

**FILED**  
UNITED STATES DISTRICT COURT  
DISTRICT OF NEW MEXICO

AO 91 (Rev. 02/09) Criminal Complaint

**UNITED STATES DISTRICT COURT**  
for the  
District of New Mexico

10 JUN 14 AM 9:36

CLERK - LAS CRUCES

United States of America )

v. Jeffrey )

Alden Jeff HEATON )

Case No. 10-1727mj

*Keb*  
Defendant

**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 of 06/12/2010 in the county of Dona Ana in the \_\_\_\_\_ District of New Mexico, the defendant violated 21 U. S. C. § 841(a)(1)

x an offense described as follows:

Knowingly and intentionally possess with the intent to distribute a controlled substance, a quantity over 100 kilograms, to wit: approximately 152.7 kilograms (336.00 Pounds) of marijuana, a schedule I substance.

This criminal complaint is based on these facts:

See attached Affidavit, which is marked Attachment "A", and which is incorporated by reference as if fully set out herein.

Continued on the attached sheet.

*Omar Chavarria*

Complainant's signature

Omar Chavarria, DEA Special Agent

Printed name and title

Sworn to before me and signed in my presence.

Date: 06/14/2010

*Karen B. Molzen*

Judge's signature

City and state: Las Cruces, New Mexico

**Karen B. Molzen**

U.S. Magistrate Judge

Printed name and title

Attachment A

AFFIDAVIT IN SUPPORT OF COMPLAINT

I, Omar Chavarria, being duly sworn, do hereby depose and state as follows:

I am employed as a Special Agent (SA) with the Drug Enforcement Administration (DEA). While employed as a Special Agent (SA) with the DEA, I received specialized training in narcotics investigations and identification and was designated by the Attorney General to be empowered with Title 21 authority, which authorizes me to seize and arrest anyone for violations of the Controlled Substances Act.

I have personally participated in this investigation and I am thoroughly familiar with the information contained in this affidavit either through personal investigation or through discussions with other law enforcement personnel. All of these facts are true and correct to the best of my knowledge.

On June 12, 2010, Border Patrol (BPA) Agent Carlos Ramirez was assigned to the United States Border Patrol checkpoint located at Interstate 25 mile marker 26, north of Las Cruces, New Mexico. At approximately, 9:30 PM, a green Dodge pickup truck entered the primary inspection area. BPA Ramirez then identified himself as a United States Border Patrol Agent and questioned the subject, later identified as Alden Jeff HEATON as to his citizenship, which HEATON stated HEATON was an American citizen. During questioning, HEATON was being overly friendly. BPA Ramirez asked HEATON where HEATON was going. HEATON stated that HEATON was en route to Farmington, New Mexico, to go fishing on some private land. During the questioning, BPA Ramirez observed HEATON had no fishing equipment in the vehicle. During the questioning of HEATON, BPA Montellano and BPA Montellano's government issued K-9 "Zowi" were performing pre-primary inspection on the vehicle. Agent Montellano then notified BPA Ramirez that his K-9 "Zowi" had alerted to the vehicle. BPA Ramirez asked HEATON for consent to have a canine inspection performed on the vehicle to which HEATON consented. HEATON was instructed to pull into secondary inspection area in order to conduct a non-intrusive canine inspection.

BPA Montellano asked HEATON for consent to conduct a canine inspection of the truck, and again, HEATON consented. BPA Montellano conducted a canine inspection of the exterior of the Dodge pickup truck with his Border Patrol canine "Zowi". BPA Montellano advised HEATON that BPA Montellano's canine alerted to the truck. A subsequent search of the vehicle by BPA Montellano led to the discovery of an after-market compartment held within the bed of the truck. A search of the compartment revealed that it contained 336 pounds of marijuana (306 bundles wrapped in brown packing tape as weighed and field-tested by BPA Cote).



HEATON was escorted into the checkpoint and verbally given his Miranda rights. HEATON was advised that he was under arrest for marijuana smuggling. HEATON refused to sign his Miranda warnings. HEATON became increasingly uncooperative.

At approximately 8:40 AM, on June 13, 2010, Alden Jeff HEATON was again advised of HEATON's Miranda rights by SA Omar Chavarria as per DEA Form 71, witnessed by SA Michael Jimenez. HEATON was advised in the English language. HEATON stated to SA Chavarria and SA Jimenez that HEATON understood HEATON's rights, and signed the DEA Form 71 confirming this. HEATON stated that HEATON was willing to provide a statement and signed the DEA waiver of rights form.

Heaton stated that the pickup truck which contained the marijuana belongs to HEATON's brother. HEATON stated that on Monday, June 7, 2010, HEATON picked up the pickup truck at his brother's residence located in El Paso, Texas. HEATON stated that since then HEATON was the only driver of the pickup truck.

HEATON stated that HEATON was invited to a fishing trip by his brother in Farmington, Texas. SA Chavarria asked HEATON if HEATON was going to fish on a lake or river in Farmington, Texas and HEATON stated he did not know. SA Chavarria asked HEATON how HEATON could explain the marijuana found in the pickup truck. HEATON further stated HEATON had no knowledge of the marijuana found in the pickup truck.

HEATON stated that on Tuesday, June 8, 2010, HEATON pulled a trailer containing farm animals that weight approximately 1,000 lbs. with the goose neck located on the middle of the truck bed. The hatch of the goose neck had been altered and was the opening to the compartment where the marijuana was located. Upon close observation of the pictures and the pickup truck, SA Chavarria noticed that the goose neck was only being held to the bed of the truck by four (4) bolts.

On June 13, 2010, SA's Chavarria and Jimenez transported HEATON to the Dona Ana County Detention Facility. On June 13, 2010 the defendant was processed into the Dona Anna Detention Facility in Las Cruces, New Mexico, on the narcotics violations.

Omar Chavarria, DEA SA

Kare Bmoly

Omar