

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

FILED

DEC -3 2020

SUSAN Y. SOONG
CLERK, U.S. DISTRICT COURT
NORTH DISTRICT OF CALIFORNIA

CRIMINAL COVER SHEET

Instructions: Effective November 1, 2016, this Criminal Cover Sheet must be completed and submitted, along with the Defendant Information Form, for each new criminal case.

CASE NAME:

USA V. JUAN LEOPOLDO GARATE AGUIRRE and CASE NUMBER:
JOSE MANUEL RODRIGUEZ NARANJO

BLF

CR 20 - 0460

This Case Under Seal?

Yes ☒ No ☐

Total Number of Defendants:

1 2-7 ☒ 8 or more

Does this case involve ONLY charges
under 8 U.S.C. § 1325 and/or 1326?

Yes No ☒

Venue (Per Crim. L.R. 18-1):

SF OAK SJ ☒

Is this a potential high-cost case?

Yes No ☒

Is any defendant charged with
a death-penalty-eligible crime?

Yes No ☒

Is this a RICO Act gang case?

Yes No ☒

Assigned AUSA
(Lead Attorney): Alexandra Shepard

Date Submitted: 12/03/2020

Comments:

DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURT
 BY: ☐ COMPLAINT ☐ INFORMATION ☒ INDICTMENT
☐ SUPERSEDING
OFFENSE CHARGED

21 U.S.C. § 841(a)(1), and (b)(1)(A) - Possession with Intent to Distribute and Distribution of Methamphetamine

- ☐
- Petty
-
- ☐
- Minor
-
- ☐
- Misdemeanor
-
- ☒
- Felony

 PENALTY: Max. imprisonment - life; Mandatory min. imprisonment - 10 years; Maximum fine - \$10,000,000
 Supervised release term - 5 years minimum, life maximum
 \$100 special assessment

Name of District Court, and/or Judge/Magistrate Location

NORTHERN DISTRICT OF CALIFORNIA

SAN JOSE DIVISION

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 DEC - 3 2020

DEFENDANT - U.S.

 SUSAN Y. SOONG
 CLERK, U.S. DISTRICT COURT
 NORTH DISTRICT OF CALIFORNIA

JUAN LEOPOLDO GARATE AGUIRRE

DISTRICT COURT NUMBER

CR 20 0460

BLF

DEFENDANT**IS NOT IN CUSTODY**

Has not been arrested, pending outcome this proceeding.

1) ☒ If not detained give date any prior summons was served on above charges2) ☐ Is a Fugitive3) ☐ Is on Bail or Release from (show District)**IS IN CUSTODY**4) ☐ On this charge5) ☐ On another conviction☐ Federal ☐ State6) ☐ Awaiting trial on other charges

If answer to (6) is "Yes", show name of institution

 Has detainer ☐ Yes
 been filed? ☐ No

 If "Yes"
 give date
 filed

DATE OF ARREST

Month/Day/Year

Or... if Arresting Agency & Warrant were not

DATE TRANSFERRED TO U.S. CUSTODY

Month/Day/Year

☐ This report amends AO 257 previously submitted**PROCEEDING**

Name of Complainant Agency, or Person (& Title, if any)

☐ person is awaiting trial in another Federal or State Court, give name of court☐ this person/proceeding is transferred from another district per (circle one) FRCrp 20, 21, or 40. Show District
☐ this is a reprosecution of charges previously dismissed which were dismissed on motion of:
☐ U.S. ATTORNEY ☐ DEFENSE

SHOW DOCKET NO.

☐ this prosecution relates to a pending case involving this same defendant

MAGISTRATE CASE NO.

