

FILED

UNITED STATES DISTRICT COURT
ALBUQUERQUE, NEW MEXICO

UNITED STATES DISTRICT COURT

for the

NOV 18 2010

United States of America)
 v.)
 Jose Luis MADRIGAL-Hernandez)
 +)
 Victor Arturo IBARRA-Lizama)

Case No.

cmes
MATTHEW BOYKMA
10-MJ-02992

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 11-17-2010 in the county of Bernalillo in the
 Judicial District of New Mexico, the defendant(s) violated:

<i>Code Section</i>	<i>Offense Description</i>
Title 21 U.S.C. Section 841(a)(1) and (b)(1)(C)	Possession with intent to distribute 30 grams or more of a mixture or substance containing a detectable amount of heroin, a controlled substance.

This criminal complaint is based on these facts:

Please see attached Affidavit.

This Criminal Complaint has been reviewed and approved by AUSA Elaine Ramirez.

Continued on the attached sheet.

David Howell

 Complainant's signature
 David Howell, Special Agent

 Printed name and title

Sworn to before me and signed in my presence.

Date: 11-18-2010

Robert H. Scott

 Judge's signature
 Robert H. Scott, US Magistrate Judge

 Printed name and title

City and state: Albuquerque, New Mexico

AFFIDAVIT OF DEA SPECIAL AGENT DAVID HOWELL

The Affiant, Special Agent David Howell, United States Department of Justice, Drug Enforcement Administration, being first duly sworn, hereby states as follows:

Affiant's Background

1. The affiant has been employed by the United States Department of Justice, Drug Enforcement Administration (DEA) since August 2006. During this time the affiant has accumulated the following training and experience:

(a) The affiant graduated from the DEA Academy in Quantico, Virginia. The affiant received approximately 500 hours of specialized narcotics related training. The training included controlled substances identification, narcotics related investigative techniques, interview and interrogation training, preparation of search warrants, tactical application of narcotics enforcement, surveillance and electronic monitoring techniques and money laundering investigations.

(b) As a DEA agent, the affiant has participated in numerous search warrants of the residences of narcotic traffickers, safe houses, and has participated in numerous arrests for drug related offenses.

Relevant Facts

2. This affidavit is made in support of the issuance of a Criminal Complaint charging Jose Luis MADRIGAL-Hernandez and Victor Arturo IBARRA-Lizama with a violation of Title 21 U.S.C. Section 841(a)(1) and (b)(1)(C), possession with intent to distribute heroin, a controlled substance.

3. On November 6, 2010, the affiant and SA Reynaldo Rodriguez drove past 11721 Mocho Place in NE Albuquerque and observed two Hispanic males depart from this residence and enter a gold in color Chevrolet Impala. One of the Hispanic males had been positively identified as Jose Luis MADRIGAL-Hernandez. This was one of several surveillances in which agents observed two Hispanic male individuals delivering heroin in the Impala with a New Mexico temporary tag for a license plate. 11721 Mocho Place had previously been identified as a possible heroin stash residence.

4. On November 7, 2010, DEA surveillance agents observed a male driving a Ford pick-up truck briefly meet with this same Chevrolet Impala observed departing from 11721 Mocho Place (on November 6, 2010). This Ford pick-up truck was later stopped by the Albuquerque Police Department (for a traffic violation) where approximately $\frac{3}{4}$ of an ounce of suspected heroin was discovered within this vehicle.

5. On November 17, 2010, Agents with the DEA and members of the Bernalillo County Sheriff's Office (BCSO) executed a Federal Search Warrant at another previously identified heroin stash residence located at 557 Tramway Blvd Apt # 148 NE, Albuquerque, NM 87123 (please reference Search Warrant 10-MR-501).

6. Upon entering apartment # 148, Agents and members of the BCSO warrant team encountered two residents in this apartment. The first resident is Jose Luis MADRIGAL-Hernandez (DOB: 07-25-1984) and the second resident is Victor Arturo IBARRA-Lizama (DOB: 02-16-1986).

7. Task Force Officer Brad Perea subsequently seized two separate packages of suspected heroin from a bedroom where MADRIGAL-Hernandez was sleeping in. The first package contained balloons filled with user amounts of suspected heroin and the second package contained a larger ball of suspected heroin. A Wal-Mart shopping bag full of United States currency was also seized from this apartment (believed to be profits gained from illicit drug sells). A field test was later conducted on both packages of suspected heroin. Both packages of suspected heroin tested positive for the presence of heroin as witnessed by Special Agent Erin Croft. Both packages of suspected heroin weighed as much as one ounce or more of heroin.

8. In addition to the seized heroin and U.S. currency seized from apartment # 148, the same gold in color Chevrolet Impala was observed delivering heroin by surveillance (November 7, 2010), and was also parked in a parking space near apartment # 148. An informant stated to the affiant that he/she has personally observed both MADRIGAL-Hernandez and IBARRA-Lizama deliver heroin to him/herself. This informant has a history of heroin abuse.

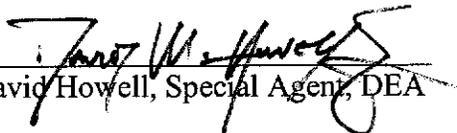
9. IBARRA-Lizama told agents he had recently arrived in Albuquerque to begin delivering drugs, which he claimed to be marijuana, in the Albuquerque area.

Conclusion

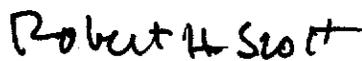
10. Based upon the aforementioned facts, the affiant believes there is probable cause for the arrest of Jose Luis MADRIGAL-Hernandez and Victor Arturo IBARRA-Lizama for Possession with Intent to Distribute heroin a violation of Title 21 USC 841(a)(1) and (b)(1)(C).

11. The aforementioned facts do not include every fact known to the Affiant, only that which is sufficient to establish probable cause.

I declare under penalty of perjury that the facts contained herein are true and correct to the best of my information and knowledge.


David Howell, Special Agent, DEA

SWORN and SUBSCRIBED to before me
this 18th day of July, 2010



Robert H. Scott
United States Magistrate Judge