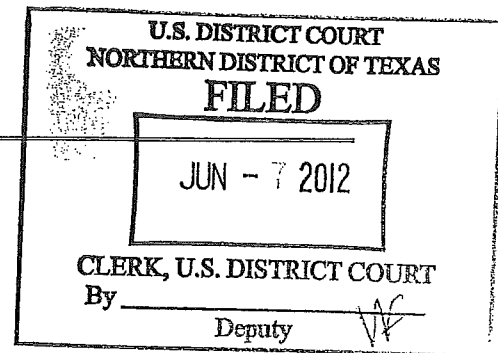


United States District Court
NORTHERN DISTRICT OF TEXAS



UNITED STATES OF AMERICA

CRIMINAL COMPLAINT

V.

CASE NUMBER: 3-12-MJ- 252

JESSE TYRONE CHAVFUL

I, the undersigned complainant being duly sworn, state the following is true and correct to the best of my knowledge and belief, that on or about July 2011, the exact date being unknown, and continuing to on or about June 6, 2012, in the Dallas Division of the Northern District of Texas, and elsewhere, the defendant did,

knowingly, intentionally and unlawfully combine, conspire, confederate, and agree together, and with other persons known and unknown, to possess with the intent to distribute 5 kilograms or more of a mixture or substance containing a detectable amount of cocaine, a controlled substance, and 100 kilograms or more of a mixture or substance containing a detectable amount of marijuana, a controlled substance

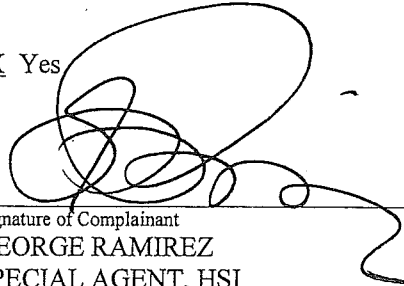
knowingly and intentionally attempted to possess with intent to distribute 5 kilograms or more of a mixture or substance containing a detectable amount of cocaine

in violation of Title 21 United States Code, Section(s) 846;

I further state that I am a(n) Special Agent of the U.S. Department of Homeland Security, Immigration and Customs Enforcement, Homeland Security Investigations (HSI) and that this complaint is based on the following facts:

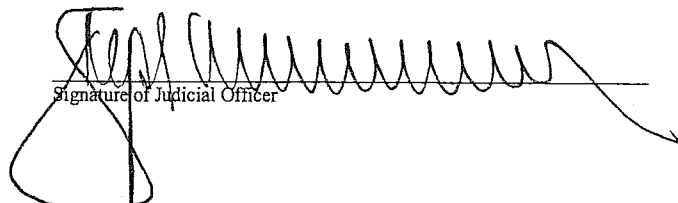
See attached Affidavit of Special Agent George Ramirez, HSI, which is incorporated and made a part hereof by reference.

Continued on the attached sheet and made a part hereof: ☒ Yes


Signature of Complainant
GEORGE RAMIREZ
SPECIAL AGENT, HSI

Sworn to before me and subscribed in my presence, on this 7th day of June, 2012, at Dallas, Texas.

JEFF KAPLAN
UNITED STATES MAGISTRATE JUDGE
Name & Title of Judicial Officer


Signature of Judicial Officer

AFFIDAVIT

I. INTRODUCTION

I, George Ramirez, Special Agent (SA) with the Department of Homeland Security (DHS), Homeland Security Investigations (HSI) and has been so employed for approximately 28 years, and I depose and state the following:

I am an "investigative or law enforcement officer of the United States" within the meaning of Section 2510(7) of Title 18, United States Code, that is, I am an officer of the United States, who is authorized by law to conduct investigations of, and make arrests for, numerous federal offenses, including various drug offenses in violation of Title 21 of the United States Code.

