

UNITED STATES DISTRICT COURT

for the

District of Minnesota

UNITED STATES OF AMERICA)

v.)

Case No.)

13-MJ-827-FLW

JORGE URBINA MURGUIA, HERIBERTO
PLANCARTE BARRIGAN,
and GILBERTO HERNANDEZ
BETANCOURT

CRIMINAL COMPLAINT

I, the undersigned complainant, being duly sworn, state the following is true and correct to the best of my knowledge and belief. On or about December 14, 2013, in Ramsey County, in the State and District of Minnesota, Defendants Jorge Urbina Murguia, Heriberto Plancarte Barrigan, and Gilberto Hernandez Betancourt, engaged in a conspiracy to possess with the intent to distribute 500 grams or more of a mixture and substance containing a detectable amount of methamphetamine,

in violation of Title 21, United States Code, Sections 841(a)(1), 841(b)(1)(A), and 846 .

I further state that I am a Special Agent with the Drug Enforcement Administration and that this complaint is based on the following facts:

SEE ATTACHED AFFIDAVIT

Continued on the attached sheet and made a part hereof: Yes No

[Handwritten Signature]
Complainant's signature

SEAN HARRIS - SPECIAL AGENT
Printed name and title

Sworn to before me and signed in my presence.

Date: 12/16/13

[Handwritten Signature]
Judge's signature

City and state: _____

U.S. Magistrate Judge

Printed name and title



STATE OF MINNESOTA)
)
COUNTY OF HENNEPIN) ss. AFFIDAVIT OF SA SEAN HARRIS

1. Your Affiant is presently employed as a Special Agent (SA) for the United States Drug Enforcement Administration (DEA). Affiant Harris has been employed full-time by the DEA since 2008, and is currently assigned to the Chicago Field Division, Minneapolis St. Paul District Office. Prior to being employed by the DEA, he was employed as a police officer with the United States Capitol Police in the Washington D.C. During the course of the Affiant's employment, the Affiant received training and instruction in the investigation of major narcotics traffickers. The Affiant has participated in all aspects of drug investigations including the use of confidential sources and undercover officers, physical surveillance, electronic surveillance, the execution of search and arrest warrants, the use of court-ordered intercepts of electronic communications, dialed number recorders (pen registers), telephone toll analysis, investigative interviews, the arrests of numerous drug traffickers, and the analysis of seized records, physical evidence and taped conversations. Through the Affiant's training and experience, the Affiant has become fully familiar with the manner in which persons engaging in drug trafficking activities attempt to conceal their unlawful conduct.

2. This Affidavit is submitted in support of a Complaint against Jorge URBINA MURGUIA (URBINA MURGUIA), Heriberto PLANCARTE BARRIGAN (PLANCARTE BARRIGAN) and Gilberto HERNANDEZ BETANCOURT (HERNANDEZ BETANCOURT) charging them with conspiracy to possess with intent to distribute methamphetamine, in violation of 21 United States Code Sections 841(a)(1), 841(b)(1)(A), and 846. The facts set forth herein are based on my personal observations, my review of police reports, as well as conversations I have

had with other law enforcement personnel. The facts set forth herein do not include the complete facts related to this investigation, just those facts necessary to support probable cause for purposes of the Complaint.

3. On December 13, 2013, your Affiant learned that a Nebraska State Trooper initiated a traffic stop for a traffic violation near Lincoln, Nebraska. The Nebraska State Trooper made contact with Jorge URBINA MURGUIA, DOB: 11/8/62, the sole occupant of a 2013 Ford Escape, which was a rental vehicle. URBINA MURGUIA consented to a search of the vehicle. URBINA MURGUIA immediately advised the Trooper he had drugs in the vehicle and he wanted to cooperate with law enforcement. The Nebraska State Trooper located approximately 11.8 pounds of methamphetamine secreted in the tailgate and quarter panels of the Ford Escape.

4. The Nebraska State Trooper contacted Omaha Drug Enforcement Administration (DEA.) A Nebraska DEA Task Force Officer (TFO) interviewed URBINA MURGUIA in Lincoln, Nebraska. URBINA MURGUIA informed the DEA TFO that he was traveling from California to St. Paul, Minnesota and was transporting a large amount of methamphetamine. URBINA MURGUIA stated he had transported drugs and United States Currency on two prior occasions. URBINA MURGUIA stated he drove drugs from California to Minnesota approximately three weeks earlier and also drove drugs from California to Portland, Oregon approximately one week earlier.

5. URBINA MURGUIA stated that on his previous trip to Minnesota, he was instructed by an unidentified male (UM) utilizing phone number (818)823-4742 to call when he (URBINA MURGUIA) was about two hours away from Minneapolis. URBINA MURGUIA arrived in the St. Paul area at approximately 3:00 am and was very tired from the drive. URBINA MURGUIA checked into a Super 8 Hotel and advised the "UM" where he was staying.

