

FILED

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

2013 AUG -9 PM 1:30
U.S. DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS, FLORIDA

CRIMINAL COMPLAINT

UNITED STATES OF AMERICA

vs.

CASE NUMBER: 2:13-mj-1159 DNF

BURSON J. AUGUSTIN,
a/k/a "Zoe"

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 August 7, 2013, in Lee County, in the Middle District of Florida, defendant BURSON J. AUGUSTIN, a/k/a "Zoe," did

knowingly distribute a quantity of a mixture or substance containing a detectable amount of cocaine, 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 Special Agent with the Federal Bureau of Investigation, and that this Complaint is based on the following facts:

SEE ATTACHED AFFIDAVIT

Continued on the attached sheet and made a part hereof: Yes No



Signature of Complainant
Special Agent Ryan Davis
Federal Bureau of Investigation

Sworn to before me and subscribed in my presence,

August 9, 2013 _____

at

Fort Myers, Florida _____

DOUGLAS N. FRAZIER
United States Magistrate Judge
Name & Title of Judicial Officer


Signature of Judicial Officer

AFFIDAVIT

I, Special Agent Ryan T. Davis ("Your Affiant"), being duly sworn, depose and state: I have been a Special Agent with the Federal Bureau of Investigation (FBI), since April 2010. Prior to becoming employed with the FBI, your Affiant was employed as a police officer in the state of Ohio for approximately eight years. Your Affiant has received federal, state and localized training on dangerous drugs and the investigation of drug offenses. Your Affiant is familiar with cocaine and its various forms.

1. In connection with my official FBI duties, your Affiant investigates criminal violations of federal laws, including but not limited to, Title 21, United States Code, Sections 841(a)(1), 843(b), 846 (drug trafficking offenses). I have participated in numerous narcotics investigations, including Organized Crime Drug Enforcement Task Force investigations of large, multi-faceted conspiracies. As such, I am familiar with the methods, routines and practices of narcotics traffickers, as well as the appearance and characteristics of controlled substances, including cocaine, and the methods by which controlled substances are used, packaged for sale, manufactured and distributed.
2. This affidavit is in support of an application for an arrest warrant. Because this affidavit is being submitted for the limited purpose of establishing probable cause, your Affiant has not included all the information related to this investigation.
3. In support of this affidavit, I am relying on my personal investigation, training, and experience, as well as information from other law enforcement officers which I

routinely rely on in the performance of my official duties.

4. The main subject of this investigation is Burson J. Augustin, a/k/a "Zoe," born in 1984.
5. On August 7, 2013, members of the Lee County Sheriff's Office (LCSO) Narcotics Unit received information from confidential informant #13-058 (hereinafter referred to as "CI"), that a black male known as "Zoe," positively identified as Burson J. Augustin, was selling quantities of cocaine. The CI set up a cocaine transaction via a controlled recorded phone call to Augustin, who was utilizing phone number (305) 755-2846. This call was made in the presence of LCSO detectives. The transaction was to take place at the McDonalds at 27996 Oakland Drive, Bonita Springs, Lee County, Florida. This CI has worked with the LCSO in independent matters and information provided by the CI has proved to be reliable.
6. On August 7, 2013, at approximately 6:30 p.m., members of the Lee County Sheriff's Office Vice Intelligence Narcotics Division conducted an undercover operation in the area of Bonita Springs, Lee County Florida. The focus of the operation was to purchase one ounce of cocaine for \$1,200.00 from Augustin. Detective Ashley Thorpe worked in an undercover capacity and was accompanied by the CI. The CI was equipped with a concealed one-way transmitting and recording audio device for safety and evidentiary purposes. The CI was also provided with \$1,200.00 of pre-recorded money from the Lee County Sheriff's Office Narcotic Funds. The CI was searched before and after the transaction by Detective William Lusk for any illegal contraband, with negative

results.

7. At approximately 7:26 p.m., Detective Thorpe and the CI left the predetermined meet location in an undercover vehicle and drove towards the McDonalds at 27996 Oakland Drive, Bonita Springs, as agreed upon by Augustin.
8. At approximately 7:34 p.m., Detective Thorpe and the CI arrived at 27996 Oakland Drive in Bonita Springs. Detective Thorpe parked her vehicle near the gas pumps located at the front of the business. The CI exited the vehicle and walked over to Augustin, who had already arrived and was waiting by himself near the side of the business with his vehicle hood up. The vehicle next to Augustin was registered to him. The CI and Augustin greeted one another and Augustin immediately handed the CI two clear plastic baggies of what appeared to be powder cocaine. The CI questioned Augustin about the weight and Augustin stated if the cocaine did not weigh enough, he would make up for it on a future deal. The CI then sat down in Augustin's vehicle and placed the suspected cocaine on an electronic scale and observed a reading of 29.8 grams. The CI was satisfied with the amount and exited Augustin's vehicle, handing Augustin the \$1,200.00 of pre-recorded funds in exchange for the cocaine. Augustin asked the CI how much there was and the CI stated, "\$1200.00." Augustin immediately placed the money in his pocket. The CI and Augustin had casual conversation and then the CI left the area of Augustin's vehicle. Detective Thorpe observed the meeting that the CI had with Augustin.
9. The CI returned to the undercover vehicle where Detective Thorpe was waiting. Once inside the undercover vehicle, the CI immediately handed Detective Thorpe

the suspected powder cocaine that he/she had just purchased from Augustin.

The two left the area en route to a pre-determined meet location without making any stops. Augustin was seen entering the McDonalds after the transaction.

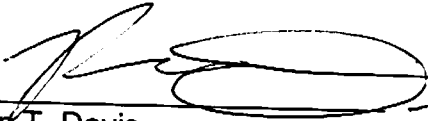
The audio transmitting device was monitored live by the surveillance units assisting in the operation.

10. Once at the meet location, Detective Thorpe signed over the suspected cocaine that was just purchased from Augustin to Detective Lusk using a Lee County Sheriff's Office property receipt. Detective Lusk performed a presumptive field test on a portion of the suspected cocaine and observed a positive reaction for the presence of cocaine. Detective Lusk placed the suspected cocaine on an electronic scale and observed a reading of 29.8 grams. Detective Lusk photographed the suspected cocaine prior to packaging and labeling and submitted it to the Lee County Sheriff's Office evidence room for further processing.
11. While at the Lee County Sheriff's Office, Detective Lusk and Detective Thorpe obtained a digitally recorded statement from the CI confirming the above-mentioned facts. The CI was also presented with a six-person photo line-up per Florida Department of Law Enforcement standards. The CI positively identified Augustin as the individual who had just sold him the suspected powder cocaine.
12. The audio recording of the transaction was reviewed by your Affiant and it supports the aforementioned facts.
13. Bursin L. Augustin was previously arrested as a member of the Liberty City Seven in 2006, on conspiracy and providing material support to terrorism

charges related to a plot to blow up the Sears Tower in Chicago, Illinois. He was convicted and sentenced to seventy-two months in federal prison, followed by ten years of supervised release. He is currently on supervised release through the U.S. Probation Department in Fort Myers, FL, after his release from prison on September 21, 2012.

14. Your Affiant asserts that based upon the foregoing, probable cause exists to believe that Burson L. Augustin has committed a violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(C).

FURTHER YOUR AFFIANT SAYETH NOT.



Ryan T. Davis
Special Agent
Federal Bureau of Investigation

Subscribed and sworn to me before this 9 day of August, 2013.



DOUGLAS N. FRAZIER
UNITED STATES MAGISTRATE JUDGE