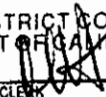


UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

FILED

OCT 7 2009

CLERK, U.S. DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA  
BY  DEPUTY CLERK

UNITED STATES OF AMERICA  
v.

GERMAN ARIAS-DIAZ  
OSVALDO MARTIN ARIAS-DIAZ  
JOSE EDUARDO ARIAS-DIAZ

AMENDED CRIMINAL COMPLAINT

1:09 MJ 251 DLB

(Name and Address of Defendant)

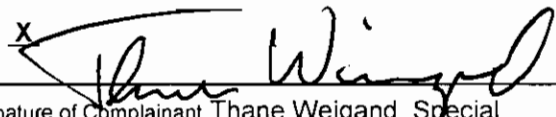
I, the undersigned complainant state that the following is true and correct to the best of my knowledge and belief. On or about **June 15, 2009 through October 6, 2009** in **Sequoia Kings Canyon National Park, Tulare County**, and elsewhere in the Eastern District of California defendant(s) did, (Track Statutory Language of Offense)

- ▶ **Conspire with each other and other individuals to manufacture, and possess with the intent to distribute, one thousand or more marijuana plants**

in violation of Title 21, United States Code, Section(s)841(a)(1) **United States Parks Service Special Agent**. I further state that I am a(n) and that this complaint is based on the following facts:

- ▶ **See attached affidavit**

Continued on the attached sheet and made a part of this complaint: X



Signature of Complainant Thane Weigand, Special Agent United States Parks Service

Sworn to before me, and signed in my presence  
October 7, 2009

at Fresno, California

Date

City

State

Hon. Dennis L. Beck, United States Magistrate Judge



Name of Judge

Title of Judge

Signature of Judge

I, Thane Weigand, being duly sworn, state:

**A. AFFIANT'S CREDENTIALS**

1. I am a Special Agent with the United States National Park Service. Under Title 16, United States Code, Section 1a-6 I am empowered to conduct investigations of, and to make arrests for, offenses affecting the National Park Service. My affidavit previously submitted in support of a search warrant for 3738 Luisa Kayasso Lane, Stockton Ca. and a criminal complaint against German Arias-Diaz is attached hereto and incorporated herein by reference.
2. On October 6, 2009, investigator executed a search warrant at 3738 Luisa Kayasso Lane, Stockton Ca. and found German, Osvaldo, and Jose Arias-Diaz at the residence.
3. In the garage agents found two rolls of black irrigation hose similar to the irrigation hose found in the Dorst Creek cultivation site. Also found in the garage was a baggy with approximately 2.5 oz. of processed marijuana.
4. In the backyard of the residence agents found four budding marijuana plants. Two of the plants were freshly cut and being dried. Two of the plants were still in the ground. Agents also found a (partial) roll of "No Climb" fencing in the backyard. This is the same type fencing found in the Dorst Creek cultivation site. In my professional experience and the professional experience of the other agents at the Luisa Kayasso Lane search warrant scene, that is the only garden where we have ever encountered "NoClimb" fencing.
5. In the living room on a desk, I found two maps. One was a map showing the Sequoia National Forest and the Sequoia and Kings Canyon National Park. The other map was of Tulare County and was fold in a way that displayed the southern entrance to Sequoia National Park. With the two maps I found a Sequoia & Kings Canyon National Park brochure. In the bedroom Jose Arias-Diaz claimed, agents was found a Marlin lever action 44 cal. Rifle, a Remington 870 shotgun and a semi-automatic SKS rifle with a bayonet attached. Also found in J. Arias-Diaz's room were three family band cobra radios. Based on my training and experience these are used by marijuana cultivator in their gardens as a form of communication.
6. In the bedroom of Osvaldo Arias-Diaz agents found the 9mm Beretta (SR# BER489445)

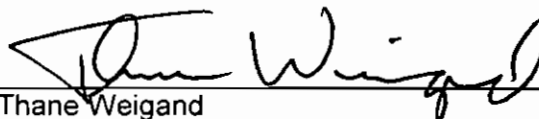
and two magazines with Blazer 9mm Luger bullets in them. This is same brand as what of ammo that was found in the Dorst Creek cultivation site

7. In the interview with Osvaldo Arias-Diaz, he was read his Miranda Rights in Spanish and waived his rights and agreed to talk with the interviewer. O. Arias-Diaz claimed knowledge of the Dorst Creek garden and claimed to be recruited to deliver supplies to the garden. He claimed that German Arias-Diaz was more involved than he or Jose Arias-Diaz was. He claimed that German Arias-Diaz was the one who was going to pay him for assisting in the delivery of the supplies.

8. In an interview with German Arias-Diaz, he was read his Miranda Rights in Spanish and waived his rights and agreed to talk with the interviewer. He admitted to knowing about the Dorst Creek marijuana cultivation site. He stated he was being paid to deliver supplies to the cultivation site and that he had made three drops on the side of the road. He said that there were two workers in the garden. G. Arias-Diaz admitted he had been in the cultivation site once.

