

**IN THE DISTRICT COURT OF PAYNE COUNTY
STATE OF OKLAHOMA**

STATE OF OKLAHOMA

vs.

**SEAN PATRICK SUTTON
W/M DOB: 10/04/1968**
[REDACTED]

IN THE DISTRICT COURT OF
Payne County, Oklahoma
FILED

FEB 12 2010

LISA B. LAMBERT, Court Clerk
By: _____

PROBABLE CAUSE AFFIDAVIT

The undersigned upon oath deposes and states as follows, to-wit:

I, Brian Surber, do upon my oath state that I am an Agent with the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control (OBN), and have been so employed since April of 2006. Your Affiant has been assigned to the Enforcement Section of the Oklahoma Bureau of Narcotics, the duties of which involve the investigation of violations of the Uniformed Controlled Substances Act contained in Title 63 of the Oklahoma Statutes.

Further, that on February 11, 2010 at approximately 10:46 a.m., 11:49 a.m., 1:09 p.m., 2:43 p.m., and 5:15 PM, and, the crimes of:

1) Obtaining CDS by Fraud

Violation of 63 O.S. § 2-407

2) Possession of a CDS (Oxycontin)

Violation of 63 O.S. § 2-402

3) Attempted Possession of CDS (Adderral and Clonazepam),

Violation of Title 63 §§ 2-402 and 2-408.

4) Use of a Communication Device to Facilitate a Felony

Violation of 13 O.S. § 176.3.

were committed in the County of Payne, State of Oklahoma. Further, that the following events took place:

Obtaining CDS by Fraud

During August of 2009 I interviewed several physicians of Sean Sutton who had written him controlled substances in the preceding year. Each of the physicians was unaware of the other prescriptions written by the other practitioners and each stated they would not have written Sutton the controlled dangerous substance prescriptions had Sutton not concealed the material fact Sutton was seeing other physicians for controlled dangerous substances. I interviewed Sutton on several occasions where he admitted fraudulently seeing multiple doctors and using multiple pharmacies for the purpose of fraudulently obtaining controlled dangerous substances. All of the prescriptions were filled in Payne County, Oklahoma.

Possession of a CDS

When Sutton was first contacted by officers, he told Officer Heath Hall of the Stillwater Police Department that he had an Oxycontin (Schedule II) tablet in the console of his vehicle. Officers retrieved a Tylenol bottle containing a partial tablet. The tablet appeared to be a portion of an opiate tablet. Sutton told me later in my interview with him that he received the Oxycontin from Michelle Keller a few weeks ago.

Attempted Possession

On February 11, 2010, I obtained a search warrant for a Federal Express package addressed to Sean Sutton in Payne County, Oklahoma. The package indicated the sending party was Michelle Keller, 10332 Riviera Place, Seattle, Washington, 98125. The warrant was authorized by the Honorable Steve Kistler. When I opened the package I found four types of tablets totalling forty tablets. I checked the markings and found three of the tablets were a sleep aid, ten of the tablets were Adderal (Schedule II), twelve of the tablets were generic Adderral (Schedule II), and fifteen of the tablets were Clonazepam (Schedule IV). The tablets were concealed in a prescription bottle for amphetamine prescribed to Marc Geyer.

I then removed the tablets and replaced the prescription bottle with a box of candy. I returned to the Federal Express office located at 1410 West Airport Road in Stillwater, Payne County, Oklahoma and the Federal Express employees resealed the envelop and contacted Sean Sutton and told him his package was ready. At approximately 5:13 p.m. on February 11, 2010, I observed Sutton enter the Federal Express office and leave with a package. It appeared Sutton opened the package and placed it in the hatchback of his sport utility vehicle. Sutton then drove his vehicle westbound on Airport Road and was stopped by Sgt. Paul Bostick of the Stillwater Police Department.

I then contacted Sutton in Bostic's vehicle and he admitted he had been illegally obtaining drugs by Federal Express. I then asked Sutton if we could talk further at another location and he agreed. Sutton was never placed in custody, restrained in any way associated with formal arrest, or told he was under arrest. I then interviewed Sutton further and he told me the following:

1. Sutton told me he had illegally obtaining controlled dangerous substances from Michelle Keller in Seattle, Washington. Sutton said he met Keller in an inpatient rehabilitation program and had been obtaining medications from her for nearly a year.
2. Sutton said he also obtained controlled dangerous substances from Eliyuha Weintraub in New York who he also meet in rehab. Sutton said he believed most of the drugs Keller sent him were from Weintraub.
3. I asked Sutton what he thought was in the package today and he told me a sleep aid, Adderral, and Clonazapam. Sutton said Keller sent him the Clonazapam and sleep aid to help him sleep and the Adderral to help him cease illegal drug use.
4. Sutton said he had sent Keller cash on several occasions by both Federal Express and wire transfers. He also sent Weintraub money by both Federal Express and wire transfers.

Use of a Communication Device

I asked Sutton if I could examine his cellular telephone and he agreed. I asked Sutton if he could show me text messages to and from Michelle Keller. I found a series of text messages today between Sutton and Keller where they describe the arrival of the Federal Express package and concern that it was intercepted. Sutton told me he and Keller regularly communicated over his cellular telephone by both telephone call and text message where they discuss the shipment of controlled dangerous substances. Sutton admitted that all of the text messages he showed us to and from Keller related to the current shipment of narcotics from Keller which I intercepted and opened pursuant to the search warrant. The February 11, 2010 text messages took place at 10:46 a.m., 11:49 a.m., 1:09 p.m., and 2:43 p.m.

I placed Sutton under arrest at approximately 11:50 p.m. on February 11, 2010. The following offenses were committed in Payne County, Oklahoma.

Meeting with Sutton February 12, 2010

I met with Sutton in the Stillwater Jail at approximately 8:10 a.m. on February 12, 2010. I noticed Sutton's profusely sweating and appearing in discomfort and asked him if he was experiencing withdrawals. Sutton told me he was feeling symptoms of withdrawal and was going to "tough it out." I told Sutton to contact the detention officers if he felt ill. Later that morning I learned that Sutton had been vomiting and showing additional symptoms of withdrawal and the jail staff was concerned with his health.

Based upon this information, the undersigned prays that this Honorable

Court issue a finding that Probable Cause exists to believe that crimes have been committed and there is Probable Cause to believe the defendant named above committed those crimes.

[Signature]

Affiant

Subscribed and sworn to before me this 12th day of February, 2010.

My Commission expires: _____



[Signature]
Notary Public

FINDING OF PROBABLE CAUSE

The undersigned Judge of this Court, upon affidavit, hereby determines there to be Probable Cause to issue a warrant for the defendant.

Dated this 12th day of February, 2010

[Signature]
JUDGE OF THE DISTRICT COURT