

UNITED STATES DISTRICT COURT

for the
Northern District of Ohio

United States of America

v.

Jairo Colon

Case No.

2015 MAR -6 PM 1:46

CLERK U.S. DISTRICT COURT
NORTHERN DISTRICT OF OHIO
CLEVELAND

1:15 MJ 4047

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 3/5/2015 in the county of Cuyahoga in the
Northern District of Ohio, the defendant(s) violated:

Code Section

Offense Description

21, U.S.C., Sections 846, 841(a)(1)
and (b)(1)(A)Conspiracy to Distribute and Possess with the Intent to Distribute Cocaine
and Heroin

This criminal complaint is based on these facts:

See Attached Affidavit

☒ Continued on the attached sheet.
Complainant's signature

TFO Scott Payne/ HIDTA

Printed name and title

Sworn to before me and signed in my presence.

Date: 03/06/2015City and state: Cleveland, Ohio

Judge's signature

U.S. District Judge Dan A. Polster

Printed name and title

AFFIDAVIT

1 : 15 MJ 4047

I, Scott Payne, Detective with the Broadview Hts. Police Department, Task Force Officer with the Cleveland High Intensity Drug Trafficking Area, hereinafter referred to as the Affiant, being duly sworn, depose and state as follows:

INTRODUCTION

1. As a Federal Task Force Officer, your Affiant is an investigative law enforcement officer of the United States of America within the meaning of Title 21 U.S.C. 878. Your Affiant is empowered to conduct investigations and to make arrests for federal drug law offenses.

2. Your Affiant has been a member of the Broadview Hts. Police Department for sixteen (16) years and has been assigned as a Task Force Officer for the last eight (8) years, duly appointed according to law and acting as such. Your Affiant has received special training in the enforcement of laws concerning controlled substances as found in Title 21 of the United States Code. This special training includes basic drug training at the Cleveland Police Academy, as well as attendance at drug enforcement seminars and in-service training.

3. As a Federal Task Force Officer for the past eight (8) years, your Affiant has been assigned to investigate activities of drug trafficking organizations, drug-related gang and violent

crime activities, and other criminal offenses. As a Task Force Officer, your Affiant has participated in narcotics/drug enforcement, and the dismantlement of mid- to upper-level drug trafficking organizations. Your Affiant has planned and executed long-term investigative operations which have led to the disruption and dismantlement of criminal street gangs whose revenues centered primarily around the trafficking and distribution of illicit drugs. Those investigative operations have included undercover operations and Title III intercepts of telephone communications and activities.

4. Your Affiant has been involved in numerous investigations and arrests, drafting and executing search warrants, coordinating undercover purchases of controlled substances and supervising the activities of informants who have provided information concerning the activities of drug traffickers. Your Affiant is familiar with the terminology used by persons involved in these criminal activities, including the illicit distribution of controlled substances, the *modus operandi* of persons involved with such acts, including the knowledge that persons involved in the criminal activity, particularly the distribution of controlled substances, frequently attempt to conceal their identities, the locations at which the illicit transactions occur, and the laundering of proceeds from the

illicit activity to "plain" currency. These people are also known to have vehicles, properties, utilities, and other items purchased in the name of others to conceal their relationship between financial activities and drug activities. Your Affiant is also aware that drug traffickers typically develop a close circle of associates in whom they place their trust, and with whom they conspire regularly to safely and profitably carry out the routine of purchasing, transporting, processing, and selling illicit drugs.

BASIS OF INFORMATION

5. During the course of this investigation, your Affiant has received witness statements and information from Special Agents of the FBI, HIDTA officers, NOLETF officers, and local law enforcement officers indicating that the subjects of this investigation are engaged in substantial narcotics trafficking, as well as conspiracy to violate Federal laws.

6. Your Affiant is familiar with the facts and circumstances of the offenses described in this Affidavit based upon your Affiant's personal participation in the investigation of FRANCISCO JAVIER SANUDO, JAIRO COLON, and other members of this Drug Trafficking Organization (DTO), as well as through information obtained from other law enforcement agencies, witnesses, and reliable sources.