I am currently assigned to HSI Irving, Texas. I am a graduate of the Federal Law Enforcement Training Center Criminal Investigator School and the U. S. Customs Basic Enforcement School. As part of the curriculum at these training schools, I have received numerous hours of instruction relating to the investigation of fraud, export violations, financial crimes, drug trafficking and related crimes. As a SA with HSI, I have received training in financial and drug trafficking crimes. I have read and studied publications and intelligence reports dealing with drug trafficking techniques. My duties include the investigation and enforcement of Title 18, 19, 21, and 31 of the United States Code. In connection with these assigned duties and responsibilities as a Federal Law Enforcement Officer, I have assisted in judicial proceedings and in the preparation of federal criminal complaints and arrest warrants.

Based on the following, there is probable cause to believe that **Jesse Tyrone CHAVFUL**, and others, both known and unknown, have committed the following offenses in the Northern District of Texas, and elsewhere: (1) conspiracy to possess with the intent to distribute controlled substances; to wit: 5 kilograms or more of cocaine and 100 kilograms or more of marijuana, in violation of 21 U.S.C. § 846; and (2) attempted possession with intent to distribute 5 kilograms or more of a mixture or substance containing a detectable amount of cocaine, in violation of 21 U.S.C. § 846. I have not included each and every fact concerning the investigation and I have set forth only the facts that I believe are essential to establish probable cause to support the issuance of an arrest warrant for **CHAVFUL** for these offenses. Furthermore, the following statements, facts, and observations are in sum and not verbatim

II. FACTS AND CIRCUMSTANCES

On July 27, 2011, Homeland Security Investigations (HSI), Dallas, Texas, received information from a confidential informant ("CI"), who has proven to be reliable, that a subject, later identified as **Toby LUJAN**, who was later known to be a co-conspirator of **Samuel George HURD, III**, was attempting to coordinate the purchase of approximately four kilograms of cocaine for a buyer, later identified as **HURD**. At the time, **HURD** was a professional football player for the Dallas Cowboys.

The CI, at the direction of HSI agents, coordinated a meeting location with **LUJAN** for the purchase of the cocaine which was located in Dallas, Texas, which is in the Dallas Division of the Northern District of Texas. **LUJAN**, driving a Cadillac Escalade owned by **HURD**, proceeded to the meeting location with \$88,000 in cash and the intent of purchasing approximately four kilograms of cocaine from the CI for **HURD**. **LUJAN** was stopped for a traffic violation and gave the police consent to search the vehicle. The police discovered the \$88,000 in a canvas bag with traces of marijuana. **LUJAN** subsequently stated that the currency belonged to **HURD**. Later, **HURD** attempted to retrieve the seized cash from HSI and claimed that it was his. **HURD** gave an implausible explanation for the presence of \$88,000 in cash in his Escalade that was being driven by **LUJAN**. Neither **HURD** nor **LUJAN** were arrested, but the cash seizure did not halt their efforts to acquire cocaine.

Between July 27, 2011, and December 14, 2011, there were numerous calls and/or conversations between the CI and **LUJAN** and/or the CI and **HURD** that contained narcotics related discussions and negotiations for the future purchase of cocaine. For example, on September 9, 2011, **LUJAN** telephonically contacted the CI and advised that his associates from Chicago, Illinois, traveled to the Dallas area and were interested in purchasing five (5) kilograms of cocaine. **LUJAN** stated that the buyer had \$50,000 and requested that the CI "front" – meaning to advance with the understanding of later payment – the buyer a kilogram of cocaine. **LUJAN** stated that the buyer (**HURD**) was the same person previously mentioned that now played for the Chicago Bears, and that **HURD** wanted to meet with the CI. **LUJAN** subsequently advised the CI that **HURD** was unavailable due to NFL obligations, but that **HURD**'s cousins were available to complete the transaction. **LUJAN** agreed to email the CI a picture of the money; however, the picture was never received.

