AO 91 (Rev. 11/11) Criminal Complaint

UNITED STATES DISTRICT COURT
for the
Northern District of California

FILED
JAN 26 2021
SUSAN Y. SOONG
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE

United States of America
v.
Miguel Angel Moreno,

Defendant(s)

Case No. CR 21 70149MAG

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 December 11, 2020 in the county of Santa Clara in the Northern District of California, the defendant(s) violated:

Code Section	*Offense Description*
21 U.S.C. §§ 841(a)(1) and 841(b)(1)(A)(viii)	Possession with intent to distribute and distribution of 500 grams and more of a mixture and substance containing methamphetamine Penalties: Minimum 10 years imprisonment, maximum life imprisonment; supervised release term of a minimum 5 years, maximum life; $10,000,000 fine; and $100 special assessment

This criminal complaint is based on these facts:

See affidavit of DEA Special Agent Kelly R. Campbell, attached hereto and incorporated by reference

☑ Continued on the attached sheet.

/s/ Kelly R. Campbell
Complainant's signature

Approved as to form Sarah E. Griswold
AUSA Sarah Griswold

Kelly R. Campbell, Special Agent, DEA
Printed name and title

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by telephone.

Date: January 25, 2021

Judge's signature

City and state: San Jose, CA

Nathanael M. Cousins, U.S. Magistrate Judge
Printed name and title

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AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

I, Kelly R. Campbell, a Special Agent with the Drug Enforcement Administration (DEA), hereby duly sworn, declare and state:

INTRODUCTION

1. I am an "investigative or law enforcement officer of the United States" within the meaning of Title 18, United States Code, Section 2510(7), that is, an officer of the United States who is empowered by law to conduct investigations of, and to make arrests for, offenses enumerated in Title 18, United States Code, Section 2516.

2. I make this affidavit in support of a Criminal Complaint charging **Miguel Angel Moreno** with one count of possession with intent to distribute and distribution of 500 grams and more of a mixture and substance containing methamphetamine, in violation of 21 U.S.C. §§ 841(a)(1) and 841(b)(1)(A)(viii).

3. The facts in this affidavit come from my personal observations, my training and experience, information from records and databases, and information obtained from other agents and witnesses. In addition, where statements made by other individuals (including other Special Agents and law enforcement officers) are referenced in this Affidavit, such statements are described in sum and substance and in relevant part. Similarly, where information contained in reports and other documents or records are referenced in this Affidavit, such information is also described in sum and substance and in relevant part.

4. Because this Affidavit is submitted for the limited purpose of establishing probable cause for a criminal complaint, I have not included each and every fact known to me about this case. Rather, I have set forth only the facts that I believe are necessary to support probable cause for a criminal complaint.

AFFIANT BACKGROUND

5. I am a Special Agent with the United States Department of Justice, Drug Enforcement Administration ("DEA"), and have been so employed since August of 2019. I am currently assigned to the San Francisco Division at the San Jose Resident Office.

5. I have successfully completed a nineteen-week DEA Basic Agent Training Academy at the DEA Academy in Quantico, Virginia. This training included instruction in the investigation of federal drug violations, including, but not limited to Title 21, United States Code Sections 841 and 846. Additionally, this training included several hundred hours of comprehensive, formalized instruction in, but not limited to, narcotics investigations, drug identification, detection, interdiction, financial investigations and money laundering, identification and seizure of drug related assets, undercover operations, and electronic and physical surveillance procedures.

6. During the course of my employment, I have participated in several narcotics and financial investigations. I have debriefed defendants, confidential sources, and witnesses who

had personal knowledge regarding narcotics trafficking organizations. In addition, I have discussed with numerous law enforcement officers, and confidential sources, the methods and practices used by narcotics traffickers. I also have participated in many aspects of drug and financial investigations including, but not limited to, undercover operations, telephone toll analysis, records research, and physical and electronic surveillance. Moreover, I have assisted on the execution of several federal and state search and arrest warrants that resulted in the arrest of suspects and seizure of narcotics and assets.