☐ prior proceedings or appearance(s) before U.S. Magistrate regarding this defendant were recorded under

Name and Office of Person

Furnishing Information on this form DAVID L. ANDERSON

☒ U.S. Attorney ☐ Other U.S. Agency

Name of Assistant U.S. Attorney (if assigned)

ALEXANDRA SHEPARD

ADDITIONAL INFORMATION OR COMMENTS**PROCESS:**☐ SUMMONS ☐ NO PROCESS* ☒ WARRANT

Bail Amount: _____

If Summons, complete following:

☐ Arraignment ☐ Initial Appearance

Defendant Address:

* Where defendant previously apprehended on complaint, no new summons or warrant needed, since Magistrate has scheduled arraignment

Date/Time: _____ Before Judge: _____

Comments:

DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURT
 BY: ☐ COMPLAINT ☐ INFORMATION ☒ INDICTMENT
☐ SUPERSEDING
OFFENSE CHARGED

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NORTHERN DISTRICT OF CALIFORNIA

SAN JOSE DIVISION

DEFENDANT - U.S.

JOSE MANUEL RODRIGUEZ NARANJO

DISTRICT COURT NUMBER

CR 20 0460**DEFENDANT****IS NOT IN CUSTODY**

Has not been arrested, pending outcome this proceeding.

- 1)
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- If not detained give date any prior summons was served on above charges

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- Is a Fugitive

- 3)
- ☐
- Is on Bail or Release from (show District)

FILED**DEC - 3 2020****IS IN CUSTODY**

- 4)
- ☐
- On this charge

- 5)
- ☐
- On another conviction

- 6)
- ☐
- Awaiting trial on other charges

If answer to (6) is "Yes", show name of institution

 SUSAN Y. SOONG
 CLERK, U.S. DISTRICT COURT
 NORTH DISTRICT OF CALIFORNIA
☐ Federal ☐ State
 Has detainer ☐ Yes
 been filed? ☐ No

 If "Yes"
 give date
 filed

DATE OF ARREST

Month/Day/Year

Or... if Arresting Agency & Warrant were not

DATE TRANSFERRED TO U.S. CUSTODY

Month/Day/Year

PROCEEDING

Name of Complainant Agency, or Person (& Title, if any)

- ☐
- person is awaiting trial in another Federal or State Court, give name of court

- ☐
- this person/proceeding is transferred from another district per (circle one) FRCrP 20, 21, or 40. Show District

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- this is a reprosecution of charges previously dismissed which were dismissed on motion of:

☐ U.S. ATTORNEY ☐ DEFENSE

SHOW DOCKET NO.

- ☐
- this prosecution relates to a pending case involving this same defendant

MAGISTRATE CASE NO.

- ☐
- prior proceedings or appearance(s) before U.S. Magistrate regarding this defendant were recorded under

Name and Office of Person

Furnishing Information on this form DAVID L. ANDERSON☒ U.S. Attorney ☐ Other U.S. Agency

Name of Assistant U.S.

Attorney (if assigned)

ALEXANDRA SHEPARD☐ This report amends AO 257 previously submitted**ADDITIONAL INFORMATION OR COMMENTS****PROCESS:**

- ☐
- SUMMONS
- ☐
- NO PROCESS*
- ☒
- WARRANT

Bail Amount: _____

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- ☐
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Defendant Address:

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Date/Time: _____ Before Judge: _____

Comments:

United States District Court

FOR THE
NORTHERN DISTRICT OF CALIFORNIA

VENUE: SAN JOSE

ED

2020

ONG
T COURT
ALIFORNIA

UNITED STATES OF AMERICA,

V.

CR 20 - 0460

JUAN LEOPOLDO GARATE-AGUIRRE and
JOSE MANUEL RODRIGUEZ NARANJO

BLF

FILED

DEC -3 2020

SUSAN Y. SOONG
CLERK, U.S. DISTRICT COURT
NORTH DISTRICT OF CALIFORNIA

DEFENDANT(S).

INDICTMENT

21 U.S.C. § 841(a)(1), and (b)(1)(A) – Possession with Intent to Distribute and
Distribution of Methamphetamine;
21 U.S.C. § 853 – Forfeiture Allegation

A true bill.

