

AFFIDAVIT OF SPECIAL AGENT TODD F. PROUGH

I, Todd F. Prough, being duly sworn, depose and state as follows:

1. I am a Special Agent with the Drug Enforcement Administration ("DEA") of the United States Department of Justice, and have been so employed since 1997. I am currently assigned to the Boston Field Division's Tactical Diversion Squad in Worcester, Massachusetts. Prior to joining the DEA, I was employed as a detective with the Lycoming County District Attorney's Office in Lycoming County, Pennsylvania, for approximately three years. During my law enforcement career, I have received specialized training regarding the activities of narcotics traffickers, including the methods used to package, store, and distribute narcotics, and the methods used by narcotics traffickers to conceal and launder the proceeds of their narcotics trafficking activities.

2. In addition to my training, I have had extensive experience in the investigation of the activities of narcotics traffickers. Since joining the DEA, I have participated in numerous narcotics investigations as a case agent and in a subsidiary role. I have debriefed more than 100 defendants, informants, and witnesses who had personal

knowledge about narcotics trafficking activities and the operation of narcotics trafficking organizations. I personally have participated in all aspects of narcotics trafficking investigations, including conducting surveillance, using confidential informants, acting in an undercover capacity, and conducting court-authorized interceptions of wire and electronic communications. During my law enforcement career, I have also participated in the preparation and/or execution of numerous search warrants.

3. This affidavit is made in support of a criminal complaint charging Daniel Ekasala, 25 Saugus Avenue, Saugus, Massachusetts with distribution of oxycodone in violation of Title 21 U.S.C. §841(a)(1).

4. This affidavit is based upon information I have gained from my investigation, my training and experience, as well as information from other law enforcement officers. Since this affidavit is being submitted for the limited purpose of securing an arrest warrant, I have not included each and every fact known to me concerning this investigation. I have set forth only the facts that I believe are necessary to establish probable cause to show that Daniel Ekasala ("EKASALA") distributed oxycodone, in violation of Title 21, United States Code, Section 841 (a)(1).

5. On May 1, 2008, a cooperating witness (hereinafter the "CW") and EKASALA engaged in a series of text messages over their respective cellular telephones. EKASALA agreed to sell CW one hundred pills of oxycodone. During a subsequent telephone call, EKASALA instructed CW to meet with him at a gas station in Foxboro, Massachusetts.

6. Later on May 1, 2008, under the direction and observation of agents, the CW drove to the area of Pleasant Street in Foxboro, Massachusetts¹. During the meeting, which was observed by agents, the CW met with EKASALA². During the meeting, ^P EKASALA gave the CW a plastic bag containing numerous green pills marked "80/OC." The CW then gave EKASALA \$3,900 in cash. The substance purchased on May 1, 2008 was sent to the DEA Laboratory and is awaiting analysis³.

7. On May 6, 2008, the CW and EKASALA engaged in a series of text messages over their respective cellular telephones. EKASALA agreed to sell CW one hundred pills of oxycodone. During a subsequent telephone call, EKASALA instructed the CW to meet with him at a gas station in North Attleboro, Massachusetts.

¹ Unless otherwise noted, during all meetings detailed herein, CW was equipped with a transmitting and/or recording device and the meetings were recorded. Also, prior to and following each meeting, the CW and the CW's vehicle were searched and found to possess no money or contraband.

² I identified EKASALA from a Massachusetts Registry of Motor Vehicles photograph.

³ Based on my training and experience, I believe the pills to be 80-mg Oxycontin pills, which contain oxycodone. Not only have I been trained to recognize Oxycontin pills but I have participated in several cases that involved the distribution of Oxycontin pills.

8. On May 6, 2008, under the direction and observation of agents, the CW drove to the Emerald Square Mall in North Attleboro, Massachusetts. During the meeting, which was observed by agents, the CW met with EKASALA. During the meeting EKASALA gave the CW a plastic bag containing numerous green pills marked "80/OC." The CW then gave EKASALA \$3,900 in cash. The substance purchased on May 6, 2008 was sent to the DEA Laboratory and is awaiting analysis⁴.

9. On May 13, 2008, under the direction and observation of agents, the CW drove to the parking lot of the Shaw's Supermarket on South Main Street in Sharon, Massachusetts. EKASALA was standing outside an automobile in the parking lot. Agents saw EKASALA get in the car driven by the CW. The CW drove around the parking lot twice then stopped the car. EKASALA got out of the car. The CW drove to a prearranged location, met with me and surrendered approximately 100 green pills marked "80 OC." The CW reported that the CW had purchased the pills from EKASALA and that the CW had given EKASALA \$3,900 in cash that I had previously provided to the CW.

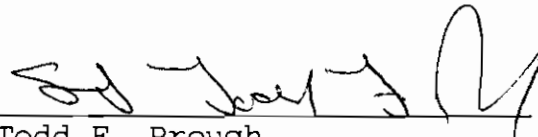
⁴ Based on my training and experience, I believe the pills to be 80-mg Oxycontin pills, which contain oxycodone.

10. After getting out of the CW's car, EKASALA went into a nearby Dunkin Donuts restaurant. After a short time, EKASALA walked outside. DEA Agents and local police officers arrested EKASALA. Agents seized from him the \$3,900 in cash that I had given to the CW earlier in the day. I know it was the same \$3,900 because DEA had recorded the serial numbers of the bills before I give the money to the CW.

WHEREFORE, based upon my experience in this investigation, I have probable cause to believe, and do so believe, that Daniel Ekasala, 25 Saugus Avenue, Saugus,

Massachusetts, knowingly and intentionally possessed with intent to distribute and distributed, oxycodone, a schedule II controlled substance, in violation of 21 U.S.C 841

(a) (1) .



Todd F. Prough
Special Agent
Drug Enforcement
Administration

SWORN TO AND SUBSCRIBED BEFORE
ME THIS 13th DAY OF MAY, 2008.



Judith G. Dein
United States District Magistrate Judge
District of Massachusetts