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UNITED STATES DISTRICT COURT

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SOUTHERN DISTRICT OF CALIFORNIA

CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
BY DEPUTY

UNITED STATES OF AMERICA, Plaintiff, v. DANIEL MALAQUIAS-MENDOZA (1), ANTIOCO SOTELO-AYALA (2), JOSE VILLA-GARCIA (3), FRANCISCO VILLASENOR-ORTIZ (4), MIGUEL MENDOZA-MENDOZA (5), JUVENTINO ARTEMIO-SOTELO (6), JOHN PHILIP LOMBARDO (7), ADRIAN CHAVEZ-GARDUNO (8), DAVID CHAVEZ-GARDUNO (9), and ROBERTO VALENCIA-MARTINEZ (10), Defendants.	)	Magistrate Case No. 12MJ4116 Complaint For a Violation: Title 21, U.S.C., Secs. 846 and 841(a)(1) - Conspiracy to Manufacture Marijuana

The undersigned complainant, being duly sworn, states:

Beginning on a date unknown and continuing up to and including November 9, 2012, within the Southern District of California, and elsewhere, defendants DANIEL MALAQUIAS-MENDOZA, ANTIOCO SOTELO-AYALA, JOSE VILLA-GARCIA, FRANCISCO VILLASENOR-ORTIZ, MIGUEL MENDOZA-MENDOZA, JUVENTINO ARTEMIO-SOTELO, JOHN PHILIP LOMBARDO, ADRIAN CHAVEZ-GARDUNO, DAVID CHAVEZ-GARDUNO, and ROBERTO VALENCIA-MARTINEZ did knowingly and intentionally conspire with each other and others known and unknown to manufacture 1,000 marijuana plants and more, a Schedule I Controlled Substance; in violation of Title 21, United States Code, Sections 846 and 841(a)(1).

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

BRADLEY C. KENT
Task Force Officer, DEA

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 9 DAY OF NOVEMBER, 2012.

HON. BERNARD G. SKOMAL
United States Magistrate Judge

STATEMENT OF FACTS

Introduction

In 2010, in response to the threats posed by these outdoor marijuana grows, the Drug Enforcement Administration's San Diego Field Division formed an investigative group under the Narcotic Task Force, referred to as "Team 9," to target organizations growing marijuana in San Diego County. Subsequent to their formation, Team 9 initiated an investigation, Operation Mountain High, which focused on interdiction and prosecution of criminal organizations using Federal and State public lands to grow large marijuana crops.

This investigation began in June, 2010, as a result of outdoor marijuana cultivation overflight, eradication, and investigative operations by DEA. Throughout the investigation, agents have developed information that has led to the identification of a network of individuals (the Sotelo Drug Trafficking Organization, DTO) involved with the manufacture and distribution of marijuana within Southern and Central California, as well as links to other marijuana grows in the Northern District of California, Utah, and Idaho. To facilitate their illegal grow operations, the Sotelo DTO uses undocumented workers smuggled into United States from Mexico to tend to their marijuana crops. Also, of concern, is the DTO's use of illegal, hazardous pesticides and herbicides smuggled into the United States from Mexico for use on their marijuana crops.

Between June and November, 2012, agents sought and received authorization to intercept wire communications on facilities utilized by members of the DTO. From surveillance, intercepted calls, and the use of other investigative techniques, agents learned that the DTO had a network of sophisticated outdoor marijuana grow operations in Southern California. Given the relative sophistication and funding of the grow operations, agents believe that the proposed defendants are part of a much larger criminal organization based in Mexico. To date, agents have eradicated more than 45,000 marijuana plants and arrested several individuals working in grows linked to the Sotelo DTO. The following chart provides a summary of the grows raided and the marijuana plants and processed marijuana eradicated, observed, and/or seized during the course of this investigation:

Location	Date Raided	Marijuana
Chariot Canyon Grow (Julian)	September, 2010	28,000+ plants; 179.63 lbs of processed
Benton Grow (Riverside)	August, 2011	2,175 plants
Farmer Grow (Julian)	November, 2011	1,000+ plant stalks
Pala Grow (Valley Center)	June, 2012	2,500 plants
Triste's Grow (Pala)	August, 2012	1,800 plant stalks
Cholo's Grow (Palomar Mountain)	August, 2012	3,713 plants
Sunrise Grow (Julian)	September, 2012	7,000 plants
Vineyard Grow (Cleveland Nat'l Forest)	October, 2012	300 plants; 1,000 plant stalks; 1,040 lbs of processed

The Defendants

1. **Daniel MALAQUIAS-Mendoza, aka "Compadre,"** is the brother of MENDOZA (below) and a high-level manager within the Sotelo DTO. MALAQUIAS is an United States citizen and is responsible for providing overall guidance (finances, payroll, worker issues, marijuana sales, transportation, stash locations) of the DTO's operations in the United States and is believed to report directly to the "bosses" in Mexico. MALAQUIAS is currently a defendant in a pending State criminal case in Riverside County for marijuana cultivation of over 1,000 plants. MALAQUIAS resides in Perris, California and maintains a marijuana "stash house" in Menifee, California.

2. **Antioco SOTELO-Ayala, aka "Mocos,"** is a lawful permanent resident alien who often crosses the border between the United States and Mexico. SOTELO appears to be a mid-level manager within the DTO. Based on physical surveillance and wire interception, he appears to coordinate the overall marijuana grow operations to include re-supply activities, sales, transportation, laborers and financing. SOTELO currently resides in Hemet, California.

3. **Jose VILLA-Garcia, aka "Parpados,"** is an illegal alien and a mid-level manager within the DTO and on the same level of management as SOTELO. Based on wire interceptions, he appears to be the boss of marijuana grow operations outside of SOTELO's areas of responsibility, but has "joint venture" marijuana grow operations with SOTELO for increased profits and logistical reasons. VILLA also appears to be responsible for brokering marijuana sales, collecting monies from those sales, and assists SOTELO with organizing the marijuana grows. In addition, VILLA was returned to Tijuana, Mexico after his (VILLA) arrest for concealed weapons possession and having a concealed compartment in a vehicle. Agents learned from wire intercepts that VILLA was smuggled back into the United States via a false compartment in a vehicle through the San Ysidro Port of Entry in the later part of October, 2012.

