARLIE" then called BARNES. Once BARNES pulled up in a Charger, "CHARLIE" entered BARNES' vehicle and handed him the money and BARNES handed "CHARLIE" the two bundles of heroin. "CHARLIE" advised that BARNES charged him \$180 for the two bundles instead of \$200.
 - e. Following this purchase "CHARLIE" got back into his vehicle and drove to a pre-determined location where it met with the Detective. When "CHARLIE" met with the Detective he gave the Detective the two bundles of heroin and twenty dollars. "CHARLIE" advised that when BARNES was not with anyone else during this purchase.
 - f. "CHARLIE's" person and vehicle was searched following this purchase from BARNES.

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g. The only contraband that "CHARLIE" received from BARNES during this purchase was the two bundles of heroin that it gave the Detective following the controlled purchase.

6. I recorded surveillance video during this controlled purchase and was able to identify the operator of the Charger that met with the CI during this controlled purchase as BARNES. Detective Sgt. Daniell also observed BARNES operating the Charger immediately following this controlled purchase.
7. The phone numbers that BARNES used while speaking with "CHARLIE" prior to this controlled purchase were (802)683-6347 & (802)345-6098.
8. Following this controlled purchase, Detective Sgt. Daniell field tested the substance in one of the twenty bags purchased from BARNES using a NIK "L" field test kit. The substance tested positive for the presence of opiates. The twenty bags were white and did not have any stamps or markings on them. In an affidavit by Director Trisha Conti of the Vermont Forensic Laboratory, the average weight of a bag of heroin is 31.5mg. Using this average, the total amount of heroin purchased on this occasion was .630 grams. The evidence was sealed and placed into temporary evidence at the Vermont State Police Barracks in Rutland Town, VT.

Summary of "CHARLIE's" second controlled purchase from BARNES

1. In the second week of August 2015, Detective Roy met with "CHARLIE" to attempt to arrange another controlled purchase of heroin from BARNES. When Detective Roy met with "CHARLIE," he directed him to call BARNES and arrange to purchase fifty bags of heroin from him. "CHARLIE" spoke to BARNES several times on the phone and BARNES told "CHARLIE" that the price was \$75 a bundle (10 bags) for a total of \$375 for fifty bags. BARNES also directed "CHARLIE" to meet him in a parking lot of a local store in Rutland, VT. The parking lot where BARNES directed "CHARLIE" to meet him is open to the general public.
2. Prior to "CHARLIE" meeting with BARNES, Detective Roy searched "CHARLIE's" person and vehicle. "CHARLIE" had \$214 on his person which Detective Roy took possession of and gave back to him following this controlled purchase. Detective Roy located the same empty glassine bag in "CHARLIE's" vehicle that he observed during the prior controlled purchase with BARNES, no other contraband or money was found. Detective Roy provided "CHARLIE" with a recording and audio transmitting devices that were placed on his person. He also placed recording equipment in "CHARLIE's" vehicle. Detective Roy also provided "CHARLIE" with \$380 of recorded Drug Task Force funds to purchase the 50 bags of heroin from BARNES. He then directed "CHARLIE" to drive to the location where BARNES told him to meet.
3. Detective Roy followed "CHARLIE" to the pre-arranged location at which point this affiant was able to visually observe and maintain surveillance of "CHARLIE". Detective Roy was advised by surveillance members prior to arriving at the pre-arranged meeting location that BARNES was already there. This affiant recorded surveillance video while "CHARLIE" was meeting with BARNES and later advised Detective Roy that he was able to identify BARNES as the person that met with the "CHARLIE" during this controlled purchase. Detective Sgt. Casey Daniell was also

able to observe the meeting between "CHARLIE" and BARNES from his location, and confirmed that BARNES was operating the same Dodge Charger that he arrived in during the last controlled purchase. Following "CHARLIE's" meeting with BARNES, Detective Roy was able to maintain surveillance of "CHARLIE" as he left the buy location and traveled to the pre-determined location where he again met with him.


