

FILED

UNITED STATES DISTRICT COURT

UNITED STATES DISTRICT COURT
ALBUQUERQUE, NEW MEXICO

for the

FEB 10 2012 *jt*

United States of America)

v.)

Javier Vidaca)

Jose Vidaca)

Marco Jimenez)

Case No.

12mj269

MATTHEW J. DYKMAN

CLERK

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 January 18, 2012 in the county of Bernalillo in the

District of New Mexico, the defendant(s) violated:

<i>Code Section</i>	<i>Offense Description</i>
Title 21 USC 841(a)(1), 841(b)(1)(A) and Title 21 USC 846	Possession with intent to distribute over 500 or more grams of methamphetamine and conspiracy to possess with intent to distribute over 500 grams of methamphetamine.

This criminal complaint is based on these facts:

*** SEE ATTACHED AFFIDAVIT ***

Continued on the attached sheet.

David Smith

Complainant's signature

SA David Smith

Printed name and title

Sworn to before me and signed in my presence.

Date: 2-10-12

Robert H. Scott

Judge's signature

City and state: Albuquerque, New Mexico

ROBERT HAYES SCOTT
UNITED STATES MAGISTRATE JUDGE

AFFIDAVIT OF DEA SPECIAL AGENT DAVID SMITH

I, Special Agent David Smith, United States Department of Justice, Drug Enforcement Administration (DEA), being first duly sworn state as follows:

Introduction

1. This Affidavit is written in support of arrest warrants for Jose VIDACA, Javier VIDACA and Marco JIMENEZ. Further, this Affidavit is written in support of an application for a search warrant for **2020 Broadway Boulevard SE, Albuquerque, New Mexico, (BERNALILLO COUNTY), 104 Franklin Avenue SE, Albuquerque, New Mexico, (BERNALILLO COUNTY), 1221 Tapia Boulevard SW, Albuquerque, New Mexico, (BERNALILLO COUNTY), 5504 Kettle Road NW, Albuquerque, New Mexico, (BERNALILLO COUNTY), 9024 Blue Meadow Trail, Albuquerque, New Mexico (BERNALILLO COUNTY)**, all locations are fully described in Attachment A.
2. I am currently investigating the distribution of methamphetamine by Octavio BACA, Raul SIMENTAL, Marco JIMENEZ, Javier VIDACA and Jose VIDACA and their associates in Albuquerque, New Mexico. The facts and information set forth in this Affidavit are based upon my personal knowledge obtained during this investigation, conversations with other officers, and other documents and records obtained as a result of this investigation.

Affiant's background

3. I have been employed by the United States Department of Justice, Drug Enforcement Administration (DEA) since September 2004. Prior to employment with the DEA, I was employed as a Special Agent for the Internal Revenue Service,

Criminal Investigation (IRS-CI). During this time I have accumulated the following training and experience:

- (a) I graduated from the DEA Academy (Quantico, Virginia). I received approximately 500 hours of specialized narcotics related training. The training included controlled substance identification, narcotics related investigative techniques, interview and interrogation training, preparation of search warrants, tactical applications of narcotics enforcement, surveillance and electronic monitoring techniques, money laundering investigations and various forensic subjects including latent fingerprint collection and analysis.
- (b) As a DEA agent, I have participated in investigations targeting individuals and organizations trafficking heroin, cocaine, cocaine base ("crack"), marijuana, methamphetamine and other controlled substances as defined in Title 21, USC, Section 801.
- (c) Prior to being an IRS agent, I graduated from the Criminal Investigators Training Program. I received ten (10) weeks of general investigation and techniques, and an additional sixteen (16) weeks of training which was specialized money laundering and criminal tax law.

