

United States District Court

DISTRICT OF New Mexico

FILED
At Albuquerque NM
JUL - 9 2009

MATTHEW J. DYKMAN
CLERK

UNITED STATES OF AMERICA

V.

ZAZUETA, Eder
DIAZ-Ortega, Carlos
BARBOA-Cecena, Jesus

CRIMINAL COMPLAINT

CASE NUMBER: 09-MJ-1960

(Name and Address of Defendant)

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. On or July 8, 2009 in Colfax County, in the District of New Mexico defendant(s) did, (Track Statutory Language of Offense)

Knowingly, willfully and intentionally possessing with the intent to distribute more than 500 grams of a mixture or substance containing methamphetamine.

in violation of Title 21 United States Code, 841 (a) (1), 841 (b) (1) (A)

I further state that I am a(n) Special Agent and that this complaint is based on the following
Official Title

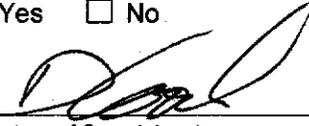
facts:

See Attached Affidavit

Telephonically Approved by AUSA James Braun

Continued on the attached sheet and made a part

Yes No

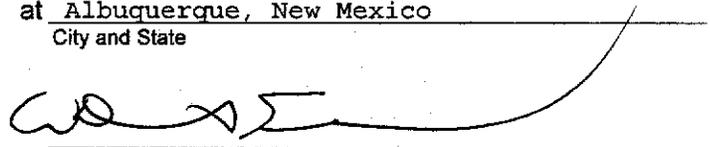

Signature of Complainant

Sworn to before me, and subscribed in my presence,

July 9, 2009
Date

at Albuquerque, New Mexico
City and State

Honorable W. Daniel Schneider
Name and Title of Judicial Officer


Signature of Judicial

STATE AND DISTRICT OF NEW MEXICO

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SS. AFFIDAVIT

I, Douglas P. Gooch, being duly sworn and deposed, state:

1. I am a Special Agent with the Drug Enforcement Administration (DEA) currently assigned to the Albuquerque District Office (ADO). I have been employed with the DEA since September 2004. During my tenure, I have conducted or assisted in numerous investigations of criminal violations of the Controlled Substance Act and federal drug trafficking statutes. Many of these investigations focused on individuals who have distributed, manufactured, or derived assets or income from illegal sources, specifically from the unlawful distribution of cocaine, heroin, methamphetamine, marijuana and other controlled substances.
2. This Affidavit is made in support of a criminal complaint being filed against Eder ZAZUETA, Jesus BARBOA-Cecena and Carlos DIAZ-Ortega, charging them with violating Title 21 USC 841 (a) (1), 841(b) (1)(A) to wit: knowingly, willfully and intentionally possessing with the intent to distribute 500 grams or more of a mixture or substance containing a detectable amount of methamphetamine.
3. On July 8, 2009, at approximately 8:48am, New Mexico Department of Public Safety (NMDPS) Motor Transportation (MTD) Officer John Valdez was working traffic in full uniform near Mile Marker 454 on I-25 north bound. Officer Valdez noticed a gold passenger vehicle following approximately 2 to 3 car lengths behind another vehicle in violation of New Mexico Statute 66-7-3.8. Officer Valdez stated that the gold car followed in this manner for approximately 1 mile before Officer Valdez pulled the vehicle over. The gold car was bearing Arizona license plate 722BCB. Officer Valdez approached the vehicle and asked the driver for his license and registration. When handing the Officer the requested information he noticed the drivers hands were shaking. Officer Valdez stated that he noticed a chemical smell coming from inside the vehicle.
4. Officer Valdez noticed that the passenger in the front passenger seat (Jesus BARBOA-Cecena) was flipping a cell phone nervously between his hands. The driver handed Officer Valdez an Arizona driver's license identifying him as Eder ZAZUETA. Officer Valdez then went back to his marked unit to complete the citation. He then got out of his unit and called ZAZUETA to the front of his police car. The driver told Officer Valdez that he was going to Denver, Colorado. The Officer asked ZAZUETA if there was a reason why he was nervous and ZAZUETA said, "Ahhh, nothing just tired." Officer Valdez

noticed that ZAZUETA was continuously touching his face. He told the Officer that he was going to Denver to look for a job. Officer Valdez then handed ZAZUETA back his driver's license. He then told ZAZUETA to stay there while he checked the VIN number on the door jamb of the gold car. As he checked the VIN number he briefly spoke with the passenger (Jesus BARBOA-Cecena), the passenger mentioned the driver's first name, but did not know a last name.