4. "CHARLIE" entered Detective Roy's vehicle at the pre-determined location and handed him the baggie containing the five "bundles" of suspected heroin and currency that he received from BARNES in change. Detective Roy then searched "CHARLIE's" person and found no contraband or money. He also searched "CHARLIE's" vehicle and only observed the same glassine bag that was outlined earlier in this report, no other contraband or money was found. It should be noted that the empty bag did not match the heroin bags purchased from BARNES during any of the controlled purchases.
5. Detective Roy then took a recorded sworn statement from "CHARLIE" regarding this controlled purchase, he stated the following in essence:
 - a. "CHARLIE" spoke with this detective about trying to set up another deal with Troy Barnes, then met with the Detective. "CHARLIE" then spoke to BARNES on the phone several times. BARNES advised "CHARLIE" that it was \$75 a "bundle" and "CHARLIE" told BARNES he wanted five bundles. BARNES also told "CHARLIE" to meet him near a local business in Rutland, VT.
 - b. "CHARLIE's" person was searched and he was given \$380 to purchase the heroin from BARNES.
 - c. "CHARLIE" then traveled to the meeting location that BARNES directed it to go. When "CHARLIE" arrived there was a person meeting with BARNES, and after that person left he got into BARNES vehicle to meet with him. "CHARLIE" gave BARNES \$380 and BARNES then gave "CHARLIE" a baggie containing the five bundles of heroin and four dollar in change. "CHARLIE" also advised that BARNES was in the same four door Charger that he met him in during the previous controlled purchase.
 - d. "CHARLIE" then left the buy location and he drove to a pre-determined location where he again met with the Detective. "CHARLIE" got into the Detectives vehicle and gave the Detective the heroin purchased from BARNES and the change he received from BARNES.
 - e. "CHARLIE's" person and vehicle was then searched. "CHARLIE" advised that the only contraband he received from BARNES was the package containing the five bundles of heroin it gave the Detective following the controlled purchase, and that he also gave the Detective the change he received from BARNES. "CHARLIE" advised that he did not have any physical contact with anyone other than BARNES during this controlled purchase and that BARNES was the only person in the vehicle.

6. The phone numbers that BARNES used while speaking with "CHARLIE" prior to this controlled purchase were (802)683-6347 & (802)342-3459.
7. Following this controlled purchase, Detective Roy field tested the substance in one of the fifty bags purchased from BARNES using a NIK "L" field test kit. The substance tested positive for the presence of opiates. The fifty bags were white and did not have any stamps or markings on them. In an affidavit by Director Trisha Conti of the Vermont Forensic Laboratory, the average weight of a bag of heroin is 31.5mg. Using this average, the total amount of heroin purchased on this occasion was 1.575 grams. The evidence was sealed and placed into temporary evidence at the Vermont State Police Barracks in Rutland Town, VT.

Based on the foregoing information and my experience as a drug investigator, and based on the facts that have been set forth herein, I have probable cause that, Troy Barnes is a dealer of regulated drugs.

Subscribed and sworn to before me on this

19th day of August 2015.


(Det. Andrew Hunt)


(Judicial Officer) Wm. Cohen

9/9
WDC

9/9 AH



Search Warrant

VERMONT DRUG TASK FORCE

STATE OF VERMONT
RUTLAND COUNTY, §

TO: Detective Andrew Hunt or ANY VERMONT LAW ENFORCEMENT OFFICER

You are hereby commanded to search:

1. The second floor apartment of 19 East Washington Street in Rutland City. The residence is a two tone apartment building, yellow on top and white on the bottom, that is situated on the north side of East Washington Street and is the fifth residence as you travel west on East Washington Street from East Street. The apartment is accessed through an interior door as well as a set of exterior wooden stairs on the west side of the building.
2. The person of Troy Barnes, DOB 02-12-1989, who is approximately 5'10" tall, weighing approximately 160 pounds, with brown hair and blue eyes.
3. Any other persons found inside of the residence at 19 East Washington Street, Rutland City, VT.
4. The black 2008 BMW 700 series bearing Vermont registration GMH702.
5. The grey 2015 Dodge Charger bearing New Jersey registration G56EKP.

