

**SEALED
BY COURT ORDER**

UNITED STATES DISTRICT COURT

for the

Northern District of California

United States of America

v.

Alfredo Lopez-Villegas

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)
)
)
)

Case No. CR-14-0078-EMC

Defendant

ARREST WARRANT

To: Any authorized law enforcement officer

YOU ARE COMMANDED to arrest and bring before a United States magistrate judge without unnecessary delay
(name of person to be arrested) ALFREDO LOPEZ-VILLEGAS,
who is accused of an offense or violation based on the following document filed with the court:

- Indictment Superseding Indictment Information Superseding Information Complaint
- Probation Violation Petition Supervised Release Violation Petition Violation Notice Order of the Court

This offense is briefly described as follows:

- 21:846 Conspiracy to distribute and to possess with intent to distribute methamphetamine
- 21:841(a)(1) Possession with intent to distribute and distribution of methamphetamine

Date: Feb 13, 2014

Issuing officer's signature

City and state: Oakland, CA

Kelly Collins, Deputy Clerk

Printed name and title

Return

This warrant was received on (date) _____, and the person was arrested on (date) _____
at (city and state) _____.

Date: _____

Arresting officer's signature

Printed name and title

**SEALED
BY COURT ORDER**

UNITED STATES DISTRICT COURT

for the

Northern District of California

United States of America

v.

Alejandro Miranda

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)
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)

Case No. CR-14-0078-EMC

Defendant

ARREST WARRANT

To: Any authorized law enforcement officer

YOU ARE COMMANDED to arrest and bring before a United States magistrate judge without unnecessary delay
(name of person to be arrested) ALEJANDRO MIRANDA,
who is accused of an offense or violation based on the following document filed with the court:

- Indictment Superseding Indictment Information Superseding Information Complaint
- Probation Violation Petition Supervised Release Violation Petition Violation Notice Order of the Court

This offense is briefly described as follows:

- 21:846 Conspiracy to distribute and to possess with intent to distribute methamphetamine
- 21:841(a)(1) Possession with intent to distribute and distribution of methamphetamine

Date: Feb 13, 2014

Issuing officer's signature

City and state: Oakland, CA

Kelly Collins, Deputy Clerk

Printed name and title

Return

This warrant was received on (date) _____, and the person was arrested on (date) _____
at (city and state) _____.

Date: _____

Arresting officer's signature

Printed name and title

United States District Court

FOR THE
NORTHERN DISTRICT OF CALIFORNIA

**SEALED
BY COURT ORDER**

VENUE: San Francisco

CR14-00078

EMC

UNITED STATES OF AMERICA,

v.

ALFREDO LOPEZ-VILLEGAS, and ALEJANDRO MIRANDA,

FILED

FEB 13 2014

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND

DEFENDANT.

INDICTMENT

21 U.S.C. § 846 - Conspiracy to Distribute and Possess With Intent to Distribute Methamphetamine; 21 U.S.C. § 841(a)(1) - Possession With Intent to Distribute and Distribution of Methamphetamine; 21 U.S.C. § 853 - Drug Forfeiture Allegation

A true bill.

[Signature]

Foreman

Filed in open court this 13th day of

Feb, 2014

[Signature]

Clerk

Bail, \$ no bail warrants
Kandis Wislizen 2/13/14

1 MELINDA HAAG (CABN 132612)
United States Attorney

FILED

FEB 13 2014

**SEALED
BY COURT ORDER**

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND

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8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA
10 SAN FRANCISCO DIVISION

EMC

CR14-00078

11
12 UNITED STATES OF AMERICA,

13 Plaintiff,

14 v.

15 ALFREDO LOPEZ-VILLEGAS, and
ALEJANDRO MIRANDA,

16 Defendants.
17

) CASE NO.

