

UNITED STATES DISTRICT COURT

FILED
At Albuquerque NM
NOV 02 2009

MATTHEW J. DYKMAN
CLERK

for the

Judicial

District of New Mexico

United States of America

v.

Sabas Ramirez-Ruiz

Case No.

09-MJ-3141

Defendant

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 10-30-2009 in the county of Bernalillo in the Judicial District of New Mexico, the defendant violated Title 21 U. S. C. § 841 (a) (1) (b) (1) (A), an offense described as follows:

knowingly and willingly Possess With Intent to Distribute one kilogram or more of a mixture or substance containing a detectable amount of heroin, a controlled substance.

This criminal complaint is based on these facts:

See Attached Affidavit

☒ Continued on the attached sheet.

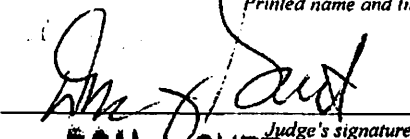
Sworn to before me and signed in my presence.

Date: 11-02-2009

City and state: Albuquerque, New Mexico


Complainant's signature

Thomas A. Bartusiak, Special Agent
Printed name and title


Judge's signature

DON J. SVET

U.S. MAGISTRATE JUDGE

Printed name and title

AFFIDAVIT

I, Thomas A. Bartusiak, Special Agent of the Drug Enforcement Administration (DEA), being duly sworn, depose and state:

I am a Special Agent of the Drug Enforcement Administration and have been so employed since January, 1991. I am currently assigned to the Albuquerque District Office, of the DEA, specifically assigned to investigate federal narcotics offenses.

I am familiar with the information contained in this affidavit through information that was described to me by other agents as well as personal observations and direct contact with the defendant described herein.

This affidavit is made in support of the issuance of a Criminal Complaint charging Sabas Ramirez-Ruiz, aka MARIO, aka Alberto Medina with violations of Title 21 U.S.C. Section 841(a)(1), (b)(1)(A), possession with intent to distribute more than one kilogram of heroin, a controlled substance.

On 10-30-2009 SA Bartusiak and other Albuquerque DEA Group II agents established surveillance at 8317 Copper Ave NE, Albuquerque, NM, hereafter referred to as subject residence. The subject residence was already known to your affiant as a residence frequented by a suspected heroin distributor known to your affiant as MARIO. Surveillance subsequently followed MARIO from the subject residence for over one hour until he arrived at the Motel 6 located at 1000 Avenida Cesar Chavez SE, Albuquerque. Surveillance determined that MARIO entered room 127 at the Motel 6.

At approximately 3:00PM, SA's Bartusiak and Mata knocked on the door at room 127 and MARIO answered the door. SA Bartusiak and Mata identified themselves and asked MARIO for identification. MARIO showed a Monterrey, NL, Mexico identification in the name of Alberto Medina. SA Bartusiak stated to MARIO that agents had been following him for most of the day and had known him from previous investigation, and believed him to be someone other than Alberto Medina. MARIO eventually stated that his true name is Sabas Ramirez-Ruiz and that he is from Tuxpan, Nayarit, Mexico. Ramirez-Ruiz also stated that he is in the U.S. illegally. RAMIREZ-RUIZ stated that he would cooperate with agents. SA Bartusiak told Ramirez-Ruiz that agents would like to return to his residence at 8317 Copper NE and search the residence to which Ramirez-Ruiz agreed and gave agents verbal consent to search the residence. While traveling to the subject residence from the Motel 6, SA Bartusiak asked Ramirez-Ruiz if he had any drugs, guns or drug proceeds in his residence. Ramirez stated that he did have a gun and drugs, but no drug proceeds. Agents then proceeded to 8317 Copper NE with Ramirez-Ruiz and entered the residence, with the permission of Ramirez-Ruiz. Upon entering the residence Ramirez-Ruiz voluntarily gave verbal and written consent to search his residence. Upon searching the residence, SA Bartusiak found a white plastic bag containing thirty one bundles of suspected heroin, next to the bed in the only bedroom of the residence. SA Godier found another bundle of suspected heroin wrapped in white plastic in a shoe box in the closet of the bedroom. SA Bartusiak also found a cookie tin containing twelve small plastic wrapped balls of suspected heroin in the kitchen of the residence.

Subsequent to the seizure of the suspected heroin at the subject residence, Ramirez-Ruiz was placed under arrest. SA Mata read Ramirez-Ruiz his Miranda warnings in Spanish. Ramirez-Ruiz understood and waived his rights as witnessed by SA Bartusiak. Ramirez-Ruiz stated that all of the heroin found in the subject residence was his and that his girlfriend, who lives with him, had

no knowledge of his illegal activities. Ramirez-Ruiz also stated that he received the heroin approximately three days prior to October 30, 2009 and that he distributes most of the heroin by himself.

Special Agent Mark Hyland performed a field test on the suspected heroin found in the three different locations in the subject residence. SA Hyland received a positive result for the presence of heroin on all three field tests. The heroin found in three different locations in the subject residence was weighed by SA Hyland and has a combined approximate gross weight of 1205 grams. Based on my training and experience this amount is consistent with distributable amount of heroin.

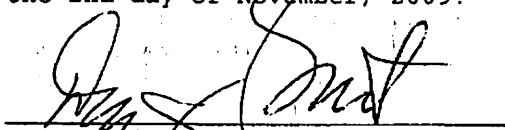
Based on the aforementioned information, I believe that Ramirez-Ruiz illegally possessed with the intent to distribute over one kilogram of heroin in violation of Title 21 USC Section 841(a)(1), (b)(1)(A), possession with intent to distribute more than one kilogram of a mixture and/or substance containing heroin, a controlled substance.

I declare under the penalty of perjury that the foregoing is true and correct to the best of my knowledge.



Thomas A. Bartusiak
Special Agent
Drug Enforcement Administration
Albuquerque District Office

Sworn before me on this the 2nd day of November, 2009.



Don J. Svet
United States Magistrate Judge
New Mexico Judicial District
Albuquerque, New Mexico