## United States District Court

At Albuque	ED
MAY 0 4	2000

\_DISTRICT OF \_\_\_\_

NMAMERICO
THEW J. DYKMAN

UNITED STATES OF AMERICA

Judicial

**CRIMINAL COMPLAINT** 

Ernesto Ayvar-Lopez

CASE NUMBER: 09-MJ-1233

(Name and Address of Defendant)

1, 1	the un	dersign	ed cor	mplainant be	ing duly sw	orn state	the follow	ving is true a	nd correc	ct to the best of my
knowledge	and	belief.	On	or <u>May 1,</u>	2009		in	Bernali	110	County, in the
Judic	ial	Distric	ct of_	Ne	w Mexico		defendant	(s) did, (Track St	atutory Language	e of Offense)
substance	e con	tainin ore of	g a d a mi	etectable	amount of	metham	phetamir	ne, a contr	olled si	of a mixture or ubstance and one f heroin, a
in violation	of Titl	e	21	United	States	Code,		841 (a) (1	),(b)(1	) (A)
I further sta	te that	t I am a	(n)	DEA	Special A	gent	and	that this comp	plaint is ba	ased on the followin
facts:										
					See Attac	ched Aff	idavit			
Reviewed	and .	Approv	ed by	AUSA Jame	es Braun					
Continued (	on the	attache	d shee	t and made a	part	<u></u>	Yes	No	2	4
		•					omas Ba gnature of Co			
Sworn to be	efore n	ne, and	subscr	ibed in my pr	esence,					
Date	Mond	lay, Ma	y 4tl	n, 2009		at Ci	ty and State	Albuquerque	, New M	lexico
71 - 2 m		aon II	C 14		Tudas		11/1		lage	uo_
Name and Tit				<u>lagistrate</u>	Juage	Si	gnature of Ju	idicial (	<del></del>	

## **AFFIDAVIT**

I, Tom Bartusiak, Special Agent of the Drug Enforcement Administration (DEA), being duly sworn, depose and state:

I am a Special Agent of the Drug Enforcement Administration and have been so employed since January, 1991. I am currently assigned to the Albuquerque District Office, of the DEA, specifically assigned to investigate federal narcotics offenses.

I am familiar with the information contained in this affidavit through personal knowledge of the events described herein.

This affidavit is made in support of the issuance of a Criminal Complaint charging Juan AYVAR-Lopez and Ernesto AYVAR-Lopez with violation of Title 21 U.S.C. Section 841(a)(1),(b)(1)(A), possession with intent to distribute more than 500 grams of a substance containing a detectable amount of methamphetamine and possession with intent to distribute more than one kilogram of a substance containing a detectable amount of heroin.

On February 25,2009 Special Agent Lou Maniacci, Agent of the Drug Enforcement Administration (DEA), assigned to the Phoenix Field Division, advised SA Bartusiak that Phoenix DEA Agents have been investigating a large scale heroin and methamphetamine distribution cell based in Phoenix, AZ. SA Maniacci advised that one of the main distributors based in Phoenix, identified as Jesus PINEDA-Lopez, aka CHUY, is sending loads of narcotics to clients in Albuquerque, NM.

On 03-28-2009 Phoenix DEA agents intercepted a series of telephonic communications between PINEDA-LOPEZ and Cipriano SABADO-Escarzega over Arizona State wire intercept CWT-344, in which agents determined that PINEDA-LOPEZ was sending SABADO-Escarzega to Albuquerque, NM to deliver a load of narcotics. During those conversations, PINEDA-LOPEZ passed a telephone number of (505)803-9358 to SABADO-Escarzega as the contact number for the recipient of the load in Albuquerque, who was identified in the calls as YONI. During the conversations, YONI directed SABADO-Escarzega to drive to the Target store located at I-25 and Paseo Del Norte, Albuquerque, NM. Also during the conversations, PINEDA-LOPEZ and SABADO-Escarzega

discussed picking up "papers" (money) from YONI and an individual by the name of Fernando LNU.

Subsequently, SA Bartusiak learned from T-Mobile that telephone (505)803-9358 is registered to Juan AYBAR-Lopez at 312 Clark Rd SW, Albuquerque, NM.