Case background/relevant facts

- 4. Beginning in June 2011, the DEA Albuquerque District Office initiated an investigation that targeted Octavio BACA aka "Tavo." It was determined that "Tavo" was a distributor of ounce quantities of methamphetamine in the Albuquerque, New Mexico, area. In September 2011, a DEA Confidential Source of Information (hereafter referred to as "CS") started to provide information regarding

Raul SIMENTAL, aka "Chapulin." The DEA determined that SIMENTAL was also a distributor of ounce quantities of methamphetamine in the Albuquerque, New Mexico, area. Agents quickly learned that BACA and SIMENTAL were friends and co-workers at Intel Corporation (employees of Brycon Corporation) in Rio Rancho, New Mexico. Between June 2011, and September 2011, DEA was able to make two controlled purchases of methamphetamine from BACA and one controlled purchase of methamphetamine from SIMENTAL. On November 21, 2011, the Honorable Judith C. Herrera signed an order authorizing the interception of wire communications over the cellular telephone with the assigned telephone number 505-348-6480, TARGET TELEPHONE #1. This cellular telephone is utilized by SIMENTAL. Between November 21, 2011, and December 20, 2011, the DEA conducted this authorized wire interception. Based on this first wire interception, agents believe that SIMENTAL distributed methamphetamine approximately 50 times to at least nine different people. Agents also identified Marco JIMENEZ as SIMENTAL's source of supply for methamphetamine. On December 21, 2011, the Honorable Judith C. Herrera signed an order authorizing a second 30 day period for the interception of wire communications over the cellular telephone with the assigned telephone number 505-348-6480. This second 30 day period of interception started on December 23, 2011, and ended on January 21, 2012. On January 5, 2012, the Honorable Judith C. Herrera signed an order authorizing the interception of wire communications over the cellular telephone with the assigned telephone number 505-353-7835, TARGET TELEPHONE #4, which was used by Marco JIMENEZ. The interception of TARGET TELEPHONE #4 began on January 6, 2012, and ended on

February 4, 2012. On January 5, 2012, the Honorable Judith C. Herrera signed an order authorizing the interception of wire communications over the cellular telephone assigned telephone number 505-307-3420. On January 6, 2012, the Honorable Judith C. Herrera signed an amended order authorizing the interception of wire communications over the cellular telephone with the assigned telephone number 505-307-3420, TARGET TELEPHONE #3. This is another cellular telephone utilized by Marco JIMENEZ. Interception of TARGET TELEPHONE #3 started on January 7, 2012, and ended on February 4, 2012.

5. Based on intercepted calls, toll records, subscriber information, surveillance and other investigative activities, agents believe that SIMENTAL and BACA are the ounce level distributors for this organization. The following are examples of intercepted calls that demonstrate that SIMENTAL is an ounce level distributor. On January 6, 2012, call number #3940, over TARGET TELEPHONE #1 was intercepted. This conversation was between SIMENTAL and an individual identified as Michael Mcallister. During this call, Mcallister asked SIMENTAL about those window things and then asked about a "Zipperuski." Based on my training and experience, Mcallister is asking for the price of one ounce of methamphetamine. SIMENTAL later tells Mcallister it is "950." On September 21, 2012, the DEA conducted a one ounce controlled buy of methamphetamine from SIMENTAL, where SIMENTAL charged \$950 for the one ounce. Based on additional calls and surveillance conducted on January 6, 2012, agents believe that Mcallister picked up between $\frac{3}{4}$ of an ounce and an ounce of methamphetamine from SIMENTAL at SIMENTAL's residence.

