

AO 91 (Rev. 08/09) Criminal Complaint

FILED  
UNITED STATES DISTRICT COURT  
DISTRICT OF NEW MEXICO

12 JAN 27 AM 9:38

CLERK-LAS CRUCES

UNITED STATES DISTRICT COURT

for the

District of New Mexico

United States of America

v.

APRIL GARCIA

Case No.

12-167 MJ

Defendant(s)

CRIMINAL COMPLAINT

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

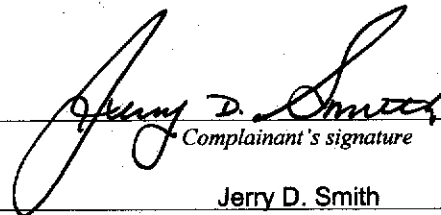
On or about the date(s) of Nov. 2011 - Jan. 26, 2012 in the county of Dona Ana in the  
       District of New Mexico, the defendant(s) violated:

<i>Code Section</i>	<i>Offense Description</i>
21 USC 846	Conspiracy to Possess with Intent to Distribute over 500 grams of cocaine and a quantity of methamphetamine
18 USC 1956(h)	Conspiracy to Launder Money

This criminal complaint is based on these facts:

See Attachment

Continued on the attached sheet.

  
Complainant's signature

Jerry D. Smith  
Printed name and title

Sworn to before me and signed in my presence.

Date: 01/27/2012

  
Judge's signature

City and state: Las Cruces, NM

William P. Lynch, U.S. Magistrate Judge  
Printed name and title

**Attachment to April Garcia Complaint**

1. In August of 2011, Las Cruces DEA Agents began investigating a cocaine and heroin transportation organization responsible for the distribution of cocaine and heroin in New Mexico and Texas. During the course of this investigation, agents obtained court authorization to intercept wire communications ("calls") on four different telephone numbers used by members of this organization. The following is a list of the telephones agents were authorized to intercept, with their corresponding subscribers and users, and the date during which each phone was intercepted:

- a) (915) 408-2295, identified as Target Telephone 1 is subscribed to Oscar Portillo. Agents have confirmed through intercepted calls that Target Telephone 1 is utilized by Oscar Portillo Sr. Target Telephone 1 was intercepted from November 4, 2011, through December 30, 2011.
- b) (915) 317-0806, identified as Target Telephone 2, is subscribed to Oscar Portillo. Agents have confirmed through intercepted calls that Target Telephone 2 is utilized by Matthew Portillo. Interception of Target Telephone 2 began on November 4, 2011, and January 26, 2012.
- c) (915) 282-6142, identified as Target Telephone 3, is subscribed to Marina Sanchez. Agents have confirmed through intercepted calls that Target Telephone 3 is utilized by Cesar Ramos. Interception of Target Telephone 3 began on December 2, 2011, and January 26, 2012.
- d) (915) 245-6026, identified as Target Telephone 4 is subscribed to Tawny Catain. Based on intercepted calls, agents determined that Target Telephone 4 was utilized by Cesar Ramos. Target Telephone 4 was intercepted from December 2, 2011, through December 31, 2011.

2. Between September 2011, and January 2012, agents seized approximately 1,250 grams of cocaine. Approximately 800 grams of the cocaine was purchased by an undercover agent (UC) from Oscar Portillo Sr. and other members of the Portillo Family. The other 450 grams of cocaine was seized at Pettit Farms, the residence of Oscar Portillo Sr., at the time of his arrest on January 26, 2012.

3. Through the investigation and the intercepted phone calls, agents learned that Cesar Ramos is Oscar Portillo Sr.'s source of supply for cocaine and also learned that Fernando Ramos (Cesar Ramos' brother) stores cocaine at his house for Cesar Ramos. On multiple occasions during the wiretap investigation, agents intercepted calls indicating that Cesar Ramos would pick up cocaine from Fernando Ramos in El Paso, Texas and then deliver the cocaine to Oscar Portillo Sr. at Pettit Farms near Vinton, New Mexico.

