

United States District Court

DISTRICT OF COLORADO

UNITED STATES OF AMERICA

v.

- 1. JAMES MACK, and
- 2. TRAVIS HENRY

CRIMINAL COMPLAINT

CASE NUMBER: 08-mj-1182-KLM

(Name and Address of Defendant)

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 September 30, 2008, in the State and District of Colorado, defendants did knowingly and intentionally conspire to distribute and possess with intent to distribute 5 kilograms or more 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 (b)(1)(A)(ii)(II) and 846. I further state that I am a

Special Agent of the Drug Enforcement Administration and that this
Official Title

complaint is based on the following facts:

See Affidavit attached hereto and incorporated herein by reference

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

Diane M Jenkins
Signature of Complainant Diane Jenkins, Special Agent, DEA

Sworn to before me, and subscribed in my presence

October 1, 2008 at Denver, Colorado
Date City and State

KRISTEN L. MIX
Name and Title of Judicial Officer
U.S. MAGISTRATE JUDGE
DISTRICT OF COLORADO

[Signature]
Signature of Judicial Officer

**AFFIDAVIT OF DIANE JENKINS,
SPECIAL AGENT,
DRUG ENFORCEMENT ADMINISTRATION
IN SUPPORT OF APPLICATIONS FOR ARREST WARRANTS**

**AFFIDAVIT IN SUPPORT OF APPLICATION
FOR ARREST WARRANTS**

Diane Jenkins, (hereinafter referred to as "your affiant") being duly sworn, states as follows:

1. Your affiant is a Special Agent ("SA") for the Drug Enforcement Administration ("DEA"), Billings, Montana office. Your affiant submits this affidavit in support of an application seeking arrests warrants for two defendants identified as TRAVIS HENRY and JAMES MACK.

2. Based on the information contained below, your affiant states that there is probable cause to believe that the defendants TRAVIS HENRY and JAMES MACK, and others, did knowingly and intentionally conspire to distribute and possess with the intent to distribute five kilograms or more of a mixture or substance containing a detectable amount of cocaine, a Schedule II controlled substance, all in violation of Title 21, United States Code, Sections 841(a)(1), 841(B)(1)(A)(ii)(II), and 846, and respectfully requests that arrest warrants be issued for this offence. The basis for your affiant's conclusion is set forth below.

3. At approximately 7:25 p.m., on September 16, 2008, Montana Highway Patrol Trooper Buck O'Neil and DEA SA Joseph Kirkland made a vehicle stop on a Chevrolet Impala with a Nevada license plate on Interstate 90 near mile marker 474. The vehicle was registered to individuals with Nevada addresses. There was a driver and one passenger in the vehicle. Both driver and passenger were removed from the vehicle, searched, and secured outside the vehicle. SA Kirkland, SA Diane Jenkins and Montana Division of Criminal Investigation Agent Jeff Nedens searched the vehicle. SA Kirkland found a black duffle bag which contained approximately six pounds of marijuana and approximately three kilograms of cocaine. SA Diane Jenkins drove the vehicle to the Montana Division of Criminal Investigation (MDCI) office in Billings where the vehicle was secured. The driver and the passenger were also transferred to the MDCI office.

4. Immediately following the passenger's arrest on September 16, 2008, the passenger, who eventually became a cooperating subject (hereinafter identified as "CS-1"), debriefed with investigators at the office of Montana Division of Criminal Investigation in Billings, Montana. Present at the interview were SA Diane Jenkins and ICE SA Jason Pawlowski. SA Joseph Kirkland read CS-1 his Miranda rights from DEA form 13A at 8:10 p.m. on September 16, 2008. CS-1 stated he understood his rights and was willing to speak with investigators at that time. CS-1's response was witnessed by SA Jenkins and ICE SA Pawlowski.

5. According to CS-1, CS-1 was traveling to Billings, Montana, to deliver three kilograms of cocaine and six pounds of marijuana. The three kilograms of cocaine were to be delivered to a resident of Billings. This customer (Customer 1) was to pay \$20,000 for each kilogram. The six pounds of marijuana were to be delivered to another resident of Billings (Customer 2). This customer was to pay \$600 a pound for the marijuana.