URBINA MURGUIA stated that a short time later, a Hispanic male, who introduced himself as "Carlos," and two other Hispanic males arrived at that Super 8 Hotel and told URBINA MURGUIA they would find him a nicer place to stay. "Carlos" then got into URBINA MURGUIA's rental vehicle with him and instructed URBINA MURGUIA to follow the other two Hispanic males, who were driving a black Nissan pickup truck. URBINA MURGUIA stated that he, "Carlos" and the two Hispanic males arrived at an apartment complex shortly thereafter. URBINA MURGUIA stated that "Carlos" and the other two Hispanic males were looking for a garage to remove the hidden drugs from the rental vehicle. URBINA MURGUIA told "Carlos" that he was uncomfortable at the apartment and asked to be taken to a hotel. "Carlos" then drove URBINA MURGUIA to a hotel located near "Highway 52 near a gas station and other restaurants" where he spent the night. "Carlos" took the rental vehicle with him. The following day "Carlos" returned the rental vehicle to URBINA MURGUIA and provided him with two bundles of money wrapped in aluminum foil. URBINA MURGUIA then returned to California and gave the "UM" the two bundles of money.

6. Nebraska DEA and Minnesota DEA Agents met in Iowa where Nebraska DEA turned over the 11.8 pounds of methamphetamine and URBINA MURGUIA to Minnesota DEA Agents/Officers, who then drove URBINA MURGUIA from Iowa to Minnesota.

7. On December 13, 2013, at approximately 10:15 pm, under the direction of law enforcement, URBINA MURGUIA placed a call to (818)823-4742 and informed the "UM" he was approximately two hours from Minneapolis. The "UM" asked URBINA MURGUIA if he was going to continue to drive. URBINA MURGUIA replied yes. The UM told URBINA MURGUIA to find a hotel in the Minneapolis area and call him back when he (URBINA MURGUIA) arrived.

8. On December 14, 2013, at approximately 12:25 am, DEA Agents/Officers arrived in the Twin Cities and replaced the 11.8 pounds of methamphetamine with a substance that resembles methamphetamine, except for a small amount of methamphetamine.

9. On December 14, 2013, at approximately 1:15 am, URBINA MURGUIA received a text message from (818)823-4742 which advised URBINA MURGUIA to contact phone number (773)803-9787 when he arrived at a hotel.

10. At approximately 2:08 am, DEA Agents/Officers and URBINA MURGUIA drove to the Microtel Inn in Inver Grove Heights, Minnesota and acquired a hotel room. URBINA MURGUIA told Agents/Officers that this was the same hotel "Carlos" brought him to on his previous trip to Minnesota.

11. At approximately 2:32 am, under the direction of law enforcement, URBINA MURGUIA placed a call to (773)803-9787 and notified the "UM" to meet URBINA MURGUIA at the Microtel Inn. At approximately 2:40 am, surveillance personnel observed a black Nissan Frontier occupied by three Hispanic males arrive at the Microtel Inn parking lot. Upon arrival of the Nissan Frontier, URBINA MURGUIA met with two Hispanic males (Heriberto PLANCARTE BARRIGAN, DOB: 01/01/1995, wearing a dark colored jacket or sweatshirt with a hood, and Gilberto HERNANDEZ BETANCOURT, DOB: 02/04/1991, wearing a tan colored jacket) both occupants of the Frontier, near the aforementioned Ford Escape. URBINA MURGUIA opened the rear compartment of the Escape and showed both Hispanic males where all the packages of methamphetamine were located inside the Escape. PLANCARTE BARRIGAN took possession of the keys to the Ford Escape from URBINA MURGUIA. HERNANDEZ BETANCOURT returned to the black Nissan Frontier. Shortly thereafter, the black Nissan Frontier, being driven

by HERNANDEZ BETANCOURT and the Ford Escape being driven by PLANCARTE BARRIGAN departed the parking lot of the Microtel Inn.

12. At that same time, URBINA MURGUIA met with law enforcement and stated that the male wearing the tan jacket, HERNANDEZ BETANCOURT, was the man he (URBINA MURGUIA) knew as "Carlos" from the previous trip. URBINA MURGUIA stated that the male wearing the dark colored jacket with the hood, PLANCARTE BARRIGAN, was one of "Carlos"' associates, who had arrived at the Super 8 Motel on the previous trip and who drove the black Nissan truck, and who had been at the apartment with "Carlos" on the previous trip.

13. Surveillance personnel followed the Nissan Frontier and the Ford Escape to an apartment complex in West St. Paul. Surveillance personnel observed the Ford Escape back into a garage stall in front of a location on Westview Drive, while the Nissan Frontier parked to the north near of 18xx Scott Lane. It appeared to surveillance personnel that the Nissan Frontier was watching the Ford Escape, possibly providing security. After the Ford Escape backed into the garage, law enforcement approached both vehicles and took the occupants into custody. The Frontier was driven by HERNANDEZ BETANCOURT. An unnamed coconspirator was also in the vehicle. Heriberto PLANCARTE BARRIGAN was the sole occupant of the Escape. Law enforcement searched the Escape and located the simulated methamphetamine, as well as the small sample that was placed in the vehicle by law enforcement.

14. Based on the foregoing, there is probable cause to believe that Jorge URBINA MURGUIA, Heriberto PLANCARTE BARRIGAN, and Gilberto HERNANDEZ BETANCOURT, unlawfully, knowingly, and intentionally conspired to possess with intent to distribute methamphetamine.


Further your Affiant sayeth not.



Special Agent Sean Harris
Drug Enforcement Administration

SUBSCRIBED and SWORN to Before Me

This 16th day of December, 2013



Franklin L. Noel
United States Magistrate Judge