4. **Francisco VILLASENOR-Ortiz, aka "Kiko,"** is a lawful permanent resident alien and is a marijuana broker within the DTO. Based on wire intercepts and surveillance, VILLASENOR is responsible for finding buyers for the marijuana and for negotiating the sales of the marijuana. VILLASENOR also appears to be responsible for making sure the money from the sales of the marijuana are transferred to SOTELO. Additionally, VILLASENOR manages marijuana grows throughout California. VILLASENOR resides in Perris, California.

5. **Miguel Angel MENDOZA-Mendoza** is an United States citizen and is a mid-level manager within the DTO and to be the boss of a transportation and storage cell for the DTO. MENDOZA is the brother of MALAQUIAS. Based on wire interceptions and surveillance, MENDOZA appears to coordinate the marijuana transportation from the grows to stash locations and ultimately to the buyers. MENDOZA also owns and operates Cuts Plus Barber Shop in Perris, California. The barber shop is used by the DTO as a drop location for money to be distributed to the DTO members and is used as a location where marijuana sales are conducted. MENDOZA resides in Perris, California.

6. **Juventino ARTEMIO-Sotelo, aka "Shorty,"** is a lawful permanent resident alien and is SOTELO's brother-in-law. ARTEMIO appears to be a mid-level manager within the DTO.

Based on physical surveillance and wire interception, ARTEMIO appears to run day to day operations when SOTELO is in Mexico and appears to assist SOTELO in the sales, transportation, and book keeping of the marijuana, as well as collecting the revenue from those sales. ARTEMIO resides at 26484 Cortrite Avenue, Hemet, California ("the Sotelo family ranch"). Based on physical surveillance and information from the EDD, it does not appear that ARTEMIO has a legitimate source of income.

7. **John Philip LOMBARDO, aka "Barbitas,"** is a United States citizen and based on public and law enforcement records, LOMBARDO is one of the founding and current members of the Saddle Tramps outlaw motorcycle gang. Based on wire interceptions and surveillance, LOMBARDO is responsible for transporting the finished marijuana product from the grows to stash locations in San Diego and Riverside Counties. LOMBARDO resides in Lakeside, California.

8. **Adrian CHAVEZ-Garduno, aka "EL GRANDE,"** is an illegal alien and the brother of CHAVEZ. GARDUNO is a re-supply boss within the DTO and has also been tasked with brokering marijuana sales and collecting money from those sales. EL GRANDE resides in Aguanga, California.

9. **David CHAVEZ-Garduno, aka "Juan," aka "Roto,"** is an illegal alien and is a supply boss within the Sotelo DTO and is responsible for supplying and re-supplying the Sotelo DTO marijuana grow sites with both material necessities and manual laborers. CHAVEZ is an illegal alien from Mexico and has been returned to Mexico by the United States Border Patrol on at least one prior occasion. CHAVEZ currently resides in, Temecula, California.

10. **Roberto VALENCIA-Martinez, aka "Chilango,"** is a lawful permanent resident alien who appears to be CHAVEZ's and SOTELO's assistant. VALENCIA has been observed picking up workers and/or supplies from a stash location used by the DTO or from CHAVEZ's house. VALENCIA has also been tasked by SOTELO to smuggle bulk United States currency (drug sales proceeds) from the United States into Mexico. VALENCIA resides in Perris, California. Based on physical and electronic surveillance, agents believe that VALENCIA works for a mobile detailing business whose vans have been observed re-supplying marijuana grow sites.

The Manufacturing Conspiracy

As mentioned above, the present investigation began in June, 2010. For the last two years, agents have conducted countless hours of physical surveillance which was aided by Federal wiretaps to uncover the network of individuals responsible for the proliferation of large scale outdoor marijuana grows on Federal and State public land in Southern and Central California. The following describes the DTO's manufacturing and distribution operations as well as stash houses used to aid the DTO's distribution of the processed marijuana.

Chariot Canyon Grow (raided September, 2010)

On September 3, 2010, Agents raided a large marijuana grow located on Bureau of Land Management (BLM) public lands in Chariot Canyon, Julian, California (the "Chariot Canyon

Grow"). The location of this grow was in a remote area of the Laguna Mountains, approximately one mile from a paved road. This raid resulted in the eradication of more than 28,000 marijuana plants and the seizure of 179.63 pounds (81.65 kilograms) of processed marijuana.

Four individuals were arrested within the Chariot Canyon Grow. Records checks revealed that one of these individuals, Eduardo Sotelo, SOTELO's nephew, listed the Sotelo family ranch located in Hemet, California, as his home address. SOTELO lists this same address as his residence on his California Driver's License.

Further, a review of data within Eduardo Sotelo's cell phone, seized at his arrest, revealed a cell phone number stored in the contacts section that was previously used by CHAVEZ. The raid on this grow was a vital first-step in moving this investigation forward in that agents built the investigation from their initial identification of SOTELO and CHAVEZ.

<u>Benton Grow</u> (raided August, 2011)

In June of 2011, from aerial surveillance, agents located a large marijuana grow on BLM public lands in Riverside County, near the intersection of Sage and East Benton Roads (the "Benton Grow").

After locating the trail leading from the grow site to a dirt road (the "Benton drop site"), agents placed "trail cameras" (battery-operated still cameras for long/short term outdoor use) in an effort to obtain information regarding activity near the grow. The trail cameras captured a photograph of a dark colored Chevrolet Yukon registered to CHAVEZ, 38002 Corte Avalina, Temecula, California. Subsequent investigation revealed that the listed address did not exist. However, while driving on Corte Avalina, agents located a similar address, 32008 Corte Avalina, and subsequently observed the Chevrolet Yukon photographed from the trail camera parked in front of this residence.

Between July 9 and September 30, 2011, on numerous occasions, CHAVEZ was observed purchasing large quantities of food and supplies during daytime hours at Food 4 Less, Lopez Market, and WalMart in Temecula, California. After making the purchases, CHAVEZ would return to his residence until approximately 10:00 p.m. to 2:00 a.m. Under cover of darkness, CHAVEZ would drive to the Benton drop site. Electronic surveillance revealed that CHAVEZ would stop at the Benton drop site for approximately 20 seconds and then return to his residence. Because CHAVEZ would conduct his supply activities at night and the Benton drop site was in a rural area, agents could not utilize artificial light to determine what CHAVEZ did for the short period of time while stopped at the Benton drop site. However, from a pole camera located at his residence, agents observed that CHAVEZ would return to his residence without the items that he had previously purchased. Also, during this time, agents observed VALENCIA assisting CHAVEZ with various re-supply activities.

