

United States Courts  
Southern District of Texas  
FILED

AUG 12 2009

Clerk of Court

# UNITED STATES DISTRICT COURT

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Clerk of Court

SOUTHERN DISTRICT OF TEXAS

UNITED STATES OF AMERICA

V.

Sunday NNAMANI

B/M

DOB: 09-20-1977

## CRIMINAL COMPLAINT

Case Number: H-09-651M

I, the undersigned complainant, state that the following is true and correct to the best of my knowledge and belief. On or about August 10, 2009 in Harris County, in the Southern District of Texas defendant(s) did,

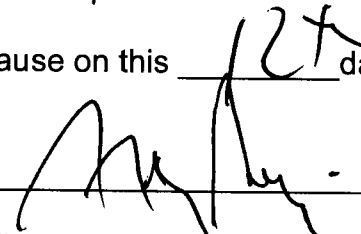
knowingly, and intentionally import into the United States from a place outside thereof, and possess with intent to distribute, 500 grams or more of a mixture or substance containing a detectable amount of cocaine, a Schedule II Controlled Substance, in violation of Title 21 United States Code, Section(s) 952 (a).

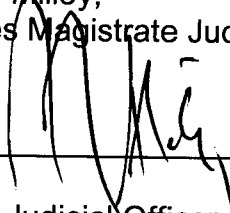
I further state that I am a DHS-ICE Special Agent and that this complaint is based on the facts related in the affidavit attached hereto and made a part of this complaint. See attached affidavit of Mark Speight (Attachment A)

  
\_\_\_\_\_  
Signature of Complainant

Mark Speight  
Printed Name of Complainant

Sworn to before me and signed in my presence, and I find probable cause on this 12<sup>th</sup> day of August, 2009 at Houston, Texas.

  
\_\_\_\_\_  
Judge Mary Milloy,  
United States Magistrate Judge

  
\_\_\_\_\_  
Signature of Judicial Officer

KD  
8-11-09

AFFIDAVIT IN SUPPORT OF A CRIMINAL COMPLAINT

I, Mark L. Speight, being first duly sworn, depose and state the following:

1. I am a Special Agent with the Department of Homeland Security, Immigration and Customs Enforcement (ICE), assigned to the Special Agent in Charge, Houston, Texas office. I have been so employed since October 2007. I began my law enforcement career in 1998 as a Deputy Sheriff in Montgomery County, TX and then began working as a police officer for the City of West University Place, TX. During my career, I have received extensive training in the detection of contraband substances, specifically controlled substances. I have attended the Criminal Investigator's Training Program and Customs Basic Enforcement School at the Federal Law Enforcement Training Center in Glynco, Georgia. The training I have received includes, but is not limited to, the detection of and the methods used to conceal and distribute controlled substances as defined by Title 21 of the United States Code.
2. I am currently assigned to the George Bush Intercontinental Airport Group, in the Office of the Special Agent in Charge, Houston, Texas. My duties include responding to incidents involving narcotics intercepted by the Officers of Customs and Border Protection (CBP) assigned to Bush Intercontinental Airport.
3. The information provided in the paragraphs below, furnished in support of this affidavit is from my own observations and the observations of CBP Officers and other Special Agents with ICE.
4. At approximately 4:34 p.m. on August 10, 2009, Sunday Oliva NNAMANI, a citizen of the United Kingdom (UK) of Nigerian origin, arrived at Bush Intercontinental Airport (IAH) in Houston, Texas, on Continental Airlines flight 1415 from San Jose, Costa Rica. NNAMANI was scheduled to continue on to London aboard Continental Airlines flight 4. Costa Rican authorities had previously notified Drug Enforcement Administration (DEA) Analyst Tony Hammond that NNAMANI was acting nervous and was a possible internal courier. DEA Agent Hammond then contacted Customs and Border Protection (CBP) Officers at IAH to relay the information. At approximately 4:53 p.m., NNAMANI was selected for a secondary baggage examination. CBP Officers Cano and Quarles conducted the secondary examination and noticed that NNAMANI was nervous, had trembling hands, would not make eye contact, and had a dry mouth. NNAMANI's baggage contained anti-diarrhea medicine. CBPO Cano and CBPO Quarles determined these to be characteristics of an internal drug courier and a decision was made to take NNAMANI to the Northwest Medical Center located at 710 FM 1960, Houston, Texas, 77090 for an x-ray.
5. At approximately 10:00 p.m. an x-ray of NNAMANI revealed that he had multiple pellets containing a yet to be identified substance completely filling his stomach and intestines. At approximately 11:33 p.m. the first pellet was expelled. The pellet appeared to be off white in color sealed in a plastic type wrapping and looked to be approximately two inches long. CBPO Cano conducted a field test of the substance contained within the object expelled from NNAMANI's bowels at approximately 11:45 p.m. using the 904 Reagent field test kit. The field test produced positive results for the presence of cocaine.
6. At approximately 11:45 p.m. on August 10, 2008, NNAMANI was placed under arrest for possession of cocaine. NNAMANI was advised of his rights and agreed in writing to speak with agents without an attorney present. Due to the nature of the arrest and the need for medical assistance, a Waiver of rights under 5(a) was also agreed to and signed by NNAMANI.
7. NNAMANI stated that he was being paid \$5,000.00 in British Pounds to transport the drugs for a friend known as "Chaz" in the UK. NNAMANI stated that he had never transported drugs before, but needed money to pay for his father's medical care. "Chaz" convinced NNAMANI to go to Costa Rica where he would meet up with a person known only as "Mitch". NNAMANI paid for his own

round trip ticket to Costa Rica. On Sunday, August 9, 2009, NNAMANI was taken to an unknown location where "Mitch" had the cocaine prepackaged and ready to be ingested. NNAMANI stated that he was scared and did not want to do it, but that "Mitch" convinced him it was okay. NNAMANI stated that he began to swallow the pellets at midnight on Sunday night/Monday morning, and that it took a long time to swallow all the pellets. NNAMANI stated that at one time, he tried to stop, but they would not let him. When all the pellets had been swallowed, NNAMANI was taken via a taxi to his hotel where he waited for his flight. NNAMANI had not been paid as of this time, and was to be compensated upon arrival back to the UK.

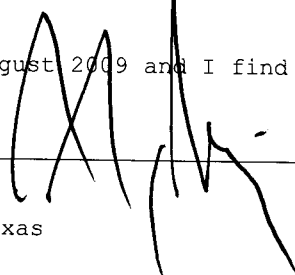
8. With the assistance of medical personnel, NNAMANI continued to expel similar sized and shaped pellets, and as of 3:00 p.m. on August 11, 2009, NNAMANI had expelled 76 pellets with a weight of approximately one kilogram.

9. NNAMANI did give agents written consent to search his cellular telephone for evidence.

10. Based on my experience and the aforementioned facts and observations, I believe there is probable cause that Sunday NNAMANI did knowingly and intentionally import into the United States from a place outside thereof, one kilogram 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 952.

  
\_\_\_\_\_  
Mark L. Speight  
Special Agent, ICE

Sworn to and subscribed before me on this 12th day of August 2009 and I find probable cause.

  
\_\_\_\_\_  
Mary Milloy  
U.S. Magistrate Judge  
Southern District of Texas