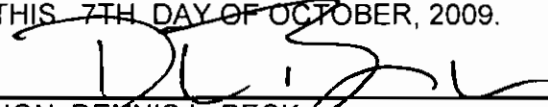
9. Jose Arias-Diaz was interviewed. He was read his Miranda Rights in Spanish and he agreed to waive his rights and speak with the interviewer. J. Arias-Diaz claimed to have no knowledge of the Dorst Creek cultivation sites or having been to the park. When asked about being in the vehicle three times when stopped by Rangers he said they were going camping.

Your affiant swears that the facts presented are true and accurate to the best of my knowledge.



Thane Weigand  
Special Agent  
U.S. National Park Service

SWORN AND SUBSCRIBED TO BEFORE ME  
THIS 7TH DAY OF OCTOBER, 2009.



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HON. DENNIS L. BECK  
UNITED STATES MAGISTRATE JUDGE  
EASTERN DISTRICT OF CALIFORNIA

I, Thane Weigand, being duly sworn, state:

**A. AFFIANT'S CREDENTIALS**

1. I am a Special Agent with the United States National Park Service. Under Title 16, United States Code, Section 1a-6 I am empowered to conduct investigations of, and to make arrests for, offenses affecting the National Park Service.

a. The U.S. National Park Service is charged with the enforcement and investigation of narcotics related laws as it pertains to the lands under the jurisdiction and administration of the U.S. National Park Service. Specifically investigations of violations of section 841 of Title 21, United States Code and other criminal violations relating to marijuana and other controlled substances that are manufactured, distributed, or dispensed on National Park System lands and to conduct such investigations and enforcement of such laws outside the exterior boundaries of the National Park System for offenses committed within the National Park System or which affect the administration of the National Park System (including the pursuit of persons suspected of such offenses who flee the National Park System to avoid arrest)

b. The primary area under investigation in this matter, among other locations, involves the cultivation of marijuana on lands within the Sequoia and Kings Canyon National Park, located within the Congressional boundary and within areas under the direct administration of the U.S. National Park Service. The area referred to in this affidavit as the Dorst Creek in Sequoia and Kings Canyon National Park.

2. I have been employed as a federal agent for the past 20 years with the United States National Park Service. I am submitting this affidavit in support of a search warrant in connection with the cultivation and trafficking of marijuana by multiple individuals in violation of Title 21 United States Code, Sections 841(a)(1) and 846. I have been working as a federal law enforcement officer exclusively since October 1989. I received 10 weeks training in the Basic Police Training Program in 1989 and 10 weeks

of training in the Criminal Investigation Training Program in 2005. Both trainings were at the Federal Law Enforcement Training Center in Brunswick, Georgia. I have also attended numerous advanced law enforcement training courses from various state and federal entities. I am a graduate of the Principia College with a Bachelor's of Science in Biology. As a result of my training and experience as an NPS Special Agent, I am familiar with federal and state criminal laws. I am currently employed as a Special Agent with the National Park Service and assigned to the Fresno, High Intensity Drug Trafficking Area (HIDTA) office.

3. I am presently the case agent assigned to this particular investigation and currently conduct and assist similar investigations on various lands in several counties in central California.

4. During my 20 years in law enforcement, I have developed many contacts that have experience with dangerous drugs, controlled substances, and clandestine marijuana cultivation grows. These contacts include users, sellers, law enforcement experts, and confidential informants. I have discussed with them the aspects of controlled substance, particularly marijuana, sales, use, packaging, cultivation, manufacturing and transportation of said substances.

5. I have arrested and assisted in arresting more than 100 people for various federal and state drug related violations. These arrests include persons in violation of various drug charges including: under the influence, possession, possession for sale, sales of controlled substances, manufacturing controlled substances, transporting controlled substance and cultivation of marijuana.

6. I have participated in the execution of numerous search warrants relating to controlled substance activity while employed as a law enforcement officer. These search warrants have resulted in the seizure of a quantity of various controlled substances in addition to a number of arrests and convictions.

7. I have received Title 21 controlled substance and other drug related training while attending the basic police and criminal investigator academies held at the Federal Law Enforcement Training Center and over 200 additional hours of drug related training from various federal, state, and local jurisdictions and law enforcement training academies. I have

also participated in discussions with members of various drug task forces and agents from the US Forest Service, the US National Park Service, the California Department of Justice (DOJ), State of California Bureau of Narcotic Enforcement (BNE), United States Drug Enforcement Administration (DEA), Immigration and Customs Enforcement (ICE), and other state and local agencies in various drug related topics. These topics included clandestine marijuana cultivation and eradication investigations as well as other controlled substances. I have participated in meetings and investigations with the Central Valley Marijuana Investigation Team (CVMIT), including surveillance of narcotics trafficker and producers. I have provided training related to marijuana investigations to National Park Service Rangers, non-sworn National Park Service personnel, civilians and Sheriff's departments.

8. I have investigated or assisted during the investigation and eradication of approximately 50 large and small indoor and outdoor marijuana cultivation sites. I have spoken to many law enforcement experts on the subject of marijuana gardens and trafficking. I have learned a great deal about organizations involved in large-scale marijuana cultivation and trafficking and the techniques they use.

