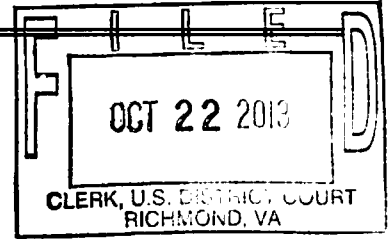


AO 91 (Rev. 08/09) Criminal Complaint

UNITED STATES DISTRICT COURT  
for the  
Eastern District of Virginia



United States of America  
v.  
Trevor Tutwiler

Case No. 3:13MJ426

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 29, 2013 in the county of Henrico in the  
Eastern District of Virginia, the defendant(s) violated:

| <i>Code Section</i>            | <i>Offense Description</i>  |
|--------------------------------|---|
| 21 U.S.C. Sections 841 and 846 | PWID Controlled Substance and Conspiracy to PWID Controlled Substance |

This criminal complaint is based on these facts:  
SEE ATTACHED AFFIDAVIT

Continued on the attached sheet.

Reviewed by AUSA/SAUSA:

Erik S. Siebert

Complainant's signature

DANIEL LEARY SA  
Printed name and title

Sworn to before me and signed in my presence.

Date: 10/22/13

/s/   
M. Hannah Lauck  
United States Magistrate Judge

Judge's signature

City and state:

Printed name and title

### **AFFIDAVIT**

1. I, Daniel E. Leary, being duly sworn hereby depose and state that the following facts are true and correct to the best of my knowledge and belief:
2. I am a Special Agent with the United States Immigration and Customs Enforcement (ICE), Homeland Security Investigations (HSI) and have been employed in that capacity since July 2003. I have worked in the Richmond, Virginia office and the Atlanta, Georgia office.
3. As a Special Agent with Immigration and Customs Enforcement, I have received training in the investigation and prosecution of violations of federal drug trafficking laws. I am a graduate of the Federal Law Enforcement Training Center and the Immigration and Customs Enforcement Academy. I have received training in Federal Law and Customs law violations, firearms training, surveillance techniques, interviewing, defensive tactics training, and driving techniques. I have been assigned to a HIDTA Task Force where my duties have included the investigation of international drug trafficking and related criminal activity at the Atlanta airport.
4. On July 29, 2013, a border search was conducted on an international United States Postal package sent from Nanjing, China destined for 7812 Hermitage Rd, Richmond, Virginia, weighing approximately 2 pounds and 4.50 ounces. Upon a border inspection, the parcel was found to contain a bubble wrapped silver package labeled "L-Glutamine Crystal." The silver package contained a substance that appeared to look like rock candy. Agents determined that the destination address, 7812 Hermitage Rd, Richmond, Virginia, was a residence used by Trever Tutwiler.
5. The substance was field tested and indicated a positive result for the presence of Methamphetamine and MDMA. This field test has also been known to test positive for the presence of bk-MDMA (Methylone). The package was later sent to the Commonwealth of Virginia Department of Forensic Science for analysis. The analysis revealed the substance to be 1001.7 grams of solid material found to contain Methylone, a Schedule I controlled substance.
6. On July 29, 2013, the HSI Richmond, VA office obtained an anticipatory search warrant for 7812 Hermitage Rd, Richmond, Virginia, and in cooperation with other law enforcement partners conducted a


controlled delivery of the package to the residence. The package was delivered and left on the ground in front of the front entrance of the residence. Subsequently, an individual later identified as Trevor Tutwiler, exited the residence and retrieved the package from the ground taking the package into the residence.

7. Tutwiler did not open the package, but placed it in his backpack and exited the residence prior to leaving the area in his vehicle. The anticipatory search warrant was not executed. Tutwiler's vehicle was followed and the Henrico County Police Department (HCPD) conducted a traffic stop. An HCPD canine unit alerted to the presence of narcotics in Tutwiler's vehicle and a subsequent search revealed Tutwiler was in possession of the Methylone package, other narcotics, and U.S. currency.


8. Tutwiler was arrested and transported to an HCPD precinct where he was presented with a form stating his Miranda rights. Tutwiler stated that he understood his rights, signed the form, and agreed to speak with law enforcement about the package.

9. During the Mirandized interview of Tutwiler, Tutwiler admitted he ordered 1,000 grams of bk-MDMA from an overseas website, paid using Western Union, and that Tutwiler suspected that the package contained bk-MDMA. Tutwiler stated that he purchased the package with several other individuals for further distribution in the Eastern District of Virginia and elsewhere.

10. Based upon the above, I believe that there is probable cause that the defendant, Trevor Tutwiler, has committed violations of Title 21, U.S.C., Sections 841 and 846, possession with the intent to distribute a controlled substance and conspiracy to possess with the intent to distribute a controlled substance.

  
Daniel Leary  
Special Agent, ICE-HIS

Sworn to and subscribed before me this 22nd day of October 2013, in Richmond, Virginia.

  
/s/  
M. Hannah Lauck  
United States Magistrate Judge