On December 5, 2011, **LUJAN** and the CI conversed telephonically and **LUJAN** advised that the CI and **HURD** needed to meet to discuss future business. Then,

on December 6, 2011, the CI met with **LUJAN** at the Firestone Auto Care in Coppell, Texas. **LUJAN** advised that the buyer previously discussed, who played for the Chicago Bears, was named "Sam" (**HURD**) and that **HURD** wanted to meet with the CI. **LUJAN** then contacted **HURD** telephonically and passed the telephone to the CI. During the conversation, **HURD** stated that he was sending associates to the Dallas area and was initially interested in purchasing three (3) kilograms of cocaine before stating that he wanted five (5) kilograms of cocaine. **HURD** further stated that he would advise **LUJAN** to provide the CI his telephone number so that they could meet should the CI travel to the Chicago area. The call then ended.

LUJAN subsequently reiterated that the narcotics transaction could be completed at the Firestone shop and **LUJAN** proceeded to show the CI the shop and explained in detail the manner in which the illicit transaction could be conducted there. **LUJAN** further stated that **HURD** makes about \$4 million dollars a year from the Chicago Bears and that **HURD** would have the money ready. **LUJAN** further claimed that **HURD** had a previous narcotics connection that would supply **HURD** narcotics valued at approximately \$100,000 to \$200,000 weekly.

On December 7, 2011, **LUJAN** provided the CI with **HURD**'s contact telephone number. On December 8, 2011, the CI telephonically contacted **HURD** at this number. The CI advised **HURD** that the kilograms of cocaine that **HURD** wanted to purchase were not going to be available. **HURD** stated that he had already been prepared to request an additional week and that he was interested in setting up continued business with the CI and his associates. The CI advised **HURD** that he would be in the Chicago area in the coming weeks, after which **HURD** stated that he would be interested in meeting to negotiate prices, discuss quantities, and establish a long-term business relationship.

On December 14, 2011, **HURD** met with the CI and an HSI undercover agent ("UCA") at a steakhouse in Chicago, where **HURD** negotiated the purchase of five to ten kilograms of cocaine and 1,000 pounds of marijuana per week for distribution in the Chicago, IL area and **HURD** was arrested after he took possession of approximately one (1) kilogram of cocaine from the UCA.

On January 4, 2012, **HURD** and **LUJAN** were indicted in the Northern District of Texas for violations of 21 U.S.C. §§ 841 and 846.

On April 30, 2012, HSI agents interviewed a cooperating defendant (hereinafter CD-2) who stated the following (not verbatim): CD-2 stated that he supplied **Jesse Tyrone CHAVFUL** with numerous shipments of large quantities of marijuana

between 1998 and 1999. CD-2 stated that he became aware that **CHAVFUL** had been arrested by law enforcement and CD-2 stopped communicating with **CHAVFUL** for a number of years.

CD-2 then stated that in October 2011, at the direction of the Drug Enforcement Administration (DEA), CD-2, another cooperating defendant (hereinafter CD-3), and another cooperating defendant (CD-1), met with **CHAVFUL** at **CHAVFUL**'s place of business in San Antonio, Texas. CD-2 stated that **CHAVFUL** showed them (CD-1, CD-2, and CD-3) a photograph and T-shirt of **CHAVFUL**'s cousin, **HURD**, and said that he played professional football. CD-2 stated that **CHAVFUL** informed them that his cousin was in the Chicago, Illinois area and would go to the Dallas, Texas area to purchase narcotics. CD-2 stated that **CHAVFUL** proceeded to negotiate for the purchase of marijuana and cocaine on behalf of **HURD** and **CHAVFUL** was interested in purchasing marijuana at the price of \$300 per pound. CD-2 stated that **CHAVFUL** further advised that he was interested in purchasing approximately ten (10) to fifteen (15) kilograms of cocaine on behalf of **HURD** and **CHAVFUL** attempted to negotiate the purchase price of cocaine at \$23,000 per kilogram. CD-2 was presented a photographic lineup display from which CD-2 positively identified **CHAVFUL**.

