

FILED

UNITED STATES DISTRICT COURT
ALBUQUERQUE, NEW MEXICO

United States District Court

AUG 06 2009

DISTRICT OF New Mexico

UNITED STATES OF AMERICA

V.

Eduardo MAGANO (3-3-1987)

Adan FLORES-MAGANA (6-19-1974)

Alfredo FLORES-MAGANA (5-5-1978)
(Name and Address of Defendant)

MATTHEW J. DYKMAN
CLERK

CRIMINAL COMPLAINT

CASE NUMBER: 09MJ2250

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. On or 8-5-2009 in Bernalillo County, in the District of New Mexico defendant(s) did, (Track Statutory Language of Offense)

knowingly and intentionally conspire to possess with the intent to distribute 500 grams or more of a mixture or substance containing methamphetamine, a schedule II controlled substance.

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

I further state that I am a(n) Task Force Officer and that this complaint is based on the following
Official Title

facts:
Please see attached affidavit.

Telephonically approved by AUSA James Braun

Continued on the attached sheet and made a part

Yes No

David Coleman
Signature of Complainant

Sworn to before me, and subscribed in my presence,

August 6, 2009
Date

DON J. SVET

at Albuquerque, NM
City and State

U.S. MAGISTRATE JUDGE
Name and Title of Judicial Officer

[Signature]
Signature of Judicial Officer

STATE AND DISTRICT OF NEW MEXICO

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SS. AFFIDAVIT

AFFIDAVIT

I, David Coleman, Task Force Officer for Drug Enforcement Administration (DEA), United States Department of Justice, being duly sworn, do depose and hereby state the following:
At approximately 3 am, on August 5, 2009 the New Mexico State Police Officer Ramos stopped a white 2000 Ford Explorer with Missouri license plate number WB5X1E which is registered to Jose A. CRUZ or Suzana M. CRUZ in Independence, MO for failure to utilize a turn signal during a lane change. Eduardo MAGANO (aka, Francisco CRUZ -03-03-87) was the driver of the vehicle and Adan FLORES-MAGANA was the rear passenger and his brother Alfredo FLORES-MAGANA (aka, Luis Fernando LEON 5-5-78) was the front passenger. MAGANO was given a ticket by NMSP Officer Ramos for failure to signal.

Officer Ramos advised that during his conversation with MAGANO, MAGANO's story about their trip did not match portions of the story that Alfredo FLORES-MAGANA and Adan FLORES-MAGANA gave to Officer Ramos. Both Alfredo and Adan FLORES-MAGANA appeared to be visibly nervous during their interaction with Officer Ramos. They all stated that they lived in the Kansas City area and had traveled to Mesa, AZ for a party and were headed back to Kansas City, MO. Officer Ramos stated that while he was talking to the front passenger, Adan MAGANA was actively whispering to Alfredo FLORES-MAGANA how to answer the questions Officer Ramos was posing to him. After Officer Ramos wrote MAGANO a citation, he asked MAGANO for consent to search the vehicle. MAGANO gave officers verbal and written consent to search the vehicle, as did the other passengers Alfredo and Adan FLORES-

MAGANA. All three of the occupants of the vehicle possessed Mexican Consulate cards and or Mexican driver's licenses.


NMSP Officer Ramos was assisted by NMSP Lt. Rudy Mora and his K-9 Terra. K-9 Terra indicated a positive alert for the presence of a controlled substance inside of the vehicle. A subsequent search of the vehicle revealed an altered gas tank on the vehicle. Officers also located a hidden compartment inside of the air conditioning unit behind the front dash of the vehicle. Officers retrieved two cylindrical shaped objects from the A/C compartment that were wrapped in clear plastic wrap that black grease and each contained clear plastic vacuum sealed bag that contained a clear crystal like substance purported to be methamphetamine. Officers conducted a field test on the substance, and it tested positive for the presence of methamphetamine. Gross weight including the packaging of the methamphetamine was approximately 676.5 grams.

S/A Deist later contacted the DEA Office in Kansas City, MO after the subjects were arrested and they advised that in January of 2009 Eduardo MAGANO and Alfredo FLORES-MAGANA were observed at a target residence in Kansas City MO which was later in the day was found to have twenty three thousand dollars in US Currency. MAGANO was observed leaving the target residence in question with two other unknown individuals and purchasing clear plastic wrap and duct tape from a convenience store prior to returning to the residence. Also, MAGANO was observed at another target residence on the same day in question where DEA Agents located one kilogram of cocaine and two pounds of methamphetamine during a knock and talk.

Vehicle occupants were read their Miranda Rights and interviewed by Task Force Officer Hugo Munoz at the New Mexico State Police Office for District 5 located in Albuquerque NM.

MAGANO stated that the vehicle in question belonged to his wife; this fact was confirmed by the other two occupants of the vehicle. Affiant performed a criminal history check on all three occupants of the vehicle. Alfredo FLORES-MAGANA's criminal history indicated an arrest and conviction for selling methamphetamine in 2001-2002 as well as an arrest and conviction in 2002 for aiding and abetting in the distribution of methamphetamine. This was confirmed by FLORES-MAGANA verbally to Task Force Officer Munoz as well. Both Adan FLORES-MAGANA and Eduardo MAGANO did not possess a criminal history.

I declare under penalty of perjury that the facts contained herein are true and correct to the best of my information and knowledge.



David Coleman, Task Force Officer
Drug Enforcement Administration

SWORN and SUBSCRIBED to before me
this 5th day of August 2009



United States Magistrate Judge