

FILED

UNITED STATES DISTRICT COURT
ALBUQUERQUE, NEW MEXICO

UNITED STATES DISTRICT COURT JUL 01 2011

for the

MATTHEW J. DYKMAN
CLERK

United States of America
v.

Jesus RIVAS-Cortes

Case No.

11mj1717

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 June 30, 2011 in the county of Valencia in the
Judicial District of New Mexico, the defendant(s) violated:

Code Section

Offense Description

21 U.S.C. Sections
841(a)(1)(a) and (b)(1)(B)

Possession with intent to distribute 50 grams or more of a mixture or substance containing a detectable amount of methamphetamine in violation of 21 U.S.C. Sections 841(a)(1) and (b)(1)(B).

This criminal complaint is based on these facts:

See attached affidavit

Continued on the attached sheet.

Complainant's signature

DEA Task Force Officer Danny Joseph

Printed name and title

Sworn to before me and signed in my presence.

Date: _____

Judge's signature

City and state: Albuquerque, New Mexico

Karen B. Molzen, Magistrate Judge

Printed name and title

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

I, Task Force Officer Danny Joseph, United States Drug Enforcement Administration (DEA), United States Department of Justice, being first duly sworn, hereby state as follows:

1. I am a Task Force Officer (TFO) of the DEA, United States Department of Justice. I have been so employed since June 2007. As such, I am a law enforcement officer of the United States within the meaning of Title 18 U.S.C. § 2510(7). I am empowered by law to conduct investigations and to make arrests for offenses enumerated in Title 18 U.S.C. § 2516. In addition to being assigned as a TFO with the DEA, I am a Detective with the Bernalillo County Sheriff's Department (BCSD), County of Bernalillo, New Mexico, and have been with BCSD since April 1998 to the present. As a DEA TFO, I have participated in investigations targeting individuals and organizations trafficking heroin, cocaine, cocaine base ("crack"), marijuana, methamphetamine, and other controlled substances as defined in Title 21, U.S.C., § 801.
2. This Affidavit is made to support a Complaint charging Jesus RIVAS-Cortes with possession with intent to distribute 50 grams or more of a mixture or substance containing a detectable amount of methamphetamine in violation of 21 U.S.C. Sections 841(a)(1) and (b)(1)(B).

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Probable Cause

3. On June 30, 2011, DEA Special Agents (SAs) and Task Force Officers (TFOs) initiated surveillance at 26 and 27 Adobe Lane, Veguita, New Mexico. This is the known residences of Carmen DIAZ and Donnie HOBBS. Surveillance was established based on a pre-arranged meeting between DIAZ, HOBBS, and DEA SA David Howell, acting in an undercover capacity, to purchase eight ounces of methamphetamine.
4. At approximately 9:50 a.m., surveillance agents observed a grey Toyota truck, later identified as being driven by RIVAS-Cortes, arrive at the property of 26 and 27 Adobe Lane. Surveillance observed RIVAS-Cortes exit the vehicle and approach 26 Adobe Lane. Surveillance further identified a male, later identified as Donnie HOBBS standing around the trunk of a beige Mercedes located on the property.
5. At approximately 9:54 a.m., RIVAS-Cortes departed in the Toyota truck followed by a beige Mercedes, occupied by Donnie HOBBS, Carmen DIAZ, and another Hispanic female.
6. Surveillance was maintained on both vehicles during this time. Both vehicles were in tandem until reaching Highway 116 where the Toyota truck turned north while the beige Mercedes turned south.
7. At approximately 10:21 a.m., HOBBS, DIAZ, and the Hispanic female arrived at the pre-arranged meet location at the Wal-Mart Supercenter in Los Lunas, New Mexico, to meet with SA Howell and consummate the eight ounce methamphetamine transaction.
8. At that time, arresting agents approached and apprehended HOBBS, DIAZ, and the Hispanic female. At the time of his arrest, HOBBS was standing over the open trunk of the beige Mercedes. A grey backpack, located in the trunk, was located and contained

approximately 262.1 gross grams of suspected methamphetamine, which later field tested positive.

9. At approximately 10:25 a.m., surveillance units indicated that RIVAS-Cortes at stopped at a residence located at 307 Tenth Street, Belen, New Mexico, and was meeting with three other Hispanic males. At that time, arresting agents approached RIVAS-Cortes. During a search of his person, RIVAS-Cortes was found to be in possession of two sunglass cases, which contained an additional 148 gross grams of suspected methamphetamine, which later field tested positive. RIVAS-Cortes was subsequently transported to the DEA Albuquerque District Office for processing.
10. During a post-arrest interview, RIVAS-Cortes indicated he had moved to the Albuquerque area approximately one month ago from California and was in the country illegally.
11. Based on the aforementioned, I believe the quantity of methamphetamine located on RIVAS-Cortes' person constitutes an amount of methamphetamine for distribution purposes.
12. Since this affidavit is being submitted for the limited purpose of authorizing a criminal complaint for RIVAS-Cortes, I have not included each and every fact known to me concerning this investigation. I have set forth the facts that I believe are essential to establish the necessary foundation and probable cause for the issuance of a Criminal Complaint charging RIVAS-Cortes with the offenses listed herein.

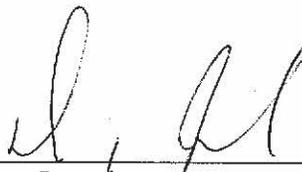
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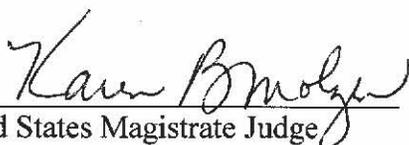
I declare under penalty of perjury that the foregoing statements are true and correct to the best of my knowledge, information and belief.

Approved by Assistant United States Attorney Joel Meyers.



Danny Joseph
Task Force Officer
Drug Enforcement Administration

Sworn and subscribed to before me
this 1st day of July 2011



United States Magistrate Judge