5. At approximately 8:58am, Officer Valdez then walked back to ZAZUETA at the front of the marked unit. He explained the citation and handed him a copy of the ticket. ZAZUETA plead guilty to the citation and told Officer Valdez that he would mail in the fine. Officer Valdez asked ZAZUETA if he understood why he was stopped and ZAZUETA said, "Yea, I guess I was too close to the car." At approximately 9:00am, Officer Valdez advised ZAZUETA to have a safe trip and the driver started to walk back to the gold car. Officer Valdez then called ZAZUETA's name and asked him if he had anything illegal in the car and he stated, "oh no". Officer Valdez asked him if he had any cocaine or marijuana in the car and ZAZUETA said, "I already got a felony, I don't mess around like that." Officer Valdez asked him what for and he stated, "Discharging a firearm." Officer Valdez asked ZAZUETA if he was responsible for everything in the gold car and he said that he was. Officer Valdez then requested verbal consent to search the gold car and ZAZUETA agreed. After Officer Valdez explained the consent form in English he handed it to ZAZUETA, who spoke fluent English, for review and signature. Officer Valdez then walked to the passenger (Jesus BARBOA-Cecena) and asked in Spanish for consent to search the vehicle. The passenger also consented. Officer Valdez then asked the rear passenger (Carlos DIAZ-Ortega) in Spanish for consent to search the vehicle and he also consented. ZAZUETA signed and dated the form and gave it back to Officer Valdez.
6. During the subsequent search of the vehicle, Officer Valdez noticed some tooling marks on the screws in the right rear cargo area of the gold car. The bolts securing the quarter panels were also tooled. Officer Valdez also noticed that the molding by the windshield wipers appeared to have been recently handled. The screws also securing the molding were tooled. At approximately 9:11am, Officer Valdez located 2 packages of a white crystal like substance wrapped in clear plastic in the right rear quarter panel of the gold car. He also located one package of white crystal substance inside a blue lunch bag inside the window shield cowling. The substance inside the three clear plastic packages was field tested and yielded a positive result for the presence of methamphetamine. The gross weight of the three packages was approximately 2.1 kilograms. All three individuals were read their Miranda rights and placed under arrest.

7. Officer Valdez was told by ZAZUETA that he rented the vehicle in Phoenix, Arizona under his own name. On review of the rental agreement, it shows that Eder ZAZUETA rented the vehicle from Avis Car Rental at the Sky Harbor Airport at 12:48pm on July 7, 2009. He used a Visa credit card to pay for the rental.

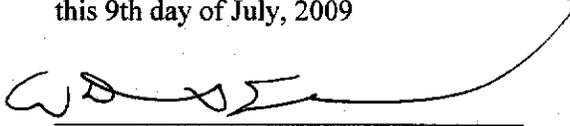
8. This affidavit is submitted for the limited purpose of providing probable cause to support the attached criminal complaint. I have not set forth each and every fact learned during the course of this investigation in the above affidavit. Your Affiant respectfully requests the approval of this criminal complaint for Eder ZAZUETA, Carlos DIAZ-Ortega and Jesus BARBOA-Cecena charging them with violating Title 21 USC 841 (a) (1), 841(b) (1)(A) to wit: knowingly, willfully and intentionally possessing with the intent to distribute more than 500 grams or more of a mixture or substance containing methamphetamine.

I declare under penalty of perjury that the facts contained herein are true and correct to the best of my information and knowledge.



Douglas P. Gooch, Special Agent
Drug Enforcement Administration

SWORN and SUBSCRIBED before me
this 9th day of July, 2009



Honorable W. Daniel Schneider
United States Magistrate Judge