6. Based on intercepted calls, toll records, subscriber information, surveillance and other investigative activities, agents believe that JIMENEZ operates a stash house for the organization and distributes pound quantity amounts of methamphetamine for the organization. On January 18, 2012, agents intercepted call #2900 over TARGET TELEPHONE #3. During this call, BACA asked JIMENEZ if JIMENEZ had talked to "Viejo." Viejo is believed to be Jose VIDACA. JIMENEZ asked BACA if he was ready and BACA said not yet, but he would be going by around 5:00 PM. JIMENEZ told BACA that he would be there. In call #2966 over TARGET TELEPHONE #3, BACA asked if JIMENEZ could go the little store on Kathryn, but JIMENEZ stated he was busy. BACA said he was going to go by his aunt's house and then stop at JIMENEZ's. In call #2977, BACA asked JIMENEZ where he was at, and JIMENEZ informed BACA he was where the Escalade was. Based on these calls and other calls, agents believed that BACA was going to pick-up methamphetamine from JIMENEZ. Shortly following this last call, agents observed BACA at JIMENEZ's residence, which is located at 2020 Broadway SE, Albuquerque, New Mexico. Agents observed BACA drive from JIMENEZ's residence to 104 Franklin Ave., SE, Albuquerque. Approximately 5 to 10 minutes later, at approximately 5:40 PM, agents observed BACA leaving 104 Franklin SE, Albuquerque, New Mexico. At approximately 5:43 PM, agents conducted a traffic stop of BACA. As a result of the traffic stop, agents seized approximately two pounds of methamphetamine from BACA's vehicle. In a post *Miranda* statement, BACA provided directions to 104 Franklin Ave., SE, Albuquerque, New Mexico, and stated the he received the methamphetamine from "Marco."

7. Based on intercepted calls, toll records, subscriber information, surveillance and other investigative activities, agents believe that Jose VIDACA collects and stores the proceeds from the distribution of methamphetamine for the organization. On January 17, 2012, based on intercepted calls, agents believed that an individual only known as "the mechanic" picked up a pound of methamphetamine from JIMENEZ. After "the mechanic" picked up the methamphetamine from JIMENEZ, call #423 was intercepted over TARGET TELEPHONE #4. This conversation was between Javier VIDACA and JIMENEZ. During this call, JIMENEZ told Javier VIDACA that "the mechanic" had already gone by, and JIMENEZ wanted to know if Javier VIDACA wanted "Viejon," (Jose VIDACA), to pick up the tools that "the mechanic" had left. Javier VIDACA then asks JIMENEZ what was the "tire pressure." JIMENEZ informed Javier VIDACA that it was "17." Javier VIDACA stated that it should have been "18." Based on intercepted calls on January 17, and January 18, 2012, agents believe that BACA delivered US Currency to Jose VIDACA at his residence prior to picking up approximately two pounds of methamphetamine from JIMENEZ. A detailed synopsis of these calls can be found in the section labeled, "1221 Tapia Boulevard SW, Albuquerque, New Mexico."
8. Based on intercepted calls, toll records, subscriber information, surveillance and other investigative activities, agents believe that Javier VIDACA is the leader and organizer of this drug trafficking organization. On December 17, 2011, SIMENTAL spoke with Javier VIDACA. This call was intercepted as call #2560 over TARGET TELEPHONE #1. During this call, Javier VIDACA was using the cellular telephone assigned 72*131050*9. During this call, Javier VIDACA told SIMENTAL that

Javier VIDACA wanted JIMENEZ to take a break and not to do anything which was why Javier VIDACA told JIMENEZ to give SIMENTAL "that" (methamphetamine). Later in the call, Javier VIDACA again asked if JIMENEZ gave something to SIMENTAL. SIMENTAL affirmed and added that JIMENEZ did fix SIMENTAL up with something. During this call, I believe that Javier VIDACA is demonstrating a leadership role in the drug trafficking organization by emphasizing that he has instructed JIMENEZ to take a break (from drug trafficking activities). Another example of Javier VIDACA's leadership of this organization occurred on January 17, 2012. In call #423 over TARGET TELEPHONE #4, JIMENEZ told Javier VIDACA that "the mechanic" had already gone by, and JIMENEZ wanted to know if Javier VIDACA wanted "Viejon," (Jose VIDACA), to pick up the tools that "the mechanic" had left. During this call, JIMENEZ is calling Javier VIDACA and seeking direction from Javier VIDACA.