) VIOLATIONS: 21 U.S.C. § 846 – Conspiracy to
) Distribute and Possess With Intent to Distribute
) Methamphetamine; 21 U.S.C. § 841(a)(1) –
) Possession With Intent to Distribute and Distribution
) of Methamphetamine; 21 U.S.C. § 853 – Drug
) Forfeiture Allegation

18
19 INDICTMENT

20 The Grand Jury charges:

21 COUNT ONE: (21 U.S.C. § 846 – Conspiracy to Distribute and to Possess With Intent to
22 Distribute Methamphetamine)

23 Beginning at least as early as February 1, 2013, and continuing through at least November 1,
24 2013, both dates being approximate and inclusive, in the Northern District of California, the defendants,

25 ALFREDO LOPEZ-VILLEGAS, and
26 ALEJANDRO MIRANDA,

27 and others known and unknown to the Grand Jury, did knowingly and intentionally conspire to possess
28 with intent to distribute and to distribute 50 grams or more of a Schedule II controlled substance, to wit:

1 methamphetamine, its salts, optical and geometric isomers, and salts of its isomers, in violation of Title
2 21, United States Code, Sections 846 and 841(a)(1) and (b)(1)(A).

3
4 COUNT TWO: (21 U.S.C. § 841(a)(1) – Possession With Intent to Distribute and Distribution of
5 Methamphetamine)

6 On or about February 1, 2013, in the Northern District of California, the defendant,

7 ALEJANDRO MIRANDA,

8 did knowingly and intentionally possess with intent to distribute and distribute a Schedule II controlled
9 substance, to wit: 5 grams or more of methamphetamine, its salts, optical and geometric isomers, and
10 salts of its isomers, in violation of Title 21, United States Code, Sections 841(a)(1) and (b)(1)(B).

11
12 COUNT THREE: (21 U.S.C. § 841(a)(1) – Possession With Intent to Distribute and Distribution of
13 Methamphetamine)

14 On or about February 26, 2013, in the Northern District of California, the defendant,

15 ALEJANDRO MIRANDA,

16 did knowingly and intentionally possess with intent to distribute and distribute a Schedule II controlled
17 substance, to wit: 50 grams or more of methamphetamine, its salts, optical and geometric isomers, and
18 salts of its isomers, in violation of Title 21, United States Code, Sections 841(a)(1) and (b)(1)(A).

19
20 COUNT FOUR: (21 U.S.C. § 841(a)(1) – Possession With Intent to Distribute and Distribution of
21 Methamphetamine)

22 On or about September 27, 2013, in the Northern District of California, the defendants,

23 ALFREDO LOPEZ-VILLEGAS, and
24 ALEJANDRO MIRANDA,

25 did knowingly and intentionally possess with intent to distribute and distribute a Schedule II controlled
26 substance, to wit: 50 grams or more of methamphetamine, its salts, optical and geometric isomers, and
27 salts of its isomers, in violation of Title 21, United States Code, Sections 841(a)(1) and (b)(1)(A).

28 ///

1 COUNT FIVE: (21 U.S.C. § 841(a)(1) – Possession With Intent to Distribute and Distribution of
2 Methamphetamine)

3 On or about November 1, 2013, in the Northern District of California, the defendants,

4 ALFREDO LOPEZ-VILLEGAS, and
5 ALEJANDRO MIRANDA,

6 did knowingly and intentionally possess with intent to distribute and distribute a Schedule II controlled
7 substance, to wit: 50 grams or more of methamphetamine, its salts, optical and geometric isomers, and
8 salts of its isomers, in violation of Title 21, United States Code, Sections 841(a)(1) and (b)(1)(A).

9
10 DRUG FORFEITURE ALLEGATION: (21 U.S.C. § 853 – Drug Forfeiture)

11 1. The factual allegations contained in Counts One through Five of this Indictment are re-
12 alleged and by this reference fully incorporated herein for the purpose of alleging forfeiture pursuant to
13 the provisions of 21 U.S.C. §§ 853(a)(1) and (2).

14 2. Upon a conviction of the offenses alleged in Counts One through Five, the defendants,

15 ALFREDO LOPEZ-VILLEGAS, and
16 ALEJANDRO MIRANDA,

17 shall forfeit to the United States all right, title and interest in any property constituting and derived from
18 any proceeds defendants obtained, directly or indirectly, as a result of said violations, and any property
19 used, or intended to be used, in any manner or part, to commit or to facilitate the commission of said
20 violations.

