

UNITED STATES DISTRICT COURT

for the

Eastern District of California

FILED

APR 10 2019

CLERK, U.S. DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
BY [Signature]
DEPUTY CLERK

United States of America
v.

Case No.

CHRISTOPHER OWEN BELLEZ

2:19-MJ-0054

AC

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 January 15, 2019 in the county of Butte in the
Eastern District of California, the defendant(s) violated:

Code Section
18 U.S.C. § 922(g)(1)

Offense Description
Felon in possession of a firearm

This criminal complaint is based on these facts:

(see attached affidavit)

☒ Continued on the attached sheet.

/s/ Matthew Catalano (via telephone)

Complainant's signature

Matthew Catalano, Special Agent, FBI

Printed name and title

Sworn to before me and signed in my presence.

Date: 4/10/19

[Signature]

Judge's signature

City and state: Sacramento, CA

Allison Claire, U.S. Magistrate Judge

Printed name and title

AO 91 (Rev. 11/11) Criminal Complaint

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for the
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CHRISTOPHER OWEN BELLEZ

Defendant(s)

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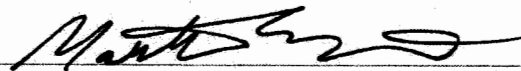
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Complainant's signature

Matthew Catalano, Special Agent, FBI

Printed name and title

Sworn to before me and signed in my presence.

Date: 4/10/2019

/s/ ALLISON CLAIRE
Judge's signature

City and state: SACRAMENTO, CALIFORNIA

Allison Claire, U.S. Magistrate Judge

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(SWORN TELEPHONICALLY)

AFFIDAVIT IN SUPPORT OF ARREST WARRANT FOR
CHRISTOPHER OWEN BALLEZ

I, Matthew C. Catalano, being first duly sworn, hereby depose and state as follows:

1. I make this affidavit in support of an application for an arrest warrant for Christopher Owen BALLEZ, currently incarcerated in the Butte County Jail, in the State and Eastern District of California. As set forth herein, there is probable cause to believe that BALLEZ is a convicted felon, and, while in Butte County, on or about January 15, 2019, BALLEZ was in possession of a loaded firearm, in violation of 18 U.S.C. § 922(g)(1).
2. I have been a Special Agent with the Federal Bureau of Investigation (the "FBI") since 2009. I am currently assigned to the Sacramento Division, Chico Resident Agency. Some of my investigative responsibilities include investigation and prosecution of violent crimes, child exploitation, kidnappings, murders, bank robberies, drug trafficking and manufacturing, firearms violations, and fugitive matters.
3. The statements in this affidavit are based, in part, on information provided to me by other law enforcement officers, police reports, and of my own investigation of this matter. Since this affidavit is being submitted for the limited purpose of securing an arrest warrant, I have not included each and every fact known to me concerning this investigation. I have only set forth the facts that I believe are necessary to establish probable cause to believe that BALLEZ has violated 18 U.S.C. § 922(g)(1).

STATUTORY AUTHORITY

4. This investigation concerns alleged violations of 18 U.S.C. § 922(g)(1), which prohibits the possession of a firearm, or ammunition, by anyone who has been convicted in any court of a crime punishable by imprisonment for a term exceeding one year.

BACKGROUND OF INVESTIGATION

5. In 2006, BALLEZ was convicted in the Butte County Superior Court for possession of a controlled substance, in violation of California Health and Safety Code (HS) 11377(a), a felony, and for carrying a loaded handgun, in violation of California Penal Code (PC) section .

12031(a)(1), a felony. BALLEZ was sentenced to two years and eight months for these crimes. In 2009, BALLEZ was convicted in the Butte County Superior Court for the manufacture of a weapon while in custody, in violation of California PC section 4502(b), a felony, and sentenced to three years in prison. In 2016, BALLEZ was convicted in the Butte County Superior Court for carrying a dirk or a dagger, in violation of California PC section 21310, a felony, and sentenced to three years in prison.

6. On the morning of January 8, 2019, a Butte County Sheriff's Office (hereinafter "BCSO") deputy was dispatched to the residence of an individual who will be referred to herein as "J.R." J.R.'s residence is located in Bangor, California, in Butte County. The deputy was dispatched to J.R.'s residence after a third party, T.B., called 911 and reported a suspicious circumstance that she had heard take place at J.R.'s residence. T.B., a customer service representative for a private company, had been conducting a telephonic survey with J.R. when she heard a verbal altercation in the background and heard J.R. say, "Put the gun down." T.B. continued to listen and recorded the open line for several minutes before the telephone call disconnected on J.R.'s end.
7. The deputy arrived at J.R.'s residence to find that he had been the victim of a burglary. J.R. reported that two masked men broke into his home, held him at gun point, bound him, struck him with a firearm, and stole some of his property, including, among other things, a black Sig Sauer P229 Handgun, serial number AM43330 and 15 pounds of processed (cut and dried) and packaged marijuana.
8. BCSO Detective Smith was assigned to the burglary investigation. During a follow-up conversation with J.R., Detective Smith learned that J.R. packaged his marijuana with notes, naming the strain of marijuana that the package contained, including, "Black Jack" and "PH."
9. On January 15, 2019, at approximately 3:30p.m., while on patrol, BCSO Deputy Jones observed BALLEZ violate two California Vehicle Codes in Oroville, California¹. Deputy Jones saw BALLEZ driving westbound on Feather Ave, in a red Mustang, approaching the stop sign at the

¹ This area of Oroville is also known as Thermalito.

