

FILED

UNITED STATES DISTRICT COURT  
ROSWELL, NEW MEXICO

UNITED STATES DISTRICT COURT

AUG 18 2010

for the

District of New Mexico

United States of America

v.

Stanley MONTOYA

Javier TORRES

*Defendant*

Case No. 10mJ2257

CLERK

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 of 11-04-2009 in the county of Chaves in the          District of New Mexico, the defendant violated 21 U. S. C. § 846, an offense described as follows:

Conspiracy to Distribute Fifty Grams and more of Methamphetamine

This criminal complaint is based on these facts:

See attached statement

Continued on the attached sheet.

Eric K. Hansen  
*Complainant's signature*

Eric Hansen, SA

*Printed name and title*

Sworn to before me and signed in my presence.

Date: 8/18/10

Kea W. Riggs  
*Judge's signature*

City and state: Roswell, New Mexico

Hon. Kea W. Riggs, U.S. Magistrate Judge

*Printed name and title*

## STATEMENT OF FACTS

On November 4, 2009 Chaves County Drug Task Force Agents James Mason and Jeff Kuepfer met with a Confidential Source (CS) and searched the CS and the CS' vehicle for weapons, contraband, and currency with negative results. The CS had previously made arrangements to purchase two ounces of methamphetamine from Stanley MONTOYA. Agents surveilled the CS to a predetermined location where the CS picked up MONTOYA and drove to the address of Javier TORRES in Roswell, NM. The CS, in a later debrief, advised that when the CS and MONTOYA drove up Javier TORRES and another man were standing in the yard. The second man handed a baggie of white powder to Javier TORRES. TORRES handed the baggie to MONTOYA, still in the CS' vehicle, who then gave it to the CS in the driver seat. The CS handed MONTOYA \$3400.00 and MONTOYA handed the money out the window to TORRES. The CS and MONTOYA then departed the area. Agents observed the CS drop MONTOYA off at MONTOYA's house and then drive to meet Agents at a predetermined location.

The CS handed Agent Mason the baggie of powder and then the CS and the CS' vehicle were searched for weapons, contraband, and currency with negative results. The powder was field-tested and indicated positive for the presence of methamphetamine.

The methamphetamine was submitted to the New Mexico Forensic Laboratory in Las Cruces, NM and was determined to be 41.12 grams pure methamphetamine.

On November 5, 2009 Chaves County Drug Task Force Sergeant Brad McFadin and Agent Steve Meredith met with a reliable confidential source (CS) in Roswell New Mexico (NM). The CS and the CS' vehicle were searched for weapons, contraband, and currency with negative results. The CS had arranged with Stanley MONTOYA to purchase two ounces of methamphetamine for \$3200.00 and a shotgun for \$100.00. The CS advised that he/she would order the methamphetamine from MONTOYA who, in turn, would contact Javier TORRES for the methamphetamine.

With the agents listening in, the CS made a phone call to MONTOYA and arranged for the purchase of the methamphetamine. Agents then surveilled the CS travel to the residence of MONTOYA in Roswell, NM and observed the CS enter the residence. Agents observed a green Nissan Altima occupied by two males enter the alley. A short time later the green Nissan and the CS vehicle were observed exiting the alley. Sgt. McFadin and Agent Meredith conducted a traffic stop of the vehicle and identified the driver as TORRES.

Agent Greg Carrasco surveilled the CS to a predetermined location where Sgt. McFadin and Agent Meredith arrived and interviewed the CS. The CS stated that MONTOYA had directed the CS to come inside. The CS provided MONTOYA with \$100.00 for the shotgun, which the CS observed lying on a couch. Then a car arrived with TORRES driving and a second subject in the passenger seat. The second subject left the area on foot and TORRES stepped on to the porch of the residence. The CS provided MONTOYA with \$3200.00 which MONTOYA immediately took out to the porch and handed to TORRES, who then handed MONTOYA a plastic baggie containing a white crystalline powder. MONTOYA re-entered the residence, removed a pistol from his waistband and placed it on a table, and then handed the powder to the CS, who then departed.

Agents took custody of the powder and the shotgun from the CS then searched the CS and the CS' vehicle for weapons, contraband, and currency with negative results. The shotgun was found to be loaded with five shells. The powder was field tested and indicated positive for the presence of methamphetamine.

The methamphetamine was submitted to the New Mexico Forensic Laboratory in Las Cruces, NM and was determined to be 37.86 grams of pure methamphetamine.

The total amount of pure methamphetamine purchased in the two transactions was 78.98 grams.



U.S. Magistrate Judge



SA Eric Hansen