21 3. If, as a result of any act or omission of the defendants, any of said property

- 22 a. cannot be located upon the exercise of due diligence;
23 b. has been transferred or sold to or deposited with, a third person;
24 c. has been placed beyond the jurisdiction of the Court;
25 d. has been substantially diminished in value; or
26 e. has been commingled with other property which cannot be divided
27 without difficulty;

1 any and all interest defendants have in any other property (not to exceed the value of the above
2 forfeitable property) shall be vested in the United States and forfeited to the United States.

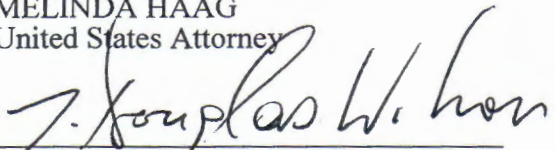
3 All in violation of Title 21, United States Code, Section 853(a)(1), (a)(2), (p) and Rule 32.2 of
4 the Federal Rules of Criminal Procedure.

5 DATED: February 13, 2013

A TRUE BILL.

6
7 
FOREPERSON

9 MELINDA HAAG
United States Attorney

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12 J. DOUGLAS WILSON
Chief, Criminal Division

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14 (Approved as to form: )
15 FRANK J. RIEBLI
Assistant United States Attorney

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DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURT

BY: COMPLAINT INFORMATION INDICTMENT SUPERSEDING

OFFENSE CHARGED

21 U.S.C. § 846
21 U.S.C. § 841(a)(1), (b)(1)(B)
21 U.S.C. § 841(a)(1), (b)(1)(A)

- Petty
- Minor
- Misdemeanor
- Felony

PENALTY: see attached

SEALED BY COURT ORDER

Name of District Court, and/or Judge/Magistrate Location

NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

ORIGINAL FILED
FEB 9 2014

DEFENDANT - U.S.

Alejandro Miranda

DISTRICT COURT NUMBER

CRI4-00078

EMC

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND

PROCEEDING

Name of Complainant Agency, or Person (& Title, if any)

Geoff Kolanowski, DEA Special Agent

person is awaiting trial in another Federal or State Court, give name of court

this person/proceeding is transferred from another district per (circle one) FRCrp 20, 21, or 40. Show District

this is a reprosecution of charges previously dismissed which were dismissed on motion of:

U.S. ATTORNEY DEFENSE

SHOW DOCKET NO.

this prosecution relates to a pending case involving this same defendant

MAGISTRATE CASE NO.

prior proceedings or appearance(s) before U.S. Magistrate regarding this defendant were recorded under

Name and Office of Person

Furnishing Information on this form Melinda Haag

U.S. Attorney Other U.S. Agency

Name of Assistant U.S. Attorney (if assigned)

Frank Riebli

DEFENDANT

IS NOT IN CUSTODY

Has not been arrested, pending outcome this proceeding.

- 1) If not detained give date any prior summons was served on above charges
- 2) Is a Fugitive
- 3) Is on Bail or Release from (show District)

IS IN CUSTODY

- 4) On this charge
- 5) On another conviction } Federal State
- 6) Awaiting trial on other charges
If answer to (6) is "Yes", show name of institution

Has detainer been filed? Yes No

If "Yes" give date filed

DATE OF ARREST

Month/Day/Year

Or... if Arresting Agency & Warrant were not

DATE TRANSFERRED TO U.S. CUSTODY

Month/Day/Year

This report amends AO 257 previously submitted

ADDITIONAL INFORMATION OR COMMENTS

PROCESS:

SUMMONS NO PROCESS* WARRANT

Bail Amount: _____

If Summons, complete following:

Arraignment Initial Appearance

* Where defendant previously apprehended on complaint, no new summons or warrant needed, since Magistrate has scheduled arraignment

Defendant Address: _____

Date/Time: _____ Before Judge: _____

Comments: _____

PENALTY SHEET

COUNT ONE: 21 U.S.C. §§ 846, 841(a)(1), (b)(1)(A) – Conspiracy to distribute or possess with the intent to distribute 50 grams or more of methamphetamine