6. CS-1 identified his sources of supply for the cocaine and the marijuana as the defendants JAMES MACK (a/k/a "T") and TRAVIS HENRY. CS-1 was essentially a transporter of drugs and money and was going to be paid \$5,000.00 for transporting the drugs to Billings and transporting all drug proceeds back to TRAVIS HENRY in Denver.¹

7. CS-1 stated that the house of a drug associate in Billings (Customer 3) was broken into and was robbed of approximately \$40,000 of drug proceeds. According to CS-1, Customer 3 also obtained cocaine directly from the defendants MACK and HENRY in Denver, Colorado. Since CS-1 introduced Customer 3 to MACK and HENRY, MACK and HENRY were holding CS-1 and Customer 3 equally responsible for the \$40,000 loss.

¹In addition to the above transactions, CS-1, on two occasions, had delivered cocaine to another customer (Customer 4) in Billings, Montana prior to September 16, 2008. This cocaine had also been supplied by MACK and HENRY. On the first deal, CS-1 delivered one kilogram of cocaine, and, on the second occasion, CS-1 delivered two kilograms of cocaine. The cocaine was sold for \$21,500 a kilogram.

8. According to CS-1, HENRY was the "money guy" and was owed the \$40,000 lost in the robbery of Customer 3. As a result, HENRY was threatening CS-1 and his family demanding that CS-1 repay the \$40,000 lost by Customer 3. According to CS-1, HENRY said CS-1, CS-1's family, Customer 3 and Customer 3's family were all "dead" if they did not come up with the money.

9. In order to avoid being killed by HENRY, MACK and CS-1 came up with a plan to rip off Customer 1 by supplying him with one kilogram of real cocaine and two kilograms of "fake" cocaine (drywall). The \$40,000 made from the sale of the two sham kilograms would be used to pay off the \$40,000 debt owed to HENRY and MACK.

10. According to CS-1, this plan was now a failure because the one kilogram of real cocaine and the two "fake" kilograms of cocaine was what DEA seized from his Impala at the time of the traffic stop on September 16, 2008.

11. CS-1 agreed to cooperate pro-actively and meet with MACK and HENRY to discuss these events. This meeting was monitored and recorded by law enforcement. On September 18, 2008, two days after the highway interdiction stop, CS-1 and MACK met in Aurora, Colorado. CS-1 lied to MACK and told him that he had been successful in ripping off Customer 1 but all the money (the \$40,000 owed plus additional drug proceeds from the sale of the real kilogram and the marijuana) was seized on his return trip to

Denver by the highway patrol. MACK told CS-1 that he would have to tell HENRY about the loss of the money.

12. On September 22, 2008, a recorded, monitored, telephone call was made to HENRY by CS-1. CS-1 told HENRY about the highway interdiction seizure of the money. CS-1 also told HENRY that he had arranged for three kilograms of cocaine to be fronted to HENRY to repay the money seized during the highway interdiction. HENRY told CS-1 he would call CS-1 when he came to Denver.

13. On September 26, 2008, a recorded, monitored telephone call was made between CS-1 and MACK. CS-1 advised MACK that CS-1 had arranged for five kilograms of cocaine to be delivered to Denver. CS-1 told MACK that three kilograms would be fronted and the other two could be purchased for an additional \$40,000. MACK told CS-1 that HENRY was interested in the five kilogram cocaine transaction.

14. On September 27, 2008, HENRY arrived unexpectedly at CS-1's residence. HENRY asked CS-1 about the five kilograms of cocaine. CS-1 told HENRY the five kilograms of cocaine would arrive in Denver on Tuesday, September 30, 2008. HENRY and CS-1 agreed that CS-1 would front HENRY three kilograms of cocaine and HENRY would purchase the remaining two kilograms of cocaine for \$40,000.

