

**AFFIDAVIT**  
**of**  
**Colleen Peery, SA ATF**

I, Colleen Peery, your affiant, being duly sworn and deposed, state the following:

1. I am a Special Agent (S/A) with the U. S. Department of Justice, Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), and I have been so employed since March of 2015. I have conducted and participated in several investigations concerning the illegal possession of firearms, violations involving the possession and distribution of controlled substances and conspiracy laws.

2. As a result of my training and experience as an ATF Special Agent, I am familiar with federal criminal laws and know that it is a violation of:

**Title 21, United States Code, Section 846:** Conspiracy to possess or distribute a controlled substance; and

**Title 21, United States Code, Section 841(a)(1) and (b)(1)(A):** Knowingly and intentionally to manufacture, distribute, or dispense, or possess with intent to manufacture, distribute or dispense, a controlled substance; 50 grams or more of methamphetamine, its salts, isomers, and salts of its isomers or 50 grams or more of a mixture or substance containing a detectable amount of methamphetamine, its salts, isomers, or salts of its isomers.

3. Beginning in June of 2016, members of the Ozarks Drug Enforcement Team (ODET), received information from three separate sources that Justin THURSTON was a pound level methamphetamine dealer in the Joplin, Missouri,

Metropolitan Area. On June 16, 2016, members of the DEA, ATF and the ODET conducted an enforcement operation involving the Drug Trafficking Organization (DTO) of Katie Stein.

4. At approximately 1:00 p.m., Agents executed a State of Missouri search warrant at a residence located in Carthage, Missouri. Agents seized approximately a half ounce of methamphetamine. A cooperating defendant (CD) at the residence stated post *Miranda* that he was receiving methamphetamine from Stein's DTO and was currently obtaining methamphetamine from Justin THURSTON. Consensual phone calls were made to THURSTON by the (CD), who indicated that he, THURSTON, was at the Downstream Casino in Quapaw, Oklahoma. Agents contacted Tribal Police who observed THURSTON at the casino. Prior to making contact with THURSTON, law enforcement conducted a drug sniffing canine walk around THURSTON's vehicle. The canine alerted to THURSTON's vehicle. THURSTON agreed to law enforcement searching his vehicle and subsequently 4 ounces of methamphetamine was found in car. In a consensual and post *Miranda* interview, THURSTON stated that his source of supply of methamphetamine was in Joplin, Missouri. THURSTON stated that the supplier went by the name of "Pedro" and "PEDRO" was staying at the Microtel Hotel, located at 4101 Richard Joseph Blvd., Joplin, MO. THURSTON gave a contact phone number for "Pedro" as 417-291-8856.
5. Law Enforcement Agents (LEA) followed up on the information THURSTON provided and identified a hotel room (#239) in the name of Sergio DIAZ-

ONTIVEROS that was currently staying at the hotel. According to the hotel registry, the individual in room 239 had registered a white vehicle with Utah plates of X272ZK as his vehicle. LEA obtained a photo of a DIAZ-ONTIVEROS. Hotel staff was shown the photo of DIAZ-ONTIVEROS and they positively identified the photo as the same man that was currently occupying room 239. A drug sniffing canine was brought to the hotel. The dog alerted to the vehicle registered to DIAZ-ONTIVEROS. While waiting for a state search warrant to be signed and authorized, Agents received notification that THURSTON bonded out of Ottawa County Jail in Miami, Oklahoma, and was released.

6. Fearing the potential destruction of evidence by THURSTON possibly tipping off DIAZ-ONTIVEROS, agents were then directed by the State prosecutor, Jake Skouby, to secure room 239, detain the occupant due to exigent circumstances until a search warrant could be obtained. Upon entry to secure the hotel room, LAE observed a handgun and drug paraphernalia in plain view next to the bed. The lone occupant of the room, DIAZ-ONTIVEROS was identified and read his *Miranda* rights. DIAZ-ONTIVEROS invoked his right to legal counsel, but approximately ten minutes later DIAZ-ONTIVEROS stated that there were three (3) pounds “over there” and he would get it for the agents. He stood up and LAE told him to sit down because they are waiting for the search warrant.
7. Later, a state of Missouri search warrant was applied for and granted which led to the discovery of DIAZ-ONTIVEROS inside the hotel room. Law enforcement also found a 9 mm Beretta pistol (Serial number NU07295) loaded with 3 rounds

of ammunition, and approximately three (3) pounds of methamphetamine, which later field tested positive for methamphetamine, and approximately \$10,000 in U.S. currency. Prior to being transported to Newton County Jail, DIAZ-ONTIVEROS stated that he shouldn't have asked for a lawyer and he wanted to speak to Agents because he felt that his life was in danger. He stated he wanted to cooperate and he was willing to provide additional information.

