

UNITED STATES DISTRICT COURT

for the

United States of America)

v.)

Thunh Vu HUYNH)

Defendant(s)

Case No.

11-MJ-1693

FILED
At Albuquerque NM
JUN 29 2011

MATTHEW J. DYKMAN
CLERK

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(s) of April 30, 2011 in the county of Valencia in the
Judicial District of New Mexico, the defendant(s) violated:

<i>Code Section</i>	<i>Offense Description</i>
21 U.S.C. 843(b)	843(b): Use of a Telephone to Facilitate a Drug Trafficking Offense.

This criminal complaint is based on these facts:

See Attached Affidavit

Continued on the attached sheet.



Complainant's signature

DEA Task Force Officer Danny Joseph

Printed name and title

Sworn to before me and signed in my presence.

Date: June 29, 2011

City and state: Albuquerque, New Mexico



Judge's signature

KAREN B. MOLZEN
U.S. MAGISTRATE JUDGE

Printed name and title

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

I, Task Force Officer Danny Joseph, United States Drug Enforcement Administration (DEA), United States Department of Justice, being first duly sworn, hereby state as follows:

1. I am a Task Force Officer (TFO) of the DEA, United States Department of Justice. I have been so employed since June 2007. As such, I am a law enforcement officer of the United States within the meaning of Title 18 U.S.C. § 2510(7). I am empowered by law to conduct investigations and to make arrests for offenses enumerated in Title 18 U.S.C. § 2516. In addition to being assigned as a TFO with the DEA, I am a Detective with the Bernalillo County Sheriff's Department (BCSD), County of Bernalillo, New Mexico, and have been with BCSD since April 1998 to the present. As a DEA TFO, I have participated in investigations targeting individuals and organizations trafficking heroin, cocaine, cocaine base ("crack"), marijuana, methamphetamine, and other controlled substances as defined in Title 21 U.S.C. § 801.
2. This Affidavit is made to support a Complaint charging Thanh HUYNH with using a telephone to facilitate a drug trafficking offense in violation of 21 U.S.C. 843(b) in the District of New Mexico.

Summary

3. Since February 2010, Task Force Officers (TFOs) and Special Agents (SAs) of the Drug Enforcement Administration Albuquerque District Office and Detectives from the Los Lunas Police Department have been conducting an investigation into a large scale methamphetamine trafficking organization in the Valencia County, New Mexico, area. This investigation identified Arturo ACOSTA-Astorga and Ovidio ESTRADA as the leaders of the organization responsible for the distribution large quantities of

methamphetamine in Valencia County. Investigators have observed numerous suspected drug-related meetings and have made multiple undercover purchases from individuals conspiring with ACOSTA-Astorga and ESTRADA. Additionally, on April 29, 2011, United States District Court Judge C. LeRoy Hansen, signed an order authorizing the interception of wire communications to and from the cellular telephone number 505-353-7140 (Target Telephone), utilized by Ovidio ESTRADA.

4. Since this affidavit is being submitted for the limited purpose of authorizing a criminal complaint, and arrest warrants for the above named individuals, I have not included each and every fact known to me concerning this investigation. I have set forth the facts that I believe are essential to establish the necessary foundation and probable cause for the issuance of arrest warrants for the individuals named herein.

Probable Cause

5. On April 30, 2011, at approximately 4:15 pm, ESTRADA, utilizing Target Telephone, called an Asian male identified as Thanh HUYNH (Call Session 56, Target Telephone) ESTRADA called to find out where HUYNH was located. HUYNH asked if ESTRADA would give him "one" and then a "white and half." I believe HUYNH was requesting once ounce of methamphetamine or 1 ½ ounce. "White" is sometimes slang for methamphetamine. HUYNH's ability to speak English is limited at best, and his ability to speak Spanish is non-existent, making an interpretation of meaning difficult for myself and other investigators. However, his use of language is very distinct, and thus his idiosyncratic methods of communication have made it easy to identify his voice during this investigation. More specifically, myself and SA Bridgeford recently met face-to-face with HUYNH, in his Gold & Silver Jewelry store, which is located in Los Lunas, New

Mexico, at which time I positively identified his voice with the voice previously believed to be his through the numerous telephone conversations intercepted between HUYNH and Ovidio ESTRADA during the Title III investigation. It was immediately apparent to me that the voice over the wire and HUYNH's voice revealed through this in-person meeting, were indeed that of the same person.