For the following property or objects:

Any evidence of criminal violations involving the sale and distribution of regulated drugs, that evidence includes **HEROIN**, distribution records, cell phones, smart phones, and other mobile devices, receipts for equipment and materials purchase and rentals, telephone records, address books, photographs, firearms including handguns, ammunition and other weapons, currency, paraphernalia including scales, cutting material and tools and evidence of financial transactions including; money, negotiable instruments, precious metals and/or stones, books, records, receipts, notes, ledgers, and other papers related to the transportation, ordering, sales and distribution of regulated drugs and address and telephone records suggesting names and/or phone numbers of drug trafficking associates, all of which have been used in and/or constitute evidence of violations of Vermont's Regulated Drug Laws.

Serving this warrant by knocking and announcing and making the search between 6 am and 10 pm within 10 days from the date hereof, and if the property or object to be found there, to seize it, prepare a written inventory of it, and bring such property or object before the Superior Court of Vermont, Bennington Criminal Division.

This warrant is issued upon the basis of an affidavit and finding of probable cause by me, filed with the clerk of that Unit.

Dated at Rutland, County of Rutland, this 3 day of August, 2015 at 4:53 pm. (time).

JUDICIAL OFFICER



Application for Search Warrant

VERMONT DRUG TASK FORCE

STATE OF VERMONT
RUTLAND COUNTY, §

Detective Andrew Hunt requests the Honorable Court to issue a warrant to search:

6. The second floor apartment of 19 East Washington Street in Rutland City. The residence is a two tone apartment building, yellow on top and white on the bottom, that is situated on the north side of East Washington Street and is the fifth residence as you travel west on East Washington Street from East Street. The apartment is accessed through an interior door as well as a set of exterior wooden stairs on the west side of the building.



7. The person of Troy Barnes, DOB 02-12-1989, who is approximately 5'10" tall, weighing approximately 160 pounds, with brown hair and blue eyes.



8. Any other persons found inside of the residence at 19 East Washington Street, Rutland City, VT.
9. The black 2008 BMW 700 series bearing Vermont registration GMH702.



10. The grey 2015 Dodge Charger bearing New Jersey registration G56EKP.



For the following property or object:

Any evidence of criminal violations involving the sale and distribution of regulated drugs, that evidence includes **HEROIN**, distribution records, cell phones, smart phones, and other mobile devices, receipts for equipment and materials purchase and rentals, telephone records, address books, photographs, firearms including handguns, ammunition and other weapons, currency, paraphernalia including scales, cutting material and tools and evidence of financial transactions including; money, negotiable instruments, precious metals and/or stones, books, records, receipts, notes, ledgers, and other papers related to the transportation, ordering, sales and distribution of regulated drugs and address and telephone records suggesting names and/or phone numbers of drug trafficking associates, all of which have been used in and/or constitute evidence of violations of Vermont's Regulated Drug Laws.

And if such property or object be found there, to seize it, prepare a written inventory of it, and promptly return the inventory to the Vermont Superior Court, Rutland Criminal Division.

The applicant has probable cause to believe that such property or object will be found in such premises or on such person and will constitute: evidence of the commission of a crime; contraband, the fruits of crime or other things otherwise criminally possessed; weapons or other things used or about to be used in the commission of a crime.

For the purposes of establishing probable cause for the issuance of this warrant, there are attached hereto the following affidavits:

A. Affidavit of Detective Andrew Hunt

This application is made on this 3rd day of August, 2015.

A handwritten signature in black ink, appearing to read "Andrew Hunt", written over a horizontal line.

APPLICANT