4. On November 4, 2011, the UC met with O. Portillo, Sr. and purchased approximately 9 ounces of cocaine from O. Portillo Sr. The UC gave O. Portillo Sr. \$3,000 at the time of the sale and was told to send the remaining \$2,400 via money order to Pettit Farms. Approximately ten minutes after the UC was observed leaving the meeting with O. Portillo, Sr., agents intercepted a phone call between O. Portillo, Sr. and C. Ramos. During the call, O. Portillo, Sr. told C. Ramos, "I have you here the, the whole balance of the other one." O. Portillo, Sr. and C. Ramos then agreed to meet and hung up. Several additional calls were intercepted in which C. Ramos asked O. Portillo, Sr. to send the money to him via Money Gram because they were on opposite sides of El Paso and C. Ramos had a deadline to "pay something before seven." O. Portillo, Sr. told C. Ramos that he might be able to make it to C. Ramos and that it would be better not to send use Money Gram saying, "You don't want the money to be tracked anyway."

5. Approximately one hour later, agents intercepted a call between O. Portillo, Sr. and C. Ramos, indicating that they would meet at the Texas Roadhouse restaurant located on the west side of El Paso. Agents established surveillance at the restaurant and observed O. Portillo, Sr. arrive in a brown Cadillac and meet with a man agents observed driving April Garcia's Lincoln SUV at the parking lot of Texas Roadhouse. Based on the calls and other surveillance where C. Ramos has been seen driving the Lincoln SUV agents believe that C. Ramos met with Oscar Portillo Sr. at the Texas Roadhouse to pick up drug proceeds.

6. On December 16, 2011, agents intercepted a call between C. Ramos and A. Garcia. In the call, C. Ramos told A. Garcia that C. Garcia was "already loaded" since he (C. Ramos) had already given her a "cachote" (big piece) for A. Garcia. C. Ramos then asked A. Garcia if he (C. Ramos) should meet A. Garcia at her A. Garcia's house. A. Garcia affirmed. Based on my training and experience, I believe that C. Ramos was telling A. Garcia that he had already supplied C. Garcia with narcotics for her to give to A. Garcia.

7. Agents also intercepted calls during the investigation in which A. Garcia was telling C. Ramos that she had offered to ask C. Ramos to provide methamphetamine to C. Garcia. After her arrest on January 26, 2012, A. Garcia admitted that she would assist C. Garcia in obtaining methamphetamine from C. Ramos. A. Garcia also admitted that C. Ramos would provide A. Garcia with methamphetamine and marijuana for her personal use.

8. On December 17, 2011, agents intercepted a call between C. Ramos and A. Garcia. In the call, C. Ramos asked A. Garcia to take something out. A. Garcia asked if there was only one there and if it was what C. Ramos had previously given her (A. Garcia) to put away. C. Ramos affirmed and said that one. A. Garcia asked if "twenty," along with the scale. C. Ramos affirmed and said that (the scale) too. C. Ramos stated that it was in the back seat and that he would stop by and pick it up later. I believe the reference to the back seat relates to the white Lincoln SUV, which agents, including your affiant, have observed being driven by C. Ramos during other drug trafficking transactions in this investigation. Based on my training and experience, I believe that C.

Ramos was asking A. Garcia to get out a scale and some narcotics (either 20 grams or \$20 worth of narcotics) that he had asked her to put away and to have it ready for him to come by her house and pick up.

