

FILED
U.S. DISTRICT COURT
LAS CRUCES, NM

10 AUG 25 AM 9:15
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AO 91 (Rev. 01/09) Criminal Complaint

UNITED STATES DISTRICT COURT
for the
District of New Mexico

United States of America)
v.)
UNGER, Alicia)
WASHINGTON, Mario)
MARTIN, Michael)
Defendant)

Case No. 10-2312 MJ

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 08/24/2010 in the county of Dona Ana in the Judicial District of New Mexico, the defendant violated 21 U. S. C. § 841 / 846, an offense described as follows:
conspire to and did knowingly and intentionally possess with intent to distribute approximately 42.60 lbs of marijuana.

This criminal complaint is based on these facts:

SEE ATTACHMENT

Continued on the attached sheet.

Complainant's signature

Michael Contreras/DEA TFO

Printed name and title

Sworn to before me and signed in my presence.

Date: 08/25/2010

Judge's signature

WILLIAM P. LYNCH
U.S. MAGISTRATE JUDGE
Printed name and title

City and state: Las Cruces, NM.

ATTACHMENT

United States of America

v.

**UNGER, Alicia
WASHINGTON, Mario
MARTIN, Michael**

On 08/24/2010, United States Border Patrol Agent (USBPA) Pablo Fernandez was patrolling on State Highway 26, near Hatch, NM. BPA Fernandez observed two (2) vehicles, a 2007 Dodge Charger bearing Iowa plate 380-XBK and a 2006 Chrysler Sebring bearing Texas plate BV6D072, driving in tandem on Highway 26 near mile marker 42. BPA Fernandez began following the vehicles. BPA Fernandez noticed that both vehicles began driving erratically, slowing down then increasing their speeding, as if they wanted BPA Fernandez to pass them.

At approximately 2:00 a.m., BPA Fernandez followed the vehicles through Hatch, NM and eventually onto Interstate 25, north bound. Once on I-25, the Dodge Charger sped off, leaving the Chrysler behind, at which time BPA Fernandez stopped the Chrysler. Alicia UNGER was the driver and only occupant of the Chrysler.

UNGER told BPA Fernandez that she was a United States Citizen. When questioned, she stated that her husband, Bret Unger, was the owner of the vehicle and that she was driving from Arizona to San Antonio, Texas. Due to the suspicious circumstances and UNGER's nervousness, the BPA agent asked for and received consent to inspect the vehicle with a canine. The canine subsequently alerted to the trunk compartment of the vehicle, and a search revealed approximately 42.6 pounds of marijuana in the trunk.

During the BPA agent's encounter with UNGER, but before the marijuana was located, he noticed that UNGER was texting someone on her cell phone. A review of her cell phone showed that she had texted "goin to jail" to phone number 773-263-0153.

After the marijuana was located in UNGER's vehicle, Border Patrol Agents alerted other law enforcement agents to be on the lookout for the 2007 Dodge Charger which had originally been riding in tandem with UNGER's vehicle.

Agents transported UNGER to the I-25 Checkpoint where she was interviewed after waiving her Miranda Warnings. UNGER identified the two (2) occupants of the Dodge Charger as Mario WASHINGTON and Michael MARTIN and stated that they are all from Galesburg, Illinois. UNGER stated she was driving in tandem with WASHINGTON and MARTIN, but denied knowing that the marijuana was in her vehicle. UNGER admitted knowing that the group was transporting marijuana but

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stated she believed WASHINGTON and MARTIN were transporting the marijuana in their vehicle as she drove behind them. UNGER provided a clothing description of WASHINGTON and MARTIN.

As agents transported UNGER to the I-25 Checkpoint, Border Patrol Agents in Truth or Consequences, NM found the Dodge Charger at a local motel. Agents found the occupants of the Dodge Charger in room 41. Agents identified the occupants as Mario WASHINGTON and Michael MARTIN. Agents found no other occupants in the room. WASHINGTON and MARTIN's clothing matched the description given by UNGER.

WASHINGTON and MARTIN were transported to the DEA Office in Las Cruces, NM for questioning. TFO's Michael Contreras and James Gimler informed WASHINGTON and MARTIN of the investigation at which time WASHINGTON and MARTIN adamantly denied ever knowing UNGER.

A subsequent search of WASHINGTON and MARTIN's motel room revealed that the cellular telephone to which UNGER had texted, "goin to jail" was found damaged and hidden under the sink in the room.


William P. Lynch
U.S. Magistrate Judge


MICHAEL CONTRERAS
Task Force Officer, DEA