- a. Minimum Term of Imprisonment: 10 years
- b. Maximum Term of Imprisonment: Life
- c. Minimum Fine: N/A
- d. Maximum Fine: \$10,000,000
- e. Minimum Term of Supervised Release: 5 years
- f. Maximum Term of Supervised Release: Life
- g. Mandatory Special Assessment: \$100
- h. Denial of Federal Benefits: 5 years

COUNT TWO: 21 U.S.C. §§ 841(a)(1), (b)(1)(B) – Distribution and possession with the intent to distribute 5 grams or more of methamphetamine

- a. Minimum Term of Imprisonment: 5 years
- b. Maximum Term of Imprisonment: 40 years
- c. Minimum Fine: N/A
- d. Maximum Fine: \$5,000,000
- e. Minimum Term of Supervised Release: 4 years
- f. Maximum Term of Supervised Release: Life
- g. Mandatory Special Assessment: \$100
- h. Denial of Federal Benefits: 5 years

COUNT THREE: 21 U.S.C. §§ 841(a)(1), (b)(1)(A) – Distribution and possession with the intent to distribute 50 grams or more of methamphetamine

- a. Minimum Term of Imprisonment: 10 years
- b. Maximum Term of Imprisonment: Life
- c. Minimum Fine: N/A
- d. Maximum Fine: \$10,000,000
- e. Minimum Term of Supervised Release: 5 years
- f. Maximum Term of Supervised Release: Life
- g. Mandatory Special Assessment: \$100
- h. Denial of Federal Benefits: 5 years

COUNT FOUR: 21 U.S.C. §§ 841(a)(1), (b)(1)(A) – Distribution and possession with the intent to distribute 50 grams or more of methamphetamine

- a. Minimum Term of Imprisonment: 10 years
- b. Maximum Term of Imprisonment: Life

- | | | |
|----|-------------------------------------|--------------|
| c. | Minimum Fine: | N/A |
| d. | Maximum Fine: | \$10,000,000 |
| e. | Minimum Term of Supervised Release: | 5 years |
| f. | Maximum Term of Supervised Release: | Life |
| g. | Mandatory Special Assessment: | \$100 |
| h. | Denial of Federal Benefits: | 5 years |

COUNT FIVE: 21 U.S.C. §§ 841(a)(1), (b)(1)(A) – Distribution and possession with the intent to distribute 50 grams or more of methamphetamine

- | | | |
|----|-------------------------------------|--------------|
| a. | Minimum Term of Imprisonment: | 10 years |
| b. | Maximum Term of Imprisonment: | Life |
| c. | Minimum Fine: | N/A |
| d. | Maximum Fine: | \$10,000,000 |
| e. | Minimum Term of Supervised Release: | 5 years |
| f. | Maximum Term of Supervised Release: | Life |
| g. | Mandatory Special Assessment: | \$100 |
| h. | Denial of Federal Benefits: | 5 years |

DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURT

BY: COMPLAINT INFORMATION INDICTMENT SUPERSEDING

Name of District Court, and/or Judge/Magistrate Location

NORTHERN DISTRICT OF CALIFORNIA

SAN FRANCISCO DIVISION

ORIGINAL FILED FEB 19 2014

OFFENSE CHARGED

21 U.S.C. § 846
21 U.S.C. § 841(a)(1), (b)(1)(A)

- Petty
 Minor
 Misdemeanor
 Felony

SEALED BY COURT ORDER

PENALTY: Minimum 10 years in prison
Maximum life prison term
Maximum \$10,000,000 fine
5 years to life supervised release
\$100 special assessment

DEFENDANT - U.S.