7. Except as otherwise noted, the information set forth in this Affidavit has been provided to your Affiant by FBI Agents or other law enforcement officers. Unless otherwise noted, whenever in this Affidavit your Affiant asserts 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 your Affiant has spoken or whose report your Affiant has read and reviewed. Likewise, information resulting from surveillance, except where otherwise indicated, does not necessarily set forth your Affiant's observations but rather has been provided directly or indirectly by FBI Agents or other law enforcement officers who conducted such surveillance. Likewise, any information pertaining to vehicles and/or registrations, personal data on subjects and record checks has been obtained through the Law Enforcement Automated Data System (LEADS); from Thompson Reuters, a law enforcement credit header database (CLEAR); from the State of Ohio or the National Crime Information Center (NCIC) computers; or by the Ohio Law Enforcement Gateway database (OHLEG) by members herein described.

8. Since the Affidavit is being submitted for the limited purpose of securing arrest warrants, your Affiant has not included each and every fact known concerning this

investigation. Your Affiant has set forth only the facts necessary to establish that there is probable cause to believe that the following individuals have violated Title 21, United States Code, Sections 846 and 841(a)(1) and (b)(1)(A) - that is, conspiracy to possess with the intent to distribute and distribute heroin and cocaine:

a.) JAIRO COLON;

b.) FRANCISCO JAVIER SANUDO.

CONFIDENTIAL HUMAN SOURCES

9. Confidential Source 1 (hereinafter referred to as Source 1) provided information to Task Force Officers (TFO) and other federal agents during the past three days. Since March 2, 2015, Source 1 has been critical in identifying and defining the roles of targeted subjects of the COLON/SANUDO Drug Trafficking Organization DTO. All of the information provided by Source 1 has not only been timely, but has also later been substantially corroborated by the investigation. Since March 2, 2015, Source 1 has orchestrated 2 controlled purchases of drug evidence from subjects of the DTO described above, some of which were consummated or witnessed by undercover officers. Source 1 is cooperating with law enforcement in the hopes of reducing the sentence associated with pending charges by the Drug Enforcement Agency. Source 1 does not have any criminal convictions.

Source 1 is in a position to provide information regarding this DTO as Source 1 has previously purchased heroin and cocaine from members of the DTO. Information provided by Source 1 regarding the present investigation has been corroborated by physical surveillance, independent sources, monitored and consensually-recorded telephone calls, controlled purchases of narcotics and database searches (i.e. LEADS, OHLEG, CLEAR and RMS). Source 1's information has never been found to be false or misleading. For these reasons, your Affiant believes that Source 1's information is reliable.

FACTS AND CIRCUMSTANCES

10. In March 2015, members of the High Intensity Drug Trafficking Area Task Force initiated an investigation into the drug trafficking activities of several large scale drug traffickers who were suspected to be trafficking significant amounts of heroin and cocaine in Detroit, MI and Cleveland, OH. The investigation began with the development of Source 1 whom had information about high ranking members of the drug trafficking organization (DTO). Source 1 provided a cellular telephone number 440-654-1451, known to be held and utilized by two members of the DTO, JAVIER SANUDO and JAIRO COLON. JAVIER and JAIRO were described by Source 1 as the main suppliers of heroin and cocaine in the Cleveland area.

11. On March 2, 2015, members of the High Intensity Drug Trafficking Area Task Force met with Source 1 who has direct knowledge of the drug activities of JAVIER SANUDO, JAIRO COLON, and JAVIER's brother, Alejandro SANUDO. Source 1 stated that Alejandro lives in Detroit, MI. According to Source 1, Alejandro helps to facilitate the transportation and delivery of heroin and cocaine to the Detroit and Cleveland areas.

12. Source 1 provided your Affiant with a license plate (Ohio GIX8927) of a van used by SANUDO and COLON to facilitate their drug trafficking activities. Source 1 described the van as a tan colored Chrysler minivan.

13. A registration check of the license plate revealed the owner as Christopher Perez. Source 1 did not identify Perez as SANUDO or COLON. However, the van is tan in color and it is a Chrysler Town and Country. A check of Christopher Perez showed negative results for a criminal history.

14. Source 1 stated that Source 1 has purchased kilogram quantities of heroin and cocaine from SANUDO and COLON in the past two weeks while they were driving the minivan described above.