On August 10, 2011, agents conducted an early morning raid at the Benton Grow which resulted in the eradication and seizure of approximately 2,175 marijuana plants. Agents also discovered food items within the kitchen area of the Benton Grow which were consistent with the items purchased by CHAVEZ at the Food 4 Less grocery store in Temecula.

An individual by the name of Andres Linares-Perez was arrested after he was found sleeping in the grow armed with a loaded 12-gauge shotgun. Andres Linares-Perez is currently serving a 16-month custodial sentence in a State facility. A subsequent search of his cell phone revealed that it contained a stored number associated with a phone that had been used by SOTELO. This cell phone number was identified as being used by SOTELO during a traffic stop in July of 2011. After confirming SOTELO's cell phone number, agents were able to identify CHAVEZ's cell phone number and confirm his use of that cell phone through a rouse call.

Farmer Grow (raided November, 2011)

Based on physical and electronic surveillance of CHAVEZ, VALENCIA, and SOTELO, in July, 2011, agents suspected that the DTO was operating a large marijuana grow on public lands off of Farmer Road, in Julian, California (the "Farmer Grow").

In July, SOTELO was stopped by law enforcement outside of Julian and claimed that he was driving in the area to check on workers who were landscaping. However, his vehicle contained no indicia of landscaping equipment.

Agents observed CHAVEZ purchasing supplies as he had for the Benton Grow. Shortly, thereafter, on August 22, 2011, CHAVEZ and VALENCIA were observed tossing bags of supplies to three unidentified individuals who appeared from the brush alongside Farmer Road in Julian, California. Just prior to this activity, a cell phone connected with CHAVEZ made/received 8 calls from a cell phone connected with VALENCIA. Subsequent daytime aerial surveillance of the area revealed a large marijuana grow near the area where law enforcement observed CHAVEZ and VALENCIA tossing the bags into the brush.

In early November of 2011, agents entered the Farmer Grow. Although agents did not actually observe the marijuana being harvested or removed from the grow area, the grow had been cleared and no workers remained in the area. Agents counted more than 1,000 plant stalks. At this point, agents determined that the "grow season" had ended for the year.

Pala Grow (raided June, 2012)

In early June, 2012, during daylight hours, while conducting aerial surveillance over an unincorporated area of Valley Center, California, agents observed a large outdoor marijuana grow located in a remote area not easily accessible to the public (the "Pala Grow").

In the early morning hours of June 28, 2012, agents covertly entered the Pala Grow through the surrounding dense brush that concealed the grow. Upon entering the Pala Grow, agents noticed that food in the make-shift kitchen area had been recently prepared and also observed fresh footprints in the dirt, suggesting that someone had recently walked through the area. Agents seized approximately 2,500 marijuana plants.

After the raid on June 28, 2012, agents intercepted a call where CHAVEZ and EL GRANDE discussed the raid on the Pala Grow. EL GRANDE informed CHAVEZ that agents raided the Pala

Grow at 4:00 a.m., which was the time that agents actually entered the grow. During the call, CHAVEZ told EL GRANDE that they had "to warn Triste[1] about the raid." EL GRANDE commented that he hoped the raid did not actually happen because he "didn't know what he (EL GRANDE) was going to say over there (say to the bosses in Mexico)."

Triste's Grow (raided August, 2012)

During May of 2012, a court-authorized cell phone tracker and physical surveillance revealed that CHAVEZ and VALENCIA drove to a remote area of BLM public lands in Pala, California.

On May 23, 2012, agents conducted aerial surveillance of this same area and observed a large outdoor marijuana grow ("Triste's Grow"). During July and August, 2012, agents intercepted calls between co-conspirators regarding grow operations which are related below.

On July 17, 2012, CHAVEZ received a call from Triste regarding whether Triste had observed any law enforcement (helicopters, vehicles) in the area of Triste's Grow. Triste told CHAVEZ that he "[. . .] was clean, clean, clean (had no law enforcement scrutiny)." CHAVEZ and Triste talked about harvesting marijuana from this grow and that more workers were needed for the harvest.

On July 22, 2012, CHAVEZ called EL GRANDE regarding the need for workers in Triste's Grow to cultivate marijuana. CHAVEZ asked EL GRANDE, "how many buddies (workers) do you have there (EL GRANDE's residence, Anza Ranch)?" EL GRANDE asked CHAVEZ how many workers CHAVEZ needed. CHAVEZ told El Grande that Triste wanted more workers "for tomorrow or the day after." EL GRANDE responded, "Triste is fine and is not going to want anyone right now." CHAVEZ told EL GRANDE, "Gavilan's[2] workers want to come back because they didn't like the work and want to come back."

On July 26, 2012, VILLASENOR called SOTELO regarding SOTELO supplying more marijuana for VILLASENOR to sell. SOTELO told VILLASENOR that Triste had marijuana ready for pick up at his grow location. SOTELO continued, "I (SOTELO) don't know how many, but it was going to be above a 5-0 (500 pounds of marijuana)." VILLASENOR and SOTELO continued to talk about how much marijuana SOTELO had available and that VILLASENOR really needed to get some more marijuana to one of his buyers.

On July 27, 2012, VILLASENOR called SOTELO regarding VILLASENOR needing more marijuana to sell. SOTELO told VILLASENOR that EL GRANDE was going to pick up marijuana from Triste's grow. SOTELO told VILLASENOR, "it (marijuana) would be from a 5-0 (500 pounds) up." VILLASENOR and SOTELO continued to discuss the logistics of VILLASENOR picking up the marijuana from EL GRANDE.

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[1] Triste is a marijuana grow boss for a grow located near the Pala Grow.

[2] Gavilan is a marijuana grow boss.

On August 2, 2012, Triste called CHAVEZ regarding the quality of the marijuana from Triste's Grow and fertilizer for the marijuana plants. Triste asked CHAVEZ "if the girls (marijuana) had arrived well (if there were any problems picking up the marijuana and if the marijuana was packaged properly)" and "if they (marijuana) were good (quality), if they (marijuana) were fresh." CHAVEZ responded, "I hadn't seen it (marijuana), I had forgotten (to inspect the marijuana)." CHAVEZ and Triste continued talking about what kind of fertilizer works best for the marijuana plants and for Triste to contact Shorty (ARTEMIO) regarding the best "cycle" of fertilizers to use.

On August 16, 2012, agents raided Triste's Grow and eradicated 776 mature marijuana plants and counted 1,800 marijuana plant stalks that had already been harvested by grow workers. Based on the food items and food packaging found within the grow, agents determined that the marijuana grow workers likely left the grow site about one or two days prior to the raid. Although the raid itself did not yield additional physical evidence, it did generate intercepted calls between co-conspirators.