### **NATURE OF THIS APPLICATION.**

#### **Alleged Violations**

9. This affidavit is submitted in support of an application for a Search Warrant for the below listed premises, as described in more particularity in Attachment A, involving offenses enumerated in Title 18, United States Code (U.S.C.), Sections 2516(1)(e), those being:

- a. Conspiracy to Manufacture, to Distribute, and to Possess With Intent to Distribute Marijuana, in violation of Title 21, United States Code, Section 841(a)(1) and 846;
- b. Manufacture, Distribution, and Possession With Intent to Distribute Marijuana With Intent to Distribute, in violation of Title 21, United States Code, Section 841(a)(1);
- c. Possession, Carrying, and/or Use of a Firearm in Relation to and/or in

Furtherance of Drug Trafficking Crimes, in violation of Title 18, United States Code, Section 924(c); and

d. Unlawful Use of A Communication Facility to Facilitate Drug Felony Violations, in violation of Title 21, United States Code, Section 843(b).

e. It shall be unlawful for any person, who, being an alien, is illegally or unlawfully to ship or transport in interstate or foreign commerce, or possessing or affecting commerce, any firearm or ammunition; or to receive any firearm or ammunition which has been shipped or transported in interstate or foreign commerce in the United States title 18 United States Code, Section 922 (g)(5)(a).

**Locations to be searched:**

3738 Luisa Kayasso Lane, Stockton, California

10. I make this affidavit, in part, on personal knowledge derived from my participation in this investigation as the case agent and in part, and upon facts and information developed by other federal law enforcement personnel involved in this investigation. The sources of the facts and information contained herein include:

a. Oral and written reports about this investigation which I have received, directly or indirectly, from law enforcement personnel of the National Park Service.

b. Physical surveillances conducted by me and other law enforcement personnel, which have been reported to me either directly or indirectly.

c. Evidence collected at the illegal marijuana cultivation site at Dorst Creek, Sequoia and Kings Canyon National Park.

11. The location to be searched, 3738 Luisa Kayasso Lane, Stockton Ca., is believed to be the residence of three suspects; Osvaldo Martin Arias-Diaz, Jose Eduardo Arias-Diaz and German Arias-Diaz; believed to be involved in the manufacturing and distribution of marijuana. That address was one of the residence addresses provided by these three suspects during Ranger contacts on July 3, 2009 and on July 7, 2009 and on July 14, 2009. Jose Eduardo Arias-Diaz and German Arias-Diaz provided Rangers with Mexican Consulate matriculation

cards indicating that each of them resided at 3738 Luisa Kayasso Lane, Stockton, California. Vehicles are registered to Osvaldo, German, and Jose Arias-Diaz at 3738 Luisa Kayasso Lane, Stockton, Ca. On September 23, 2009, a printed out property information statement was obtained from the San Joaquin County Assessors office showing Arias, Osvaldo M. & Rosa N as the owners of 3783 Luisa Kayasso Lane Stockton Ca. On September 30, 2009 Park Ranger Pegeder received a verbal confirmation from a Pacific Gas & Electric Company associate that the utility bill for 3738 Luisa Kayasso is in the name of Rosa N. Arias.

12. As detailed below, multiple day's surveillance at the Luissa Kayasso Lane address confirmed that it is the three suspects' shared residence. On July 11, 2009, I drove to Lathrop and Stockton Ca. to investigate three different addresses the suspects had provided as their residence.

One address verbally given to Ranger Felix by Osvaldo Arias during the traffic stop on July 3, 2009, was 226 Lathrop Rd, is a fictitious address. A California DMV print out for Osvaldo Arias indicated a previous address as 266 Thompson Rd. According to the San Joaquin County Assessor's office records this property was sold to another party in 2008. Osvaldo Arias' current driver's license indicates his address is 3738 Luisa Kayasso Lane, Stockton, California. However, I saw parked on the curb in front of 3738 Luisa Kayasso Lane in Stockton, two vehicles previously identified in this investigation – a green 1999 Honda, CA-6EYT263 registered to Jose. Arias at 3738 Luisa Kayasso Lane, Stockton and dark purple 1997 Honda, CA-6GSH523 registered to Osvaldo Arias at 3738 Luisa Kayasso, Stockton. The next day, July 12, I again found the same two vehicles mentioned above parked at the 3738 Kayasso Lane address. (The identified vehicles' role in this investigation will be detailed below.)

13. On July 18, 2009 surveillance was conducted at 3738 Luisa Kayasso Lane, Stockton Ca. The previously referenced Hondas were parked in front of the residence along with the several other vehicles previously seen at the residence. At various points in time throughout the day, Osvaldo Arias-Diaz and German Arias-Diaz were interacting in the front yard and on the front porch with two unknown females and two young children.

At approximately 1300 an unknown Hispanic male arrived in a Black Tahoe and began socializing with Osvaldo Arias-Diaz and German Arias-Diaz. At approximately 1615 hours Osvaldo Arias-Diaz and the unknown Hispanic male got in the Black Tahoe and went to a Rancho San Miguel Market several miles away off of I-5 and Route 4. They purchased food and returned to 3738 Luisa Kayasso Lane.