On May 1, 2012, HSI agents interviewed CD-1. CD-1 stated the following (not verbatim): CD-1 stated that in unknown date in late 2011, they (CD-1, CD-2, and CD3) met with **CHAVFUL** at his place of business in San Antonio, Texas. CD-1 observed **CHAVFUL** wearing a Dallas Cowboy shirt that displayed the name and picture of **HURD** and that there were several photographs and posters of **HURD** sporting a Dallas Cowboys uniform displayed within the business. CD-1 inquired if **CHAVFUL** was a Dallas Cowboy fan, upon which **CHAVFUL** told CD-1 that **HURD** was his cousin. CD-1 stated that **CHAVFUL** told them that **HURD** was purchasing approximately one thousand five hundred (1,500) kilograms of hydroponic marijuana from Los Angeles, California, for delivery in the Chicago, Illinois area.

CD-1 stated that **CHAVFUL** told them that **HURD** was interested in securing a distributor of marijuana who could supply him approximately one thousand (1,000) to two thousand (2,000) kilograms of hydroponic marijuana on a weekly basis to keep up with the demand. CD-1 stated that **CHAVFUL** informed them that he was coordinating the purchase of the marijuana on **HURD**'s behalf and that **HURD** would pay cash for the delivery of Mexican and hydroponic marijuana. CD-1 inquired if **CHAVFUL** was interested in purchasing cocaine and **CHAVFUL** told CD-1 that his "little cousin Sam"(**HURD**) sold cocaine and that **CHAVFUL** would get in contact with **HURD** to inquire as to what **HURD** wanted

to do. **CHAVFUL** told CD-1 that he coordinated the purchase and delivery of marijuana on **HURD**'s behalf for several years because **HURD** could not take the risk.

Furthermore, on October 31, 2011 and November 10, 2011, CD-1 had telephonic conversations with **CHAVFUL** reference narcotic negotiations that also referenced **HURD** as a possible buyer. **CHAVFUL** communicated with CD-1 by utilizing a phone number that had been identified in the HSI investigation as having been in contact (several calls in November 2011) with a phone number known to have been utilized by **HURD** to communicate with the CI on and around December 14, 2011. For example, in two calls made on November 10, 2011, **CHAVFUL** and CD-1 had discussions about (1) **CHAVFUL** and **HURD** wanting drug loads going "north" (meaning the Chicago area) from Texas; **CHAVFUL** advising CD-1 not to worry because **HURD** had plenty money to pay for the drugs; and (3) **CHAVFUL** advising that **HURD** could not be on the "scene" (meaning the place where the drugs would be delivered) and CD-1 responding that he understood because of **HURD**'s status and the "media."

On May 9, 2012, HSI agents interviewed CD-3 at the HSI Dallas Office in Irving, Texas. CD-3 stated the following (not verbatim): CD-3 stated that he assisted CD-2 in the delivery of marijuana to **CHAVFUL**. CD-3 stated that both he and CD-2 delivered marijuana to **CHAVFUL** and CD-3 estimated that he delivered approximately twenty (20) to twenty-five (25) tons of marijuana to **CHAVFUL** between approximately 1998 and 2003. CD-3 stated that **CHAVFUL** was arrested by law enforcement and CD-3 did not communicate with **CHAVFUL** between the years 2004 and 2011. CD-3 reestablished communication with **CHAVFUL** on or about August 2011. CD-3 state that around October or November 2011, they (CD-1, CD-2, and CD-3) met with **CHAVFUL** at his place of business. CD-3 recalled that CD-2 asked **CHAVFUL** if **CHAVFUL** was still moving drugs and **CHAVFUL** replied, yes. CD-3 recalled that CD-2 asked **CHAVFUL** if **CHAVFUL** wanted cocaine and **CHAVFUL** said no, but stated that he had a cousin up north who might be interested. CD-3 also recalled that **CHAVFUL** was showing CD-1 pictures of **CHAVFUL**'s cousin (**HURD**) who **CHAVFUL** stated played professional football with the Cowboys but now played for the Chicago Bears. CD-3 stated that **CHAVFUL** told them (CD-1, CD2, and CD-3) that **CHAVFUL** was going to call his cousin to try to make a deal and CD-3 explained that he believed **CHAVFUL** to be referencing the cocaine that was previously offered by CD-2.