After the raid, on August 16, 2012, CHAVEZ called EL GRANDE regarding the raid of Triste's Grow. EL GRANDE told CHAVEZ that "[I]t went to hell with Triste's [grow]." CHAVEZ and EL GRANDE continued to talk about the raid on the grow and how they could take the grow workers from Triste's grow over to Gavilan's grow (the Sunrise Grow).

On August 18, 2012, Triste called SOTELO regarding the raid of his marijuana grow. Triste told SOTELO that "Everything went well and nobody was caught." SOTELO and Triste continued talking about how the raid occurred and that law enforcement had missed a "nursery" of small marijuana seedlings that Triste was growing in a location away from the large marijuana grow.

<u>Cholo's Grow</u> (raided August, 2012)

In July of 2012, based on intercepted calls and physical surveillance, agents located a large marijuana grow on Palomar Mountain in San Diego County ("Cholo's Grow").

On July 14, 2012, at approximately 10:48 a.m., VILLA called SOTELO regarding law enforcement spotting Cholo's Grow[3] during aerial surveillance. VILLA and SOTELO talked about a helicopter hovering over the marijuana plants and that the marijuana grow would get raided by law enforcement after the weekend because law enforcement did not raid marijuana grows on the weekends. SOTELO told VILLA that Cholo had enough workers to harvest the marijuana plants from the grow. VILLA and SOTELO continued discussing what they (VILLA and SOTELO) thought would be the best and quickest way to get the marijuana plants and workers out of the grow site without being caught.

On August 13, 2012, agents again conducted aerial surveillance of Cholo's Grow. Shortly after flying over Cholo's Grow, SOTELO called Cholo and Cholo told SOTELO that law

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[3] Cholo is a marijuana grow boss.

enforcement had flown over the grow. SOTELO and Cholo continued talking about getting the marijuana harvested before law enforcement raided Cholo's Grow.

On August 21, 2012, agents raided Cholo's Grow and eradicated 3,713 marijuana plants. Other than locating the marijuana plants, no other information was discovered within the grow that assisted law enforcement in this investigation. During the raid of Cholo's Grow, agents encountered several Hispanic males who fled and were never apprehended.

On August 22, 2012, SOTELO received a call from Cholo about the raid on the marijuana grow. Cholo said, "It was bad as the bastards (law enforcement) almost had him." SOTELO and Cholo continued talking about the raid and how the helicopter had seen Cholo, but Cholo was able to evade being apprehended.

On August 29, 2012, VILLASENOR called Borrego regarding the availability and price of the bulk marijuana. Borrego told VILLASENOR that "They (Cholo and others) are constantly calling, asking if you (VILLASENOR) still had them (marijuana), because they (unknown buyers) are going to pay for them (marijuana) at one peso ($1,000 per pound) over there (unknown location)." VILLASENOR responded, "No, they (marijuana) left (were already sold)." Borrego told VILLASENOR, "Okay, I (Borrego) will tell them (Cholo and others) now." VILLASENOR told Borrego "The ones (marijuana) I (VILLASENOR) fixed (packaged) really sucked (poor quality)." Borrego told VILLASENOR that "I (Borrego) will let them (Cholo and others) know and ask how much they (marijuana) went for (price)." VILLASENOR replied, "At nine and a half ($950) because 15 (15 pounds of marijuana) were good and 16 (pound of marijuana) really sucked." VILLASENOR and Borrego continued talking about the quality of the marijuana and that VILLASENOR would have the money ready for Cholo and his associates, later in the afternoon.

<u>Sunrise Grow</u> (raided September, 2012)

Based on calls intercepted and physical surveillance conducted between April and July of 2012, agents located a large marijuana grow adjacent to the Sunrise Highway in Julian, California (the "Sunrise Grow").

On April 23, 2012, agents observed CHAVEZ drive his Chevy Avalanche from his residence in Temecula to a location that, at the time, agents believed was used by the DTO as a staging area for supplies and workers (21599 Waite Street). Upon arriving at 12:05 p.m., agents observed that VALENCIA's white van was already parked in the backyard of the 21599 Waite Street, Temecula. A short time after arriving at the Waite Street address, CHAVEZ left and drove to the Food 4 Less grocery store in Temecula, California. CHAVEZ exited Food 4 Less pushing a shopping cart full of groceries, loaded them into the bed of his Chevy, and drove back to and entered his residence (32008 Corte Avalina) without unloading. Several hours later, CHAVEZ drove away in his Chevy and later returned driving VALENCIA's blue Nissan car. During this time, CHAVEZ had 31 calls with VALENCIA. Agents believed that the calls that took place between the phones was to coordinate supplying the Sunrise Grow.

In the early morning hours on April 24, 2012, agents followed VALENCIA, who was driving CHAVEZ's Chevy Avalanche, from his residence to a location along the Sunrise Highway. At this location, VALENCIA stopped and got out of the Avalanche and three males dressed in camouflage rapidly moved from a concealed position in the brush and retrieved 3 to 5 large bags that appeared to be completely full. Two hours later, agents observed VALENCIA arrive at CHAVEZ's residence, where VALENCIA retrieved his Nissan and drove away.

On May 24, 2012, agents conducted aerial surveillance over an area near the Sunrise Highway in Julian, California, where VALENCIA appeared to be dropping supplies to the unidentified individuals. Based on agents' observations, including the thinning of natural vegetation, worn trails, and a stream dammed to create a water holding area, agents believed that this area was being prepared for a large outdoor marijuana grow later known as the Sunrise Grow.

On June 30, 2012, CHAVEZ spoke with SOTELO regarding the need for grow workers at the Sunrise Grow. SOTELO told CHAVEZ to ask Gavilan "when the reaping (harvesting the marijuana) started there (at the grow Gavilan was overseeing), because they (SOTELO and others) had 10 'elements (workers)' in the trailer which were desperate (needed to be put to work)." CHAVEZ replied that he would talk to Gavilan about when Gavilan would need more workers to harvest the marijuana crop and he (CHAVEZ) would call SOTELO back.