7. Through my training, education, experience, and my conversations with other agents and officers who conduct drug investigations, I have become familiar with narcotics traffickers' use of mobile telephones, and their use of numerical codes and code words to conduct their business. Also, I have become familiar with narcotics traffickers' methods of operation, including, but not limited to, the manufacturing, distribution, storage, and transportation of narcotics, and the methods used by drug traffickers to collect, transport, safeguard, remit, and/or launder drug proceeds.

APPLICABLE LAW

8. Pursuant to Title 21, United States Code, Section 841(a)(1), it is unlawful for any person knowingly distribute, or possess with intent to distribute a controlled substance. Under 21 C.F.R. § 1308.12(d)(2), methamphetamine is a Schedule II controlled substance.

STATEMENT OF PROBABLE CAUSE

9. As discussed below, the Drug Enforcement Administration (DEA) used confidential source (CS-1)[1] and DEA Task Force Officer acting in an undercover capacity (UC) to purchase methamphetamine from Miguel Angel Moreno.

10. CS-1 coordinated the methamphetamine transaction with Moreno through numerous telephone calls and text messages. Through these communications, CS-1 and Moreno agreed that Moreno would sell CS-1 a kilogram of methamphetamine for $6,000.[2]

11. On December 11, 2020, the UC and CS-1 met Moreno in San Jose, California.

12. Surveillance agents and officers saw Moreno arrive at the agreed upon meeting

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[1] CS-1 has been working at the DEA's behest since October 2018. CS-1 is working for judicial consideration arising from his/her arrest in 2018 on drug-related charges regarding possession of controlled substances. CS-1 has a prior felony drug-related conviction from the early 2000's. All information provided by CS-1 has been independently corroborated when possible, and CS-1 has never been known to provide false, misleading, or untruthful information. Additionally, CS-1's handlers have instructed CS-1 to contact Moreno on a consensually monitored telephone.

[2] All of the communications between CS-1 and Moreno discussed herein were recorded on a consensually monitored line, and were in Spanish, and were reviewed by the UC, who is a native Spanish speaker.

location where the UC and CS-1 were waiting next to the UC's vehicle. Moreno pulled up next to the UC and CS-1, and talked with the UC and CS-1 while staying in his vehicle.[3] During the meeting, the UC asked Moreno how much it was for the "stuff," and Moreno responded that it was "six." The UC understood this to mean $6,000. The UC pulled out the $6,000 in Official Advanced Funds, and Moreno said to leave it on the front passenger seat of Moreno's vehicle. The UC put the money on the seat and asked where the "stuff" was. Moreno said it was in the back seat and pointed at a red/orange shoe box. Moreno then reached into the back seat, retrieved the box, and handed it to the UC. The UC placed the box on the front passenger seat, opened it, and saw a clear plastic bag inside with large shards of suspected methamphetamine. The UC then told Moreno that it looked great, and took the box containing the suspected methamphetamine back to the UC's vehicle. At this point, Moreno drove away.

13. Later that day, I field-tested the suspected methamphetamine using a "TruNarc" device. Per the TruNarc, the substance tested presumptively positive for the presence of methamphetamine. The methamphetamine had a gross weight of 1054.3 grams.

CONCLUSION

14. On the basis of my participation in this investigation and the information summarized above there is probable cause to believe that **Miguel Angel Moreno** violated 21 U.S.C. §§ 841(a)(1) and (b)(1)(A)(viii).

/s/ Kelly R. Campbell
KELLY R. CAMPBELL
Special Agent
Drug Enforcement Administration

Sworn to before me over the telephone and signed by me pursuant to Fed. R. Crim. P. 4.1 and 4(d) on this 25th day of January 2021. This complaint and warrant are to be filed under seal.

THE HONORABLE NATHANAEL M. COUSINS
United States Magistrate Judge

[3] The conversation set forth herein during the transaction between Moreno and the UC and CS-1 occurred in Spanish and was recorded. The UC subsequently provided summary translations of the conversation with Moreno.