- 1 intersection of 12th Street, at a high rate of speed. He saw the Mustang brake aggressively,
2 causing the car's front end to dip and the car to come to a complete stop beyond the limit line,
3 into the intersection, a violation of California Vehicle Code (VC) section 22450. It was raining
4 at the time, and Deputy Jones also observed BALLEZ driving with his windshield wipers
5 activated without the vehicle headlights on, which is a violation of California VC 24400 (a)(2).
- 6 10. Deputy Jones, who was driving a BCSO patrol vehicle, and in uniform, turned onto Feather Ave.
7 and drove past BALLEZ, and turned around to position his vehicle behind the Mustang. Deputy
8 Jones made eye contact with the driver of the Mustang, at which point he recognized him as
9 BALLEZ. Deputy Jones had arrested BALLEZ a few months prior, on an assault charge, in
10 violation of California PC 245. Deputy Jones was aware that BALLEZ had a history of violence
11 and fleeing from law enforcement.
- 12 11. As Deputy Jones made a U-turn, after passing the Mustang, BALLEZ turned north on 12th Street
13 and drove away at a high rate of speed. Deputy Jones attempted to catch up to BALLEZ and saw
14 the Mustang turn east onto Sierra Avenue. Deputy Jones lost sight of the Mustang until he
15 followed east bound on Sierra Avenue. Just after Deputy Jones turned onto Sierra Avenue, he
16 lost sight of the Mustang when it turned south on 11th Street. Once on 11th Street, Deputy Jones
17 saw the Mustang turning west onto Nevada Avenue and he again lost sight of the Mustang. It
18 appeared to Deputy Jones that BALLEZ had made all these turns evasively and it appeared that
19 BALLEZ had been trying to flee from a potential traffic stop by Deputy Jones.
- 20 12. Once on Nevada Avenue, Deputy Jones saw that the Mustang had come to a stop outside of the
21 residence, 1112 Nevada Avenue. Deputy Jones observed BALLEZ outside of the Mustang and
22 walking quickly towards the front gate of 1112 Nevada Avenue. Deputy Jones activated the
23 overhead lights on his patrol vehicle, exited his vehicle and yelled "BALLEZ, stop!" BALLEZ
24 hesitated and Deputy Jones quickly caught up to BALLEZ and detained him in handcuffs.
- 25 13. Deputy Jones conducted a pat down on BALLEZ's person for weapons and found no weapons.
26 BALLEZ's California ID Card was located in his front left pant pocket. Deputy Jones provided
27 BALLEZ's California ID Card number to BCSO Dispatch, which informed him that BALLEZ's
28

1 driver's license was suspended, due to a prior DUI conviction. Deputy Jones placed BALLEZ,
2 who was handcuffed, in the back of his patrol vehicle, arresting him for driving with a suspended
3 license (due to a DUI), in violation of California VC 14601.2(A).

4 14. Deputy Jones conducted an inventory search prior to impounding the Mustang. Deputy Jones
5 located a bag of a white crystalline substance, which Deputy Jones believed to be
6 methamphetamine. He also located a large black garbage bag containing several clear plastic
7 bags with marijuana inside. Upon further inspection of the clear bags, Deputy Jones saw that the
8 clear bags of marijuana had small notes inside, which appeared to indicate the type of marijuana
9 enclosed in each bag (later examination revealed that some of the notes had the names "PH" and
10 "PH last," written on them, as described by J.R. as notes he had included in the marijuana
11 packages stolen during the burglary of his residence on January 8, 2019).

12 15. While Deputy Jones was conducting his inventory search of the Mustang, several BCSO deputies
13 arrived on scene to assist him, including Deputies Brandow and Tavelli, among others. Deputy
14 Tavelli conducted a search of BALLEZ's person, incident to his arrest. During this search,
15 Deputy Tavelli found a key that appeared to be for the Mustang.

16 16. Deputy Jones informed Deputy Brandow of the route that BALLEZ took and explained that he
17 lost sight of the Mustang for a short time as it rounded each corner. Based on Deputy Jones'
18 training and experience, he knew that subjects who attempt to flee from law enforcement contact
19 will often throw illegal items out of their vehicle to avoid being caught with them. Therefore,
20 Deputy Jones asked Deputy Brandow to retrace the route that BALLEZ drove, starting from the
21 intersection of Feather Avenue and 12th Street. Prior to retracing BALLEZ's route, Deputy
22 Brandow observed the Mustang that BALLEZ had been driving and saw that the driver's
23 window was down approximately four inches.