1. On May 2, 2011, ESTRADA called HUYNH (Call Session 221, Target Telephone) and told him that "it" (meaning methamphetamine) was not ready today, and would not be ready until the following day. When asked why "it" was not ready, ESTRADA said that he did not know and added that his "boss" said that. HUYNH asked about "white," and whether ESTRADA had "white" to which ESTRADA confirmed that he did. HUYNH asked whether ESTRADA would come back later for "white," and ESTRADA stated maybe. The two spoke again (Call Session 326, Target Telephone) at approximately 8:00 p.m., regarding where they would meet. ESTRADA initially said that he would not be able to meet; however, he later agreed to meet HUYNH at the Burger King in Los Lunas, New Mexico.
2. On May 4, 2011 Los Lunas Police Department Sergeant (Sgt.) Mark Torres provided me with background information concerning HUYNH. He explained that HUYNH operated the Gold & Silver Jewelry store, located at 1930 Main Street Suite 7, Los Lunas, New Mexico, the same store described above where I met HUYNH in person. Sgt. Torres also advised that the business phone number is 505-435-6235, which is posted on the door. I knew this to be the same telephone number used to contact ESTRADA over Target Telephone.
3. On May 5, 2011, Sgt. Torres, through a review of business license records in Los Lunas,

identified the owner of the store as Thanh Vu HUYNH, who lives at 830 Prairie Sage Ct. SW, Los Lunas, New Mexico. Further, during an intercepted call over the Target Telephone, in Call Session 326, HUYNH stated that his residence was next to the Wal-Mart in Los Lunas, New Mexico. Sgt. Torres told me that 830 Prairie Sage Court, SW, Los Lunas, is indeed across from the Wal-Mart in Los Lunas.

4. Furthermore, in another intercepted telephone call (Call Session 415, Target Telephone), HUYNH asked ESTRADA for "a black," which I believe means heroin because I know through my investigation, including through interviews of individuals who have been stopped and questioned after leaving the store, that HUYNH does sell both heroin and methamphetamine at the store. ESTRADA told HUYNH that he did not have any [black] at that time. HUYNH then asked if he could get "a white" (methamphetamine), and then asked for "half a white," which I believe is a reference to ½ ounce of methamphetamine. ESTRADA stated he would call HUYNH back. ESTRADA did indeed call HUYNH back shortly thereafter (Call Session 417, Target Telephone), and told HUYNH that he would come by the store. HUYNH told ESTRADA that he needed "white right now," to which ESTRADA stated that he would go by HUYNH's store later. Almost one hour later, HUYNH called ESTRADA again, and asked him to bring "a black one" tomorrow to which ESTRADA agreed.
5. On May 6, 2011, at approximately 1:19 p.m., HUYNH called ESTRADA (Call Session 442, Target Telephone) and asked for "one black" and stated that he called ESTRADA the day before for "chiva" (street slang for heroin). ESTRADA agreed but told HUYNH to shut up, in a manner consistent with how he treated DEAN as described above, because ESTRADA is cautious with his drug trafficking activities, and does not

appreciate carelessness over the phone from others. They hung up, and ESTRADA said he would call HUYNH back later

