

AO 91 (Rev. 11/11) Criminal Complaint

UNITED STATES DISTRICT COURT **FILED**

for the

Northern District of California

JAN 26 2021

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

United States of America )

v. )

Kelman David De La Cruz Pedroza, a.k.a "Chino," )

Case No. )

Defendant(s)

**MAG**  
**CR 21 70146**

**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 August 5, 2020 in the county of Santa Clara in the  
Northern District of California, the defendant(s) violated:

*Code Section*

*Offense Description*

21 U.S.C. §§ 841(a)(1) and 841(b)  
(1)(A)(viii)

Distribution of 50 grams and more of methamphetamine

Penalties: Minimum 10 years imprisonment, maximum life imprisonment;  
supervised release term of a minimum 5 years, maximum life; \$10,000,000  
fine; and \$100 special assessment

This criminal complaint is based on these facts:

See affidavit of HSI Special Agent Keith Holt, attached hereto and incorporated by reference

Continued on the attached sheet.

/s/ Keith Holt

*Complainant's signature*

Approved as to form Sarah C. Griswold  
AUSA Sarah Griswold

Keith Holt, Special Agent, HSI

*Printed name and title*

Attested to by the applicant in accordance with the  
requirements of Fed. R. Crim. P. 4.1 by telephone.

Date: January 25, 2021



*Judge's signature*

City and state: San Jose, CA

Nathanael M. Cousins, U.S. Magistrate Judge

*Printed name and title*

Print

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## AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

I, Keith Holt, hereby duly sworn, declare and state:

### INTRODUCTION

1. I am an “investigative or law enforcement officer of the United States” within the meaning of Section 2510(7) of Title 18, United States Code, that is, an officer of the United States who is empowered by law to conduct investigations of, and to make arrests for, offenses enumerated in Title 18, United States Code, Section 2516.

2. I make this affidavit in support of a Criminal Complaint charging **Kelman David DE LA CRUZ Pedroza, a.k.a “CHINO,”** with one count of distribution of 50 grams and more of methamphetamine in violation of 21 U.S.C. §§ 841(a)(1) and 841(b)(1)(A)(viii).

3. The facts in this affidavit come from my personal observations, my training and experience, information from records and databases, and information obtained from other agents and witnesses. In addition, where statements made by other individuals (including other Special Agents and law enforcement officers) are referenced in this Affidavit, such statements are described in sum and substance and in relevant part. Similarly, where information contained in reports and other documents or records are referenced in this Affidavit, such information is also described in sum and substance and in relevant part.

4. Because this Affidavit is submitted for the limited purpose of establishing probable cause for a criminal complaint, I have not included each and every fact known to me about this case. Rather, I have set forth only the facts that I believe are necessary to support probable cause for a criminal complaint.

### AGENT BACKGROUND

5. I have been a Homeland Security Investigations (“HSI”) Special Agent since 2018 and I am currently assigned to the HSI San Jose Office.

6. As a Special Agent, I have conducted or participated in criminal investigations involving violations including, but not limited to, narcotics trafficking, money laundering, contraband smuggling, and conspiracies to commit these crimes. These investigations have involved the use of confidential informants, wire and physical surveillance, telephone toll analysis, investigative interviews, and the service of search and arrest warrants. I have conducted investigations into the unlawful importation, possession with intent to distribute, and distribution of controlled substances, as well as the related laundering of monetary instruments, the conducting of monetary transactions involving the proceeds of specified unlawful activities, and conspiracies associated with criminal narcotics offenses, in violation of Title 21, United States Code, Sections 841(a)(1) and 846.

7. In conducting these investigations, I have employed a variety of investigative techniques, including physical and electronic surveillance, analysis of telephone records and pen register data, interviewing witnesses, service of search and arrest warrants, and the drafting of

criminal complaints, as well as handling informants and cooperating sources of information.

