

FILED

UNITED STATES DISTRICT COURT

JAN 06 2023

for the
Eastern District of North Carolina

PETER A. MOORE, JR., CLERK
US DISTRICT COURT, EDNC
BY [Signature] DEP CLK

United States of America
v.
Carlos Alston
Defendant(s)

Case No. 5:23-mj-1028-Bm

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of January 4, 2023 in the county of Vance in the Eastern District of North Carolina, the defendant(s) violated:

Table with 2 columns: Code Section, Offense Description. Row 1: Title 18 U.S.C. 922(g)(3), Possession of a Firearm by Unlawful User of or Person Addicted to Any Controlled Substance

This criminal complaint is based on these facts:

See attached

[X] Continued on the attached sheet.

On this day, Special Agent Tanisha Jeter appeared before me via reliable electronic means, was placed under oath and attested to the contents of this complaint via telephone at 4:57 pm.

[Signature]
Complainant's signature
Tanisha Jeter, ATF Special Agent
Printed name and title

Sworn to before me and signed in my presence.

Date: January 6, 2023; 4:57 pm

[Signature]
Judge's signature
United States Magistrate Judge, Brian S. Meyers
Printed name and title

City and state: Raleigh, NC

SEN

**AFFIDAVIT IN SUPPORT OF
AN APPLICATION FOR CRIMINAL COMPLAINT**

Tanisha M. Jeter, hereinafter designated as affiant, having been duly sworn according to law, deposes and states that:

Affiant Background

1. Affiant is employed as a Special Agent (S/A) for the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) and has been since 2015. I have been a sworn law enforcement officer since 2012 working in a criminal investigator capacity the length of my career. I have received extensive training at the ATF National Academy in the areas of firearms, explosive and arson investigations.
2. Affiant's duties include, but are not limited to, enforcing the federal firearms laws as well as other offenses committed in violation of federal statutes. During your affiant's employment with ATF, affiant has conducted and assisted in several investigations related to federal firearms and narcotics violations. Prior to becoming employed by ATF, affiant was employed by the North Carolina State Bureau of Investigations.

Purpose of Affidavit

3. Affiant makes this affidavit in support of an application for the issuance of a criminal complaint in the matter of United States v. CARLOS ALSTON for the following violation:

Possession of Firearm by a Person who is an Unlawful User of or Addicted to a Controlled Substance in violation of Title 18 United States Code, Section 922(g)(3).

4. The facts contained in this affidavit are the product of my investigation and the investigation of other law enforcement officers. This affidavit is intended to show merely that there is sufficient probable cause for the requested warrant and does not set forth all my knowledge about this matter.

Facts Establishing Probable Cause

5. On January 4, 2023, at approximately 8:00PM, a Henderson Police Department officer observed a subject (CARLOS ALSTON), known to have outstanding warrants, in the drive-thru line of a restaurant located in the 1400 block of East Andrews Avenue, Henderson, Vance County, North Carolina, which is in the Eastern District of North Carolina. The officer approached the vehicle being operated by CARLOS ALSTON, on the passenger side, and spoke to CARLOS ALSTON via the open window. CARLOS ALSTON was the sole occupant of the vehicle. The officer explained to CARLOS ALSTON that there were active warrants for his arrest and gave verbal commands for CARLOS ALSTON to show his hands. CARLOS ALSTON refused to comply with the commands and reached for an item inside of the vehicle. He then brandished the item, which was a firearm, at the officer. The officer, recognizing the item as a firearm, drew his duty weapon and fired one (1) shot at CARLOS ALSTON, striking him in the lower body.
6. CARLOS ALSTON ran from the vehicle, across the street and between two homes, where he discarded the firearm before he collapsed from his injuries.

CARLOS ALSTON was then apprehended and taken into custody by Henderson Police Department officers.