9. On February 9, 2012, the Albuquerque Police Department (APD) executed a search warrant at 10407 Cartagena SW, Albuquerque, New Mexico, Raul SIMENTAL's residence. During the search warrant, the APD seized approximately 5 ounces of methamphetamine and approximately \$8,000 US Currency.

2020 Broadway Boulevard SE, Albuquerque, New Mexico

10. On December 5, 2011, at approximately 9:55 AM, in intercepted call #1273 over TARGET TELEPHONE #1, JIMENEZ called SIMENTAL to see what SIMENTAL was doing. SIMENTAL stated to JIMENEZ that he was on "E" (empty). JIMENEZ affirmed and stated that he would call SIMENTAL. In this call, when SIMENTAL

tells JIMENEZ that SIMENTAL is on "E," I believe that SIMENTAL is telling JIMENEZ that SIMENTAL is out of methamphetamine.

11. At approximately 10:43 AM, in intercepted call #1283, over TARGET TELEPHONE #1, JIMENEZ called SIMENTAL. SIMENTAL stated that he would see JIMENEZ in twenty and JIMENEZ affirmed. At approximately 10:58 AM, agents and TFOs conducted surveillance of SIMENTAL. Agents observed a white Toyota Corolla leave SIMENTAL's residence. SIMENTAL has been previously identified using this vehicle. Agents then were able to identify SIMENTAL as being the sole occupant of the vehicle as it traveled eastbound from the residence. Surveillance on the vehicle was lost in the area of Isleta Blvd., SW and Bridge Blvd., SW. At approximately 11:27 AM, agents located the vehicle at the residence of 2020 Broadway Blvd., SE, Albuquerque, New Mexico. Based on the surveillance and the intercepted conversations, I believe that SIMENTAL went to 2020 Broadway Blvd., SE to pick up methamphetamine from JIMENEZ.
12. 2020 Broadway Blvd., SE has been identified as Marco JIMENEZ's residence. As previously stated, on January 18, 2012, agents observed Octavio BACA at 2020 Broadway Blvd., SE and then followed BACA to 104 Franklin SE. After departing 104 Franklin SE, agents stopped BACA and seized approximately two pounds of methamphetamine.

104 Franklin Avenue SE, Albuquerque, New Mexico

13. As noted in paragraph 6 above, on January 18, 2012, agents intercepted call #2900 over TARGET TELEPHONE #3. During this call, BACA asked JIMENEZ if JIMENEZ had talked to "Viejo." Viejo is believed to be Jose VIDACA. JIMENEZ

asked BACA if he was ready and BACA said not yet, but he would be going by around 5:00 PM. JIMENEZ told BACA that he would be there. In call 2966 over TARGET TELEPHONE #3, BACA asked if JIMENEZ could go the little store on Kathryn, but JIMENEZ stayed he was busy. BACA said he was going to go by his aunt's house and then stop at JIMENEZ's. In call #2977, BACA asked JIMENEZ where he was at, and JIMENEZ informed BACA he was where the Escalade was. Based on these calls and other calls, agents believed that BACA was going to pick-up methamphetamine from JIMENEZ. Shortly following this last call, agents observed BACA at JIMENEZ's residence, which is located at 2020 Broadway SE, Albuquerque, New Mexico. Agents observed BACA drive from JIMENEZ's residence to 104 Franklin Ave., SE, Albuquerque. Approximately 5 to 10 minutes later, at approximately 5:40 PM, agents observed BACA leaving 104 Franklin SE, Albuquerque, New Mexico. At approximately 5:43 PM, agents conducted a traffic stop of BACA. As a result of the traffic stop, agents seized approximately two pounds of methamphetamine from BACA's vehicle. In a post *Miranda* statement, BACA provided directions to 104 Franklin Ave., SE, Albuquerque, New Mexico, and stated the he received the methamphetamine from "Marco."