6. On May 6, 2011, at approximately 2:30 p.m., surveillance was established at HUYNH's store, because a call intercepted between ESTRADA and HUYNH indicated that the two would soon meet at the store (Call Session 426, Target Telephone).
7. On that same date, at approximately 2:50 p.m., TFO Novicki observed a red Toyota truck, previously identified as belonging to ESTRADA, arrive in front of HUYNH's store. At approximately 2:55 p.m., ESTRADA placed a call (Call Session 447, Target Telephone) to HUYNH but received voice mail. After the failed attempt to reach HUYNH over the phone, ESTRADA left the area. At approximately 3:10 p.m., ESTRADA again called HUYNH (Call Session 449, Target Telephone), but once again received his voice mail message. Surveillance was terminated at approximately 3:30 p.m. I do not believe they met during this afternoon, but did meet later.
8. On that same date, at approximately 6:24 p.m., HUYNH called ESTRADA (Call Session 466, Target Telephone) and ESTRADA asked what had happened, as ESTRADA had attempted to call HUYNH several times earlier in the day. HUYNH stated that he was at the store, and wanted ESTRADA to come by again. ESTRADA stated that he was in Belen and asked HUYNH to travel there. HUYNH asked if he was at "Lonnie's" house (meaning Lonnie DEAN) and ESTRADA stated that he was at A.R.'s house.
9. On May 9, 2011, HUYNH again called ESTRADA, asking for "a black," specifically using the term "chiva." ESTRADA said "no more," which again was stated in such a way that I believe ESTRADA meant for HUYNH to stop using obvious drug references like "chiva," as opposed to meaning he was out of heroin. ESTRADA stated that

Lonnie's (meaning Lonnie DEAN) [heroin] was "okay", but HUYNH declined, stating that he liked "black." Black is, again, a likely reference to heroin, and based on this conversation, I believe that HUYNH was concerned about the quality of the heroin available through DEAN, and in broken English told ESTRADA that he preferred ESTRADA's heroin as opposed to DEAN's heroin. ESTRADA agreed to not sell HUYNH DEAN's heroin due to HUYNH's quality based concerns. Eight hours later, HUYNH again called ESTRADA (Call Session 656, Target Telephone) and asked if he had "black" with him at the time, to which ESTRADA stated "tomorrow."

10. At approximately 3:35 p.m., surveillance was established at HUYNH's store, where SA David Smith observed a silver sport-utility vehicle drive up to the store's front entrance. This vehicle was later identified by its New Mexico license plate HYP394.
11. At this time the driver of this vehicle then entered the jewelry store along with another passenger from that vehicle. At approximately 3:37 p.m., these individuals returned to their vehicle and departed, followed by surveillance agents. At approximately 3:42 p.m., TFO Reyes observed a traffic violation and activated his emergency equipment to stop the vehicle. TFO Reyes made contact with the driver, identified as L.H., and the three passengers, S.J., S.H., and T.B. All occupants including the driver stated to TFO Reyes that they were active users of both heroin and methamphetamine. Originally, S.J. told TFO Reyes that he sold a piece of silver to HUYNH and received \$40.00; however, S.H. later told TFO Reyes and Sgt. Torres that they had actually attempted to purchase methamphetamine from HUYNH, but that HUYNH was out of methamphetamine at that time.
12. Later, at approximately 4:00 p.m., ESTRADA was observed by SA Brian Bridgeford at

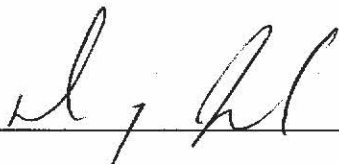
HUYNH's store in a vehicle bearing New Mexico license plate HLY409. A few minutes later, ESTRADA was again observed by SA Bridgeford exiting the store, and then leaving the parking lot in his vehicle alone.

CONCLUSION

13. Based upon the totality of the facts set forth in this Affidavit, there is probable cause to believe that Thanh HUYNH did use of a telephone to facilitate a drug trafficking offense in violation of 21 U.S.C. § 843(b) in the District of New Mexico. I respectfully request arrest warrants be issued for the above-named individual.

I declare under penalty of perjury that the foregoing statements are true and correct to the best of my knowledge, information and belief.

Approved by Assistant United States Attorney Nicholas J. Ganjei.



Danny Joseph

Task Force Officer

Drug Enforcement Administration