

UNITED STATES DISTRICT COURT

~~FILED~~

for the

Eastern District of California

JUL 28 2016

United States of America

v.

Francisco Barcellos-Ramirez

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CLERK, U.S. DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIABY _____
DEPUTY CLERK

Case No. 2:16-MJ-146

CKD

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 July 21, 2016 in the county of Trinity in the
Eastern District of California, the defendant(s) violated:

<i>Code Section</i>	<i>Offense Description</i>
1) 18 U.S.C. Sec. 1368(a)	Harming a Law Enforcement Animal
2) 21 U.S.C. Sec. 841(a)(1)	Manufacturing at Least 1,000 Marijuana Plants, a Schedule I Controlled Substance
3) 21 U.S.C. Sec. 846	Conspiracy/Attempt to Manufacture at Least 1,000 Marijuana Plants, a Schedule I Controlled Substance

This criminal complaint is based on these facts:

See attached affidavit of U.S. Forest Service (USFS) Special Agent Nick Roe.

 Continued on the attached sheet.*/s/*

Complainant's signature

Nick Roe, USFS Special Agent

Printed name and title

Sworn to before me and signed in my presence.

Date:

*7/27/2016**Carolyn K. Delaney*

Judge's signature

Carolyn K. Delaney, United States Magistrate Judge

Printed name and title

City and state: Sacramento, California

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This criminal complaint is based on these facts:

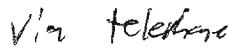
See attached affidavit of U.S. Forest Service (USFS) Special Agent Nick Roe.

Continued on the attached sheet.



Complainant's signature

Nick Roe, USFS Special Agent

Printed name and title

Sworn to before me and signed in my presence:

Date: 7/27/2016

Judge's signature

City and state: Sacramento, California

Carolyn K. Delaney, United States Magistrate Judge

Printed name and title

AFFIDAVIT OF SPECIAL AGENT NICK ROE
IN SUPPORT OF A CRIMINAL COMPLAINT AND ARREST WARRANT

I, Nick Roe, being duly sworn, depose and state the following:

Purpose

1. This Affidavit is made in support of a criminal complaint and arrest warrant for:

a. Francisco Barcellos-Ramirez

For the following federal law violations:

COUNT 1: Harming an Animal Used in Law Enforcement (18 U.S.C. § 1368(a))

COUNT 2: Manufacturing at Least 1,000 Marijuana Plants, a Schedule I Controlled Substance (21 U.S.C. § 841(a)(1))

COUNT 3: Conspiracy/Attempt to Manufacture at Least 1,000 Marijuana Plants, a Schedule I Controlled Substance (21 U.S.C. § 846)

Affiant's Background and Experience

2. I am a Special Agent with the United States Department of Agriculture, Forest Service Law Enforcement and Investigations. I have been so employed since December of 2010. Prior to being a Special Agent I was a law enforcement officer for approximately four years. I was trained as a Forest Service Special Agent at the Federal Law Enforcement Training Center, Glynco, Georgia. During my training, I received specialized instruction in the Controlled Substance Act, Title 21 United States Code, including Conspiracy to Commit Controlled Substance Violations, respectively. I have received specialized training regarding criminal organizations engaged in conspiracies to manufacture and/or possess with the intent to distribute marijuana and other dangerous drugs prohibited by law. I have received further training in search and seizure law and many other facets of drug law enforcement.

3. During the course of my employment as a Forest Service Law Enforcement Officer, I have participated in numerous criminal investigations and have gained knowledge and experience by working with other Officers and Agents. I have participated in numerous Federal and State search warrants involving controlled substances, the seizure of narcotic related records and other types of evidence that document the activities of criminal organizations in both the manufacturing and distribution of controlled substances. To successfully conduct these investigations, I have utilized a variety of investigative techniques and resources, including physical and electronic surveillance and various types of infiltration, including cooperating sources and undercover agents. Through these investigations, my training and experience, and conversations with other experienced agents and law enforcement personnel, I

4. Through my training and experience as a Forest Service Law Enforcement Officer, I have become familiar with the methods used by people to manufacture marijuana, smuggle and safeguard marijuana, to distribute marijuana, and to collect and launder related proceeds, and I know that it is unlawful under 21 U.S.C. §§ 841 and 846 to manufacture controlled substances and to attempt or

conspire to do the same. I also know that it is also unlawful under 18 U.S.C. § 1368(a) for a person to harm a law enforcement animal.

5. This affidavit is made in support of a criminal complaint charging Francisco Barcellos-Ramirez with harming a law enforcement animal, in violation of 18 U.S.C. § 1368(a), and manufacturing at least 1,000 marijuana plants, a Schedule I controlled substance, and attempting or conspiring to do the same, in violation of 21 U.S.C. §§ 841(a)(1) and 846. The information contained in this affidavit is based on my review of the reports and files in this case, conversations with other law enforcement personnel, and my own personal knowledge. The following is not an exhaustive list of the facts I have learned during this investigation. Instead, the facts described below are the facts that I believe support a finding of probable cause to issue a federal criminal complaint.