RICHARD W. WIERING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND

Alfredo Lopez

DISTRICT COURT NUMBER

CR14-00078

EMC

PROCEEDING

Name of Complainant Agency, or Person (& Title, if any)

Geoff Kolanowski, DEA Special Agent

person is awaiting trial in another Federal or State Court, give name of court

this person/proceeding is transferred from another district per (circle one) FRCrp 20, 21, or 40. Show District

this is a reprosecution of charges previously dismissed which were dismissed on motion of:

U.S. ATTORNEY DEFENSE

SHOW DOCKET NO.

this prosecution relates to a pending case involving this same defendant

MAGISTRATE CASE NO.

prior proceedings or appearance(s) before U.S. Magistrate regarding this defendant were recorded under

Name and Office of Person

Furnishing Information on this form Melinda Haag

U.S. Attorney Other U.S. Agency

Name of Assistant U.S. Attorney (if assigned)

Frank Riebli

DEFENDANT

IS NOT IN CUSTODY

Has not been arrested, pending outcome this proceeding.

If not detained give date any prior summons was served on above charges

Is a Fugitive

Is on Bail or Release from (show District)

IS IN CUSTODY

On this charge

On another conviction

Federal State

Awaiting trial on other charges

If answer to (6) is "Yes", show name of institution

Has detainer been filed? Yes No

If "Yes" give date filed

DATE OF ARREST

Month/Day/Year

Or... if Arresting Agency & Warrant were not

DATE TRANSFERRED TO U.S. CUSTODY

Month/Day/Year

This report amends AO 257 previously submitted

ADDITIONAL INFORMATION OR COMMENTS

PROCESS:

SUMMONS NO PROCESS* WARRANT

Bail Amount: No bail

If Summons, complete following:

Arraignment Initial Appearance

Where defendant previously apprehended on complaint, no new summons or warrant needed, since Magistrate has scheduled arraignment

Defendant Address:

Date/Time: Before Judge:

Comments:

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**SEALED
BY COURT ORDER**

FILED

FEB 13 2014

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

CR14-00078

EMC

UNITED STATES OF AMERICA,

Plaintiff,

v.

ALFREDO LOPEZ, and
ALEJANDRO MIRANDA,

Defendants.

) CASE NO.
)
) ORDER SEALING RECORD
)
) **FILED UNDER SEAL**

The Court has the inherent power and the discretion to seal its own record where doing so is necessary to protect a compelling interest, where there is a substantial probability that this compelling interest would be harmed if the Court does not seal its record, and where there are no other alternatives that would adequately protect that interest. See Nixon v. Warner Commc'n, Inc., 435 U.S. 589, 598 (1978); In re Copley Press, Inc., 518 F.3d 1022, 1026 (9th Cir. 2008); Hagestad v. Tragesser, 49 F.3d 1430, 1434 (9th Cir. 1995). After reviewing the present motion, the Court finds that sealing the record in this case is necessary to protect an ongoing criminal investigation and ensure the safety of a cooperating defendant. For these reasons, the Court finds that the government's compelling interests

1 outweigh the public's competing interest in open criminal proceedings. Accordingly, the Court orders
2 that the record in this case be sealed pending further order of this Court. *Notwithstanding, a copy of*
3 *the indictment may be provided to the US Attorney's Office.*
IT IS SO ORDERED.

4 Dated: February 13, 2014.

Kandis Westmore
HON. KANDIS A. WESTMORE
United States Magistrate Judge

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1 MELINDA HAAG (CABN 132612)
United States Attorney

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3 MIRANDA KANE (CSBN 150630)
Chief, Criminal Division

4 FRANK J. RIEBLI (CSBN 221152)
Assistant United States Attorney
5 450 Golden Gate Avenue, Box 36055
San Francisco, California 94102-3495
6 Telephone: (415) 436-7200
7 FAX: (415) 436-7234
Frank.Riebli@usdoj.gov

8 Attorneys for Plaintiff

**SEALED
BY COURT ORDER**

FILED

FEB 13 2014

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND

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10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA
12 SAN FRANCISCO DIVISION

13 UNITED STATES OF AMERICA,

14 Plaintiff,

15 v.

16 ALFREDO LOPEZ, and
17 ALEJANDRO MIRANDA,

18 Defendants.

No.

CR14-00078

MOTION TO SEAL

FILED UNDER SEAL

EMC

19
20 Plaintiff the United States of America moves the Court to seal the record in the above-captioned
21 case pending further order of the Court.