On July 2, 2012, CHAVEZ spoke with Gavilan regarding the supplies and food that were needed at the Sunrise Grow. CHAVEZ and Gavilan discussed the supplies and tools Gavilan needed to continue the work in the marijuana grow with Gavilan requesting tarps, wire, nylon string, plastic, machetes and trimming shears for processing the marijuana plants into the finished marijuana product. Gavilan continued to tell CHAVEZ the "animals (marijuana plants) needed their special food (fertilizer)." CHAVEZ and Gavilan continued to discuss the supplies Gavilan needed and how to properly pack all the supplies in backpacks for the re-supply drop, the best time for the re-supply to avoid the "green vests (Border Patrol)," and how difficult it was going to be to get all the supplies to Gavilan in one re-supply drop.

On July 2, 2012, CHAVEZ spoke with SOTELO regarding the harvesting of marijuana at the Sunrise Grow. SOTELO told CHAVEZ that he (SOTELO) "spoke with the 'architect (another boss)' and the ones for the hair were not going to make it (speciality trimming shears used to process marijuana buds were not going to be delivered on time)." SOTELO and CHAVEZ continued to talk about the quantity and type of "machetes (large knife used to cut crops)" and trimming shears that CHAVEZ would need for harvesting and processing the marijuana plants. SOTELO told CHAVEZ to go with "Shorty (ARTEMIO, SOTELO's brother)" to look for more machetes and trimming shears to purchase.

On July 6, 2012, CHAVEZ spoke with SOTELO regarding the need for "tools" to harvest and process marijuana at the Sunrise Grow. SOTELO asked CHAVEZ if CHAVEZ and "Shorty (ARTEMIO)" had obtained the tools for harvesting and processing the marijuana plants. CHAVEZ replied that "he (CHAVEZ) saw Shorty yesterday" and received some of the tools. SOTELO told CHAVEZ "to have Shorty go and get more of 'the same ones (tools, trimming shears, machetes),' as it was an order (a direct order from SOTELO to Shorty)."

On July 16, 2012, SOTELO called VILLASENOR regarding SOTELO having marijuana available from the Sunrise Grow for VILLASENOR to sell. During the conversation, VILLASENOR offered to store all the marijuana that came out of the Sunrise Grow for SOTELO at a "warehouse." SOTELO informed VILLASENOR that he had that part of the operation under control and would advise VILLASENOR when the marijuana was ready for VILLASENOR to pick up.

On July 17, 2012, MENDOZA called SOTELO regarding LOMBARDO's pick up of the marijuana from Gavilan's grow (Sunrise Grow). Specifically, SOTELO inquired as to whether MALAQUIAS had already talked with "Barbitas" (LOMBARDO) about picking up the marijuana at the Sunrise Grow.

On July 18, 2012, in a series of calls, MENDOZA and SOTELO discussed the amount of marijuana to be picked up from the Sunrise Grow as well as the date, time, and place that LOMBARDO was to pick up marijuana from the Sunrise Grow. MENDOZA asked SOTELO, "how many animals (pounds of marijuana) are they (workers from the grow) going to bring (hike out to the road)?" SOTELO responded, "between 6-5 (650 pounds) or 6-9 (690 pounds) almost 7-0 (700 pounds), but it's between six (600 pounds) and seven (700 pounds)." SOTELO said that "he (SOTELO) had made a mistake, it was only going to be 5-9 (590 pounds)." SOTELO and MENDOZA continued talking about he (SOTELO) and others doing the marijuana pick ups last year.

On July 19, 2012, at approximately 4:00 a.m., agents conducted surveillance along the Sunrise Highway in Julian, California. Agents observed LOMBARDO's white Ford truck with a truck shell covering the bed drive up and stop at the re-supply drop location for the Sunrise Grow. Agents observed approximately four subjects run from the cover of the bushes, carrying approximately six large backpacks and put the backpacks into the bed of the LOMBARDO's white Ford truck. Agents observed the four to six subjects run back into the bushes and LOMBARDO's white Ford truck drive away. Between 10:25 a.m. and 10:26 a.m., SOTELO had a series of calls with MENDOZA. SOTELO asked MENDOZA, "how did it go with that work (marijuana) they took out this morning?" MENDOZA responded that LOMBARDO picked up the marijuana, delivered it to the stash location, and everything was fine.

On July 22, 2012, SOTELO had a series of calls with MENDOZA to arrange for LOMBARDO to conduct an additional marijuana pick up from the Sunrise Grow. SOTELO told MENDOZA that "he (Gavilan, Sunrise Grow) wanted Barbitas (LOMBARDO) tomorrow at the same time, at four in the morning." MENDOZA acknowledged. At approximately 5:15 p.m., SOTELO called MENDOZA and MENDOZA told SOTELO that "I (MENDOZA) already told him (LOMBARDO)." SOTELO responded , "okay," and asked again "if Barbitas (LOMBARDO) is ready at four in the morning for tomorrow, the same as the other day." MENDOZA acknowledged.

On July 23, 2012, agents established surveillance at LOMBARDO's residence in Lakeside, California, at approximately 2:30 a.m. At approximately 3:10 a.m., agents observed LOMBARDO exit his residence and drive to the Sunrise Highway. LOMBARDO drove in the direction of the "drop location" for the Sunrise Grow. As LOMBARDO got closer to the Sunrise Grow "drop

location," he used counter surveillance tactics so agents discontinued surveillance of LOMBARDO.

At approximately 8:10 a.m., SOTELO called MENDOZA and MENDOZA confirmed that LOMBARDO picked up the marijuana from the Sunrise Grow. Later in the afternoon, SOTELO called MENDOZA regarding the need for trimming shears at the marijuana grows and SOTELO needing money. For example, MENDOZA replied, "yes, and asked if he (SOTELO) wanted 14 ($14,000)." SOTELO replied, "send me (SOTELO) 15 ($15,000)."

On July 26, 2012, ARTEMIO called CHAVEZ regarding paying workers from Gavilan's marijuana grow (Sunrise Grow). ARTEMIO asked CHAVEZ "did Don Simon (Gavilan) tell him (CHAVEZ) how much it was for the hair (payment to workers trimming marijuana plants at Gavilan's grow)?" CHAVEZ replied, "yes, 13 ($1,300) for each one (worker), plus the one (worker) that went down to help." ARTEMIO calculated, "13 ($1,300) by 5 (workers) was 65 ($6,500)." CHAVEZ replied, "plus the one (worker) who went down to help out when the girls (marijuana plants) got sick (insects and/or mold)." ARTEMIO acknowledged. ARTEMIO continued to calculate the payment for the workers. ARTEMIO told CHAVEZ "he (ARTEMIO) would have Chilango (VALENCIA) take the money over there (CHAVEZ's location)." CHAVEZ asked ARTEMIO, "if he (VALENCIA) could hand it (money) out?" ARTEMIO responded, "yes, because you (CHAVEZ) are still there (El Grande's ranch)." ARTEMIO and CHAVEZ continued to arrange for VALENCIA to take money to CHAVEZ to pay the workers from Gavilan's grow.