At approximately 2040 hours Jose Arias-Diaz arrived at 3738 Luisa Kayasso Lane in a 1996 Honda CA-5KWA314. This Honda is registered to Laura Ceron at 3738 Luisa Kayasso Lane, Stockton. I walked by the residence at approximately 2130 hours and heard multiple voices coming from the back yard in what sounded like a social gathering.

On July 19, 2009 surveillance was conducted at 3738 Luisa Kayasso Lane Stockton Ca. The three primary suspect vehicles mentioned above were parked in front of the residence. At approximately 1330 hour the green 1999 Honda was parked on the front lawn and it appeared that a unknown female was cleaning the interior of the vehicle. At approximately 1600 hours Jose Arias-Diaz took the 1996 Honda, (CA-5KWA314) to a near by market and returned with in 20 minutes.

14. On September 22, 2009 SA Weigand, Kuvlesky, Pegeder and Supervisory Ranger Bauwens conducted surveillance at 3738 Luisa Kayasso, Stockton, California. As of approximately 0630 the purple Honda, (CA-6GSH523) was the only one of the main suspect vehicles at the residence.

At approximately 1215, suspects Osvaldo and German Arias-Diaz were seen interacting with a child in the front yard. At 1222 German left the residence in a previously unidentified green Honda (CA-5ZQA283) and took the child to day care a few blocks away. German then returned to the residence at 3738 Luisa Kayasso Lane. At 1439 Osvaldo Arias-Diaz visited the community mail box in front of the neighbor's house. At 1509 Jose Arias-Diaz left the residence. He went to the day care where he picked up the child, returned to 3738 Luisa Kayasso, and entered the house with the child.

At 1610 an unknown Hispanic female arrived at the residence in the 1996 blue Honda,

CA5-KWA314. At 1634 Jose Arias-Diaz drove to the residence in the 1999 green Honda, CA6EYT263 and entered the residence.

On September 23, at approximately 0625 Jose Arias-Diaz 3738 left Luisa Kayasso, Stockton in the green Honda, (CA-6EYT263). At 0630 the unknown Hispanic female left the residence in the 1996 blue Honda, (CA-5KWA314). At 0925 Osvaldo Arias left in white pickup truck, CA-5X66518, registered to German Arias at 3738 Luisa Kayasso Lane, Stockton Ca. At 0955 Osvaldo returned in the white pickup to the residence. At 1205 Osvaldo Arias-Diaz left the residence in the purple Honda (CA-6GSH523). At 1215 he returned to the residence. At 1220 German Arias-Diaz left the residence with a child, went to the day care, and then returned to the residence.

At 0630 on September 24, Jose Arias-Diaz left 3738 Luisa Kayasso, Stockton in the green Honda, (CA-6EYT263). At 751 Beaver Ct, Discovery Bay, CA., he met with a company van for "Brentwood Window Cleaning". Jose Arias-Diaz assisted an unknown white male carrying supplies into the Beaver Ct residence and appeared to be working for this person.

### **Target Subjects**

15. As a result of my participation in this investigation, and through review and analysis of information received from various sources, reports of other law enforcement personnel, and evidence collected and analyzed from the illegal marijuana cultivation site, I am familiar with all aspects of this investigation. On the basis of this familiarity and other information which I have reviewed and determined to be reliable, I allege the following:

- a. There is probable cause to believe that German Arias- Diaz has committed and/or is committing violations of the criminal statutes set forth in paragraph nine (9) above. It is also believed that Osvaldo Martin Arias-Diaz and Jose Eduardo Arias-Diaz are co-conspirators in these offenses.
- b. There is probable cause to believe that the premise listed in this affidavit, namely the 2728 Luisa Kayasso, Stockton, California, contains evidence, fruits and/or instrumentalities of these offenses.

## BACKGROUND OF INVESTIGATION

### **Target Subjects.**

16. Information concerning the background of the Target Subjects was obtained from the following sources and criminal indices: Traffic violation contacts conducted by U.S. Park Rangers, California Department of Motor Vehicles (DMV), National Crime Information Center Records (NCIC), Western States Information Network (WSIN), reports of physical surveillance, conversations with other agents and officers participating in this investigation, and my own participation in this investigation. The following summarizes the information I have obtained regarding the Target Subjects.

17. Starting sometime before June 15, 2009 and continuing until August 5, 2009, a large number of marijuana plants were cultivated near Dorst Creek in Sequoia and Kings Canyon National Parks (SEKI). As detailed below, German Arias-Diaz,, Jose Eduardo Arias- Diaz and Osvaldo Martin Arias-Diaz were identified near Dorst Creek on three occasions. On each of these occasions, these suspects had materials with them that investigators associate with outdoor marijuana grows. On a fourth occasion German Arias-Diaz was identified in the Dorst Creek area. Attached to this affidavit as Exhibit 1, is a map depicting the SEKI events and locations described in this affidavit. I believe the map to be accurate.

The Dorst Creek marijuana grow was eradicated on August 5, 2009. German Arias-Diaz's finger prints were found on a battery from a flashlight located in the Dorst Creek marijuana cultivation site.