15. On September 29, 2008, a recorded, monitored, telephone conversation was conducted between CS-1 and HENRY. CS-1 and HENRY confirmed that the transaction for the five kilograms of cocaine would take place on Tuesday, September 30, 2008, at CS-1's residence.

16. On September 26, 2008, DEA agents in Denver, Colorado coordinated efforts with DEA Chemist Amy Harman with the Drug Enforcement Laboratory in San Diego, California. On September 30, 2008, DEA agents in Denver, Colorado, received six (6) kilograms of cocaine from Chemist Harman for a reverse operation. Prior to sending, Chemist Harman tested each of the six kilogram bricks. All six tested positive for the presence of cocaine. It was these six (6) kilogram bricks of cocaine that were used during the undercover operation involving HENRY and MACK.

17. On September 30, 2008, at approximately 3:23 p.m., a recorded, monitored, telephone conversation was conducted between CS-1 and HENRY. CS-1 told HENRY the cocaine would be in town in a couple of hours and CS-1 would call HENRY when it arrived. At approximately 5:43 p.m. on September 30, 2008, CS-1 made a monitored, recorded telephone call to HENRY and told HENRY the cocaine was at CS-1's residence.

18. On September 30, 2008, at approximately 6:15 p.m., HENRY and MACK arrived at CS-1's residence. CS-1 talked with HENRY and MACK briefly and then CS-1 retrieved a duffle bag that held the six kilograms of cocaine. CS-1 put the duffle bag on the kitchen counter. MACK initially opened the bag and took out a kilogram of cocaine. MACK cut himself trying to open the kilogram package so HENRY took the kilogram package and broke off a piece of the cocaine. HENRY and MACK then started cooking the cocaine to test the quality of the cocaine. After they "rocked" up the cocaine and saw that it was good quality, HENRY and MACK packaged up all six kilograms of cocaine in a duffle bag. HENRY took the duffle bag and he and MACK went out the front door of CS-1's residence.

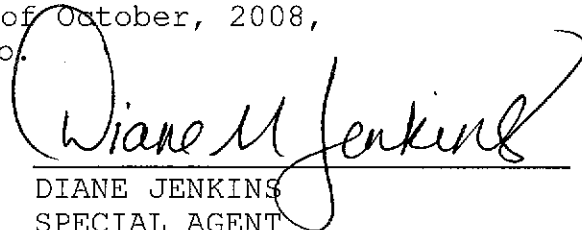
19. As they exited the residence, law enforcement contacted HENRY and MACK in an effort to place them under arrest. MACK immediately went to the ground and was secured by police. HENRY ran from police and was apprehended a few houses away after a short pursuit. HENRY was secured by police at that time.

WHEREFORE, your affiant states that there is probable cause to believe that the defendants TRAVIS HENRY and JAMES MACK, and others, did knowingly and intentionally conspire to distribute and possess with the intent to distribute five kilograms or more of a mixture or substance containing a detectable amount of cocaine, a Schedule II controlled substance,

all in violation of Title 21, United States Code, Sections 841(a)(1), 841(B)(1)(A)(ii)(II), and 846, and respectfully requests that arrest warrants should be issued for this offence.

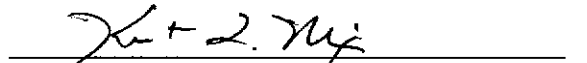
I, DIANE JENKINS, a Special Agent with the DEA, being duly sworn according to law, hereby states that the facts stated in the foregoing affidavit are true and correct to the best of my knowledge, information and belief.

Dated this 1st day of October, 2008,
at Denver, Colorado.



DIANE JENKINS
SPECIAL AGENT
DRUG ENFORCEMENT ADMINISTRATION

SUBSCRIBED and SWORN to before me this 1st day of October, 2008 at Denver, Colorado.



UNITED STATES MAGISTRATE JUDGE
UNITED STATES DISTRICT COURT
DISTRICT OF COLORADO

KRISTEN L. MIX
U.S. MAGISTRATE JUDGE
DISTRICT OF COLORADO