/s/ Foreperson of the Grand Jury

Foreman

Filed in open court this 3rd day of

Decemeber, 2020

Susan van Kuel

Clerk

Bail, \$ Warrant

1 DAVID L. ANDERSON (CABN 149604)
2 United States Attorney

FILED

DEC -3 2020

SUSAN Y. SOONG
CLERK, U.S. DISTRICT COURT
NORTH DISTRICT OF CALIFORNIA

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8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA

10 SAN JOSE DIVISION

11 UNITED STATES OF AMERICA,

12 Plaintiff,

13 v.

14 JUAN LEOPOLDO GARATE AGUIRRE and
15 JOSE MANUEL RODRIGUEZ NARANJO,

16 Defendants.
17
18
19

CASE NO.

CR 20 0460
VIOLATIONS:

21 U.S.C. § 841(a)(1), and (b)(1)(A) – Possession
with Intent to Distribute and Distribution of
Methamphetamine;
21 U.S.C. § 853 – Forfeiture Allegation

20
21 INDICTMENT

22 The Grand Jury charges:

23 COUNT ONE: (21 U.S.C. § 841(a)(1) and (b)(1)(A)(viii) – Possession with Intent to Distribute
24 and Distribution of Methamphetamine)

25 On or about December 12, 2019, in the Northern District of California, the defendants,

26 JUAN LEOPOLDO GARATE AGUIRRE, and
27 JOSE MANUEL RODRIGUEZ NARANJO
28

INDICTMENT

1 did knowingly and intentionally distribute and possess with intent to distribute 500 grams and more of a
2 mixture and substance containing a detectable amount of methamphetamine, its salts, isomers, and salts
3 of its isomers, a Schedule II controlled substance, in violation of Title 21, United States Code, Section
4 841(a)(1) and (b)(1)(A)(viii).

5 FORFEITURE ALLEGATION: (21 U.S.C. § 853(a))

6 The allegations contained above are hereby re-alleged and incorporated by reference for the
7 purpose of alleging forfeiture pursuant to Title 21, United States Code, Section 853(a).

8 Upon conviction of any of the offenses alleged in Count One above, the defendants,

9 JUAN LEOPOLDO GARATE AGUIRRE, and
10 JOSE MANUEL RODRIGUEZ NARANJO

11 shall forfeit to the United States all right, title, and interest in any property constituting and derived from
12 any proceeds defendant obtained, directly or indirectly, as a result of such violations, and any property
13 used, or intended to be used, in any manner or part, to commit or to facilitate the commission of such
14 violations, including but not limited to a forfeiture money judgment.

15 If any of the property described above, as a result of any act or omission of the defendant:

- 16 a. cannot be located upon exercise of due diligence;
- 17 b. has been transferred or sold to, or deposited with, a third party;
- 18 c. has been placed beyond the jurisdiction of the court;
- 19 d. has been substantially diminished in value; or
- 20 e. has been commingled with other property which cannot be divided without
21 difficulty,

22 the United States of America shall be entitled to forfeiture of substitute property pursuant to Title 21,
23 United States Code, Section 853(p).

24 ///

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28 ///

1 All pursuant to Title 21, United States Code, Section 853, and Federal Rule of Criminal
2 Procedure 32.2.

3 DATED: December 3, 2020

A TRUE BILL.

4
5 /S/
6 FOREPERSON
7 San Francisco

8 DAVID L. ANDERSON
9 United States Attorney

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11 ALEXANDRA SHEPARD
12 DANIEL KALEBA
13 Assistant United States Attorneys
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1 DAVID L. ANDERSON (CABN 149604)
United States Attorney

2 HALLIE HOFFMAN (CABN 210020)
3 Chief, Criminal Division

4 ALEXANDRA SHEPARD (CABN 205143)
Assistant United States Attorney

5 450 Golden Gate Avenue, Box 36055
6 San Francisco, California 94102-3495
7 Telephone: (415) 436-6767
8 FAX: (415) 436-7234
Alexandra.Shepard@usdoj.gov

9 Attorneys for United States of America

10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA

12 SAN JOSE DIVISION

CR 20 0460

13 UNITED STATES OF AMERICA,

14 Plaintiff,

15 v.