### **BACKGROUND**

18. On June 15, 2009, Rangers J. Bauwens, D. Dalrymple and T. Bailey did a foot patrol in the Dorst Creek area of Sequoia and Kings Canyon National Parks. At that time they discovered a marijuana cultivation site at the coordinates of N 36° 38.553 minutes by W 118° 50.130 minutes (Datum WGS-84). A plant count revealed 90 marijuana plants in the ground and another 1945 plant in small cups in a nursery area. On a July 29, 2009 a foot patrol was done in the area to monitor development of the

known cultivation site. Rangers were not able to get into the cultivation site, but were able to confirm it was still operating.

19. On July 3, 2009, at 2140 hours the first contact was made with the suspects. The suspects' vehicle – a 1999 green Honda Civic (CA-6EYT263) registered to Jose Arias - was observed going north bound away from Dorst Creek on Generals Highway, the only road that can access Dorst Creek. A traffic stop for speeding was made on Hwy 180 approximately 15 miles north of Dorst Creek. Ranger Felix identified Jose Arias-Diaz as the driver and German Arias-Diaz and Osvaldo Arias-Diaz as the passengers. According to Felix' report, the driver Jose Arias-Diaz was in clean clothes while the two passengers, German Arias-Diaz and Osvaldo Arias- Diaz were in soiled clothing and did not appear to have showered for a few days. When asked where they were coming from, the three men in the vehicle paused and did not answer. When asked again the driver Jose Arias-Diaz stated "up there". The Ranger asked where again and Jose Arias-Diaz again said "up there". The Ranger asked what they had been doing and they all remained silent. The Ranger noted that there was no camping gear in the car. Based on Ranger Felix's training and experience he concluded the two passengers had come from a marijuana cultivation site and the driver had picked them up.

20. On July 7, 2009, at 2125 hours Ranger Dalrymple did a traffic stop for speeding on a dark colored 1997 Honda (CA-6GHS523) on Generals Hwy near the Hwy 180 and Generals Hwy intersection known as the "Wye". The suspect vehicle was headed southbound in the direction of Dorst Creek in Kings Canyon National Park. Osvaldo Arias-Diaz was identified as the driver of the vehicle and the vehicle was registered in his name. German Arias-Diaz and Jose Arias-Diaz were identified as passengers in the vehicle. When asked about their travels in the park, Osvaldo Arias-Diaz was not able to give specifics. At some point he stated that they were going camping at Stony Creek campground. The Ranger did not see any camping gear in the vehicle and he observed that Osvaldo was only wearing a t-shirt while German and Jose the passengers had on heavy jackets.

Ranger Dalrymple received permission to look in the vehicle's trunk. As he opened it, Osvaldo told him there was a gun in the trunk and Dalrymple found a 9mm semi automatic Beretta in a black gun case. He also observed two large green duffle bags each. Each duffle bag contained an air mattress still in its box and several grocery bags of food. In my training and experience, cultivators use these duffle bags to carry supplies into their cultivation sites while hikers and sportsmen use backpacks. Based on his training and experience Ranger Dalrymple concluded that Osvaldo Arias-Diaz was transporting the two passengers, German Arias-Diaz and Jose Arias-Diaz to a marijuana cultivation site.

21. On July 11, 2009 at approximately 1700 hours, off duty Ranger Dalrymple was traveling in the

area of Dorst Creek at Lost Grove when he observed the same dark colored 1997 Honda parked on the side of the road with its hood up and German Arias-Diaz standing next to it. Ranger Dalrymple turned around to confirm that it was the same license plate. As he drove up to the vehicle he saw two heads duck down into the back seat. The Ranger stated that it appeared they were changing clothes and did not want to be seen.

Ranger Dalrymple confirmed that it was the same vehicle (CA-6GSH523) and it was in fact German Arias-Diaz standing next to the vehicle. Ranger Dalrymple asked German if he needed assistance. He stated that he did not. Ranger Dalrymple noted that the vehicle was parked at a location that is less than one mile from the known Dorst Creek marijuana cultivation site. Due to its location, this was a logical location for a drop off or pickup of supplies or personnel to the Dorst Creek cultivation site.

22. On July 14, 2009 at 1950 hours Supervisory Ranger Bauwens observed the same dark colored Honda headed in the direction of Dorst Creek on Generals Hwy 1997. He identified it as the one belonging to Osvaldo Arias-Diaz by its license plate CA-6GSH523. Having probable cause to stop the vehicle, due to a cracked windshield and failure to use a turn signal when turning, Ranger Bauwens conducted a traffic stop near the "Wye" on Generals Hwy. Ranger Bauwens identified the driver as Osvaldo Arias by his California drivers' license. The other two occupants in the vehicle provided Mexico Consular cards which identified them as Jose Eduardo Arias-Diaz and German Arias-Diaz.

When asked, both José Eduardo Arias-Diaz and German Arias-Diaz admitted to being in the country illegally. When asked where they were going none of the three could give an answer. About 20 seconds later Osvaldo Arias-Diaz stated that they were going camping at Dorst Creek. Ranger Bauwens received consent to search the vehicle.

When asked if there was a weapon in the vehicle Osvaldo advised that there was a gun in the trunk. Rangers found a 9mm Beretta in the trunk. When the Dorst Creek marijuana cultivation site was raided and searched on August 5, 2009, 9mm ammunition was found.