STATEMENT OF PROBABLE CAUSE

6. On July 21, 2016, agents from the U.S. Forest Service and Trinity County Sheriff's Office entered into a marijuana cultivation site that was located in Saddle Gulch on the Shasta-Trinity National Forest in Trinity County.

7. The marijuana cultivation site was previously located during aerial reconnaissance. It was believed to be a Hispanic Drug Trafficking Organization (HDTO) cultivation site, due to its location, the manner in which the marijuana was being cultivated and multiple HDTO marijuana sites eradicated in this drainage in the past several years.

8. As the agents neared the site, they observed over one-thousand marijuana plants growing in a manner commonly used by HDTO marijuana cultivators. The marijuana was growing in open rows with multiple plants in each hole.

9. As the agents approached the site they witnessed two suspects dressed in dark clothing, walking through the growing marijuana plants carrying buckets. One of the Forest Service agents yelled, "Stop Police" and the two suspects began running away from the law enforcement team.

10. One suspect fled west through the marijuana plants, while the other ran downhill to the north. Officer Carson Harris deployed his police canine, "Jasper," after the suspect who fled west, and Officer Chris Magallon deployed his police canine, "Ice," who pursued the suspect who ran to the north. The suspect running north was closer to the law enforcement team, and both canines ended up apprehending that suspect, who was later identified as Francisco Barcellos-Ramirez.

11. When agents reached the canines, they saw that both canines had ahold of Barcellos-Ramirez, with each canine biting Barcellos-Ramirez's left and right arms, respectively.

12. Officer Magallon observed a brown leather sheath (for a knife) on Barcellos-Ramirez's right hip area, but he did not see a knife. Officer Magallon inspected his police canine, Ice, and found that Ice was bleeding profusely. Ice had been stabbed multiple times in the muzzle, chest, and shoulder areas. Officer Magallon immediately began administering first aid to the canine and applied "Quick Clot" to the wounds and pressure bandages. Officer Magallon carried Ice up to a road and they were transported by helicopter to Redding.

13. Officer Trujillo examined Barcellos-Ramirez and noted what appeared to be light lacerations on his arms with little or no bleeding. He then searched Barcellos-Ramirez and located a wallet that contained an identification card from the Mexican consulate, as well as a California State benefit/welfare card that appeared to identify him by name.

14. Afterwards, agents investigated the cultivation site and located a camp, just north of the site, that consisted of camouflage and green tarp, two sleeping bags, multiple items of food, toiletries, and clothing, as well as a propane stove, propane tank, and miscellaneous garbage.

15. Officer Trujillo also located two 1-inch water lines that were running to the camp and marijuana cultivation site from the drainages to the west. He located where both waterlines were put into the creek and were sucking water.

16. Agents also located a knife in the vicinity of where Barcellos-Ramirez and the two canines were situated at the end of the pursuit. One of the agents confirmed that the knife appeared to fit the empty sheath that was on Barcellos-Ramirez's hip.

17. A total of 1,606 marijuana plants were eradicated at this cultivation site. All were hand watered by black piping with shut off valves and extended pipes, which were fed by a nearby creek to the west. Each hole the marijuana plants were planted in contained between 1-5 growing plants.

18. Sgt. Bryan Ward transported Barcellos-Ramirez to the hospital in Weaverville for medical treatment prior to booking at the Trinity County Jail.

19. I later interviewed Barcellos-Ramirez with the help of Trinity County Reserve Deputy Bill Ochoa who is fluent in Spanish. Barcellos-Ramirez waived his *Miranda* rights and confessed to growing the marijuana.

20. Barcellos-Ramirez stated he had been at the marijuana site since the end of April and was going to get fifteen percent of the harvested marijuana. Moments later, Barcellos-Ramirez stated that he was introduced to "the boss" by the co-conspirator who eluded apprehension at the time of his arrest (i.e., the suspect who fled to the west).

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Conclusion

21. Based on the above information, there is probable cause to believe that Francisco Barcellos-Ramirez's conduct on July 21, 2016 violated Title 18 of the United States Code, Section 1368(a), and Title 21 of the United States Code, Sections 841(a)(1) and 846, manufacturing at least 1,000 marijuana plants, and attempt or conspiracy to do the same. A warrant for Barcellos-Ramirez's arrest should issue, accordingly,

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



NICK ROE
Special Agent
United States Forest Service

via telephone
Sworn to and subscribed before me on July 27, 2016.



Hon. CAROLYN K. DELANEY
United States Magistrate Judge

Approved as to form:



TIMOTHY H. DELGADO
Assistant United States Attorney

Conclusion

21. Based on the above information, there is probable cause to believe that Francisco Barcellos-Ramirez's conduct on July 21, 2016 violated Title 18 of the United States Code, Section 1368(a), and Title 21 of the United States Code, Sections 841(a)(1) and 846, manufacturing at least 1,000 marijuana plants, and attempt or conspiracy to do the same. A warrant for Barcellos-Ramirez's arrest should issue, accordingly,

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

/s/
NICK ROE
Special Agent
United States Forest Service

Sworn to and subscribed before me on July 27, 2016.

via telephone

Carolyn K. Delaney
Hon. CAROLYN K. DELANEY
United States Magistrate Judge

Approved as to form:

TD
TIMOTHY H. DELGADO
Assistant United States Attorney