1221 Tapia Boulevard SW, Albuquerque, New Mexico

14. On January 17, 2012, in call #5394 over TARGET TELEPHONE #1, SIMENTAL told BACA that he had just talked to JIMENEZ and that BACA had to take the "title" to work tomorrow. SIMENTAL reiterated that BACA needed to take the "title" to work tomorrow. SIMENTAL told BACA that SIMENTAL had just talked to "Javier" (Javier VIDACA) and that "Javier" wanted SIMENTAL and BACA to take

the "car titles" and meet JIMENEZ for lunch. In this call, I believe that SIMENTAL is telling BACA to bring the US Currency from the sale of methamphetamine to work the following day because SIMENTAL and BACA would meet JIMENEZ at lunch to pay for the methamphetamine.

15. On January 18, 2012, in call #472 intercepted over TARGET TELEPHONE #4, JIMENEZ spoke with Jose VIDACA aka "Viejon" aka "Ruco." During this call, JIMENEZ told Jose VIDACA that "Tyson" (SIMENTAL) had not go to work but "El Trailero" (BACA) had gone to work. JIMENEZ and Jose VIDACA discussed Jose VIDACA meeting BACA for lunch at 11:00 AM, but Jose VIDACA said he would not make it in time. Jose VIDACA suggested that JIMENEZ tell BACA to go in the afternoon or Jose VIDACA would meet BACA. In this call, Jose VIDACA is telling JIMENEZ that he cannot meet BACA for lunch to collect the US Currency and that Jose VIDACA would collect the US Currency after BACA's gets out of work.
16. In call #473, JIMENEZ and BACA agreed that BACA would go to Jose VIDACA's house after work. In call #477, JIMENEZ told Jose VIDACA that BACA would go by his location after work. In this call, JIMENEZ and Jose VIDACA agreed that BACA would deliver the US Currency to VIDACA's residence, which has been identified as 1221 Tapia Blvd., SW, Albuquerque, New Mexico.
17. I believe that on January 18, 2012, that BACA needed to pay his past drug debt owed to JIMENEZ, Jose VIDACA and Javier VIDACA before he could pick-up more methamphetamine from JIMENEZ. Based on the telephone calls, I believe that BACA paid VIDACA and then drove to JIMENEZ's residence, at which time

surveillance observed BACA and then followed him to 104 Franklin Ave., SE. After going to 104 Franklin SE, agents seized the approximate two pounds of methamphetamine from BACA.

18. On January 10, 2012, agents conducted surveillance in support of the ongoing wire interception over TARGET TELEPHONE #3. In Call #215, at approximately 9:42 AM, JIMENEZ received a call from an unknown male identifying himself as "Victor", later identified as Victor URQUIDI. URQUIDI asked JIMENEZ if he had another three hundred and fifty (350). URQUIDI stated he had been waiting for Ramon yesterday but he never showed up. URQUIDI told JIMENEZ to give him some time and he would come by JIMENEZ' location. In this call, I believe that URQUIDI is asking JIMENEZ for 350 grams of methamphetamine. At approximately 10:08 AM, in intercepted call #216, URQUIDI called JIMENEZ to inform JIMENEZ he was outside. JIMENEZ stated he would be right out. At approximately 10:19 a.m., surveillance was established in the area of 2020 Broadway Blvd., SE, Albuquerque, New Mexico. Noted at the residence was a burgundy Chevrolet Silverado extended cab truck bearing New Mexico license plate #JAJ654, registered owner Maria Urquidi. Agents observed JIMENEZ standing out front talking to a male, later identified as URQUIDI.
19. At approximately 10:25 AM, an agent placed a phone call to the number used to call JIMENEZ (calls #215 and #216) identified as belonging to URQUIDI (505-908-0084). At the same time another agent observed URQUIDI check his phone but not answer, identifying the phone number to URQUIDI.

