

FILED
At Albuquerque NM

UNITED STATES DISTRICT COURT
DISTRICT OF NEW MEXICO

JUN 16 2009

MATTHEW J. DYKMAN
CLERK

UNITED STATES OF AMERICA

v.

CRIMINAL COMPLAINT
CASE NUMBER

09-MJ-1677

Jorge L. Vidana, Jr.
(Name of Defendant)

I, the undersigned complainant being duly sworn, state the following is true and correct to the best of my knowledge and belief:

Count 1

On or about June 11, 2009, in the District of New Mexico, Bernalillo County, defendant, Jorge Vidana Jr. did willfully injure property of the United States where damage to such property exceeded \$1,000.00 in violation of Title 18, United States Code, Section 1361.

Count 2

On or about June 11, 2009, in the District of New Mexico, Bernalillo County, defendant, Jorge Vidana Jr. did steal property of the United States valued in excess of \$1,000.00 in violation of Title 18, United States Code, Section 641.

Count 3

On or about June 11, 2009, in the District of New Mexico, Bernalillo County, defendant, Jorge Vidana Jr. did conspire with two or more persons to defraud the United States in violation of Title 18, United States Code, Section 371.

I further state that I am a Special Agent with the United States Forest Service and that this complaint is based on the following facts:

See attached affidavit of Probable Cause:

Continued on the attached sheet and made a part hereof: Yes No

AUTHORIZED BY: AUSA Charles L. Barth

Lucas Woolf, Special Agent
United States Forest Service
Name of Complainant



Signature of Complainant

Sworn to before me and subscribed in my presence,

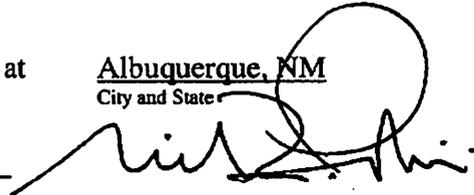
16 June 2009

at

Albuquerque, NM
City and State

Richard L. Puglisi, United States Magistrate Judge

Name and Title of Judicial Officer



Signature of Judicial Officer

ALBUQUERQUE, NEW MEXICO

AFFIDAVIT

1. Your affiant, Lucas Woolf, is a Special Agent (SA) of the United States Forest Service (USFS), and is currently assigned to the Southwest region of the United States Forest Service, encompassing National Forest System lands in the states of Arizona and New Mexico. In the course of his official duties, he is charged with the investigation of crimes occurring on or affecting National Forest System lands and property within the Districts of Arizona and New Mexico. The following information was developed in connection with the investigation into the theft and damage of United States Forest Service property on June 11, 2009, in Albuquerque, NM, within the District of New Mexico.

2. On June 11, 2009 five United States Forest Service Law Enforcement vehicles were damaged and burglarized while parked overnight in the parking lot of the Sheraton Uptown Hotel located at 2600 Louisiana NE in Albuquerque, New Mexico. The damage sustained to the five vehicles included broken windows, damaged door locks, and damaged gun locks. The amount of damage to these vehicles exceeds \$1,000.00.

3. Numerous items of United States Forest Service (USFS) property were stolen as a result of the five vehicles being burglarized. This property included two Colt AR-15 rifles, two Bendix King hand held radios, one IBM Lenovo ThinkPad laptop computer, three sets of police riot gear, and ammunition. The value of the property stolen exceeds \$1,000.00.

4. A United States Forest Service K9 officer's narcotics training aides were also stolen as a result of this burglary. The narcotics stolen included approximately eight ounces of Methamphetamine, approximately 100 grams of Marijuana, and approximately ten grams of Black Tar Heroin.

5. On June 11, 2009 your affiant and Albuquerque Police Department (APD) personnel arrived at the scene of the vehicle burglary. APD crime scene specialists processed the scene for forensic and physical evidence, to include latent fingerprints. A second crime scene was also reported on Pajarito Mesa, where Bernalillo County Sheriff's Office reported an unauthorized fire with numerous items of USFS law enforcement property contained within the fire. Your affiant responded to this second crime scene and discovered numerous items of USFS law enforcement property burnt beyond repair; included was the laptop computer, two Bendix King hand held radios, and USFS law enforcement manuals, forms, and citation books. The items of evidence collected were submitted to the Albuquerque Police Department Crime Lab for examination.