On April 08, 2009 SA Bartusiak obtained a Federal court order asking T-Mobile to provide the physical location via GPS coordinates for a period of ten days for telephone (505)803-9358. The coordinates that were provided by T-Mobile indicated that telephone (505)803-9358 was being used extensively in the area of the Spring Park apartments located at 5801 Eubank NE, Albuquerque, NM as well as in the 10700 block of Brookline Place NW, Albuquerque.

On April 10, 2009 at approximately 11:30 AM SA Bartusiak conducted a drive by surveillance on the 10700 block of Brookline Place NW and observed several vehicles located in front of the residences on the north end of the 10700 block of Brookline Place NW, one of which was a silver Ford F-150 pickup bearing NM License plates JXH528, which was parked in the driveway at the residence identified as 10720 Brookline PL NW, Albuquerque. A check with NM DMV records indicated that NM License JXH528 is registered to Audrey THOMAS at 1225 Paisano ST, Albuquerque, NM. At the time that SA Bartusiak observed the silver Ford pickup at 10720 Brookline PL NW, T-Mobile reports indicated that telephone (505)803-9358 was turned on and was located in that area of the 10700 block on Brookline PL NW.

On April 11, 2009 at approximately 9:00 AM SA Bartusiak conducted a drive-by surveillance at the Spring Park Apartments at 5801 Eubank NE, where the T-Mobile reports indicated that telephone (505)803-9358 was turned on and was located. At that time SA Bartusiak observed the Silver Ford F-150 pickup bearing NM License plates JXH528 parked in parking stall #84, to the west of apartment building #9 at the Spring Park Apartment complex.

From April 12, 2009 to April 18, 2009 SA's Bartusiak and Scott Godier conducted several drive by surveillances at both the Brookline Place NW residence and the Spring Park apartment complex and observed the same silver Ford pickup located at those addresses during the times in which the T-Mobile reports indicated that telephone (505)803-9358 was in use near the suspected addresses.

On April 17, 2009 SA Godier contacted the management of the Spring Park apartments regarding the registered tenants belonging to parking stall #84. The management at the Spring Park apartments provided SA Godier with a list of tenants for the apartment complex. SA Godier reviewed the list of tenants and found that 102 in building #9 was being rented by Audrey Thomas, the registered owner of the Silver Ford pickup bearing NM license JXH528. SA Godier also observed that stall # 84 is located just east of apartment #102.

On 04-27-2009, SA Chorzepa (Phoenix DEA) advised SA Bartusiak that on 04-25-2009, Phoenix DEA agents and Task Force Officers(TFO's) were conducting surveillance on PINEDA-LOPEZ, based on intercepted telephone communications indicating that PINEDA-LOPEZ had just received a load of narcotics from the Republic of Mexico and would be sending SABADO-Escarzega to Albuquerque to deliver part of the load. During the ensuing surveillance agents noticed erratic behavior by PINEDA-LOPEZ and decided to arrest him and SABADO-Escarzega based on previous narcotics seizures and intercepted telephone calls between the two. Subsequently Phoenix SA's and TFO's arrested PINEDA-LOPEZ and then executed a search warrant at SABADO-Escarzega's residence in the Phoenix area. During the search of SABADO-Escarzega's residence agents seized approximately ten pounds of heroin. At the conclusion of the search warrant, SABADO-Escarzega arrived at the residence and was arrested at that time. A search of his vehicle revealed another three pounds of heroin, which agents believe were to be delivered to Albuquerque, based on intercepted telephone calls.

On April 29, 2009 SA Chorzepa advised SA Bartusiak that Phoenix agents and TFO's had arrested PINEDA-LOPEZ's co-conspirator in Phoenix, identified as Rafael ABOYTE-Espinoza.

On April 30,2009 at approximately 3:00pm SA's Bartusiak and Godier located the silver Ford pickup bearing NM License JXH528 in the vicinity of the Spring Park apartments. Surveillance momentarily lost sight of the pickup but was able to locate the pickup at the Coronado Mall on San Pedro and Menaul in Albuquerque. Surveillance was reestablished on the pickup which was unoccupied. At approximately 4:45PM SA Bartusiak observed two Hispanic males arrive on foot at the pickup and enter the pickup. SA Bartusiak noticed that both individuals kept looking around as if to see if they were being followed. Surveillance then followed the pickup to the Lincoln Place Apartment complex located near Toppe NE and San Pedro, Albuquerque. Surveillance was terminated at that time.