20. At approximately 10:29 AM, agents observed JIMENEZ enter his residence.

URQUIDI then entered the burgundy Chevrolet and left JIMENEZ' residence. At approximately 10:34 AM, agents observed the burgundy Chevrolet enter the parking lot at the intersection of Bridge Blvd. SW and Sunset Rd. SW. An agent then observed URQUIDI use the ATM located in the NE corner of the intersection. At approximately 10:38 AM, an agent observed URQUIDI in the burgundy Chevrolet leave the parking lot and drive West on Bridge Blvd. SW. At approximately 10:43 AM, an agent observed the burgundy Chevrolet drive to a residence located at 1221 Tapia Blvd., SW, Albuquerque, NM. URQUIDI drove through the gated entrance and parked in the back of the residence. A public records check confirms that 1221 Tapia Blvd., SW, Albuquerque, New Mexico is Jose VIDACA's residence.

5504 Kettle Road NW, Albuquerque, New Mexico

21. As discussed in paragraph 8, it is the belief of the agents that Javier VIDACA is the leader and organizer of this organization. On January 25, 2012, call #6251 was intercepted over TARGET TELEPHONE #3. During this call, Javier VIDACA told JIMENEZ that Javier VIDACA was going to stop by JIMENEZ's house. At approximately, 7:53 PM, agents observed a white pick-up truck arrive at JIMENEZ's residence. At approximately 8:37 PM, agents observed this vehicle depart JIMENEZ's residence. Agents maintained surveillance of this vehicle until approximately 9:00 PM, when agents stopped following the vehicle as it turned north on Taylor Ranch Rd from Montano Road. Prior to this turn, an agent observed Javier VIDACA roll the front driver's window down. An agent confirmed that the individual that was driving this vehicle was Javier VIDACA. At approximately 9:09

PM, agents observed this vehicle parked in in the driveway at 5504 Kettle Road NW, Albuquerque, New Mexico. A public records check for Javier VIDACA shows that on February 14, 2011, Javier VIDACA and Meghann Cruz purchased 5504 Kettle Road NW, Albuquerque, New Mexico.

9024 Blue Meadow Trail, Albuquerque, New Mexico

22. On February 10, 2012, a Source of Information (SOI) identified 9024 Blue Meadow Trail, Albuquerque, New Mexico, as a residence that the SOI picked up a half pound of methamphetamine at Marco JIMENEZ's direction. The SOI believed that he/she picked up the methamphetamine on February 7 or February 8, 2012. The SOI stated after BACA's arrest, this DTO moved the drugs from 104 Franklin SE, Albuquerque, New Mexico, to 9024 Blue Meadow Trail, Albuquerque, New Mexico. A public records check identified Cesar CARRASCO as the residence at this address. This SOI is providing information in hopes of receiving a reduced sentence for a drug arrest. The SOI provided information to the agents regarding Marco JIMENEZ and Javier VIDACA. The SOI did not know that agents possessed previous information regarding VIDACA and JIMENEZ. Based on the information regarding JIMENEZ and VIDACA, agents consider this SOI to be very reliable.

23. On January 9, January 15, and twice on January 28, 2012, agents intercepted conversations over TARGET TELEPHONE #3 between "Cesar," using telephone number 505-506-6069, and JIMENEZ who was using TARGET TELEPHONE #3. The subscriber for telephone number 505-506-6069 is Cesar CARRASCO at 1521 Lakeview Road SW, Albuquerque, New Mexico. This address appears in the same

public records check as an old address for Cesar CARRASCO that lists his current address as 9024 Blue Meadow Trail SW, Albuquerque, New Mexico.

24. Based on my training and experience, and on my consultation with other law enforcement officers experienced in investigations regarding conspiracy to manufacture, distribute, and possession with intent to distribute controlled substances, I have learned the following:

- a. Individuals involved in illegal trafficking of controlled substances often conceal evidence of their drug trafficking in their residences, garages, carports and outbuildings. They also conceal evidence in vehicles, including vehicles outside of their residences, so that they have ready access to it and so that they can hide it from law enforcement, including law enforcement officers executing search warrants at their residences. This evidence, which is discussed in detail in the following paragraphs, includes drug paraphernalia, paraphernalia for weighing, packaging, and distributing drugs, other contraband, records and evidence of drug transactions, proceeds from drug sales, and valuables obtained from proceeds.
- b. Individuals involved in drug dealing commonly use certain paraphernalia to package and prepare controlled substances for distribution. The paraphernalia includes packaging materials (such as plastic baggies, wrapping paper, cellophane, condoms, and film canisters) and scales to weigh controlled substances. Even after drugs are sold, these items are kept available for use in future drug

trafficking activity. Drug dealers commonly store these items on their person, in their residences, in their vehicles, and in other areas to which they have ready access.