6. On June 12, 2009 APD Detective Joe Duran reported to your affiant that a fingerprint collected at the first crime scene (Sheraton Uptown Hotel) was matched positively, through the Automated Fingerprint Identification System (AFIS), to Martin Delgadillo. Detective Duran later applied for, and received, an arrest warrant for Martin Delgadillo from a New Mexico District Court Judge.

7. On June 12, 2009 Martin Delgadillo was served with the arrest warrant and taken into custody by APD detectives. After being advised of his Miranda rights, Martin Delgadillo waived those rights and admitted to his involvement in the damage and

burglary to the five USFS law enforcement vehicles. Through the course of this interview and other subsequent interviews Carlos Sanchez, Jorge Vidana Jr., and a male juvenile were identified as co-conspirators in the damage and burglary of the five vehicles.

8. On June 12, 2009 APD Detective Duran applied for, and received, arrest warrants for Carlos Sanchez and Jorge Vidana, Jr. from a New Mexico District Court Judge. Both Carlos Sanchez and Jorge Vidana, Jr. were served with arrest warrants and taken into custody by APD detectives. After being advised of their Miranda rights both Carlos Sanchez and Jorge Vidana, Jr. waived those rights and admitted to their involvement in the damage and burglary to the five USFS law enforcement vehicles.

9. Martin Delgadillo stated to APD detectives that while driving around Albuquerque, NM early on the morning of June 11, 2009 he, Carlos Sanchez, Jorge Vidana, Jr., and a male juvenile noticed numerous police vehicles parked in the parking lot of the Sheraton Hotel. They decided to break into the vehicles and steal what they could. Through the interviews conducted by the APD detectives; Martin Delgadillo, Jorge Vidana, Jr., and Carlos Sanchez each admitted to, and confirmed, their involvement into the planning and execution of these burglaries.

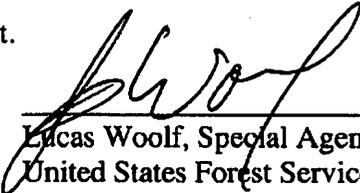
10. Martin Delgadillo and Carlos Sanchez advised that the stolen property was located at two residences within the city of Albuquerque, NM. Martin Delgadillo stated that one AR-15 rifle, two "bullet-proof" vests, ammunition, and police riot gear was located at a residence on 57th Street and that Carlos Sanchez had the other AR-15 rifle, ammunition, and narcotics. Carlos Sanchez confirmed this and stated that he delivered one AR-15 rifle, ammunition, and narcotics to a friend's residence, Abelardo Pardo,

located on 15th Street. They also admitted to burning the remaining USFS property on Pajarito Mesa. APD Detective Duran applied for and received search warrants for both of these residences from a New Mexico District Court Judge.

11. On June 12, 2009 APD personnel and USFS Special Agents served the search warrants on the two residences. One AR-15 rifle, two "bullet proof" vests, ammunition, and three sets of police riot gear, all belonging to the USFS, was recovered from the residence on 57th Street. One AR-15 rifle, ammunition, and the K9 training narcotics, all belonging to the USFS, was recovered from the residence on 15th Street.

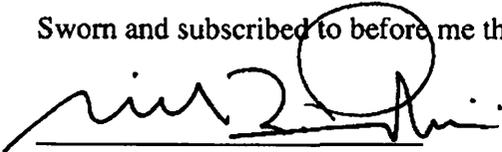
12. Based on the aforementioned information, your affiant believes that Jorge Vidana, Jr. committed violations of federal law, to wit: willfully injured property of the United States where damage to such property exceeded \$1,000.00 in violation of Title 18 United States Code, Section 1361; stole property of the United States valued in excess of \$1,000.00 in violation of Title 18 United States Code, Section 641; conspired with two or more persons to defraud the United States in violation of Title 18 United States Code, Section 371.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.



Lucas Woolf, Special Agent
United States Forest Service

Sworn and subscribed to before me this 16 June, 2009



United States Magistrate Judge