On July 26, 2012, ARTEMIO called SOTELO regarding workers and supplies for the Sunrise Grow. SOTELO told ARTEMIO that "Gavilan was going to call Roto (CHAVEZ) so they (CHAVEZ and SOTELO) could get the list (supply list for re-supply drop) and the check (money owed to the workers) for the workers, so he (SOTELO) would call him (unknown boss responsible for finances) so he (ARTEMIO) could take the money to pay them (Gavilan's marijuana grow workers)." SOTELO told ARTEMIO "I (SOTELO) am going to call him (unknown boss responsible for finances) so I (SOTELO) can get close to the hair place (MENDOZA's barber shop, Perris, California)[4] or else will have Chilango (VALENCIA) take him (unknown boss responsible for finances) to El Despertar Ranch (EL GRANDE's residence).

On August 9, 2012, VALENCIA called CHAVEZ and they discussed that supplies and workers had been dropped off, in the early morning hours, at the Sunrise Grow. VALENCIA also told CHAVEZ that there was no law enforcement in the area and that he did not believe that anyone had followed him. VALENCIA complained to CHAVEZ about the workers being slow getting out of the vehicle and that the drop was not conducted as fast as it should have been.

On August 20, 2012, SOTELO called MENDOZA regarding MENDOZA obtaining trimming scissors from MALAQUIAS for the Sunrise Grow. SOTELO told MENDOZA, "Ask my Compadre (MALAQUIAS) for 7 knives (trimming shears) because they (Sotelo and others) are going to send people (workers) over to Gavilan, they (Sotelo and others) needed them (trimming shears) for today, because they (Sotelo and others) are going to send the people (workers) today."

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4 The DTO uses MENDOZA's barber shop as a money drop location.

MENDOZA said, "Okay." SOTELO told MENDOZA, "Call Compadre (MALAQUIAS) and ask for six or seven knives (trimming shears) and to get five of the big ones to give to Roto (CHAVEZ) for food (give CHAVEZ $500 for food and supplies for the re-supply/worker drop at Sunrise Grow)."

On August 20, 2012, after the above call, MALAQUIAS called SOTELO regarding Gavilan needing more "knives (trimming shears for processing the marijuana plants)" and sending more workers to Gavilan's grow. SOTELO asked MALAQUIAS, "Did your (MALAQUIAS) brother (MENDOZA) speak to you?" MALAQUIAS responded, "He (MENDOZA) had the other apparatus (new cellular phone) he (MENDOZA) had got, because of the new one (cellular phone) he (MENDOZA) got, he (MALAQUIAS) had not spoken to him (MENDOZA)." SOTELO told MALAQUIAS, "Everything is fine and Gavilan needed seven knives (trimming shears for processing marijuana plants) and they (SOTELO and others) were going to send six to seven heads (workers) back (to Gavilan's grow)." SOTELO asked MALAQUIAS "Can you (MALAQUIAS) give 'Roto' (CHAVEZ) five dollars ($500) for gas and food (money to pay for supplies for Gavilan's marijuana grow and gas for making the re-supply drop)?" MALAQUIAS told SOTELO "That is fine."

On August 21, 2012, MALAQUIAS called SOTELO regarding marijuana being picked up from Gavilan's grow (Sunrise Grow). MALAQUIAS asked SOTELO, "When is the next appointment (marijuana pick up)?" SOTELO told MALAQUIAS, "After this appointment (marijuana pick up), it (marijuana) was going to be moreno (dark), but the next one would be a good season (better quality marijuana)." SOTELO asked MALAQUIAS, "Tell the guy, the one from Redilas to have it (money) ready because it would be many hours, a good paycheck (make sure the buyer has the money because it is going to be allot of marijuana)." SOTELO and MALAQUIAS continue talking about when the next marijuana pick up would be and that they would try and charge $1,500 per pound for that marijuana.

On August 23, 2012, MALAQUIAS received a call from SOTELO regarding LOMBARDO picking up marijuana from Gavilan's grow (Sunrise Grow). SOTELO told MALAQUIAS, "I have Gavilan on the cord (on the other phone) and everything was confirmed with the doctor (LOMBARDO) as they (SOTELO and MALAQUIAS) had established." MALAQUIAS responded "Yes, at 4:00 a.m." SOTELO told MALAQUIAS, "The mileage (marijuana) is a ciego-14 (114 pounds of marijuana), they (Gavilan and others) couldn't do more because it looked like it was going to rain, but there was much more than a ciego (100 pounds of marijuana) was confirmed." MALAQUIAS and SOTELO continued to coordinate additional pick-ups of marijuana from Gavilan's grow due to the upcoming holiday weekend and LOMBARDO going out of town.

On August 27, 2012, MENDOZA called SOTELO regarding LOMBARDO picking up marijuana from the Sunrise Grow. SOTELO asked MENDOZA "Get in touch with my buddy (MALAQUIAS) and ask him (MALAQUIAS) to call me (SOTELO), in about an hour I (SOTELO) will be in an area where my radio (cell phone) was going to lose signal." SOTELO asked MENDOZA "Get a hold of Barbitas (LOMBARDO) to let him (LOMBARDO) know that he (Gavilan) wanted early in the morning (Gavilan wanted LOMBARDO to pick up the marijuana early in the morning)." MENDOZA responded, "Yes, on Wednesday, at 4:00 a.m."

On August 31, 2012, SOTELO called CHAVEZ regarding a helicopter flying over the Sunrise Grow. SOTELO asked CHAVEZ, "What is going on?" CHAVEZ responded, "It is a mess, the bird (helicopter) found it (the Sunrise Grow)." SOTELO asked, "If Gavilan?" CHAVEZ responded, "That one." SOTELO told CHAVEZ that "I (SOTELO) had a missed call from Gavilan, you (CHAVEZ) arrange stuff with MALAQUIAS so Barbitas (LOMBARDO) could go pick that up (pick up the marijuana)." SOTELO and CHAVEZ continued talking about how the helicopter saw the Sunrise Grow and how they would send LOMBARDO to pick up whatever marijuana Gavilan had ready in case law enforcement raided the Sunrise Grow.

On September 1, 2012, in the evening, ARTEMIO received a series of calls from CHAVEZ regarding the extraction of workers and marijuana from Gavilan's marijuana grow given that the helicopter had spotted the marijuana grow.