- c. Drug dealers often maintain records of their transactions in a manner similar to the record keeping procedures of legitimate businesses. Even after the drugs are sold, documentary records often remain for long periods of time, even years, to memorialize past transactions, the status of accounts receivable and accounts payable, and the names and telephone numbers of suppliers, customers, and co-conspirators. These records can be maintained on paper, in the form of business and personal ledgers and diaries, calendars, memoranda, pay-owe sheets, IOU's, miscellaneous notes, money orders, customer lists, and telephone address books.

25. These records can reflect names, addresses and/or telephone numbers of associates and co-conspirators, the sale and purchase of controlled substances, customer lists, and amounts of money owed to the trafficker by his customers, and by the trafficker to his suppliers.

26. Records often indicate locations and distribution points of controlled substances, and the purchase of materials, supplies and articles used by the trafficker and co-conspirators in the distribution of controlled substances.

27. Records frequently include the identification of properties such as real property or vehicles owned, rented, leased, controlled, or otherwise utilized by the trafficker and his co-conspirators in the distribution of controlled substances. These records include

property rental and ownership records such as deed of trust and lease and purchase agreements, and vehicle registration, rental and ownership information.

28. These items are stored by drug dealers on their person, in their residences and surrounding garages, outbuildings, carports, yards and cars.

29. Drug dealers often travel domestically and internationally to facilitate their trafficking. Evidence of foreign and domestic travel by persons engaged in illegal drug trafficking includes travel itineraries, airline tickets, receipts related to travel such as rental car receipts, fuel receipts and hotel receipts, and passports and visas and their contents. These items are stored by drug dealers on their person, residences and surrounding garages, outbuildings, carports, yards and cars.

30. Drug traffickers often use storage facilities for drugs and other items related to trafficking that are at a location away from their residences. These off-site storage facilities are often commercial storage lockers and rooms. These locations are often used to store or hide drugs, contraband, money, and other valuables. Drug traffickers often keep documents and other items tending to show the existence of other stored drugs, contraband, money, and other valuables in areas such as storage. Those documents and other items include rental agreements, receipts, keys, notes, and maps specifically concerning off-site storage rooms, lockers, and safety deposit boxes. This evidence may be found on their person, residences and surrounding garages, outbuildings, carports, yards and cars.

31. Other evidence of transportation, ordering, possession, and sale of drugs can include the following: telephone bills to show numbers called by the drug dealers (and hence potential associates), overnight mail receipts, bank statements, deposit and

withdrawal slips, savings books, investment statements, loan statements, other financial institution statements, and federal and state tax returns.

32. The above items are stored by drug dealers on their person, residences and surrounding garages, outbuildings, carports, yards and cars.

- a. Drug dealers usually sell their product for cash. Because pound quantities can sell for thousands of dollars even at the wholesale level, dealers typically may have thousands of dollars in cash on hand both as proceeds of sales and to purchase their own supplies. In addition, drug dealers often have other assets generated by their drug business, or purchased with cash earned, such as precious metals and stones, jewelry, real estate, vehicles, and other valuables.

33. Individuals involved in drug dealing often try to legitimize these profits from the sale of drugs. To accomplish these goals, drug traffickers utilize foreign and/or domestic banking institutions and their attendant services, real estate and businesses, both real and fictitious. They also try to secrete, transfer, and conceal the money, by (a) placing assets in names other than their own to avoid detection while maintaining control, (b) laundering money through what appears to be a legitimate business or businesses, (c) hiding the money in their homes, safes, and safety deposit boxes, or (d) using the money to buy assets which are difficult to trace. This evidence is useful in a criminal prosecution, and it also is useful in identifying real and personal property that can be seized and forfeited by the government under existing laws.