22 **I. ARGUMENT**

23 "Every court has supervisory power over its own records and files, and access has been denied
24 where court files might have become a vehicle for improper purposes." Nixon v. Warner Commc'n,
25 Inc., 435 U.S. 589, 598 (1978). The exercise of this inherent supervisory power is left to the Court's
26 discretion. Hagestad v. Tragesser, 49 F.3d 1430, 1434 (9th Cir. 1995). The Court's discretion to seal
27 records of criminal proceedings is not unlimited, however, because the public have qualified First
28 Amendment and common law rights of access to criminal proceedings. In re Copley Press, Inc., 518

1 F.3d 1022, 1026 (9th Cir. 2008). To seal the proceedings, the government must show that (1) closure
2 serves a compelling interest, (2) there is a substantial probability that, in the absence of closure, this
3 compelling interest would be harmed, and (3) there are no alternatives to closure that would adequately
4 protect the compelling interest. Id. at 1028.¹

5 There are compelling reasons to seal the proceedings in this case. First, the agents anticipate
6 executing search and arrest warrants within the next seven to ten days. Keeping the case under seal will
7 help ensure the safety of the officers executing those warrants. Second, there is a Confidential Source
8 (“CS”) in this case. Keeping the case under seal will provide the government an opportunity to ensure
9 he is safe from any harm the defendants may wish to do him when they discover that he has been
10 cooperating with the government. Third, the government’s investigation is ongoing, particularly as to
11 financial crimes the defendants may have committed. If the defendants are alerted about this case before
12 the agents have a chance to execute search warrants, the defendants may destroy evidence necessary to
13 prove the defendants’ involvement in money laundering, drug trafficking and other illegal activities.

14 **B. There Is a Substantial Probability of Harm if the Record is Not Sealed.**

15 There is a substantial probability that the interests described above would be harmed if the record
16 in this case is not sealed. If the defendants learn of the indictment before the agents have a chance to
17 execute search warrants (in conjunction with the arrest warrants issued in this case), the execution of
18 those warrants will be more dangerous for the agents and ultimately fruitless, as the defendants will have
19 had the opportunity to dispose of incriminating evidence. Further, the defendants may have the
20 opportunity exact revenge on the CS before the agents have moved him or taken other measures to
21 ensure his safety.

22 **C. Sealing the Record is the Only Way to Protect Those Compelling Interests.**

23 The only way to protect the ongoing investigation and ensure the agents’ and the CS’s safety is
24 to seal the indictment and supporting documents in this case. Though that impacts the public’s interest
25 in access to the judicial process, the compelling interests here justify that infringement. Moreover, the
26 impact on the public’s interest will be limited – the government anticipates unsealing the record when
27

28 ¹ The government need only show a “sufficiently important” reason to overcome the
common-law presumption in favor of access. In re Copley, 518 F.3d at 1029.

1 the defendants make their initial appearance on the indictment.

2 **II. CONCLUSION**

3 For the foregoing reasons, the government requests that the Court seal the record pending further
4 order of the Court.

5
6 MELINDA HAAG
United States Attorney

7
8 Dated: February 13, 2014

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FRANK J. RIEBLI
Assistant United States Attorney

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United States District Court
Northern District of California

**SEALED
BY COURT ORDER**

CRIMINAL COVER SHEET

Instructions: Effective January 3, 2012, this Criminal Cover Sheet must be completed and submitted, along with the Defendant Information Form, for each new criminal case.

Case Name:

USA v. Alfredo Lopez and Alejandro Miranda

Case Number:

CR14-00078 EMC

Total Number of Defendants:

1

2-7

8 or more

Is This Case Under Seal?

Yes

No

Does this case involve ONLY charges under 8 U.S.C. § 1325 and/or 1326?

Yes

No

Venue (Per Crim. L.R. 18-1):

SF OAK

SJ EUR MON

Is any defendant charged with a death-penalty-eligible crime?

Yes

No

Assigned AUSA (Lead Attorney):

Frank Riebli

Is this a RICO Act gang case?

Yes

No

Date Submitted:

February 13, 2014

Comments:

Save

Print

Clear Form