On September 13, 2012, agents raided the Sunrise Grow which was overseen by MALAQUIAS. The raid resulted in the seizure of over 7,000 marijuana plants. Within the grow area, agents found a kitchen area, multiple camp areas, and pesticides used in the manufacturing of marijuana. Agents also located food wrappers from brand items purchased from Food for Less and Lopez Market located in Temecula, California.

Additionally, agents found three abandoned cell phones, two of which were damaged and had the SIM cards removed. Agents downloaded the information from the remaining cell phone and discovered that it had been communicating with a cell phone used by an unknown male (UM54). In September of 2012, UM54 was intercepted communicating with ARTEMIO regarding supplies and food for the workers at the Sunrise Grow. There were no grow workers in the grow at the time of the raid. Subsequent to the raid, a number of panicked calls were intercepted where CHAVEZ, EL GRANDE, ARTEMIO, SOTELO, MENDOZA, VALENCIA, and MALAQUIAS discussed the raid by law enforcement and discussed locating the workers who had been in the grow.

<u>Vineyard Grow</u> (raided October, 2012)

From intercepted calls between VILLASENOR and an unknown individual, electronic surveillance, and aerial surveillance, agents located an outdoor marijuana grow in the Cleveland National Forest, between San Diego and Riverside Counties (the "Vineyard Grow").

On October 17, 2012, agents raided the grow area. During the raid, agents arrested two undocumented marijuana grow workers, eradicated 300 marijuana plants, located 1,000 marijuana plant stalks, and found 1,040 pounds of processed marijuana.

The two individuals arrested did not provide any information to agents that would have assisted in advancing the investigation. On that same day, multiple intercepted calls between VILLASENOR and SOTELO linked the DTO to this grow. SOTELO and VILLASENOR discussed the raid, to include describing the agents and their vehicles, and discussed locating the grow workers who escaped. Several of the cell phones found abandoned in the grow had VILLASENOR's number stored in them.

Stash Houses - San Diego and Riverside Counties

Once the co-conspirators harvest marijuana from their grows, the marijuana is consolidated at stash houses for further distribution. Agents have located two such stash houses - one in San Diego County and one in Riverside County.

Agents have determined through physical surveillance that the DTO uses Sam's Garage located at 13455 Highway 8, El Cajon, California, as a stash house for marijuana harvested from the Sunrise Grow. More specifically, LOMBARDO retrieved processed marijuana from this grow and stored it in a CONEX container located on the property contiguous with Sam's Garage. Unfortunately, agents have not intercepted calls between LOMBARDO and any of the other proposed Defendants. However, based on intercepted calls of SOTELO and MENDOZA, agents learned that LOMBARDO will only communicate with MALAQUIAS on a cell phone agents have yet to discover. Nonetheless, agents have used intercepted calls between SOTELO, MENDOZA, and MALAQUIAS to determine the times and dates when LOMBARDO was instructed to pick up marijuana from the Sunrise Grow.

From intercepted calls over SOTELO's phone on August 8 and 9, 2012, agents learned that LOMBARDO was scheduled to pick up marijuana from the Sunrise Grow on August 10, 2012. In the early morning hours of August 10, 2012, agents established surveillance of LOMBARDO's residence located at 10310 Vista Camino, Lakeside, California. At approximately 2:00 a.m., agents observed LOMBARDO exit his residence and drive away in a white Ford F-150 registered to him. Agents followed LOMBARDO to mile marker 21.5 of the Sunrise Highway and saw LOMBARDO pull over into a turn-out. Agents then observed Hispanic males dressed in camouflage run out from the bushes and throw large canvas duffle bags (of marijuana) into the back of LOMBARDO's truck. Agents observed LOMBARDO give several small backpacks to the Hispanic males and the Hispanic males ran back into the bushes. This process took approximately 30 seconds. Agents followed LOMBARDO back to Sam's Garage and observed LOMBARDO park next to several CONEX containers located on the property. LOMBARDO unlocked a padlock on one of the CONEX containers, open the door, and place large canvas duffle bags into the container. Agents heard and saw LOMBARDO counting smaller bags of marijuana that were concealed within the larger bags. Agents observed LOMBARDO placed some of the bags of marijuana in the CONEX container and some back into his truck.

Later that same day, on August 10, 2012, agents followed LOMBARDO to a residence located at 32340 Menifee Road, Menifee, California (the "Menifee Stash House"). Agents observed LOMBARDO open the gate to the driveway and drive onto the property and park behind the residence out of the agents view. A short time later LOMBARDO drove out of the property, closed the gate, and drove back towards San Diego County. Through intercepted calls between calls between SOTELO, MENDOZA and MALAQUIAS, on August 8 and 9, 2012, agents determined that LOMBARDO dropped off an unknown quantity of marijuana at the Menifee Stash House.

In the early morning hours of August 16, 2012, agents observed LOMBARDO pick up large bags of what they believed to be marijuana from the Sunrise Grow. The agents observed LOMBARDO deliver the large bags to a residence located at 32340 Menifee Road, Menifee,

California, and leave the area. Later in that same morning, multiple intercepted calls over MENDOZA's phone indicated that MENDOZA was selling some of the marijuana delivered by LOMBARDO.

On August 16, 2012, at 9:51 a.m., MENDOZA received a call from Gheysar Parham regarding Parham purchasing marijuana from MENDOZA. Parham asked MENDOZA, "What time would it be?" MENDOZA responded "I (MENDOZA) think it (marijuana) is already there (Menifee Stash House), that the guy (LOMBARDO) had a key and he (LOMBARDO) just dropped it (marijuana) off." Parham asked MENDOZA, "Could you (MENDOZA) find out for me (Parham) because I (Parham) want to be the first one to see it (marijuana)?" MENDOZA responded, "Yes." Parham said, "I (Parham) just have to be back at three, so I will leave shortly." MENDOZA asked, "How many do you (Parham) want?" Parham said, "If it (marijuana) was good, then I (Parham) could take fifty (fifty pounds of marijuana)."