16 JUAN LEOPOLDO GARATE AGUIRRE and
17 JOSE MANUEL RODRIGUEZ NARANJO,

18 Defendants.

) CASE NO.:

) MOTION FOR SEALING ORDER

) UNDER SEAL

19 The United States, by and through its counsel, Assistant United States Attorney Alexandra
20 Shepard, moves this Court for an order sealing the government's application for a sealing order, the
21 sealing order, the indictment, arrest warrant, and all attachments in the above-referenced case.

22 Disclosure of the specified documents might jeopardize the defendant's arrest.

23 Accordingly, the United States requests that the Court seal these documents, except that the
24 Clerk of Court shall provide copies of the sealed documents to employees of the United States
25 Attorney's Office. The United States further requests that the United States Attorney's Office be
26 permitted to share these documents as necessary to comply with its discovery obligations, and with the
27 Federal Bureau of Investigation and Drug Enforcement Administration.
28

FILED

DEC -8 2020

SUSAN Y. SOONG
CLERK, U.S. DISTRICT COURT
NORTH DISTRICT OF CALIFORNIA

BLF

1 DATED: December 2, 2020

Respectfully submitted,

2 DAVID L. ANDERSON
3 United States Attorney

4 /s/
5 Alexandra Shepard
6 Assistant United States Attorney
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1 DAVID L. ANDERSON (CABN 149604)
United States Attorney

2 HALLIE HOFFMAN (CABN 210020)
3 Chief, Criminal Division

4 ALEXANDRA SHEPARD (CABN 205143)
Assistant United States Attorney

5 450 Golden Gate Avenue, Box 36055
6 San Francisco, California 94102-3495
7 Telephone: (415) 436-6767
8 FAX: (415) 436-7234
Alexandra.Shepard@usdoj.gov

9 Attorneys for United States of America

10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA

12 SAN JOSE DIVISION

13 UNITED STATES OF AMERICA,

14 Plaintiff,

15 v.

16 JUAN LEOPOLDO GARATE AGUIRRE and
17 JOSE MANUEL RODRIGUEZ NARANJO,

18 Defendants.
19

) NO.:

) [PROPOSED] SEALING ORDER

) UNDER SEAL

20 Upon motion of the United States and good cause having been shown, IT IS HEREBY
21 ORDERED that the government's application for a sealing order, the sealing order, the indictment,
22 arrest warrant, and all attachments in the above-referenced case, shall be filed under seal until further
23 order of the Court, except that the Clerk of Court shall provide copies of the sealed documents to
24 employees of the United States Attorney's Office. The United States Attorney's Office is permitted to
25 share these documents as necessary to comply with its discovery obligations, and with the Federal
26 Bureau of Investigation and Drug Enforcement Administration.
27
28

FILED

DEC -3 2020

SUSAN Y. SOONG
CLERK, U.S. DISTRICT COURT
NORTH DISTRICT OF CALIFORNIA

BLF

CR 20 0460

1 IT IS SO ORDERED.

2 DATED: December 3, 2020



HON. SUSAN VAN KEULEN
United States Magistrate Judge

UNITED STATES DISTRICT COURT

for the

Northern District of California

BLF

United States of America
v.JUAN LEOPOLDO GARATE AGUIRRE and
JOSE MANUEL RODRIGUEZ NARANJOCR 20 0460
Case No.

Defendant

ARREST WARRANT

To: Any authorized law enforcement officer

YOU ARE COMMANDED to arrest and bring before a United States magistrate judge without unnecessary delay(name of person to be arrested) JUAN LEOPOLDO GARATE AGUIRRE,

who is accused of an offense or violation based on the following document filed with the court:

- ☒ Indictment
 ☐ Superseding Indictment
 ☐ Information
 ☐ Superseding Information
 ☐ Complaint
☐ Probation Violation Petition
 ☐ Supervised Release Violation Petition
 ☐ Violation Notice
 ☐ Order of the Court

This offense is briefly described as follows:

21 U.S.C. § 841(a)(1), and (b)(1)(A) – Possession with Intent to Distribute and Distribution of Methamphetamine

Date: 12/03/2020

 Issuing officer's signature
City and state: San Jose, CA
 Hon. Susan Van Keulen, U.S. Magistrate Judge
 Printed name and title

Return

 This warrant was received on (date) _____, and the person was arrested on (date) _____
 at (city and state) _____.