Based on the Rangers' training and experience many items they observed in this vehicle during the search are consistent with items used to supply a marijuana cultivation site. Examples of those items are; a blue tarp wrapped around two blankets, blue tent bag, flashlights, a soft sided cooler containing canola oil, lemons, nectarines, apples, large tortillas, a yellow sprinkler head and a hand gun. The rangers photographed the trunk's contents.

23. On August 3, 2009, Ranger Jason Bauwens and I did an aerial reconnaissance by helicopter in the Dorst Creek area of Sequoia and Kings Canyon National Park. The original cultivation site had

been abandoned. We discovered a new site that appeared to be a fully operating marijuana cultivation site at the coordinates of N 36° 38.656 minutes by W 118° 50.455 minutes (Datum WGS-84). This site was located approximately ¼ of a mile down stream from the original nursery sites. An estimate from the aerial reconnaissance was that there were approximately 2000 marijuana plants about 2 feet in height. A living area with a tent, food and other supplies was observed on the upper east side of the cultivation site.

24. Both of these Dorst Creek sites included "no-climb" fencing (fencing made of woven metal). The use of this type of fencing material in a marijuana garden is unique in my experience and that of other investigators I have consulted.

25. On August 5, 2009, US Park Rangers raided and searched the marijuana cultivation in Dorst Creek within the boundaries of Sequoia and Kings Canyon National Parks. 3545 marijuana plants were seized in the site. Items of interest found in the site included numerous items consistent in brand and appearance with items seen in the possession of the three suspects or in the vehicles they had used. These items included clothing, sleeping equipment, a sprinkler head, same brands of food items and personal hygiene items and 9mm ammunition.

26. The cultivation site's living area was set up for two occupants. Rangers followed the tracks of two individuals who had fled the cultivation site when it was raided but did not locate any suspects in the immediate area.

27. Several items collected from the Dorst Creek marijuana cultivation site were sent to the California Department of Justice (DOJ) crime lab in Fresno California. The DOJ lab lifted a finger print from a battery that was inside a flashlight (item TW-4) found in the cultivation site. This print was identified as belonging to German Arias-Diaz by the DOJ lab (lab report FR-09-002885-0003).

28. Based on my training and experience, marijuana cultivators use weapons and/or firearms to protect their cultivation sites and/or marijuana from persons, including law enforcement personnel, trying to take the marijuana they are illegally cultivating. Marijuana cultivators who are armed with weapons and/or firearms pose a serious threat to the safety of law enforcement officers who attempt to investigate criminal activities these cultivators are involved in. It has also been the experience of your

affiant that narcotics dealers, users, and manufacturers of controlled substances often carry firearms concealed on their person or secret firearms in easily accessible places to themselves, including handguns, shotguns, rifles, and automatic weapons.

29. I am aware, from past training and experience that persons who traffic in narcotics, rely heavily on their cellular telephones and/or family band radios in order to arrange for their supply of food and water, as well as, receive "orders" from persons assisting them in the cultivation of marijuana. Two family band radios were found in the marijuana cultivation site on Dorst Creek. Therefore, I believe that it is pertinent to this investigation that officers are granted permission to answer and log all incoming cellular telephone calls and radio messages. Based on my training and experience marijuana harvesting still takes place during the month of October.

30. In my experience, persons involved in the cultivation of marijuana in remote locations maintain some notes and documents with information associated with the marijuana cultivation and trafficking. There are often telephone numbers and names for contacts involved in the cultivation, along with receipts for supplies, bedding, food, fertilizer, irrigation equipment and other related equipment.

**Search Warrant for residence at 3738 Luisa Kayasso, Stockton, Ca.**

**ITEMS TO BE SEIZED**

31. Based on my knowledge gained from my training and experience and discussions with other law enforcement officers, I know that people who conspire to distribute and to possess with intent to distribute controlled substances often utilize their residences, outbuildings, secondary residences, businesses, personal vehicles and the vehicles of others to store and distribute controlled substances and drug paraphernalia (scales, cutting materials, plastic baggies, etc.). They often maintain records relating to their trafficking activities in these same places. These records can be in written form, or can be stored in computers. Narcotics traffickers also often keep stored messages and telephone numbers relating to their trafficking activities within electronic pagers, beepers, blackberries, and cellular telephones.

32. Drug traffickers often maintain large amounts of U.S. currency on-hand which was obtained from narcotics transactions and/or used to maintain or finance their ongoing narcotics business. This currency is often times concealed at a co-conspirator's residence or business. U.S. currency is also mixed with legitimate business earnings as a way of laundering the drug proceeds. They often also keep on-hand firearms to protect their persons, drugs, and money.

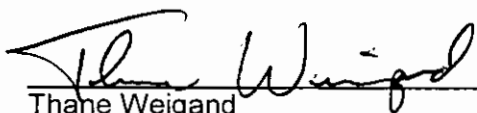
33. Persons involved in narcotics trafficking, maintain evidence of financial transactions related to obtaining, transferring, secreting, or spending of large sums of narcotics proceeds.