9. On January 13, 2012, agents intercepted calls between C. Ramos and "Jorge." The calls indicated that C. Ramos was going to pick up some money from "the ranch" (Pettit Farms). Agents then intercepted a series of calls indicating that A. Garcia was going to pick up C. Ramos on the street near her house. In one of the calls, A. Garcia said that she was on her way, and C. Ramos told her to call him before she got there. In a subsequent call, C. Ramos told A. Garcia to go past his house and that he would be walking. Agents established surveillance at Pettit Farms, in anticipation of a meeting between C. Ramos and M. Portillo. At approximately 12:05 p.m., agents observed April Garcia's white Lincoln SUV with Texas License Plate 930-WLL enter Pettit Farms. When the Lincoln SUV left Pettit Farms, an agent on surveillance was able to positively identify A. Garcia as the driver of the SUV and was able to distinguish that the passenger was a male subject wearing a hat. Although the agent was not able to see the male subject's face clearly enough to identify him, based on the surveillance and intercepted calls, I believe that the passenger was C. Ramos. Based on the surveillance, the calls indicating that C. Ramos was traveling to Pettit Farms to pick up money, and the fact that C. Ramos supplies narcotics to the Portillos, I believe that A. Garcia and C. Ramos travelled to Pettit Farms to pick up drug proceeds from the Portillos.

10. In anticipation of executing a search warrant on January 26, 2012, the UC called Oscar Portillo Sr. and ordered eight ounces of cocaine which the UC was supposed to pick up at Pettit Farms on January 25, 2012. On January 25, 2012, agents intercepted calls between C. Ramos and F. Ramos in which C. Ramos indicated that he was on the way to meet with F. Ramos and pick up the cocaine. Agents were able to hear A. Garcia in the background of the call and therefore determine that A. Garcia was with C. Ramos when he picked up the cocaine from F. Ramos.

11. Further intercepted calls and surveillance showed that A. Garcia then accompanied C. Ramos to Pettit Farms in New Mexico, where he delivered the eight ounces of cocaine to O. Portillo Sr. The UC later called and made an excuse why he/she could not pick up the cocaine on January 25, 2012. I believe that part of the cocaine that was seized from Pettit Farms on January 26, 2012 was the cocaine that A. Garcia and C. Ramos picked up from F. Ramos on January 25, 2012 and then delivered to O. Portillo Sr.

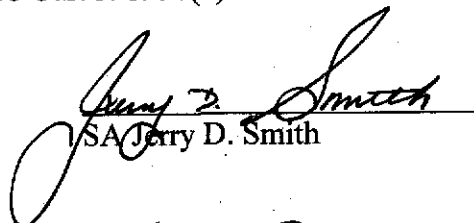
12. In a post arrest statement on January 26, 2012, A. Garcia admitted allowing C. Ramos to use her Lincoln SUV by pick up money from O. Portillo Sr. Pettit Farms on multiple occasions and also admitted to personally driving C. Ramos to Pettit Farms on approximately eight occasions to pick up money from O. Portillo Sr. A. Garcia further stated that she saw C. Ramos hand Matthew Portillo something on approximately two of their trips to Pettit Farms but claimed that she did not know (or ask) what C. Ramos handed to M. Portillo. A. Garcia further admitted that she knew that C. Ramos was involved in the selling of narcotics but claimed that she purposely did not question C.

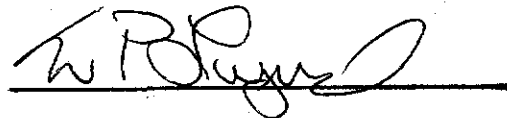
Ramos regarding the money that he was picking up from O. Portillo Sr. or the items that C. Ramos was delivering to M. Portillo.

13. AUSA Renee Camacho authorized federal prosecution for April Garcia.

Based on the above stated facts, I believe that there is probable cause to believe that April Garcia conspired with others to possess with intent to distribute more than 500 grams of cocaine and a quantity of methamphetamine, in violation of 21 U.S.C. 846, and conspired with others to launder money, in violation of 18 U.S.C. 1956(h).

01-27-2012  
Date

  
SA Jerry D. Smith



**WILLIAM P. LYNCH  
U.S. MAGISTRATE JUDGE**