At 10:12 a.m., MENDOZA called an unidentified female (UF2) regarding UF2 giving MENDOZA a ride to the Menifee stash house to check on the marijuana that Parham wanted. MENDOZA told UF2, "I (MENDOZA) have to meet a guy." UF2 asked, "The white guy?" MENDOZA responded, "The Arabic whatever guy (Parham)." MENDOZA told UF2, "I (MENDOZA) need to go over there (Menifee Stash House)." MENDOZA and UF2 talk about trying to get the "meeting" done with soon. MENDOZA told UF2, "I (MENDOZA) have to go to Menifee to the house (Menifee Stash House) to check real quick and see if the stuff (marijuana) that the guy (Parham) wants is already there (Menifee Stash House)." UF2 asked, "Is he (Parham) the one calling the time (meet time), and could he (Parham) do it (marijuana deal) around 12:00 p.m. something, because she (UF2) was sure the guy (Parham) was going to come soon." MENDOZA told UF2, "The guy (Parham) wants to come today." UF2 ultimately agreed to pick up MENDOZA and take him (MENDOZA) to the Menifee stash house to check on the marijuana for Parham.

At 11:55 a.m., MENDOZA received a call from Parham regarding the marijuana. MENDOZA told Parham, "I (MENDOZA) did not have a car and I (MENDOZA) am just getting to the place (Menifee Stash House)." MENDOZA continued, "I (MENDOZA) am pretty sure it (marijuana) was there (Menifee Stash House), since the guy (LOMBARDO) delivers when he is told to go pick it (marijuana) up and would let him (Parham) know."

At 12:29 p.m., MENDOZA called Parham and told Parham, "It (marijuana) was there (Menifee Stash House)." Parham responded, "I (Parham) am about 25 minutes away on the 15 right now." MENDOZA responded, "Fine." During this time, agents were conducting surveillance of the Menifee Stash House and observed MENDOZA and an unknown female drive away from the stash in MENDOZA's silver Chevy PT Cruiser.

A short time after agents observed MENDOZA leave the Menifee Stash House, MENDOZA and the unknown female returned to the Menifee Stash House in his (MENDOZA's) silver Chevy PT Cruiser and parked around the back of the stash house and out of the agents' view. A short time later, agents observed MENDOZA and the unknown female depart the Menifee Stash House and agents followed them to MENDOZA's barber shop, Cuts Plus, Perris California. Agents observed MENDOZA retrieve a large black trash bag from his Chevy PT Cruiser and give the large black trash

bag to Parham. Parham, who was parked next to MENDOZA in the barber shop parking lot, then placed the black trash bag in the trunk of his white Lexus sedan and drove away.

Agents followed Parham and ultimately directed Riverside County Sheriff Deputies to conduct a traffic stop. As a result of the traffic stop, Deputies found 22 pounds of marijuana in a black trash bag in Parham's vehicle. During the traffic stop, Parham claimed that the marijuana was "medical" marijuana and showed the Deputies an expired "medical marijuana recommendation." Deputies arrested Parham for possession of the marijuana. Parham's State case is currently pending in Riverside County.

In late August, 2012, Agents learned from intercepted calls over SOTELO's cell phone that LOMBARDO was going to pick up marijuana from the Sunrise Grow on August 29, 2012. Agents established surveillance at LOMBARDO's residence in the early morning hours on that date and observed LOMBARDO leave his residence in a large flat bed truck with large wooden sides on the bed. Agents observed LOMBARDO pick up an unidentified individual at Sam's Garage and again drive to mile marker 21.5 on the Sunrise Highway adjacent to the Sunrise Grow. From trail cameras installed at this mile marker earlier in the day, agents videotaped the event and confirmed that LOMBARDO pulled into the turnout, got out of his vehicle, and stood by while six Hispanic males ran from the bushes and threw six large canvas duffle bags (filled with marijuana) into the back of LOMBARDO's truck. This process took approximately 30 seconds. Agents followed LOMBARDO to the Menifee Stash House and observed LOMBARDO unlock the gate, drive into the property, and park outside of the agents view. A short time later, agents observed LOMBARDO leave the Stash House and drive back toward San Diego County averting the I-15 checkpoint during his return.

The Barber Shop - Riverside County

As discussed above, MENDOZA used his barber shop, Cuts Plus, Perris, California, as a meeting location for the sale of marijuana. However, based on intercepted calls, agents know that the DTO primarily uses the Barber Shop as a money drop and distribution location. Money is distributed to other DTO members from this location to finance the marijuana grow operations as well as to secrete proceeds from their grow operations. For example, on August 29 and 30, 2012, in a series of calls, ARTEMIO and CHAVEZ discussed CHAVEZ and ARTEMIO going to MENDOZA's barber shop to pick up money for payroll and supplies.

Expanding the Criminal Activity Outside of Southern California

Agents have confirmed that the DTO looks for opportunities to expand their operations outside of Southern California. On October 7, 2012, in intercepted calls between MENDOZA and MALAQUIAS, agents learned that MALAQUIAS ordered MENDOZA to pick up marijuana grow workers and transport them to unknown DTO members in Bakersfield, California, for a "new project." On the same day, Agents conducted surveillance of MENDOZA picking up unidentified Hispanic males from a Carl's Junior restaurant in Perris, California. Unfortunately, agents were unable to continue surveillance of MENDOZA's group as they traveled north on Interstate 15 towards Bakersfield.

On October 8, 2012, in intercepted calls between MENDOZA and MALAQUIAS, agents learned that MENDOZA was to take four additional workers "to the same zone (Bakersfield, California)" on October 9, 2012. Given the advanced notice, agents prepared to and did conduct surveillance of the group to Bakersfield. Once in Bakersfield, the workers were turned over to two other unidentified Hispanic males. Agents followed the group to two residences located in Fresno, California. A local law enforcement team from the Fresno area obtained a State search warrant for one of the locations and executed the warrant on October 17, 2012. The team found that the residence was being used as a marijuana processing location. During the search, agents located 430 pounds of processed marijuana, two handguns, and seven workers. None of the workers provided any information that would assist agents in the prosecution of the DTO. However, information found within a cell phone located in the residence revealed that it had been in communication with MALAQUIAS' cell phone approximately 50 times between October 4 and 17, 2012.

Based on the aforementioned facts, I believe that there is probable cause to believe that Defendants listed above, did knowingly and intentionally conspire with each other and other persons to manufacture 1,000 marijuana plants and more, a Schedule I Controlled Substance, in violation of 21 U.S.C. §§ 846, 841(a)(1).

BRADLEY C. KENT
Task Force Officer, DEA

On the basis of the facts presented in the probable cause statement consisting of __ pages, I find probable cause to believe that defendants named in the complaint committed the alleged offense beginning at a date unknown and continuing to November 9, 2012, in violation of 21 U.S.C. §§ 846, 841(a)(1).

HON. BERNARD G. SKOMAL
United States Magistrate Judge