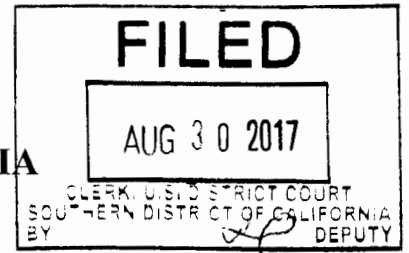


1 UNITED STATES DISTRICT COURT  
2 SOUTHERN DISTRICT OF CALIFORNIA



3  
4 '17MJ3110

5 UNITED STATES OF AMERICA

6 vs.

7  
8 CESAR DALEO,

Magistrate's Case No.

9 } COMPLAINT FOR VIOLATION OF  
10 } 21 U.S.C. 841(c)(2) and 846  
11 } (Conspiracy to Possess Listed  
12 } Chemical Knowing or Having  
13 } Reasonable Cause To Believe  
14 } That the Listed Chemical Would  
15 } Be used to Manufacture a  
16 } Controlled Substance -  
17 } Fentanyl); Attempted Possession  
18 } Of Listed Chemical Knowing or  
19 } Having Reasonable Cause To  
20 } Believe That the Listed Chemical  
21 } Would Be used to Manufacture a  
22 } Controlled Substance

23 The undersigned complainant being duly sworn states:

24 COUNT ONE

25 **Conspiracy to Possess Listed Chemical Knowing or Having Reasonable  
26 Cause To Believe That the Listed Chemical Would Be used to  
27 Manufacture a Controlled Substance, Fentanyl**

28 Beginning at a date unknown and continuing up to and including August 29, 2017, within the Southern District of California, and elsewhere, defendant **CESAR DALEO** did knowingly and intentionally conspire with others to possess a listed chemical (4ANPP) chemical, knowing or having reasonable cause to believe that the listed chemical would be used to manufacture a controlled substance, namely fentanyl; in violation of Title 21, United States Code, Sections 841(c)(2) and 846.

**COUNT TWO**


**(Attempted Possession Of Listed Chemical Knowing or Having Reasonable Cause To Believe That the Listed Chemical Would Be used to Manufacture a Controlled Substance, Fentanyl)**

On or about August 29, 2017, within the Southern District of California, defendant **CESAR DALEO** did knowingly and intentionally attempt to possess a listed chemical (4ANPP) chemical, knowing or having reasonable cause to believe that the listed chemical would be used to manufacture a controlled substance, namely fentanyl; in violation of Title 21, United States Code, Sections 841(c)(2) and 846.

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

  
EDWARD BRYNE  
U.S. Homeland Security Investigations

Sworn to before me and subscribed in my presence, this 30 day of August 2017.

  
THE HONORABLE JILL BURKHARDT  
United States Magistrate Judge

**United States of America**

**vs.**

**Cesar DALEO**

**PROBABLE CAUSE STATEMENT**

On August 28, 2017, at approximately 1400 hours, Cesar DALEO (“DALEO”), a United States Citizen, was arrested while attempting to drive into Mexico with one kilogram of 4-ANPP, a schedule II precursor chemical used to manufacture Fentanyl. DALEO was the driver and sole occupant, of a 2015 white Chevrolet Malibu (“the vehicle”) bearing California license plates.

On August 11, 2017 a Customs and Border Protection Officer (CBPO) assigned to the Los Angeles International Mail Facility, selected an incoming parcel (“the parcel”) from China addressed to a Postal Box in San Ysidro California. After closer inspection and subsequent testing, it was determined that the package contained 4ANPP (4-anilino-N-phenethyl-4-piperidine) a schedule II precursor chemical used to produce Fentanyl. According to the DEA Chemist, 4ANPP (4-anilino-N-phenethylpiperidine) is the immediate precursor to fentanyl.

On August 15, 2017 Homeland Security Investigations (HSI) agents assigned to Contraband Group IV were notified of the 4-ANPP seizure at the Los Angeles International Mail Facility. Agents requested the parcel be sent to them for further investigation.

On August 17, 2017 an HSI agent received the parcel in San Diego and conducted further investigation. The destination address was found to be a privately owned mail intake facility. The parcel was addressed to “Alfonso Flores.” On August 21, 2017 a United States Postal Inspector (USPI) obtained the records of the box applicant. Records indicated that Alfonso FLORES is the name listed as the

P.O. Box renter. On August 22, 2017, an HSI agent and a Drug Enforcement Administration (DEA) agent spoke with an employee of the mail facility. The employee produced documentation that identified Cesar DALEO as an individual authorized to pick up mail from Flores' P.O. Box. The records also indicated that DALEO had been the only person that had signed for a total of 13 parcels since December 22, 2016.

On August 29, 2017 HSI agents repacked the parcel utilizing a sham material due to the dangerous nature of 4-ANPP. A Postal Inspector delivered the parcel to the destination address. Agents from HSI, DEA, and United States Fish & Wildlife (USFW) maintained constant surveillance on the business.

At approximately 1:40 P.M., DALEO arrived at the business. DALEO entered the business and soon after returned to the vehicle. Agents observed DALEO carrying the parcel. DALEO entered the vehicle and sat inside for several minutes. DALEO then exited the vehicle and opened the trunk. Agents observed that DALEO had removed the bag that was inside the parcel and held the bag and the packaging in his hands. DALEO then placed both items in the trunk of the vehicle and entered the driver's seat.

DALEO then exited the parking lot and headed south. Agents maintained close surveillance on DALEO. DALEO then committed to the southbound ramp on the Interstate 5 freeway towards Mexico. Agents initiated a vehicle stop on DALEO before he could enter Mexico. Inside the trunk area agents located the packaging and the bag containing the sham material. DALEO was removed from the vehicle and placed in handcuffs. DALEO and the vehicle were brought to the San Ysidro Port of Entry for further processing.

At approximately 1537 hours, HSI SA Byrne, DEA SA Herron, and USFW SA Nieves conducted an audio and video taped interview with DALEO. DALEO agreed to waive his *Miranda* right and speak with agents. During the interview, DALEO stated that he was currently living in Mexico in condominium he had purchased. DALEO also possessed a Mexican Voter Identification Card. DALEO stated that he had been picking up parcels at FLORES' box for several months. DALEO and FLORES were in the food brokering business in Mexico. DALEO agreed with another person to have packages sent from China to the mail box. DALEO stated he took pictures of several parcels he signed for. These pictures were viewed by agents. Several parcels had similar bags inside all being about the same size and weight as the one kilogram bag he was arrested with. DALEO did not know the exact identification of the powder inside but it was his understanding that it would be used to produce and increase the weight of illegal narcotics.