8. While at Newton County Jail, DIAZ-ONTIVEROS was provided his *Miranda* rights again and he agreed to speak with ODET detective Matt Walker and ATF SA Colleen Peery. Post *Miranda*, DIAZ-ONTIVEROS stated that this was his second trip to Joplin. He added that he is paid \$500 a pound to "babysit" the methamphetamine. On his previous delivery to Joplin DIAZ-ONTIVEROS explained that he was asked to keep twenty-five (25) pounds methamphetamine, but he stated he didn't feel comfortable with that. He agreed to only deliver five (5) pounds of methamphetamine. DIAZ-ONTIVEROS also stated that he had five (5) pounds of methamphetamine on this current trip but he sold two (2) pounds of methamphetamine the night before. DIAZ-ONTIVEROS stated that an unknown white male delivers the methamphetamine to him at the chosen hotel, and DIAZ-ONTIVEROS then waits for an unknown Mexican male, located in Las Vegas, Nevada, to call him and let him know who will be coming to the hotel to pick up the methamphetamine and how much each person should receive. DIAZ-ONTIVEROS stated that he does not negotiate on the price. DIAZ-ONTIVEROS stated that on both trips he has only dealt with an unknown white female and a



white male that only knows as “Bo-Bo.” He added that the unknown white female drives a white Mazda or a white Avalanche. He has known “Bo-Bo” to drive a green Pontiac. It should be noted that the methamphetamine previously seized from THURSTON’s vehicle was a green Pontiac. In addition, ODET detectives knew THURSTON was known to use the nickname of “Bo-Bo.”

9. DIAZ-ONTIVEROS stated that the night of June 15, 2016, the unknown Mexican male called and said that an individual would come to DIAZ-ONTIVEROS’s room to retrieve \$20,000. DIAZ-ONTIVEROS stated that the unknown male did in fact come to his room, and as instructed DIAZ-ONTIVEROS, gave the unknown male \$20,000.
10. DIAZ-ONTIVEROS stated that he was schedule to return to Las Vegas, Nevada, on June 17, 2016 in order to give the unknown male the money he had obtained.
11. DIAZ-ONTIVEROS is currently on a 24-hour hold for possession of narcotics in Newton County Jail. THURSTON was charged in Ottawa County, Oklahoma, for possession of methamphetamine and has bonded out.

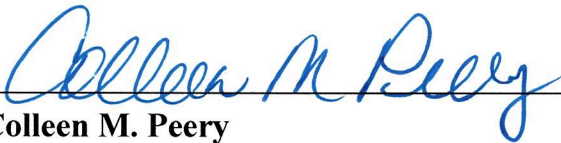
12. Justin THURSTON is further identified as:

White Male	6’1/190lbs	DOB: 03/04/1983
Black Hair	Brown Eyes	SSN: 494-94-0606

13. Sergio DIAZ-ONTIVEROS is further identified as:

White Male	6’2/245 lbs	DOB: 08/06/1985
Black Hair	Brown Eyes	SSN: unknown

14. Based upon the above information, your affiant believes that on or about June 16, 2016, Justin THURSTON and Sergio DIAZ-ONTIVEROS conspired to possess with the intent to distribute 500 grams or more methamphetamine, in violation of Title 21, United States Code, Sections 846 and 841(a)(1) and (b)(1)(A).

  
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**Colleen M. Peery**  
Special Agent  
Bureau of Alcohol, Tobacco, Firearms and Explosives

Sworn to and subscribed to me this 16<sup>th</sup> day of **June 2016** and I find that probable cause exists.

  
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**DAVID P. RUSH**  
United States Magistrate Judge