Date: _____

Arresting officer's signature

Printed name and title

**This second page contains personal identifiers provided for law-enforcement use only
and therefore should not be filed in court with the executed warrant unless under seal.**

(Not for Public Disclosure)

Name of defendant/offender: Juan Leopoldo Garate Aguirre

Known aliases: _____

Last known residence: _____

Prior addresses to which defendant/offender may still have ties: _____

Last known employment: _____

Last known telephone numbers: _____

Place of birth: _____

Date of birth: 11/18/1995

Social Security number: _____

Height: 5'05" Weight: 140

Sex: Male Race: White (Hispanic)

Hair: Black Eyes: Brown

Scars, tattoos, other distinguishing marks: _____

History of violence, weapons, drug use: _____

Known family, friends, and other associates (*name, relation, address, phone number*): _____

FBI number: 616285PG6

Complete description of auto: _____

Investigative agency and address: Drug Enforcement Administration, 150 Almaden Blvd, Suite 500, San Jose, CA 95113

Name and telephone numbers (office and cell) of pretrial services or probation officer (*if applicable*): _____

Date of last contact with pretrial services or probation officer (*if applicable*): _____

UNITED STATES DISTRICT COURT

for the

Northern District of California

United States of America

v.

JUAN LEOPOLDO GARATE AGUIRRE and
JOSE MANUEL RODRIGUEZ NARANJO

Case No.

CR 20 0460

BLF

Defendant

ARREST WARRANT

To: Any authorized law enforcement officer

YOU ARE COMMANDED to arrest and bring before a United States magistrate judge without unnecessary delay(name of person to be arrested) JOSE MANUEL RODRIGUEZ NARANJO,

who is accused of an offense or violation based on the following document filed with the court:

- ☒ Indictment
 ☐ Superseding Indictment
 ☐ Information
 ☐ Superseding Information
 ☐ Complaint
☐ Probation Violation Petition
 ☐ Supervised Release Violation Petition
 ☐ Violation Notice
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This offense is briefly described as follows:

21 U.S.C. § 841(a)(1), and (b)(1)(A) – Possession with Intent to Distribute and Distribution of Methamphetamine

Date: 12/03/2020

Issuing officer's signature

City and state: San Jose, CA

Hon. Susan Van Keulen, U.S. Magistrate Judge

Printed name and title

Return

This warrant was received on (date) _____, and the person was arrested on (date) _____
at (city and state) _____.

Date: _____

Arresting officer's signature

Printed name and title

**This second page contains personal identifiers provided for law-enforcement use only
and therefore should not be filed in court with the executed warrant unless under seal.**

(Not for Public Disclosure)

Name of defendant/offender: Jose Manuel Rodriguez Naranjo

Known aliases: _____

Last known residence: _____

Prior addresses to which defendant/offender may still have ties: _____

Last known employment: _____

Last known telephone numbers: _____

Place of birth: _____

Date of birth: 10/08/1981

Social Security number: 622797453

Height: 5'07" Weight: 160

Sex: Male Race: White (Hispanic)

Hair: Black Eyes: Brown

Scars, tattoos, other distinguishing marks: _____

History of violence, weapons, drug use: _____

Known family, friends, and other associates (*name, relation, address, phone number*): _____

FBI number: 685270JB5

Complete description of auto: _____

Investigative agency and address: Drug Enforcement Administration, 150 Almaden Blvd, San Jose, CA 95113

Name and telephone numbers (office and cell) of pretrial services or probation officer (*if applicable*): _____

Date of last contact with pretrial services or probation officer (*if applicable*): _____