

**FILED**

UNITED STATES DISTRICT COURT

ALBUQUERQUE, NEW MEXICO

MAR 15 2010

for the  
The District of New Mexico  
United States of America )  
v. )  
Sergio Javier RODRIGUEZ )  
Case No. 10mj 697  
Defendant

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 of 03-12-2010 in the county of Bernalillo in the \_\_\_\_\_ District of  
New Mexico, the defendant violated 21 U. S. C. § 841(a)(1),  
an offense described as follows:

Knowingly possessing with Intent to Distribute Marijuana, a schedule I controlled substance.

This criminal complaint is based on these facts:

SEE ATTACHED AFFIDAVIT

☒ Continued on the attached sheet.



Complainant's signature

DEA SA Thomas K. Solis

Printed name and title

Sworn to before me and signed in my presence:

Date: 3/15/10

City and state: Albuquerque, New Mexico



Judge's signature

Alan Torgerson, US Magistrate Judge

Printed name and title

I, Thomas K. Solis, being duly sworn do hereby depose and swear as follows:

I am employed as a Special Agent of the Drug Enforcement Administration and have been so employed for approximately 23 years. I am currently assigned to the Albuquerque District Office, Albuquerque, New Mexico.

This affidavit is made in support of a criminal complaint being filed against Sergio Javier RODRIGUEZ, charging him with violation of Title 21 USC 841 (a)(1)(b), knowingly possessing with intent to distribute in excess of 100 kilograms of marijuana.

On March 12, 2010, New Mexico State Motor Transport Division Officer Kenneth Homer was conducting inspections at the Gallup, NM Port of Entry. At approximately 11:30 AM, Officer HOMER was working the credential booth when a Freightliner tractor trailer being driven by Sergio Javier RODRIGUEZ arrived at the port of entry. Officer Homer requested RODRIGUEZ' log book. Upon inspecting the log book, Officer Homer observed that the last seven (7) days of logs were missing. Officer Homer directed RODRIGUEZ to a bay for additional inspection. Officer Homer inspected the bill of lading, which indicated that the load consisted of rolls of fabric destined for North Carolina. Upon further inspection, Officer Homer noticed that the drivers log book did not show the bill of lading for 3-12-2010, another violation of the Federal Motor Carrier Regulations (FMCR). RODRIGUEZ stated to Officer Homer that he is the owner/operator of the tractor trailer, which was confirmed by documentation and vehicle registration checks.

Officer Homer began a walk around and then requested that the driver open the trailer for cargo verification and a load securement check. Officer Homer observed that the cargo consisted of rolls of fabric stacked on pallets. Officer Homer noticed that the rear wall of the trailer had scuff marks similar to the same as the side walls, which in his experience is abnormal. Officer Homer also noticed that the front wall had new rivets. Upon pulling a corner of the wall, Officer Homer observed cardboard U-haul boxes, which were not listed on the bill of lading. Additionally, the measurements of the outside of the trailer were found to be 53 feet, but a measurement of the inside of the trailer was found to be 51 feet, 5 inches. Upon opening the false compartment in the trailer, approximately 548.5 pounds of marijuana was discovered, which field tested positive for marijuana. RODRIGUEZ was then placed under arrest and the marijuana was seized.

For the reasons set forth above, S/A Thomas K. Solis respectfully requests the court to approve this criminal complaint charging Sergio Javier RODRIGUEZ with violation of Title 21 USC 841(a)(1)(b), to wit: knowingly Possessing With Intent to Distribute more than 100 kilograms of marijuana, a Schedule I controlled substance.

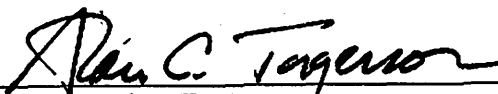
This affidavit is submitted for the limited purpose of providing probable cause to support the attached criminal complaint. I have not set forth each and every fact learned during the course of this investigation in the above affidavit.

Further Affiant Sayeth Not:



Thomas K. Solis, Special Agent  
Drug Enforcement Administration

Sworn before me this the 15 day of March, 2010



Alan C. Torgerson  
United States Magistrate Judge