15. Source 1 then showed task force members two locations where

Source 1 has met SANUDO and COLON to purchase kilograms of heroin and cocaine. Source 1 described and then directed task force officers to 3234 Trowbridge Avenue, Cleveland, Ohio and 2397 Castle Avenue, Cleveland, Ohio. In the driveway of 3234 Trowbridge Avenue, there was a red Mercury two door with Ohio tag GGU9333. A registration check of the Mercury revealed that it was registered to JAIRO COLON at 7305 Berry Ave. Cleveland, Ohio. Source 1 was then shown a BMV photo of JAIRO COLON which Source 1 positively identified as the male he described as JAIRO. Affiant avers that a check of JAIRO COLON showed negative results for a criminal history.

16. On March 2, 2015, Source 1 placed two controlled telephone calls to 440-654-1451 that went unanswered. After a short period of time, Source 1 received an incoming call from 440-654-1451. Source 1 answered the call and spoke with a male that Source 1 described as JAVIER. Source 1 told JAVIER that Source 1 wanted "to meet up", which according to Source 1, is code for wanting one kilogram of cocaine. JAVIER instructed Source 1 to call the number when Source 1 was close to the area of Trowbridge. Within an hour of that call, Source 1 contacted 440-654-1451 and a male Source 1 identified as JAIRO answered. JAIRO instructed Source 1 to go to the Trowbridge Avenue location described above. Source 1 and Source 1's vehicle were searched and found to be free of any narcotics or contraband.

Source 1 was followed to the Trowbridge address where Source 1 waited in the driveway. After a short period of time, Source 1 received an unmonitored call from JAIRO. Source 1 stated that JAIRO instructed Source 1 to drive to a different location for the exchange. Source 1 then drove to the 2600 block of W. 32 St. near the intersection of Barber. The tan Chrysler Town and Country minivan was waiting for Source 1 upon his arrival at W. 32 St. and Barber. Upon arrival, Source 1 stated that JAIRO exited the driver's seat, greeted Source 1, and then walked to a nearby home. Source 1 then entered the minivan and spoke with SANUDO inside the van. According to Source 1, SANUDO then gave Source 1 a black bag containing a brick of suspected cocaine. Source 1 then exited the minivan and drove to a predetermined location to meet with task force members. At that location, Source 1 produced the bag containing the suspected cocaine. The brick was heavily wrapped with duct tape and plastic. Written on the outside of the brick was the word "lexus".

17. The suspected cocaine was weighed and field tested. The approximate field weight was 2.55 lbs and field tested positive for the presence of cocaine. The cocaine was tagged and entered into evidence.

18. While some task force members met with Source 1 after the

exchange, other task force members simultaneously followed SANUDO and COLON in the tan minivan. The minivan left the W. 32 St. and Barber location and traveled to 7305 Berry Avenue, Cleveland, Ohio where it was parked in the street in front of the home.

19. A debriefing of Source 1 by task force members occurred after the meet and exchange with SANUDO and COLON. During the conversation with SANUDO, Source 1 was informed that SANUDO was waiting for 200 kilograms of narcotics to arrive from California in the next several days. Source 1 also stated that SANUDO has moved seventy kilograms of cocaine within the last ten (10) days.

20. On March 3, 2015, your Affiant sought for and received a GPS tracking warrant for the Chrysler Town and Country minivan (Ohio license GIX 8927). On March 3, 2015, at approximately 1:15 a.m., Judge Michael Astrab, Cuyahoga County Common Pleas, signed the search warrant authorizing the tracking warrant. At approximately 3:14 am members of the High Intensity Drug Trafficking Area installed the GPS monitoring device on the Chrysler at 7305 Berry Ave. Cleveland, Ohio.

21. On March 3, 2015 at approximately 2:26 pm the GPS tracking data associated with the device installed on the vehicle indicated that the minivan was located at 2505 W. 7th St.

Cleveland, Ohio. According to the data, the vehicle was stopped there for approximately two minutes. On March 3, 2015 at approximately 6:25 pm the GPS data indicated that the minivan was stopped again at 2505 W. 7th St. Physical surveillance confirmed that the vehicle was parked in front of 2505 W. 7th St. at that time. The data indicated that the vehicle remained there for approximately fifty one minutes. On March 3, 2015, at approximately 10:37 p.m., GPS data indicated the vehicle returned to the 2505 W. 7th St. address, this time staying for approximately fourteen minutes.

22. On March 3, 2015, the GPS data indicated that between the hours of 3:14 am and 11:02 pm, the vehicle traveled to and from 7305 Berry Avenue on three occasions.