On April 30,2009 at approximately 11:45 PM SA Bartusiak obtained two trash bags from the trash can which was located on the street in front of 10720 Brookline PL NW. A search of the trash from those two bags revealed numerous shredded money remittance receipts showing thousands of dollars being sent to various towns, and various people in the state of Nayarit, Mexico. SA Bartusiak also recovered numerous apparent drug wrappings and some drug ledgers from the two trash bags.

On 05-01-2009 SA Bartusiak contacted SA Chorzepa in Phoenix and advised him of the findings in the two bags of trash from 10720 Brookline Pl NW. SA Chorzepa advised that the Phoenix wire intercepts had been terminated and that none of the arrested Phoenix targets were willing to cooperate with law enforcement. Based on the above mentioned facts, SA Bartusiak determined that there was a good possibility that the remaining targets of the investigation would flee for fear of being arrested.

On 05-01 2009 at approximately 9:00 am Albuquerque DEA Agents established surveillance at both the Spring Park apartment complex and 10720 Brookline Pl NW. At that time SA Godier noticed the silver Ford F-150 pickup parked in parking stall #84 at the Spring Park Apartments. No vehicles were observed at the Brookline Pl address.

At approximately 10:00 am, SA's Bartusiak and Mata made contact with the occupants of Building #9, apt. 102 at the Spring Park apartments. A female by the name of Audrey THOMAS opened the door to the apartment and identified herself. SA Bartusiak asked THOMAS if there was anyone else in the apartment and THOMAS stated that her two year old son and her husband, Juan, were in the apartment. SA Bartusiak identified himself as a DEA agent and asked THOMAS if he could enter the apartment and talk with her husband. THOMAS voluntarily allowed SA's Bartusiak and Mata to enter the apartment and led both agents to the rear bedroom of the apartment where her husband was in bed, SA Bartusiak identified himself as a DEA Agent to THOMAS's husband, who identified himself as Juan AYVAR-Lopez. AYVAR-Lopez was allowed to get out of the bed and put clothes on. Bartusiak asked AYVAR-Lopez if he had identification and AYVAR-Lopez stated that his wallet was on the dresser in the bedroom and that his ID was in it. SA Bartusiak then explained to AYVAR-Lopez that agents had reason to believe that he was selling drugs and reason to believe that there were narcotics and or narcotics proceeds in the apartment. AYVAR-Lopez stated that he had no narcotics or narcotics proceeds in the apartment and that the agents were free to search the apartment for both. AYVAR-Lopez also stated that he lived in the apartment with his wife and two year old child and that he had authority to grant consent to search the apartment. AYVAR-Lopez then voluntarily gave verbal and written consent to search the apartment, as witnessed by SA Mata. SA Bartusiak asked AYVAR-Lopez of his legal status in the U.S and he responded by saying that he had been applying for legal residency but that he was currently in the U.S illegally and had no proper immigration documents. Bartusiak then contacted Albuquerque ICE detention and removal officers and explained what AYVAR-Lopez had stated regarding his immigration status. ICE agents then advised SA Bartusiak that they would detain AYVAR-Lopez for U.S. Immigration violations.. SA Bartusiak also explained to THOMAS that the agents believed there were drugs or drug proceeds in the apartment and THOMAS stated that as far as she knew there were no drugs or drug proceeds in the apartment, and that agents were permitted to search the apartment. THOMAS further stated that she signed the lease for the apartment and that her husband gave her money to pay the rent each month.

A subsequent search of the apartment revealed a safe located in the master bedroom closet. Agents also found various amounts of US. currency hidden in various places in the master bedroom. Agents also found miscellaneous documents including apparent drug ledgers, as well as money remittance receipts, identical to the ones found in the trash the night before at 10720 Brookline Pl NW. SA Bartusiak also found various notes with names and addresses in Nayarit, Mexico, many of which matched the names and addresses of the documents found in the trash at 10720 Brookline Pl NW the previous night. SA Bartusiak found two cellular telephones under the pillow that AYVAR-Lopez had been sleeping on, one red colored T-Mobile model T229 cell phone and one Boost Mobile I425 cell phone. Both AYVAR-Lopez and THOMAS stated that the two phones belonged to AYVAR-Lopez. In AYVAR-Lopez's wallet, SA Bartusiak found a Mexican Consular ID in the name of Juan AYVAR-Lopez with an address of 312 Clark Rd SW, Albuquerque, NM- the same name and address that telephone 505-803-9358 was registered to.