8. Moreover, I have directed informants and have monitored meetings and consensual telephone conversations involving informants. I have participated in hundreds of hours of surveillance of narcotic traffickers. During surveillance, I have personally observed narcotics transactions, counter-surveillance techniques, and the methods narcotics traffickers used to conduct clandestine meetings. I have participated in Title III investigations in which court-authorized wire interceptions were used in narcotics investigations. I have participated in seizures of narcotics and narcotics proceeds that resulted from the monitoring of these types of conversations. I have interviewed numerous drug traffickers, as well as confidential sources, and discussed with them the meaning of their coded language used during the course of the commission of drug offenses. I am familiar with and aware of the terminology used by narcotics traffickers concerning narcotics and narcotics dealing

9. I have personally participated in the investigation set forth below. I am familiar with the facts and circumstances of the investigation through my personal participation; from discussions with HSI and DEA agents, and other law enforcement agencies; and from my personal review of records and reports relating to the investigation. Unless otherwise noted, wherever in this affidavit I assert that a statement was made, the information was provided by another HSI or DEA agent, law enforcement officer, or witness who may have had either direct or hearsay knowledge of that statement and to whom I or others have spoken, or whose reports I have read and reviewed. Such statements are among many statements made by others and are stated in substance and in part unless otherwise indicated.

#### **APPLICABLE LAW**

10. Title 21, United States Code, Section 841(a)(1) makes it unlawful for any person to knowingly distribute a controlled substance, including methamphetamine. Under 21 C.F.R. § 1308.12(d)(2), methamphetamine is a Schedule II controlled substance.

#### **STATEMENT OF PROBABLE CAUSE**

11. As discussed below, HSI and the Drug Enforcement Administration (DEA) (collectively "the Investigative Agencies") used a Confidential Source (hereafter CS<sup>1</sup>) to

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<sup>1</sup> The CS is working for judicial consideration arising from his/her arrest in 2016 on drug-related charges regarding sale of methamphetamine. The CS has provided agents with information regarding other drug traffickers in the San Jose, California area that agents have been able to independently corroborate. The CS has successfully completed multiple controlled purchases of narcotics for other DEA investigations. The CS has been previously convicted of misdemeanors for driving under the influence, driving with a suspended license, and a felony for possession of a controlled substance for sale.

During this investigation, the CS's calls and meetings were monitored and recorded. All communications between the CS and DE LA CRUZ Pedroza were in Spanish. Summaries and/or translations of the calls and texts were provided by Spanish-speaking agents and/or Spanish linguists.

purchase methamphetamine from DE LA CRUZ Pedroza, a.k.a. "CHINO."

12. On August 4, 2020, the CS and DE LA CRUZ Pedroza spoke by telephone. During the call, DE LA CRUZ Pedroza agreed to sell a pound of methamphetamine to the CS.

13. On August 5, 2020, DE LA CRUZ Pedroza and agents, acting in an undercover capacity using a monitored and recorded line assigned to the CS, engaged in a text message conversation coordinating the time of the narcotics transaction.

14. At approximately 6:30 p.m., surveillance agents saw a black Mercedes arrive at the predetermined meeting location in San Jose, California. Agents saw DE LA CRUZ Pedroza exit the passenger side of Mercedes with a white plastic bag, walk toward the passenger side of the CS's vehicle, and enter the CS's vehicle. DE LA CRUZ Pedroza gave the CS approximately one pound of methamphetamine, and the CS gave DE LA CRUZ Pedroza \$3,900 in purchase of evidence funds. DE LA CRUZ Pedroza told the CS that he just got two kilograms of cocaine, and that it was about eighty percent. DE LA CRUZ Pedroza told the CS that it was \$34,000 for a kilogram of cocaine, and to give him a call if the CS needed some. DE LA CRUZ Pedroza exited the CS's vehicle, entered the Mercedes, and left the area. The meeting was audio and video recorded.

15. At approximately 6:55 p.m., agents followed the CS to a predetermined meet location and retrieved the methamphetamine from the CS. SA Garcia and I observed two zip-locked bags located on rear driver side floorboard containing approximately a half kilogram of methamphetamine.<sup>2</sup>

### CONCLUSION

23. Based on the foregoing, I hereby assert that probable cause exists to believe that **Kelman David DE LA CRUZ Pedroza** violated 21 U.S.C. §§ 841(a)(1) and 841(b)(1)(A)(viii).

/s/ Keith Holt

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KEITH HOLT  
Special Agent  
Homeland Security Investigations

Sworn to before me over the telephone and signed by me pursuant to Fed. R. Crim. P. 4.1 and 4(d) on this 25th day of January 2021. This complaint and warrant are to be filed under seal.

  
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THE HONORABLE NATHANAEL M. COUSINS  
United States Magistrate Judge

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<sup>2</sup> The methamphetamine was tested by the Western Regional Laboratory, which returned results for 446.8 +/- 0.2 grams of methamphetamine hydrochloride (100% +/- 6% purity).