At the direction of HSI agents, CD-3 proceeded to contact **CHAVFUL** who answered and had a brief conversation. CD-3 asked **CHAVFUL** if he was still

“working” (trafficking drugs) and **CHAVFUL** replied that he was and requested that CD-3 meet with **CHAVFUL** at his place of business in San Antonio, Texas.

On May 23, 2012, at the direction of HSI agents, CD-3 traveled from Dallas and with **CHAVFUL** outside **CHAVFUL**’s place of business in San Antonio. During the meeting **CHAVFUL** corroborated that he had previously dealt with CD-2 and CD-3 by telling CD-3 that he started “working” with “you all” (CD-2 and CD-3) in what **CHAVFUL** recalled to be late 1996 because that was when his buddy went to jail for “cocaine” and **CHAVFUL** started moving “weed” (marijuana). After a lengthy narcotics related conversation (including a discussion about **HURD**’s arrest) between CD-3 and **CHAVFUL**, **CHAVFUL** corroborated that he had previously negotiated on **HURD**’s behalf when CD-3 reminded **CHAVFUL** that **CHAVFUL** had previously stated that his cousin could buy ten (10) kilograms of cocaine and **CHAVFUL** stated yes, “he wanted ten keys.” CD-3 asked which cousin **CHAVFUL** was talking about and **CHAVFUL** explained that it was his cousin “Sam” who played for the Cowboy’s but went to the Chicago Bears. CD-3 told **CHAVFUL** that he hadn’t heard of him and **CHAVFUL** said that it was “Sam **HURD**.”

CHAVFUL and CD-3 proceeded inside **CHAVFUL**’s place of business where **CHAVFUL** showed CD-3 a picture of **HURD** and told CD-3 that his cousin had a “hydro shop” in California. **CHAVFUL** wanted to show CD-3 the poor quality of marijuana that he was currently purchasing at which time **CHAVFUL** retrieved a black gym bag and retrieved a wrapped bundle of what CD-3 believed to be marijuana and **CHAVFUL** passed it to CD-3 for inspection. **CHAVFUL** told CD-3 that it was a “two pounder.” Again CD-3 and **CHAVFUL** engaged in lengthy narcotic related discussions and negotiations, to include negotiations on CD-3’s quoted price of \$23,000 per kilogram of cocaine. **CHAVFUL** concluded the negotiations by requesting five (5) kilograms of cocaine and two hundred (200) pounds of marijuana from CD-3 because **CHAVFUL** explained that he needed to make about \$200,000 because he had a lot he needed to do.

On June 6, 2012, CD-3 contacted **CHAVFUL** who told CD-3 to meet **CHAVFUL** at his place of business, 208 S. New Braunfels Avenue, San Antonio, Texas. At approximately 3:25 p.m. CD-3 met with **CHAVFUL** at his place of business. **CHAVFUL** asked CD-3 what he had and CD-3 informed **CHAVFUL** that he had the five (5) kilograms of cocaine) and the two-fifty (250 pounds of marijuana) in the vicinity. **CHAVFUL** told CD-3 that he had a back gate and that he would have it unlocked and that CD-3 could drive it to the back door.

CHAVFUL then directed an individual later identified as J.R. to open the back

door. **CHAVFUL** then told CD-3 that he hoped it was better “shit” (narcotics) than what he had. CD-3 made contact with HSI agents at which time the HSI undercover agent (UCA) traveled to **CHAVFUL**’s place of business to deliver five (5) kilograms of cocaine and 200 pounds of marijuana. CD-3 and **CHAVFUL** proceeded to the back of the business where they were to meet the UCA at and CD-3 noticed that **CHAVFUL** had remained inside.

CD-3 noticed that J.R. was standing outside the rear of the business and began engaging with J.R. in casual conversation. The UCA subsequently arrived to deliver the narcotics at which time J.R. began unloading the narcotics (5 kilograms of cocaine and 200 pounds of marijuana concealed in green duffel-like bags) from the UCA’s vehicle and placing them inside **CHAVFUL**’s business. J.R. placed two bags inside the business and had unloaded the other two from the vehicle when the San Antonio Police arrived. J.R. saw the police and ran inside the business and exited through the front door and continued to evade before being apprehended. **CHAVFUL** was placed under arrest at his business.