24 17. While retracing BALLEZ's route, Deputy Brandow observed a black handgun lying on the east
25 side of 11th Street, approximately three feet from the pavement. The handgun was lying next to
26 the mailbox of 1081 11th Street.

27 18. Deputy Brandow photographed the handgun prior to collecting it. He observed the magazine
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1 was fully seated in the handgun. Deputy Brandow removed the magazine and locked the slide to
2 the rear. There was not a round in the chamber, but he observed hollow point rounds loaded in
3 the magazine. The handgun was identified as a Sig Sauer model P22, .40 caliber semi-automatic
4 pistol, bearing serial number AM43330. This information was passed onto BCSO Dispatch for a
5 firearms check in California's Automated Firearms System (AFS). The AFS query revealed that
6 this firearm was stolen and BCSO records revealed that this was the same handgun that J.R. had
7 reported stolen from his residence during the residential burglary on January 8, 2019.

8 19. A short time later, BCSO Detective Smith arrived on scene to meet with Deputy Jones and
9 review the evidence. Detective Smith observed the Sig Sauer handgun and the notes inside the
10 marijuana bags that read, "PH," and "PH last," which he recognized as items that J.R. had
11 reported as stolen. In addition, Detective Smith tested and confirmed that the key Deputy Tavelli
12 found on BALLEZ's person started the Mustang.

13 20. At the conclusion of the traffic stop, BALLEZ was arrested for five felonies and three
14 misdemeanor violations and has been in custody at the Butte County Jail since January 15, 2019.

15 21. Later, Detective Smith showed photographs of the Sig Sauer handgun and the marijuana that
16 BCSO deputies recovered during the January 15, 2019 traffic stop to J.R. J.R. confirmed that
17 these items had been stolen from his residence on January 8, 2019.

18 22. As part of Detective Smith's further investigation, he listened to a few hours of BALLEZ's
19 recorded jail telephone calls. Detective Smith listened to the recorded telephone call between
20 T.B. and J.R., which captured sound of the January 8, 2019 burglary as it happened. Detective
21 Smith found that, while some of the voices in the recording were faint, with FBI assistance to
22 enhance the audio content, he was able to identify BALLEZ's voice in the recording, yelling,
23 "Where's the safe at with the money in it?"

24 23. Detective Smith's investigation into the January 8, 2019 residential burglary identified three
25 suspects: BALLEZ, JOHN MOHR, and RAYMOND ALVAREZ. During an interview with
26 MOHR, on March 3, 2019, MOHR admitted to being part of the burglary and named himself,
27 ALVAREZ, and BALLEZ as the individuals responsible. In addition, MOHR indicated that
28

1 when he picked up BALLEZ and ALVAREZ just before the burglary, they (BALLEZ and
2 ALVAREZ) were in a red Mustang.

3 24. As part of my own investigation, I surveyed the area around the 1081 11th Street property, where
4 Deputy Brandow had found the firearm. I found that the 1081 11th Street property is a corner lot
5 on the southeast corner of Sierra Avenue and 11th Street in Oroville. This residence is directly
6 across the road from the Sierra Avenue Elementary School. This school is located in a
7 residential area and the school property is surrounded by homes. The mailbox near where the
8 handgun was located is approximately 160 feet south of the sidewalk in front of Sierra Avenue
9 Elementary and approximately 200 feet south of the entrance to the school.

10 25. I spoke with Sierra Avenue Elementary School officials who indicated that school was in session
11 on January 15, 2019, ending at 2:41 p.m., and many of the students walk home from there.

12 **CONCLUSION**

13 26. Based on the foregoing, there is probable cause to believe that Christopher Owen BALLEZ, has
14 violated Title 18 U.S.C. § 922(g)(1), which makes it a crime to possess a firearm or
15 ammunition, by anyone who has been convicted in any court of a crime punishable by
16 imprisonment for a term exceeding one year.

17 */s/ Matthew Catalano (via telephone)*
18 MATTHEW C. CATALANO
19 Special Agent
Federal Bureau of Investigation

20 Subscribed and sworn to me this 10 day of
21 April, 2019

22 *Allison Claire*
HON. ALLISON CLAIRE
23 United States Magistrate Judge
24 Sacramento, California

25 Approved as to form:
26 *James Conolly*
JAMES CONOLLY
27 Assistant United States Attorney
28

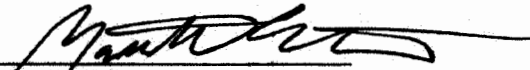
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17 
18 MATTHEW C. CATALANO
19 Special Agent
Federal Bureau of Investigation

20 Subscribed and sworn to me this 10th day of
21 April, 2019

22 /s/ ALLISON CLAIRE
23 HON/ALLISON CLAIRE
24 United States Magistrate Judge
Sacramento, California

25 Approved as to form:

26 /s/ JAMES CONOLLY
27 JAMES CONOLLY
Assistant United States Attorney

(SWORN TELEPHONICALLY)