

FILED

UNITED STATES DISTRICT COURT
ALBUQUERQUE, NEW MEXICO

UNITED STATES DISTRICT COURT

for the

NOV 18 2010

United States of America
v.
Jose Carmen RIVAS-Aispuro

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Case No.

MATTHEW J. DYKEMA

mj
10-MJ-02986

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 _____ in the county of Bernalillo in the
_____ District of New Mexico, the defendant(s) violated:

Code Section

Offense Description

Title 21 USC 841(a)(1),
841(b)(1)(B)

Distribution of 100 or more grams of heroin.

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: 11-18-2010

Robert H. Scott
Judge's signature

City and state: Albuquerque, New Mexico

Robert H. Scott HAYES SCOTT
United States Magistrate Judge
Chambers 620
333 Lomas Blvd. N.W.
Albuquerque, NM 87102

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

I, David Smith, being duly sworn do hereby depose and swear as follows:

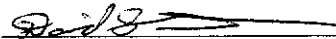
I am employed as a Special Agent with the Drug Enforcement Administration (DEA) currently assigned to the Albuquerque District Office, Albuquerque, New Mexico.

This affidavit is made in support of a criminal complaint being filed against Jose Carmen RIVAS-Aispuro charging him with violating Title 21 USC 841(a)(1), 841(b)(1)(B) to wit: distribution of 100 grams or more of heroin.

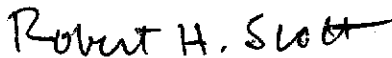
On November 12, 2010, Jose Carmen RIVAS-Aispuro sold an undercover New Mexico State Police Officer approximately 132 gross grams of a substance believed to be heroin. On November, 12, 2010, the suspected heroin field tested positive for the presence of heroin.

For the reasons set forth above, SA David Smith respectfully requests the court to approve this criminal complaint charging Jose Carmen RIVAS-Aispuro with violation of Title 21 USC 841(a)(1), 841(b)(1)(B), to wit: distribution of over 100 grams of heroin.

This affidavit is submitted for the limited purpose of providing probable cause to support the attached criminal complaint. I have not set forth each and every fact learned during the course of this investigation in the above affidavit. Affiant respectfully requests the approval of this criminal complaint for Jose Carmen RIVAS-Aispuro charging him with violating Title 21 USC 841, to wit: distribution of over 100 grams of heroin.



David Smith
Special Agent
Drug Enforcement Administration



United States Magistrate Judge

ROBERT HAYES SCOTT
United States Magistrate Judge
Chambers 620
333 Lomas Blvd. N.W.
Albuquerque, NM 87102