23. On March 4, 2015, at approximately 6:45 a.m., the GPS data indicated that the vehicle traveled to the 2507 W. 7th St. address but did not stop for any measurable duration. At approximately 7:36 a.m., the GPS data indicated that the vehicle returned to 7305 Berry Ave. where it remained until 8:59 am. At approximately 8:59 am, GPS data indicated that the vehicle left 7305 Berry Ave. and made numerous trips throughout the day.

24. On March 4, 2015, at approximately 1:33 pm, Source 1 placed a consensually recorded call to COLON at telephone number 440-654-1451. Source 1 informed COLON that Source 1 had money to

give to COLON, and COLON instructed Source 1 to call COLON to finalize a meeting that was to take place around 6:00 p.m.

25. On March 4, 2015, at approximately 1:50 p.m., JAVIER SANUDO called Source 1 using 216-309-8313. Source 1 began to discuss with SANUDO the possibility of traveling to Detroit, Michigan, ostensibly to retrieve packages of heroin and/or cocaine, and SANUDO interrupted Source 1 saying, "Don't go there." When Source 1 asked SANUDO for clarification, SANUDO replied, "It's here." Source 1 replied, "It's here?" SANUDO replied, "Yes." Source 1 then explained to SANUDO that Source 1 and COLON had arranged for a meeting at 6:00 p.m. As the two continued to converse, SANUDO made a reference to black tar heroin (using a code), and Source 1 responded by saying, "The other stuff (cocaine) is easier because you guys are closer (than Detroit)." SANUDO replied, "Yeah, there's a lot of it." Source 1 then reminded SANUDO that Source 1 had money for SANUDO and COLON, and assured him that Source 1 could sell any cocaine that SANUDO might bring Source 1 in "one, two, or three days." SANUDO acknowledged, and the two parties agreed that Source 1 would speak to COLON by phone at 5:00 p.m., and finalize their plans to meet around 6:00 p.m.

26. According to GPS data, the vehicle traveled to 9627 Clinton Rd. Brooklyn, Ohio. GPS data indicated that the vehicle arrived

there at 2:02 pm. Physical surveillance confirmed the vehicle was located at the Clinton Rd. address.

27. At approximately 5:25 pm Source 1 and JAIRO COLON exchanged a pair of telephone calls (COLON using 440-654-1451) during which COLON instructed Source 1 to travel to the area of a "Chipotle" restaurant with which Source 1 was already familiar (located in the Steelyard Commons shopping area).

28. On March 4, 2015, at approximately 5:26 pm, GPS data and physical surveillance indicated that the vehicle left the address on Clinton Rd. At approximately the same time, Source 1 received a call from SANUDO using telephone 216-309-8313. Source 1 and SANUDO reiterated the meeting that Source 1 and COLON had just arranged (at 6:00 pm). SANUDO asked Source 1, "Are you coming with your things (money)?" Source 1 replied that Source 1 would bring part of the money owed to SANUDO, but not all of it. Source 1 also assured SANUDO that Source 1 would quickly sell any cocaine that SANUDO might bring for Source 1, explaining to SANUDO that Source 1 had multiple customers ready to purchase.

29. On March 4, 2015 at approximately 5:30 p.m., GPS data and physical surveillance indicated that the minivan arrived at 7305 Berry Avenue, Cleveland, Ohio.

30. On March 4, 2015, at approximately 6:32 pm, GPS data and physical surveillance indicated that the vehicle left 7305 Berry Ave. The vehicle traveled to 2505 W. 7th St. where it arrived at 6:43 p.m. After approximately four (4) minutes, GPS data and physical surveillance indicated that the vehicle departed. At approximately 6:51 pm the vehicle arrived at the Steelyard Commons shopping area.