34. Evidence of significant, unexplained income of drug dealers, or for the acquisition and concealment of money and assets of drug sales, can be found on banking and

investment account statements, credit card account statements, canceled checks, money orders, deposit slips, check and savings books, business and personal ledgers, accounting records, safe deposit box records and keys, federal and state tax records, rental receipts, rental agreements, utility bills, overnight mail receipts, telephone bills, loan statements records reflecting ownership of real or personal property (such as deeds of trust or vehicle registration, insurance, and ownership information), vehicle and property rental records, lease and purchase agreements, and cancelled mail.

35. The above items are typically kept by drug dealers on their person or in their residences and surrounding garages, outbuildings, carports, yards and cars.

36. Often, telephone answering machines are used to take messages. The incoming messages can provide evidence of drug trafficking and the identity of associates while the outgoing message can provide evidence of who controls the telephone line.

37. Documents showing who owns, occupies, or controls the location being searched also show whom is responsible for the items found on the premises, including contraband and other evidence seized. Documents and items showing the identity of the persons owning, residing in, or controlling the area being searched include, but are not limited to, utility and telephone bills, canceled envelopes and correspondence, outgoing answering machine messages, tax returns, keys, deeds, and mortgage receipts.

38. Drug dealers often take, or cause to be taken, photographs and/or videos of themselves, their associates, their property, and their drugs. They usually maintain these photographs and/or videos on their person or in their residences or cars.

39. Drug dealers often maintain firearms and ammunition on their person or in their homes, or cars to protect themselves and their drugs and their drug profits. They also

may maintain indicia of firearms such as receipts for firearms and ammunition, boxes for firearms and ammunition, and instruction manuals and other documentation for firearms and ammunition.


40. As discussed above, drug dealers often conceal evidence of drug dealing in vehicles outside of their residences for ready access and to prevent detection and seizure by officers executing search warrants at their residences. This evidence, which is discussed in detail in the preceding paragraphs, includes indicia such as packaging, documents and evidence tending to show the distribution of narcotics (such as IOU's, pay-owe sheets, ledgers, lists of names and numbers, telephone address books, et cetera).

Conclusion

41. Based upon the totality of the facts set forth in this Affidavit, there is probable cause to believe that Jose VIDACA, Javier VIDACA and Marco JIMENEZ are involved in narcotics trafficking and that evidence of narcotics distribution offenses, as further described in Attachment B, will be found at 2020 Broadway Boulevard SE, Albuquerque, New Mexico, (BERNALILLO COUNTY), 104 Franklin Avenue SE, Albuquerque, New Mexico, (BERNALILLO COUNTY), 1221 Tapia Boulevard SW, Albuquerque, New Mexico, (BERNALILLO COUNTY), 5504 Kettle Road NW, Albuquerque, New Mexico, (BERNALILLO COUNTY), 9024 Blue Meadow Trail SW, Albuquerque, New Mexico, (BERNALILLO COUNTY) all fully described in Attachment A of this Affidavit. I respectfully request the issuance of arrest warrants for Jose VIDACA, Javier VIDACA and Marco JIMENEZ, as well as a search warrant, authorizing any agent of the Drug Enforcement Administration, with the assistance of other law enforcement officers, to enter and search the premises of the property described in Attachment A for items

more particularly described in Attachment B, all of which are evidence of and fruits and instrumentalities of violations of Title 21, United States Code, Section 841.

I declare under penalty of perjury that the statements above are true and correct to the best of my knowledge and belief.



David Smith
Special Agent
Drug Enforcement Administration

Sworn and subscribed to before me
this 10th day of February, 2012

Robert H. Scott

United States Magistrate Judge