

AO 91 (Rev. 11/11) Criminal Complaint

U.S. DISTRICT COURT
DISTRICT OF VERMONT
FILED

UNITED STATES DISTRICT COURT

for the
District of Vermont

2015 AUG 11 PM 1:16

United States of America)
v.)
Jacobina Carter)
)
)
)
)
)

Case No. 2:15-mj-116

CLERK
[Signature]
BY _____
DEPUTY CLERK

Defendant(s)

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(s) of July 8, 2015 in the county of Windham in the
District of Vermont, the defendant(s) violated:

<i>Code Section</i>	<i>Offense Description</i>
21 U.S.C. sec. 841(a)	knowingly and intentionally distributed heroin, a Schedule I controlled substance.

This criminal complaint is based on these facts:

See attached Affidavit

Continued on the attached sheet.

Colin Simons

Complainant's signature

Special Agent Colin Simons, FBI

Printed name and title

Sworn to before me and signed in my presence.

Date: August 11, 2015

City and state: Burlington, Vermont

John M. Conroy

Judge's signature

John M. Conroy, United States Magistrate Judge

Printed name and title

AFFIDAVIT

I, Colin Simons, being duly sworn, depose and state as follows:

1. I am a Special Agent with the Federal Bureau of Investigation (FBI) currently assigned to the Burlington, Vermont Resident Agency of the Albany Division. I have been a Special Agent for over 10 years. I am responsible for working a variety of criminal violations, to include violent crimes and gangs. I have completed the seventeen-week training program provided by the FBI, which includes instruction in the investigation of various criminal offenses. In addition to the formal training I have received from the FBI, I have also completed the Frances Glessner Lee Seminar in Homicide Investigations, the University of Tennessee's Human Remains Recovery School, a Department of Justice Asset Forfeiture Program, and a Forensic Cell Phone Data Recovery course. I have also been the affiant to numerous federal complaints and search warrants pertaining to violent crime and drugs. As a Special Agent, I am authorized to investigate violations of laws of the United States and to execute warrants issued under the authority of the United States.

2. This affidavit is submitted to show that probable cause exists to believe that, on or about July 8, 2015, in Brattleboro, Vermont, Jacobina J. Carter, a.k.a. "Peaches," knowingly and intentionally distributed heroin, a Schedule I controlled substance, in violation of 21 U.S.C. § 841(a)(1).

3. I am familiar with the facts and circumstances of this investigation based on my work on this case, my discussion with Vermont State Police Drug Task Force (VDTF) detectives who have worked on the case, and my review of a VDTF written summary of the events described below. In particular, I learned the information set forth in this affidavit through discussion with VDTF Det. Christopher Lora and from my review of his written summary of the

events described herein. This affidavit is intended to set forth probable cause and therefore it does not include every fact known to law enforcement about the events described below. For purposes of this affidavit, where I describe a statement, it is described in substance, not verbatim.

4. In July 2015, VDTF began an investigation into heroin trafficking by Jacobina Carter in the Brattleboro, Vermont area. The investigation began after Det. Lora spoke with a cooperating individual (CI), who is assisting the VDTF in exchange for monetary compensation. The CI has a criminal history which includes convictions for felony sale of heroin, burglary (felony), buy/sell/receive stolen property, grand larceny (felony, two separate convictions), and violation of probation (more than one). The CI has several other misdemeanor convictions, but none that appear related to character for truthfulness. This CI has not been convicted of providing false information to the police. To law enforcement's knowledge, the CI was not under the influence of illicit drugs during the events described below. The CI has a history of drug use.

5. Prior to July 8, 2015, each member of law enforcement named below had viewed a photo of Jacobina Carter. In early July 2015, the CI advised Det. Lora that the CI has known Jacobina Carter for several years and has purchased heroin from Carter in the past on several occasions. The CI advised it knows Carter's real name and her nickname, "Peaches." The CI advised that it could purchase 5 bundles (50 bags) of heroin from Carter. The CI stated that Carter's cellular telephone number is 802-579-6830, and the CI showed Det. Lora that number in the CI's phone contacts list.