Subsequent to the search of AYVAR-Lopez's apartment, ICE detention and removal officers detained AYVAR-Lopez and transported him to the ICE DRO in Albuquerque, NM to start removal procedures.

Before leaving the apartment SA Bartusiak called ICE agents that were transporting AYVAR-Lopez and asked them to ask him where the keys to the safe in the closet were located. AYVAR voluntarily told the ICE agents that the key was located in the middle drawer of the dresser in the master bedroom. SA Bartusiak found the key in the spot where AYVAR-Lopez indicated and was able to open the safe with the key. SA's Bartusiak and Mata found several thousand dollars located in the safe. The money, which was immediately placed into a DEA self-sealing evidence bag and sealed, was seized as suspected drug proceeds.

When the search of the apartment was completed. SA Bartusiak asked THOMAS if her husband worked to which she replied he has not worked for close to two years. THOMAS also stated that her husband had told her not to ask him any questions and to just be glad she had a roof over her head. SA Bartusiak then asked

THOMAS if she or her husband had any other homes or apartments rented in New Mexico and she stated "no". SA Bartusiak asked THOMAS if her husband had any relatives in town and she stated "no". SA Bartusiak asked THOMAS if she has met any of her husband's friends or relatives and she stated "no". Before leaving the apartment, SA Godier asked THOMAS where her husband's keys were and THOMAS handed SA Godier a key ring containing various keys, which she stated were her husband's.

At approximately 11:15 am the Albuquerque agents present at the Spring Park apartments joined other agents on surveillance at the Brookline Pl NW residence, with the exception of SA Bartusiak and GS Mayfield.

At approximately 11:45 am SA Baker advised SA Bartusiak that a young Hispanic male was observed exiting 10720 Brookline Pl NW. The Hispanic male retrieved the trash can from the street in front of the residence and reentered the residence.

At approximately 12:00 pm Godier advised SA Bartusiak that he had observed a blue Oldsmobile Intrique with NM license plates 277PLS arrive in front of the Brookline Pl residence and two Native American Indian females exited the car and entered the residence. The blue Intrigue then drove around the block and parked on the street to the east of Brookline Pl. An indices check of the blue vehicle indicated that the car was registered to Shirley THOMAS at 1225 Paisano NE, Albuquerque, NM . Earlier in the day at the Spring Park apartments, Audrey THOMAS stated to SA Godier that her mother's name was Shirley THOMAS. few minutes later, SA's Godier and Mauldin observed the two Native American Indian females depart the residence with the young Hispanic male who SA Godier had seen retrieve the trash can a short time earlier. One of the Native American Indian females was carrying a black colored backpack and the Hispanic male was carrying a large black box, all acting as if they were in a hurry to leave the house. As the three subjects exited the residence, SA's Godier and Mauldin observed the blue Intrigue registered to Shirley THOMAS drive into the area and pick up the three subjects in front of the Brookline Pl house. SA's Godier and Mauldin followed the blue Intrigue as it departed the area driving as if to depart the area rapidly.

The vehicle turned south out of the neighborhood and began taking a circuitous route out of the neighborhood instead of turning north and taking the direct route to the main thoroughfare out of the area. At that time SA's Godier and Mauldin believed the occupants of the vehicle were trying to remove evidence from the residence and trying to flee the area and stopped the blue vehicle using emergency lights and his car SA's Godier and Mauldin contacted the occupants of the vehicle and identified themselves as law enforcement. SA Mauldin approached the front passenger side window of the vehicle and spoke to the occupants. SA Mauldin explained that he believed that there were drugs, drug proceeds, or weapons in The occupants denied any knowledge of drugs, drug proceeds or weapons being in the vehicle and grnated SA's Godier and Mauldin consent to search the vehicle. SA Mauldin asked the occupants to step out of the car at which time they did. When the front passenger (identified as Audrey THOMAS) stepped out of the car SA Mauldin noticed the black backpack(which he had seen her carry out of 10720 Brookline PL just moments earlier) on her lap. Audrey Thomas set the backpack and the black backpack on the sidewalk next to the SA Mauldin asked THOMAS if he could look in her purse and in the backpack, to which THOMAS replied "yes". occupants of the vehicle identified themselves as Shirley THOMAS, Natasha THOMAS and Ernesto AYVAR-Lopez. When SA Mauldin opened the backpack he observed a plastic bag containing a large amount of US Currency. SA Mauldin also observed cell phones and florescent colored papers. point SA's Godier contacted SA Bartusiak and advised what had been found. No further search was conducted at that time. Mauldin told Audrey THOMAS that she should start being truthful to agents. THOMAS stated that she would and that she wanted to talk to agents and requested that the agents let her mom, Shirley THOMAS and her sister, Natasha THOMAS go as they had no knowledge of what was in the car or what was going on. Audrey THOMAS also requested that SA Mauldin remove the black box from the car. SA Mata arrived on scene shortly thereafter and contacted the Hispanic male. SA Mata is a fluent Spanish speaker and the Hispanic male, who identified himself as Ernesto AYVAR-Lopez, claimed to speak only Spanish. identified himself as a DEA agent and read AYVAR-Lopez his