34. I know that people involved in the distribution of drugs will store items, further described in Attachment B, incorporated herein by reference, and that those items are used by in furtherance of their narcotics trafficking, or are obtained as a result of their narcotics trafficking.

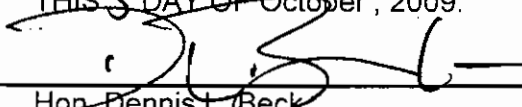
#### CONCLUSION

35. Based upon the foregoing, I believe that there is probable cause to believe that between June 15, 2009 and continuing today, German Arias-Diaz, Osvaldo Martin Arias-Diaz and Jose Eduardo Arias-Diaz, both known and unknown to the investigation, are involved in a Conspiracy to Manufacture, Distribute and to Possess with Intent to Distribute marijuana, in violation of Title 21, United States Code, Sections 841(a)(1), 841(b)(1)(A), and 846. That based upon the above facts, your affiant requests that a search warrant be issued for the seizure of said property, or any part thereof, in the daytime, and that the same be brought before this magistrate.

Your affiant swears that the facts presented are true and accurate to the best of my knowledge.

  
Thane Weigand  
Special Agent U.S. National Park Service

SWORN AND SUBSCRIBED TO BEFORE ME  
THIS 5 DAY OF October, 2009.

  
Hon. Dennis L. Beck  
UNITED STATES MAGISTRATE JUDGE  
EASTERN DISTRICT OF CALIFORNIA

## ATTACHMENT A

### PREMISES TO BE SEARCHED

Location to be searched: **3738 Luisa Kayasso Lane, Stockton, Ca.**

The premises to be searched can be described as:

White two story residence with a grey front door, grey window shutters and dark brown shingle roofing. It has a concrete drive way and two door garage on the west side of the residence. The number "3738" is mounted above the garage door on the left side when facing the garage. It is the fourth house in from the east corner of Sacchetti Circle and Luisa Kayasso Lane on the south side of Luisa Kayasso Lane. There is an approximately 5 foot wooden, brown privacy fence on west and east side of the residence. The east side of the fence has a gate made of the same wood material.

The search of the aforementioned residence shall include:

ANY AND ALL locked or closed outbuildings, grounds, garages, sheds, carports, storage facilities and containers such as, but not limited to, safes, vaults, file cabinets, drawers, luggage, briefcases, valises, boxes, jewelry boxes, cans, bags, purses, trash cans, and any other locked or closed hiding places located at and within the curtilage of the above listed address.

ANY AND ALL vehicles parked on or in front of the subject premises at the time of the service of the search warrant, provided that such vehicles are shown to be registered, owned, controlled, or used by the occupants, or any other subject on the premises at the time of the execution of the search warrant.

**ATTACHMENT B**  
Items to be seized

1. Marijuana, and items commonly associated with the packaging and sales of marijuana, including, but not limited to, commercial plastic wrap, plastic bags or zip lock bags, scissors and/or other weighing devices.
2. Items used for cultivation and processing of marijuana, including, but not limited to, "no-climb" fencing (fencing made of woven metal); marijuana seeds, scissors, drying racks, mylar material, cloning systems, nutrient reservoirs, aerators, pumps, irrigation hose, hand sprayers, watering devices, growing mediums, liquid and powder nutrients, fertilizers, potting soil, pots, Dixie cups, powders and/or solutions used for cloning, PH testers and adjusters, carbon-dioxide systems, timers, fungicides, insecticides, herbicides, pruning shears, irrigation supplies (including tubing, connectors, emitters, timers, etc.) and/or other gardening tools, generators/power packs, and marijuana cultivation manuals.
3. Evidence of conspiracy including books, receipts, notes, invoices, charge card and/or credit card statements and summaries, bank statements, records, correspondence, narcotic customers lists, account ledgers dealing with profits and losses associated with growing and distributing marijuana, growing schedules, documents concerning profitability and other such ledgers, logs, journals, accounts payable and receivable, pay-owe sheets, contracts, letters and memoranda of agreements between the conspirators, receipts, phone records, phone books, address books, notations and other papers, and any files relating to the cultivating, transporting, storing, ordering, purchasing, or distributing of controlled substances.
4. Indicia of occupancy, residency, and/or ownership of the previously described property, premises, or vehicles, and any other property, premises, or vehicles, not limited to utility and telephone bills, canceled envelopes, registration, receipts, and keys which tend to show the identities of the occupants, residents, and/or owners.
5. Photographs and/or videotapes, in particular photographs and/or videotapes of co-conspirators, associates, assets, and/or marijuana
6. Financial records for the year 2009, including, but not limited to, expenses incurred in obtaining the equipment and items necessary for the cultivation and/or distribution of controlled substances, income derived from the sales of controlled substances, as well as records of legitimate income (to serve as a baseline to discern excess or unexplained income consistent with proceeds derived from drug trafficking) or lack thereof, and general living expenses.
7. Devices used to communicate with other individuals involved in the manufacture and distribution of marijuana substance, including cellular telephones, mobile telephones, phone answering machines, telephone answering machine tapes, beepers or pagers,

and devices used to conduct counter-surveillance against law enforcement, such as radio scanners, police radios, surveillance cameras and monitors, anti-bugging devices and devices used to detect the presence of wiretaps, recording devices or transmitters, and/or receipts or literature describing the same.