7. A Smith & Wesson, SD9VE 9mm pistol bearing serial number FZL8687, containing a magazine loaded with six rounds of 9mm ammunition, and one additional chambered round, was discovered by a Henderson Police Department article search K9 a few minutes later along CARLOS ALSTON's flightpath from law enforcement.
8. Henderson Police Department officers identified the odor of marijuana emitting from the vehicle CARLOS ALSTON was operating based on their training and experience. Officers collected a cigarette containing what they recognized, through their training and experience, to be marijuana from the passenger seat of the vehicle. The marijuana cigarette weighed approximately 1.1 grams. Additionally, a plastic baggie containing approximately twenty-six (26) grams of a substance officers recognized as marijuana was collected from the driver-side door pocket. Drug paraphernalia, also recognizable to officers from their training and experience, including a digital scale, was recovered from the center console cup holder, along with an open box of sandwich baggies from the back seat.
9. An examination of CARLOS ALSTON's criminal history revealed a state probation revocation in 2021, resulting from a positive drug screen indicating the presence of marijuana, failure to register for drug treatment classes, and

multiple new criminal allegations in Vance County, North Carolina involving stolen firearms and an assault involving a firearm.

10. Regarding CARLOS ALSTON's recent criminal history, on April 19, 2019, CARLOS ASLTON was arrested by Henderson Police Department after being found in possession of a stolen firearm and 33 grams of marijuana following a traffic stop in which CARLOS ALSTON was operating a vehicle which was emitting a strong odor of marijuana. CARLOS ALSTON handed the officer a baggie containing the 33 grams of marijuana and the stolen firearm was located beneath the driver's seat.
11. In September 2021, CARLOS ALSTON was the passenger in a vehicle which failed to yield to a Henderson Police officer's blue lights and sirens as they were attempting to stop the vehicle for a traffic violation. An object, later identified as a stolen firearm wrapped in a t-shirt, was thrown from the passenger window just before the vehicle yielded to police. CARLOS ALSTON ran from the vehicle as the Henderson Police Department officer was securing the driver in his patrol vehicle. The officer found a small blue baggie containing approximately 1.8 grams of marijuana on the passenger seat of the vehicle, where CARLOS ALSTON had been sitting prior to the stop. CARLOS ALSTON was arrested on a later date.
12. Based on CARLOS ALSTON's recent positive drug screen for marijuana, recent law enforcement contacts during which he was found with marijuana and the evidence of items found in the vehicle of which he was the sole occupant

on January 4, 2023, including a marijuana cigarette, odor of marijuana and baggie of marijuana, your affiant believes that CARLOS ALSTON is an unlawful user of marijuana and/or is addicted to marijuana.

13. A description of the Smith & Wesson SD9VE 9mm pistol bearing serial number FZL8687 was provided to ATF Nexus examiner, Special Agent John Griffin, who has training and expertise in firearms nexus examinations. S/A Griffin determined that the Smith & Wesson SD9VE 9mm pistol bearing serial number FZL8687 is a firearm as that term is defined in 18 U.S.C. § 921(a)(3). He further determined that the firearm was manufactured outside of the state of North Carolina, meaning that it traveled in interstate and/or international commerce before being possessed in North Carolina by CARLOS ALSTON.

Conclusion

14. Based on the forgoing facts, I respectfully submit that probable cause exists to believe that on or about January 4, 2023, in Vance County, North Carolina, CARLOS ALSTON did possess a firearm while knowing that he was an unlawful user of, or addicted to, controlled substances, in violation of Title 18 United States Code, Section 922(g)(3).

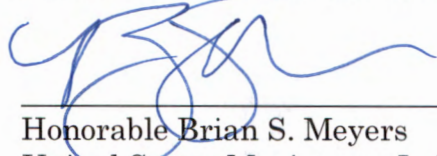
Respectfully submitted,



Tanisha M. Jeter
Special Agent
Bureau of Alcohol, Tobacco, Firearms,
and Explosives

USMJ signature on next page - Page 6. BSM 01/06/2023

On this 6th day of January 2023, pursuant to Rule 4.1 of the Federal Rules of Criminal Procedure, Special Agent Tanisha Jeter of the Bureau of Alcohol, Tobacco, Firearms and Explosives appeared before me via reliable electronic means (telephone), was placed under oath, and attested to the contents of this Affidavit at 4:57pm



Honorable Brian S. Meyers
United States Magistrate Judge
Eastern District of North Carolina

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