Miranda warnings. AYVAR-Lopez understood and waived his rights and told SA Mata that the items that were carried out of the Brookline Pl house and placed in the blue car were his. AYVAR-Lopez stated to SA Mata that he was in the U.S. illegally and that he had been living at the Brookline Pl house for about nine months. AYVAR-Lopez also stated that the black box in the blue car, which he carried out of the house moments earlier was his and that it contained approximately \$42,000 US currency. AYVAR-Lopez also stated to SA Mata that he sells heroin. When asked if he owned a car, AYVAR-Lopez stated that if he owned his own car, he would have been gone by the time agents could have caught him.

At approximately 12:40 pm SA Bartusiak arrived on scene. At that time SA Mauldin obtained verbal and written consent from Shirley THOMAS to search the blue vehicle. Shirley THOMAS stated that she owned the vehicle and that the backpack and black box in the car belonged to AYVAR-Lopez. A search of the vehicle revealed a black speaker box which AYVAR-Lopez had carried out of 10720 Brookline Pl NW just prior to the vehicle stop. Agents discovered a large amount of US currency in the black speaker box.

Subsequent to the search of the blue Intrique, Ernesto AYVAR-Lopez gave verbal and written consent to search the house located at 10720 Brookline Pl NW, Albuquerque. Agents then proceeded to the residence with AYVAR-Lopez and Audrey THOMAS. Upon approaching the front door of the residence, AYVAR-Lopez stated that the key to the front door was on his key ring which was found in his pocket. SA Bartusiak was able to open the top dead-bolt lock with the key from AYBAR-Lopez's keychain but could not open the lock on the door knob with any of the keys on the ring. AYBAR-Lopez then tried to open the second lock with his keys with no luck. AYBAR-Lopez then stated that he did not have the key for that lock, and that he usually only locks the upper dead-bolt lock when he leaves the house. Bartusiak then obtained Juan AYVAR-Lopez's keys from SA Godier, which SA Godier had obtained from Audrey THOMAS at the Spring Park apartments earlier in the day. SA Bartusiak was able to open the lock on the front door of the residence with one of the keys from Juan AYVAR-Lopez's key ring. At that time agents

entered the residence with Ernesto AYVAR-Lopez and Audrey THOMAS. AYVAR-Lopez again gave agents verbal consent to search the entire premises and again stated that he was the only person living in the house.

While agents conducted a search of the premises , SA's Baker and Mauldin found a safe in the upstairs bedroom at the Northwest corner of the house. This safe was the same size and brand as the safe found in the master bedroom closet in Juan AYVAR-Lopez's apartment at the Spring Park apartments earlier SA Bartusiak discovered that one of the keys from in the day. Ernesto AYVAR-Lopez's key ring fit and was able to unlock the Agents found a large quantity of US currency in the In the upstairs bedroom located in the south west corner safe. of the house, agents found two large stereo speakers which contained a large quantity of US currency as well as three handguns. In the same bedroom, Agents found four containers of powered horse vitamin supplement, which your affiant knows from training and experience to be used by drug traffickers as a cutting agent to mix with narcotics. Also found in the same bedroom was another safe similar to the one found in the In the kitchen area of the house Northwest upstairs bedroom. agents found a T-Mobile model T229 cell phone box. on that box indicates the same IMEI serial number as the phone found under Juan AYVAR-Lopez's pillow at the Spring Park apartments earlier in the day. Also found in the kitchen were various pieces of paper, some of which had names and amounts on Some of the names matched the names found in the trash from that residence the previous night. In the backyard of the residence, agents found a makeshift shed which AYVAR-Lopez stated to SA Mata that he had constructed. In the shed agents found various plastic containers with dirt on and in them as if they had been buried in the ground. Agents found various places in and behind the shed where it appeared the soil was loose as if it had been previously dug up. In one of the spots behind the shed, Agents found a plastic container buried under the soil which contained four black taped packages containing suspected methamphetamine. Subsequently SA Bartusiak told AYVAR-Lopez that agents had found methamphetamine but that he(AYVAR-Lopez) had told SA Mata that he was selling heroin. SA Bartusiak then asked AYVAR-Lopez where the heroin was hidden