8. Money counting machines and money wrappers

9. United States currency, securities, precious metals, jewelry, antique or modern collectibles, and financial instruments, including, but not limited to, stocks or bonds in excess of \$5,000 (five thousand dollars).

10. Storage units and containers, such as floor safes, wall safes, upright safes (also known as gun safes), lock boxes, and other self-contained locked enclosure.

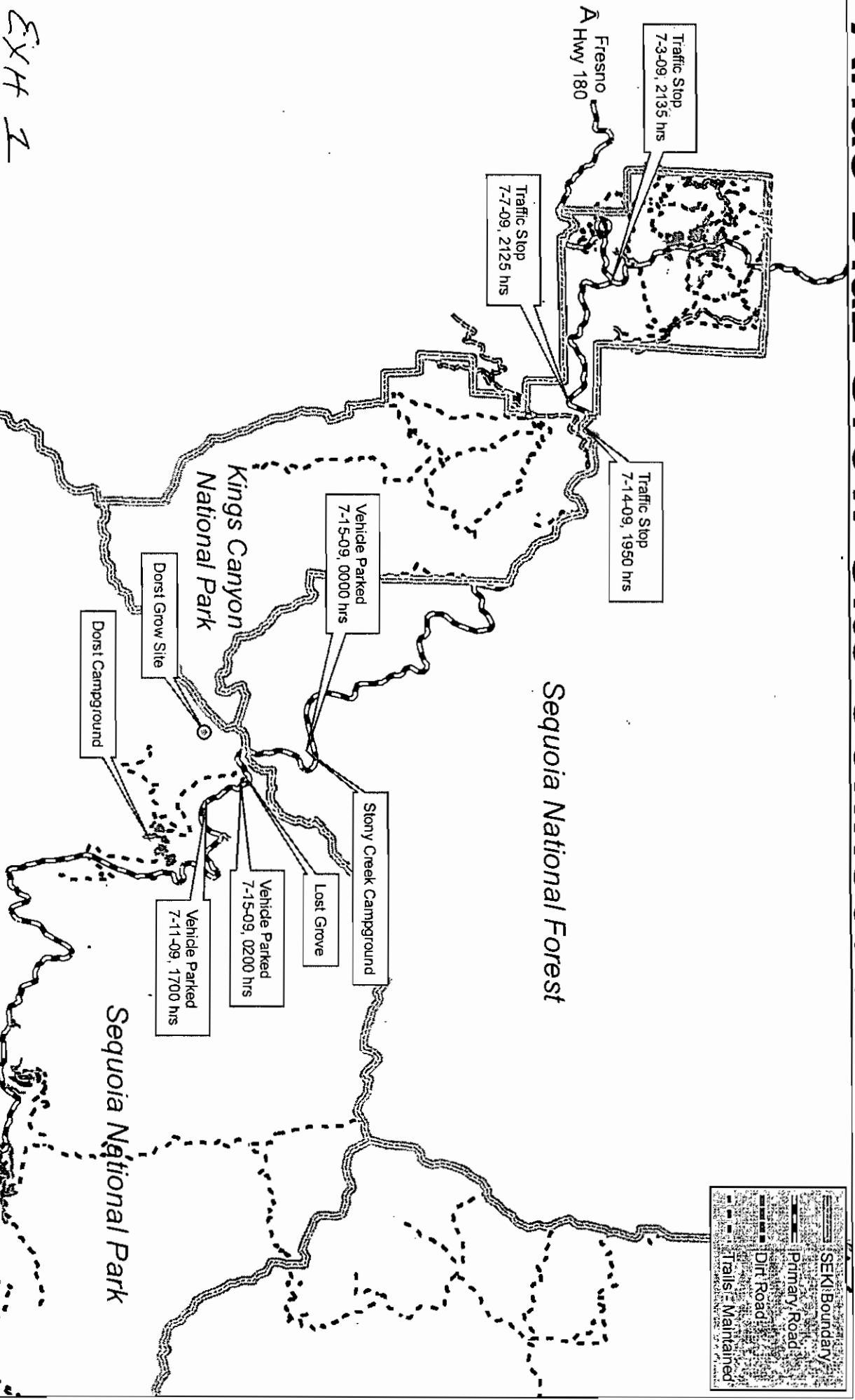
11. Firearms and ammunition

12. Equipment and maps used to identify and/or mark potential marijuana cultivation sites and for land navigation, such as maps, charts, drawings, written directions or instructions related to areas suspected of containing marijuana cultivations.

13. Photographs, negatives, video tapes, films, undeveloped film, and slides depicting the subjects of the investigation and their criminal associates, their assets and/or controlled substances.

14. Assigned telephone numbers for any and all telephone, cellular telephone, and pagers found on the premises or vehicles, along with telephone toll records, papers, notebooks, and other items, documenting communications among co-conspirators.

# Arias-Diaz Grow Site Connections



EXH 2



Produced by SEKI GIS (bm)



September, 2009