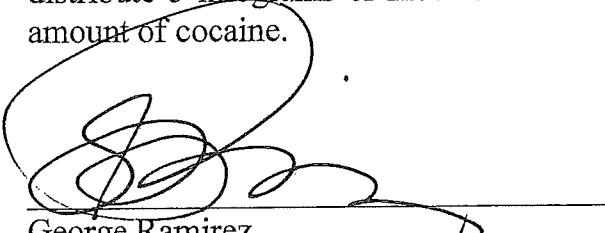
HSI agents had previously obtained a search warrant for **CHAVFUL**’s business at which time the search warrant was executed. The search revealed residue that field tested positive for marijuana, narcotics paraphernalia (scale and small sandwich bags), and an empty bundle wrapping also with residue that field tested positive for marijuana.

CHAVFUL was subsequently read his *Miranda* rights but invoked his right to remain silent. J.R. was read his *Miranda* rights and signed a statement of rights waiver. J.R. stated that he unlocked the back gate and had been told by **CHAVFUL** to unload the bags from the truck. J.R. admitted to removing the bags from the truck and stated that he ran when he saw the police arrive. J.R. stated that he did not know what was in the bags but believed it to be something illegal and stated that he knew that **CHAVFUL** dealt narcotics.

J.R. was released pending further investigation and **CHAVFUL** was placed under arrest and booked into the San Antonio County Detention Facility. Database queries reveal that **CHAVFUL** is currently on federal supervised release with U.S. Probation in San Antonio until February 12, 2014. **CHAVFUL** had been previously sentenced to 60 months incarceration and 5 years supervised release for carrying a firearm during a drug trafficking crime. Database queries reveal that **CHAVFUL** was previously convicted for possession of a controlled substance, less than 28 grams, on October 25, 1996, convicted for possession of a controlled substance on April 26, 1993.

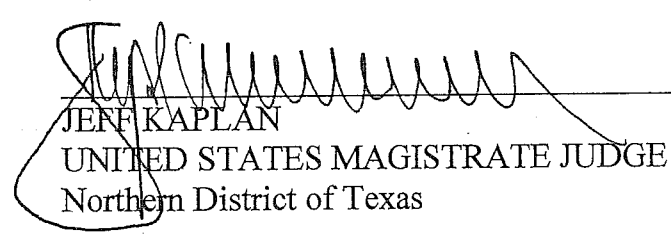
III. CONCLUSION

In conclusion, I believe that there is probable cause that **Jesse Tyrone CHAVFUL** has violated 21 U.S.C. § 846, in that beginning on or about July 2011, the exact date being unknown, and continuing to on or about June 6, 2012, in the Dallas Division of the Northern District of Texas, and elsewhere, he did knowingly, intentionally and unlawfully combine, conspire, confederate, and agree together, and with other persons known and unknown, to possess with the intent to distribute 5 kilograms or more of a mixture or substance containing a detectable amount of cocaine, and 100 kilograms or more of a mixture or substance containing marijuana, controlled substances, in violation of 21 U.S.C. § 846. I also believe that **Jesse Tyrone CHAVFUL** has violated 18 U.S.C. § 846, in that on or about June 6, 2012, in the Dallas Division of the Northern District of Texas, and elsewhere, he did knowingly and intentionally attempt to possess with intent to distribute 5 kilograms or more of a mixture or substance containing a detectable amount of cocaine.



George Ramirez
U.S. Department of Homeland Security,
Immigration and Customs Enforcement,
Homeland Security Investigations

SWORN TO AND SUBSCRIBED BEFORE ME, on this 7th day of June 2012,
at Dallas, Texas.



JEFF KAPLAN
UNITED STATES MAGISTRATE JUDGE
Northern District of Texas