and AYVAR-Lopez responded that the heroin ran out and that he did not sell methamphetamine. AYVAR-Lopez later told SA Mata that he knew the methamphetamine was buried in the back yard and that he had buried the drugs in the back yard and placed them in Ziploc baggies to prevent the drugs from getting wet. A few moments later agents found two additional buried containers that contained suspected heroin. Sa Bartusiak then told AYVAR-Lopez that apparently the heroin had not run out, at which time AYVAR-Lopez put his head down and would not respond. Bartusiak asked AYVAR-Lopez where his car was and he responded again that if he had a car he would have been gone long before agents arrested him. While in the house AYVAR-Lopez stated to SA Mata that he was being paid \$500 a week to store the drugs at the house. When SA Mata asked who was paying him, AYVAR-Lopez would not give SA Mata a name. When SA Mata asked him if his brother Juan was the one paying him, AYVAR-Lopez became very nervous and refused to answer the question.

Subsequent to the consent search at the Brookline Pl residence both THOMAS and AYVAR-Lopez were transported to the Albuquerque DEA office. At the ADO SA Bartusiak read THOMAS her Miranda warnings in English. THOMAS understood and waived her rights as witnessed by SA Mata. THOMAS stated that her sister Anndrey THOMAS had rented the house at 10720 Brookline Pl NW at the request of her husband, Juan AYVAR-Lopez, about nine months THOMAS further stated that her other sister Natasha THOMAS, had rented an apartment at the Lincoln Place apartments #712, also at the request of Juan AYVAR-Lopez. THOMAS stated that her husband told her and her sisters to stay away from both the Brookline house and the Lincoln Place apartment and that neither her nor her sisters had access to either residence. THOMAS stated that her husband had told her that he was making money by buying and selling cars. However, THOMAS stated that about two months ago her husband told her that he was trying to put together a cocaine deal and that she was not to ask any questions. SA Bartusiak asked THOMAS why she and her sister went to the Brookline Pl house after her husband had just been arrested and she stated that her husband called her from ICE custody and told her to go to the house and get his bother out of there immediately and he(Juan AYVAR-Lopez) would explain later. THOMAS also stated that she was instructed by

her husband to take Ernesto to the bus station to catch the first bus out of town. THOMAS believes that Ernesto received a similar call from Juan as Ernesto was ready to go as soon as she and her sister arrived to pick him up.

At the Albuquerque DEA office SA's Gooch and Baker performed a field test on the four black taped packaged which were found in the back yard of 10720 Brookline Pl NW. The packages reacted positive for the presence of methamphetamine. SA's Baker also conducted a field test on the other packages found in the back yard of 10720 Brookline Pl NW. Those packages reacted positive for the presence of heroin. The suspected methamphetamine was weighed by SA Gooch and had an approximate gross weight of 1.98 kilograms. The suspected heroin was weighed by SA Baker and had an approximate gross weight of 1.38 kilograms.

Based on the aforementioned information, I believe that Juan AYVAR-Lopez and Ernesto AYVAR-Lopez illegally possessed with the intent to distribute over 500 grams of a mixture or substance containing a detectable amount of methamphetamine, a controlled substance, and over one kilogram of a mixture or substance containing a detectable amount of heroin, in violation of Title 21 USC Section 841(a)(1),(b)(1)(A).

I declare under the penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Thomas A. Bartusiak

Special Agent

Drug Enforcement Administration Albuquerque District Office

Sworn before me on this the 4th day of May, 2009.

Alan C. Torgersøn

United States Magistrate Judge New Mexico Judicial District Albuquerque, New Mexico