

UNITED STATES DISTRICT COURT

FILED IN THE
UNITED STATES DISTRICT COURT
DISTRICT OF HAWAII

DISTRICT OF HAWAII

NOV 15 2011
at 1 o'clock and 50 min. M.
SUE BEITIA, CLERK

UNITED STATES OF AMERICA
V.
CARLTON S. NISHIMURA

CRIMINAL COMPLAINT

CASE NUMBER: 11-1234 RLP

(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 November 14, 2011, in the District of Hawaii defendant(s) did, (Track Statutory Language of Offense)

knowingly and intentionally possess with intent to distribute 50 grams or more of a mixture containing a detectable amount of methamphetamine, its salts, isomers, and salts of its isomers, to wit, approximately 231.5 grams of a mixture or substance containing methamphetamine, its salts, isomers, and salts of its isomers, a Schedule II controlled substance,

in violation of Title 21 United States Code, Section(s) 841(a)(1) and 841(b)(1)(B)(viii).

I further state that I am a(n) FBI Special Agent and that this complaint is based on the following facts:

Official Title

SEE ATTACHED AFFIDAVIT, INCORPORATED HEREIN

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

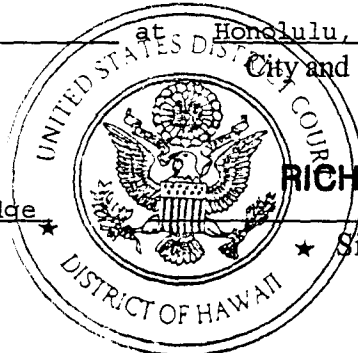


Signature of Complainant
Daniel L. Olson

Sworn to before me and subscribed in my presence,

November 15, 2011
Date

at Honolulu, Hawaii
City and State



RICHARD L. PUGLISI, U.S. Magistrate Judge
Name & Title of Judicial Officer

RICHARD L. PUGLISI

Signature of Judicial Officer

AFFIDAVIT

I, Daniel L. Olson, being first duly sworn, state as follows:

1. I am a Special Agent with the Federal Bureau of Investigation ("FBI") and have been so employed for over 8 years. I am currently assigned to the Honolulu Field Office. During my assignment to the Honolulu Field Office, I spent one year investigating counter-terrorism matters, three years investigating organized crime, drug and violent crime matters, and four years investigating crimes involving the corruption of public officials. As a Special Agent, I have participated in numerous organized crime, drug and corruption investigations. This experience has included the execution of searches of residences, vehicles, and persons engaged in these types of crimes. I have also conducted numerous physical and electronic surveillance operations, including the use of confidential informants, undercover Special Agents and Task Force Officers, and Title III electronic surveillance. I have participated in numerous drug investigations and am familiar with methods utilized by drug traffickers to obtain, store, and distribute illegal drugs. I have also conducted numerous interviews of individuals engaged in criminal activity, including extortion, racketeering, drug distribution, and corruption. In 2008, I was assigned to investigate allegations concerning Carlton S. Nishimura, who at the time was employed as a Major in the Honolulu Police Department. Since that time, I have personally participated in this investigation.

2. The information in this affidavit is based upon my participation in this investigation and information provided to me by other Special Agents and law enforcement officers. Since this affidavit is being submitted for the limited purpose of filing a criminal complaint and obtaining an arrest warrant, I have not described each and every fact known to me regarding this investigation. I have set forth only the facts that I believe are necessary to establish probable cause to believe that

Carlton S. Nishimura committed the offense of possession with intent to distribute 50 grams or more of a mixture or substance containing a detectable amount of methamphetamine, its salts, isomers, or salts of its isomers, in violation of Title 21, United States Code, Section 841(a) and 841(b)(1)(B)(viii).

3. On November 14, 2011, FBI agents searched Nishimura's residence located at 86-178 Moelua Street, Waianae, Hawaii, pursuant to a search warrant issued by United States Magistrate Judge Richard L. Puglisi.

4. During the search, an agent located a brown paper bag that contained 5 clear plastic baggies each containing a quantity of a white crystalline substance and one clear plastic baggie containing a white crystalline residue. This paper bag was located in a box among other personal effects that had Nishimura's name on them in the family room of the Residence. I performed a NIK field test on the substance contained in one of these baggies and it tested positive for the presence of methamphetamine. These six baggies containing the white crystalline substance had a approximate gross weight of 231.5 grams.

5. During the search of the Residence, agents observed other items that were consistent with drug distribution. These items included:

- a. numerous small clear plastic baggies located an ammunition can;
- b. numerous small clear plastic baggies, and three digital scales.

6. I have participated in numerous search warrants involving the possession and distribution of illegal drugs, including methamphetamine. I have also interviewed numerous individuals involved in the trafficking of illegal drugs. Based on my experience and knowledge, it is common for individuals involved in the distribution of illegal drugs to maintain small clear plastic

baggies in order to repackage drugs into smaller quantities to distribute to others. It is also common for these individuals to maintain small digital scales in order to accurately break down and repackage the drugs. The items described above that were discovered in Nishimura's residence are consistent with the illegal distribution of drugs. Based on my training and experience, I also know that the quantity of white crystalline substance contained in the five clear plastic baggies is consistent with distribution quantities, that is, quantities that are possessed for further distribution, and that they would be inconsistent with quantities possessed for mere personal consumption by a drug user.

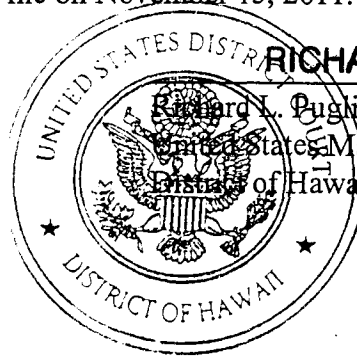
7. Based on the foregoing, I believe there is probable cause to believe that Nishimura knowingly and intentionally possessed with intent to distribute 50 grams or more of mixtures or substances containing a detectable amount of methamphetamine, its salts, isomers, or salts of its isomers.

FURTHER AFFIANT SAYETH NAUGHT.



Daniel L. Olson
Special Agent
Federal Bureau of Investigation

SUBSCRIBED AND SWORN to before me on November 15, 2011.



RICHARD L. PUGLISI

Richard L. Puglisi
United States Magistrate Judge
District of Hawaii