

# United States District Court

State and

New Mexico

**FILED**  
 DISTRICT OF  
 AT Albuquerque NM

UNITED STATES OF AMERICA

v.

**John Roybal**  
 Year of Birth: 1977  
 SSAN: XXX-XX-2891

**Sean Herrera**  
 Year of Birth: 1988  
 SSAN: XXX-XX-2209

**Christopher Whitsell**  
 Year of Birth: 1988  
 SSAN: XXX-XX-3429

JUN 17 2011 *W*

**CRIMINAL COMPLAINT**

CASE NUMBER:

**MATTHEW J. DYKMAN**  
 CLERK

*11-MJ-1593*

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 June 16, 2011 in Rio Arriba county, in the state and    District of New Mexico defendant(s)

possessed with the intent to distribute less than 100 kilograms of marijuana, aiding and abetting, while possessing a firearm in relation to a drug trafficking crime.

in violation of Title 21&18 United States Code, Section(s) 841(a)(1) and (b)(1)(D) & 2, 924(c)

I further state that I am a Special Agent, FBI and that this complaint is based on the following  
Official Title

facts: See attached Affidavit.

Continued on the attached sheet and made a part hereof:

YES       No

*Michael Daniel Talbert Sr*  
 \_\_\_\_\_  
 Signature of Complainant

**MICHAEL DANIEL TALBERT SR.**  
 Special Agent  
 Federal Bureau of Investigation

Sworn to before me and subscribed in my presence,

June 16, 2011 at \_\_\_\_\_  
 Date

Albuquerque, New Mexico  
 City and State

*Alan C. Torgerson*  
 \_\_\_\_\_  
 U.S. Magistrate Judge  
 Name & Title of Judicial Officer

*Alan C. Torgerson*  
 \_\_\_\_\_  
 Signature of Judicial Officer

IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF NEW MEXICO

1 UNITED STATES OF AMERICA )  
2 )  
3 VS. )  
4 )  
5 )

6 John Roybal  
Year of birth: 1977  
SSAN: XXX-XX-2891

7 Sean Herrera  
Year of birth: 1988  
8 SSAN: XXX-XX-2209

9 Christopher Whitsell  
Year of birth: 1988  
10 SSAN: XXX-XX-3429

11 AFFIDAVIT

12  
13 1. I, the undersigned, being duly sworn, hereby depose  
14 and state as follows:  
15

16 2. I am a Special Agent (SA) of the Federal Bureau of  
17 Investigation (FBI) and have been employed in that capacity  
18 since September of 2008. I am currently assigned to the  
19 Albuquerque Division and have primary investigative  
20 responsibilities in major crimes and federal violations. The  
21 information set forth in this affidavit has been derived from my  
22 own investigation or communicated to me by other sworn law  
23 enforcement officers or from other reliable sources.  
24

25 3. On or about June 16, 2011, at approximately 09:15  
26 A.M., FBI Agents, Espanola Police Department and Santa Clara  
27 Police Department, assigned to assist in the investigation  
28

1 arrived at 735 Pheasant Lane, Espanola, New Mexico, to execute a  
2 lawfully issued federal search warrant.

3  
4 4. During the execution of the search warrant, the  
5 following items were located in the southeast bedroom of the  
6 residence: a box containing two containers of marijuana, a  
7 scale, plastic baggies, a bundle of U.S. Currency, along with  
8 multiple containers that possessed marijuana residue; a loaded  
9 shotgun; ammunition; a bulletproof vest; and a ledger. Based on  
10 my training and experience, I know that the amount of marijuana  
11 seized, the plastic baggies, the bundle of U.S. Currency,  
12 ledger, and scale indicate the intention to distribute  
13 marijuana. Also based on my training and experience, I know  
14 that drug dealers often possess firearms in order to protect  
15 their drugs and money in furtherance of their illegal  
16 activities. Intelligence, along with documentation found in the  
17 southeast room, indicate the room belonged to John Roybal and  
18 the owner of 735 Pheasant Lane, Espanola, New Mexico is Michael  
19 Guinn.

20  
21 5. The following items were located in the northeast  
22 bedroom of the residence: two containers of marijuana, a scale,  
23 plastic baggies, drug paraphernalia, a loaded semi-automatic  
24 handgun, ammunition, and a machete. Based on my training and  
25 experience, I know that the amount of marijuana seized, the  
26 plastic baggies, and scale indicate the intention to distribute  
27 marijuana. Also based on my training and experience, I know  
28 that drug dealers often possess firearms in order to protect

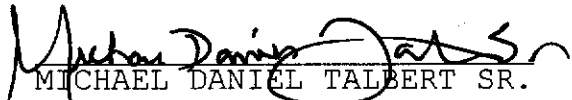
1 their drugs and money in furtherance of their illegal  
2 activities. Intelligence, along with documentation found in the  
3 northeast room, indicate the room belonged to Sean Herrera.

4  
5 6. The following items were located in the northwest  
6 bedroom of the residence: multiple containers of marijuana,  
7 plastic baggies, multiple bundles of U.S. Currency, drug  
8 paraphernalia, a ledger, and a loaded rifle. Based on my  
9 training and experience, I know that the amount of marijuana  
10 seized, the multiple bundles of U.S. Currency, ledger, and  
11 plastic baggies indicate the intention to distribute marijuana.  
12 Also based on my training and experience, I know that drug  
13 dealers often possess firearms in order to protect their drugs  
14 and money in furtherance of their illegal activities.  
15 Intelligence, along with documentation found in the northwest  
16 room, indicate the room belonged to Christopher Whitsell.

17  
18 7. Based on the information set forth in this affidavit,  
19 your affiant submits that there is probable cause to believe that  
20 John Roybal, Sean Herrera and Christopher Whitsell possessed with  
21 the intent to distribute less than 100 kilograms of marijuana,  
22 aiding and abetting, while possessing a firearm in relation to a  
23 drug trafficking crime as described more fully above, in  
24 violation of Title 21 U.S.C. 841(a)(1) and (b)(1)(D), Title 18  
25 U.S.C. 2 and Title 18 U.S.C. 924(c).

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8. I swear that this information is true and correct to be  
best of my knowledge.

  
MICHAEL DANIEL TALBERT SR.  
Special Agent,  
Federal Bureau of Investigation

Subscribed to and sworn to  
before me, this 17<sup>th</sup> day of June 2011



UNITED STATES MAGISTRATE JUDGE  
Albuquerque, NM