6. On July 8, 2015, in Det. Lora's presence, the CI placed a recorded call to Carter at the above number to arrange a controlled (law-enforcement monitored) buy of heroin from Carter. During the call, Carter agreed to sell the CI five "buns" (a term commonly used as

shorthand for “bundle” or 10 bags) of heroin. Carter advised the CI she was “in town,” which the CI took to mean that Carter was at Carter’s residence at 138 Elliot Street in Brattleboro. Law enforcement knows that residence to be associated with Carter. Prior to the transaction, Det. Lora thoroughly searched the CI and the CI’s vehicle and found no contraband. Det. Lora provided the CI with \$330 of prerecorded VDTF funds to make the purchase of 50 bags of heroin from Carter. Det. Lora placed audio recording and transmitting equipment on the CI and inside the CI’s vehicle. Det. Lora instructed the CI to drive to Carter’s residence. VDTF detectives were set up at the residence for surveillance purposes prior to the CI arriving. Upon arrival, the CI exited its vehicle and walked across the driveway to meet Carter.

7. VDTF Detectives John Whiteman, Christopher Roy and Rob McKenna conducted surveillance during the transaction. Det. Whiteman saw the CI pull into the driveway at the deal location, 138 Elliot Street, Brattleboro. Det. Roy advised he was conducting roving surveillance and was able to observe several subjects in the driveway at the deal location. Det. Lora followed the CI to the deal location and observed Jacobina Carter and others sitting at a table in the driveway outside 138 Elliot Street, Brattleboro. While the CI and Carter met, they were out of sight of the detectives conducting surveillance. The CI met with Carter for a few minutes and then returned to its vehicle. The CI then drove to the predetermined meeting location where it met with Det. Lora.

8. Upon meeting with the CI, the CI handed Det. Lora what the CI believed was 5 bundles (50 bags) of heroin. A later count by law enforcement confirmed there were 50 bags. Det. Lora conducted a thorough search of the CI and the CI’s vehicle following the transaction and located no VDTF money or contraband. Det. Lora later field tested the content of one of the bags the CI turned over to him and it returned positive for heroin.

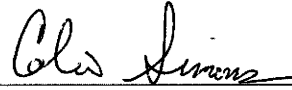
9. Following the transaction, the CI gave a sworn statement, which Det. Lora recorded. Among other things, the CI stated, in substance:

a. The CI met with Carter at her residence. Carter was seated outside of the residence when the CI arrived. The CI met with Carter while she was seated at a table. The CI handed Carter the prerecorded VDTF money and Carter handed the CI the heroin. The CI had a brief conversation with Carter and then left. The CI then drove to the predetermined meeting location where it met with Det. Lora.

10. Det. Lora showed the CI the photo of Carter (the one referenced above) and the CI identified the individual as Carter and confirmed it was the person from whom the CI purchased heroin on July 8, 2015.

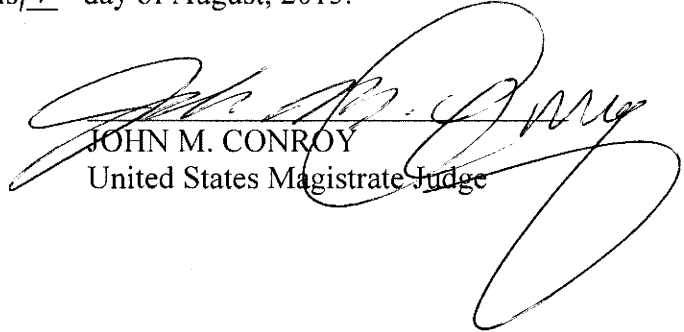
11. After the deal, Det. Lora was able to retrieve video surveillance, dated July 8, 2015, from a commercial building nearby Carter's residence at 138 Elliot Street, Brattleboro. The video footage shows Carter and others in her driveway in front of her residence prior to the CI's arrival. It shows the CI arrive in its vehicle and walk to Carter, who was seated at a table. It shows the CI kneel down near Carter and hand her the money. It shows Carter slide something across the top of a cooler to the CI. It shows the CI then get up and leave. This video is consistent with the CI's sworn statement about purchasing heroin from Carter during the controlled buy on July 8, 2015.

Dated at Burlington, in the District of Vermont, this 11th day of August, 2015.



Colin Simons
Special Agent
Federal Bureau of Investigation

Sworn to and subscribed before me this 11th day of August, 2015.



JOHN M. CONROY
United States Magistrate Judge