

AO 91 (Rev. 08/09) Criminal Complaint

**FILED**  
At Albuquerque NM**UNITED STATES DISTRICT COURT**for the  
District of New Mexico

JUL 14 2011

MATTHEW J. DYKMAN  
CLERK

United States of America )

v. )

Manuel A. Munoz-Duran )

Case No. 11-MJ-1835

Defendant(s)

**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 July 5, 2011 in the county of Rio Arriba in the  
District of New Mexico, the defendant(s) violated:*Code Section*21 United States Code, Section 841  
(a)*Offense Description*

Possession with Intent to Distribute a Controlled Substance

This criminal complaint is based on these facts:

See attached affidavit.

☐ Continued on the attached sheet.

Complainant's signature

Paul D. Wright

Printed name and title

Sworn to before me and signed in my presence.

Date: 07/12/2011City and state: Albuquerque, New Mexico

At the direction of Karen B. Molzen,



Judge's signature

Karen B. Molzen, Chief US Magistrate Judge

Printed name and title

KBM 7/14/2011



support a criminal complaint against Manuel A. Munoz-Duran, in violation of 21 U.S.C. § 841(a).

## **II. RELEVANT STATUTES**

5. This investigation concerns an alleged violation of 21 U.S.C. § 841(a).

6. 21 U.S.C. § 841(a) prohibits knowing or intentional possession with intent to distribute a controlled substance.

## **III. DETAILS OF INVESTIGATION**

7. On July 5, 2011, at approximately 1:45 p.m., Agent Eric Moya, with the New Mexico State Police, observed a Red 2002 Dodge pickup truck, bearing New Mexico license plate number LGY121, which was known to be a vehicle previously driven by Manuel A. Munoz-Duran, also known as Poncho. At this point, New Mexico State Police Agent Joey Gallegos received information that Munoz-Duran had drugs at his residence. Agents Moya and Gallegos conducted a traffic stop based on the information on State Road 68, near Milepost 4, in the community of Ohkay Owingeh Pueblo, Rio Arriba County, New Mexico.

8. Agents Moya and Gallegos, with departmentally issued digital recorders activated and in hand, made contact with Munoz-Duran. Agent Moya observed that Munoz-Duran was nervous, had a dry mouth, was breathing heavily and was shaking. Munoz-Duran had approximately 1,500 dollars in United States currency on his person and stated that he worked odd jobs.

9. Agents Gallegos and Moya interviewed Munoz-Duran in Spanish, explaining the reason for the traffic stop and asking for Munoz-Duran's consent to search the vehicle. Munoz-Duran provided verbal consent to search his vehicle, which was captured on the Agents' digital recorder.

10. Agents Gallegos and Moya, based upon having received information that Munoz-Duran had drugs at his residence, asked Munoz-Duran in Spanish for verbal consent to search his residence. Munoz-Duran provided verbal consent. Agents Moya and Gallegos, as well as New Mexico State Police Sergeant Mitchell Maestas and Agent William Terrazas, proceeded to Munoz-Duran's residence, located on Ohkay Owingeh Pueblo, New Mexico.

11. At Munoz-Duran's residence, Agent Moya advised Munoz-Duran that he had the opportunity to withdraw his verbal consent to search his residence at any time. Based upon the information Agent Moya had received, he assigned Agent Terrazas to search underneath the residence in a basement-like area. Within approximately two minutes, Agent Terrazas located a black and white PVC-type pipe with fourteen clear plastic bags of a white, powdery substance. Each of the fourteen bags weighed approximately one ounce each, with an aggregate weight of approximately 14.397 ounces. The white, powdery substance from one of the bags was field-tested with a Narcotics Identification Kit and tested presumptively positive for the presence of cocaine.



12. Agents Gallegos and Moya interviewed Munoz-Duran again. Agent Moya reiterated the reason for the earlier traffic stop and the fact that Munoz-Duran had provided verbal consent to search his residence. Munoz-Duran affirmed that he had voluntarily provided his verbal consent to search his residence. His statement was captured on a digital recorder. Munoz-Duran was read his Miranda rights in Spanish and placed under arrest.

13. Agent Gallegos obtained a search warrant from District Court in Rio Arriba County, New Mexico, for Munoz-Duran's residence, an unattached garage, a camper located on the property, several motor vehicles located on the property, Munoz-Duran's telephone and personal property. The warrant was executed and the New Mexico State Police seized a scale and firearms ammunition.

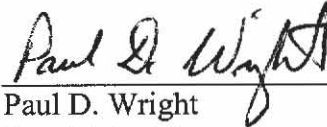
14. On July 6, 2011, Agent Moya and Special Agent Alton Hightower, Bureau of Immigration and Customs Enforcement, interviewed Munoz-Duran in custody at Tierra Amarilla Detention Center. Agent Moya advised Munoz-Duran in Spanish of his Miranda rights. Munoz-Duran verbally waived his rights, signed a rights waiver form and made a statement to Special Agent Hightower and Agent Moya. Munoz-Duran acknowledged that the drugs seized from his residence belonged to him. He acknowledged that he had purchased the drugs for \$5,000 from an individual nicknamed El Chacal and that he had subsequently diluted the drugs with a cutting agent. He acknowledged that he had sold drugs on numerous occasions in the past, to as many as six customers per day. This interview was captured on an audio recording device.

#### **IV. CONCLUSION**

15. Based on all of the foregoing information, Your Affiant submits there is probable cause to believe that Manuel A. Munoz-Duran violated 21 U.S.C. § 841(a), that being Possession with Intent to Distribute a Controlled Substance. Your Affiant requests an arrest warrant based upon the criminal complaint in this matter.

I swear that this information is true to the best of my knowledge and belief.

Respectfully submitted,



Paul D. Wright  
Special Agent  
Federal Bureau of Investigation

Subscribed and sworn to before me this <sup>12th</sup> day of July 2011.

At the direction of Karen B. Holzen

  
UNITED STATES MAGISTRATE JUDGE

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