31. Source 1 was then accompanied by a vehicle to the Chipotle restaurant on Steelyard Drive, Cleveland, Ohio in order to meet SANUDO and COLON. Source 1 parked in the parking lot there, and several minutes later, noticed COLON's vehicle driving south past Source 1's location on the access road just outside of the Chipotle parking lot. At that moment, Source 1 noticed SANUDO signaling for the source to follow him. Source 1 then left the Chipotle parking lot and followed COLON's vehicle through the public parking lots of the other stores and restaurants in the area, until they arrived at the parking lot on the south side of the building where the "Five Guys" and "Penn Station" restaurant are located. As the two vehicles (Source 1's and COLON's with SANUDO as a passenger) arrived there, SANUDO exited COLON's vehicle and summoned Source 1. SANUDO pointed out to Source 1 a black handbag on the floor near the back seat of COLON's vehicle, and informed Source 1 that it contained five kilograms

of cocaine. SANUDO instructed Source 1 to move the bag to Source 1's vehicle. When Source 1 returned, COLON asked Source 1 to place the buy money in a storage slot on the back side of the front passenger seat of COLON's vehicle. Once the money had been secured there, SANUDO asked Source 1 to enter the "Five Guys" restaurant with him and COLON. While inside, SANUDO and COLON conversed with Source 1 about some of the terms of the transaction that they had just completed. SANUDO offered to provide Source 1 five more kilograms the following day if Source 1 were able to sell what SANUDO had just provided Source 1. SANUDO also assured Source 1 that Source 1 needed only to repay SANUDO \$37,000 for each of the five kilograms. SANUDO also offered to sell Source 1 heroin for \$75,000 per kilogram. SANUDO advised Source 1 that he had other customers who were also taking 4-5 kilograms of drugs from SANUDO for purchase. SANUDO and COLON left the area in COLON's vehicle. The cocaine provided to Source 1 field tested positive for cocaine.

32. Task Force members then continued to monitor the movements of SANUDO and COLON through visual surveillance and the monitoring of the GPS tracking data. The vehicle was then observed traveling to the townhome complex at 2505 W. 7th St. Upon arriving there, surveilling officers observed both SANUDO and COLON exit COLON's vehicle, and enter the residence at 2505

W. 7th St. using a key. Several minutes later, the officers observed SANUDO and COLON leave the residence. SANUDO walked toward the mailbox of the residence, and COLON returned to his vehicle. At that point officers detained both SANUDO and COLON.

33. Following their detention, SANUDO and COLON were searched for safety reasons. Among the items taken from COLON incident to his arrest was his wallet. Inside COLON's wallet, Task Force members found two small documents which appeared to be a ledger of drugs distributed and proceeds collected during a period of time which ended on January 15, 2015. The records specifically designate separate data for both "Boy" and "Girl"; which are common terms within the trafficking vernacular for heroin and cocaine. The ledger indicated that during the period covered by the ledger's contents, COLON appeared to have collected \$1,465,370. Subsequently, agents conducting surveillance at the Clinton Road address obtained consent to search the building from the owner. No contraband or money was found at 9627 Clinton Rd.

34. Your Affiant then sought and received search warrants for 2505 W. 7th St. Cleveland, Ohio and 7305 Berry Ave. Cleveland, Ohio from Northern District of Ohio Magistrate Judge Nancy A. Vecchiarelli.

35. At approximately 3:05 am both locations were searched by members of HIDTA, NOLETF, FBI, DEA, and local law enforcement officers.

36. At 2505 W. 7th St. several items of interest were found to include; two bundles of U.S. currency, miscellaneous paperwork containing the names of JAVIER SANUDO and JAIRO COLON, JAVIER SANUDO's passport and Mexican identification card. A complete list of items seized is included on the inventory report form.

37. At 7305 Berry Ave. several items of interest were found to include; eleven kilograms of heroin, drug packaging materials, a large amount of unknown U.S. currency, and miscellaneous paperwork in the name of JAIRO COLON. All eleven kilograms of heroin were field tested and tested positive for the presence of heroin. A complete list of items seized is included on the inventory report form.

CONCLUSION

38. Based on the foregoing facts and circumstance, Your Affiant believes that there is probable cause to believe that

a.) JAIRO COLON;

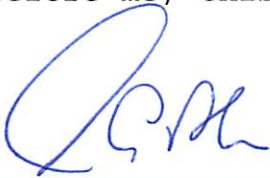
b.) FRANCISCO JAVIER SANUDO

have committed the offense of conspiracy to possess with the intent to distribute and to distribute cocaine and heroin, in violation of Title 21, United States Code, Sections 846 and 841(a)(1) and (b)(1)(A).



Scott Payne
Detective, Task Force Officer
Broadview Hts. Police, High Intensity Drug Trafficking Area

This and the preceding 17 pages were sworn to and subscribed before me, this 6th day of March, 2015.



Dan A. Polster
United States District Judge
Northern District of Ohio