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U.S.D.C. Atlanta

FEB 04 2017

JAMES N. HATTEN, Clerk
By: *K. Sal...*
Deputy Clerk

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA

UNITED STATES OF AMERICA

v.

CRIMINAL COMPLAINT

JUSTIN B. STINSON

Case Number: 1:17-MJ-~~072~~

JL

I, the undersigned complainant, state under penalty of perjury, that the following is true and correct to the best of my knowledge and belief.

On or about February 3, 2017, in Fulton County, in the Northern District of Georgia, defendant Justin B. Stinson knowingly escaped or attempted to escape from the custody of the United States Penitentiary in Atlanta, Georgia, an institution and facility in which the defendant was lawfully confined at the direction of the Attorney General by virtue of a judgment and commitment of the United States District Court upon a conviction for Possession of a Firearm by a Prohibited Person, in violation of 18 U.S.C. § 922; all in violation of Title 18, United States Code, Section 751(a).

I further state that I am an FBI Special Agent and that this complaint is based on the following facts:

SEE ATTACHED AFFIDAVIT

Continued on the attached sheet and made a part hereof. Yes

[Handwritten Signature]

Signature of Complainant
SA James P. Hosty, IV

This Court finds that there is probable cause to believe that an offense has been committed and that the defendant has committed it. Pursuant to Federal Rule of Criminal Procedure 4.1, this complaint has been subscribed to me via telephone and the Complainant under oath has attested that the Complaint and Affidavit are true and correct to the best of his knowledge and belief.

February 4, 2017

Date

at Atlanta, Georgia

City and State

JANET F. KING
UNITED STATES MAGISTRATE JUDGE

Name and Title of Judicial Officer

AUSA Jeffrey W. Davis / 404-581-6000

[Handwritten Signature]

Signature of Judicial Officer

AFFIDAVIT IN SUPPORT OF COMPLAINT

A. Agent Background

1. I, James P. Hosty IV, am a Federal Bureau of Investigation ("FBI") Special Agent assigned to the Atlanta Field Office's Public Corruption squad. As a Special Agent of the FBI, I am an "investigative or law enforcement officer of the United States" within the meaning of 18 U.S.C. § 2510(7). As such, I am empowered to conduct investigations of and to make arrests for offenses enumerated in 18 U.S.C. § 2516

2. I am currently employed as a Special Agent with the Federal Bureau of Investigation, and have been so employed since 2005. Prior to being employed by the FBI, I was employed by the Wichita Police Department in Wichita, Kansas for approximately eight years. During that time, I was a Police Officer for approximately four years and a Detective for approximately four years. While employed as a Detective I worked various assignments including Undercover Narcotics and in the Gang Unit. Upon being hired as a Special Agent with the FBI, I attended the FBI Academy in Quantico, Virginia where I received extensive training on investigating various violations of federal law. Currently, I am assigned to the Atlanta Division, Public Corruption Squad, and have been so assigned since November 2009.

B. Sources of Information

3. The facts set forth in this affidavit are based on my personal observations and knowledge, and may also be based on: (a) my training and experience, (b) information obtained from other individuals participating in the investigation, (c) reports and/or business records, (d) recorded conversations and videos, and (e)

communications with other individuals who have personal knowledge of the events and circumstances described herein. Since this affidavit is being submitted for the limited purpose of establishing probable cause, I have not included in this affidavit every detail of the investigation. Rather, I have set forth facts that I believe are sufficient to establish probable cause for the issuance of the requested search warrant. Unless specifically indicated otherwise, any conversations and statements described in this affidavit are related in substance and in part only.

C. Probable Cause Basis

4. The United States Penitentiary in Atlanta, Georgia ("USP Atlanta") is a medium-security federal prison for male inmates that is operated by the Federal Bureau of Prisons ("BOP"). USP Atlanta also has a detention center for pre-trial inmates and a satellite prison camp for minimum-security male inmates.

5. Since in or about January 2013, the Atlanta Police Department ("APD") has been investigating instances of inmates temporarily escaping from the prison camp at USP Atlanta and frequently returning to the camp with contraband.¹ For example, on January 29, 2013, APD observed a vehicle parked near the fence of USP Atlanta. The occupants of the vehicle appeared to be wearing ski masks and gray jumpsuits. When APD stopped to investigate, three of the occupants climbed the fence and fled into USP Atlanta. A search of the empty vehicle revealed a large quantity of bottled alcohol, 24 cell phones, and two loaded handguns. APD also recovered several green army bags on the ground near the prison camp's fence line.

6. Since that time APD has frequently checked the area near the fence line of USP Atlanta for signs of breaches, inmate activity, and contraband. For example, in

¹ In March 2016, APD provided this information to the FBI's Public Corruption squad.

December 2016, APD examined USP Atlanta's fence bordering New Town Circle SE. Based on that examination, APD saw that two holes had been cut into the prison fence (large enough for an adult male to fit through), and recovered from outside the prison grounds (near the holes) a prison-issued laundry bag, prison-issued gloves, an MP3 player, and several trash bags.

7. On January 18, 2017, APD installed video surveillance cameras along the prison fence line bordering New Town Circle near the holes that had been cut into the prison fence. I have reviewed certain portions of the video surveillance footage. Based on that review, I have seen USP Atlanta inmates escape from the prison grounds: (a) to retrieve large bags that the inmate then smuggles into USP Atlanta, or (b) enter vehicles that had been waiting for the inmate on New Town Circle.

8. On February 3, 2017, the FBI and other law enforcement officers conducted surveillance along the prison fence line bordering New Town Circle. At approximately 9:20 p.m., Justin B. Stinson escaped from USP Atlanta by climbing through a hole in one prison fence and then climbing over USP Atlanta's outer prison fence. Thereafter, Stinson retrieved a large black duffel bag from the occupant of a stopped car on New Town Circle and began walking back toward USP Atlanta. The FBI then arrested Stinson from a location outside of USP Atlanta's confines. The FBI also recovered from Stinson a cellular telephone, a pair of scissors, two 1.75 liters of Jose Cuervo tequila, two cartons of Newport cigarettes, four boxes of Black and Mild cigars, and various food items.

9. After being advised of and waiving his Constitutional rights, Stinson admitted to the FBI that he was an inmate of USP Atlanta, that he escaped from USP

Atlanta, and that he was going to smuggle the items from the duffel bag back into the prison.

10. Inmate Stinson was convicted of Possession of a Firearm by a Prohibited Person (in violation 18 U.S.C. § 922) and is currently scheduled to be released from BOP custody on December 7, 2018. Stinson is an inmate assigned to USP Atlanta at the direction of the Attorney General by virtue of a judgment and commitment of a United States District Court based on a conviction for the above-listed crime.

11. USP Atlanta Special Investigative Agent Gerson Rivera confirmed that Stinson did not had permission to leave USP Atlanta on February 3, 2017.

D. Conclusion

12. Based on the information contained in this Affidavit, probable cause exists to believe that Stinson knowingly escaped from the custody of USP Atlanta, in violation of Title 18 United States Code, Section 751(a).