

UNITED STATES DISTRICT COURT

for the

Northern District of California

FILED

Nov 23 2020

SUSAN Y. SOONG
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO

United States of America

v.

Jazmin Alejandra Cuevas-Capetillo

Case No. 3-20-71718 MAG

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 February 4, 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 (b)(1)(A) (viii)

Possession of 500g or more of a mixture/substance with methamphetamine with intent to distribute

Maximum Penalties:

10 years up to life in prison; \$10 million fine; supervised release of not less than 5 years up to lifetime supervised release; and a \$100 special assessment.

This criminal complaint is based on these facts:

See attached affidavit of DEA Special Agent Kevin Li incorporated by reference

Continued on the attached sheet.

/s/

Complainant's signature

Kevin Li, DEA Special Agent

Printed name and title

Approved as to form: /s/ Daniel Pastor
AUSA Pastor

Sworn to before me by telephone.

Date: November 20, 2020

City and state: San Francisco, CA

Jacqueline Scott Corley signature

Judge's signature

Hon. Jacqueline Scott Corley, US Magistrate Judge

Printed name and title

AFFIDAVIT IN SUPPORT OF AN APPLICATION FOR COMPLAINT

I, Kevin Li, a Special Agent with the Drug Enforcement Administration (DEA), being duly sworn, state:

INTRODUCTION

1. I make this affidavit in support of an application under Rule 4 of the Federal Rules of Criminal Procedure for a criminal complaint and arrest warrant authorizing the arrest of Jazmin Alejandra Cuevas-Capetillo (hereafter referred to as “Cuevas”) for violating 21 U.S.C. §§841(a)(1) and (b)(1)(A)(viii) (possession of methamphetamine with the intent to distribute).

SOURCES OF INFORMATION

2. This affidavit is submitted for the limited purpose of a securing a criminal complaint and arrest warrant. I have not included every fact known to me concerning this investigation. Instead, I have set forth only the facts necessary to establish probable cause that violations of the federal laws identified above have occurred. In addition, not every individual who could be charged based on the underlying facts is being charged in this complaint. Those persons who are not being charged at this point are identified by labels other than their true names.

3. I am familiar with the facts set forth in this Affidavit from my personal observations and inquiries, observations and investigations by other law enforcement officers and/or analysts as related to me in conversation and/or through written reports, and/or from records and/or documents and/or other evidence obtained as a result of this and related investigations. I have also obtained such information from records, documents, and other evidence obtained in this investigation. Unless otherwise indicated herein, I believe the information provided to me by others is reliable. In those instances, where I assert an opinion or belief with respect to the facts alleged herein, that opinion or belief is based upon my training and experience as set forth previously herein, along with my knowledge of this investigation and any other specific factors I offer in connection with a particular assertion.

AFFIANT BACKGROUND

4. I am a Special Agent with the United States Department of Justice, Drug Enforcement Administration (“DEA”), and have been so employed since March 2016. I am currently assigned to the San Francisco Division at the San Jose Resident Office in California. I am an “investigative or law enforcement officer of the United States” within the meaning of Title 18, United States Code, Section 2510(7), 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.

5. I have successfully completed a nineteen-week DEA Basic Agent Training Academy at the DEA Academy in Quantico, Virginia. This training included instruction in the investigation of federal drug violations, including, but not limited to Title 21, United States Code Sections 841 and 846. Additionally, this training included several hundred hours of comprehensive, formalized instruction in, but not limited to, narcotics investigations, drug identification, detection, interdiction, financial investigations and money laundering, identification and seizure of drug related assets, undercover operations, and electronic and physical surveillance procedures.

6. During the course of my employment, I have participated in several narcotics and financial investigations. I have debriefed defendants, confidential sources, and witnesses who had personal knowledge regarding narcotics trafficking organizations. In addition, I have discussed with numerous law enforcement officers, and confidential sources, the methods and practices used by narcotics traffickers. I also have participated in many aspects of drug and financial investigations including, but not limited to, undercover operations, telephone toll analysis, records research, and physical and electronic surveillance. Moreover, I have assisted

on the execution of several federal and state search and arrest warrants that resulted in the arrest of suspects and seizure of narcotics and assets.

7. I have conducted and been involved in numerous narcotics, firearms, and financial investigations regarding the unlawful manufacture, possession, distribution, and transportation of controlled substances, as well as related money laundering statutes involving the proceeds of specified unlawful activities and conspiracies associated with criminal narcotics, in violation of Title 21, United States Code, Sections 841(a)(1), 841(c)(2), 843, and 846 and the State of California Health and Safety Code. I have also participated in several investigations involving violations of Title 18, United State Code, Section 924(c), the possession or use of firearms in furtherance of drug trafficking offenses. I am familiar with the methods by which drug traffickers resort to violence and firearms to facilitate drug trafficking and provide security for their operations.

8. I have participated in several Organized Crime Drug Enforcement Task Force (OCDETF) investigations. The OCDETF program is part of the United States Attorney General's strategy to reduce the availability of drugs by disrupting major trafficking organizations through joint collaborations across agencies. I have monitored, supervised, conducted surveillance, or otherwise participated in numerous investigations that utilized electronic and/or wire interceptions. I have participated in writing, editing, and reviewing federal affidavits made in support of wire and electronic interceptions. Also, I have become familiar with narcotics traffickers' methods of operation, including, but not limited to, the manufacturing, distribution, storage, and transportation of narcotics, and the methods used by drug traffickers to collect, transport, safeguard, remit, and/or launder drug proceeds.

9. I have been the affiant on at least six federal wiretaps and have spent several hours listening to Spanish language calls and interpreting coded communications from Spanish language calls that have been translated into English. By virtue of my experience with these coded conversations, I have become familiar with terms in the Spanish language that Mexican drug traffickers often use to refer to narcotics products, packaging, and methods of concealment.

10. Through my training, education, experience, and my conversations with other agents and officers who conduct drug investigations, I have become familiar with narcotics traffickers' use of mobile telephones, and their use of numerical codes and code words to conduct their business. Also, I have become familiar with narcotics traffickers' methods of operation, including, but not limited to, the manufacturing, distribution, storage, and transportation of narcotics, and the methods used by drug traffickers to collect, transport, safeguard, remit, and/or launder drug proceeds.

APPLICABLE STATUTES

11. Pursuant to Title 21, United States Code, Section 841(a)(1), it is unlawful for any person knowingly and intentionally to manufacture, distribute, or dispense, or possess with intent to manufacture, distribute, or dispense, a controlled substance.

FACTS SUPPORTING PROBABLE CAUSE

Overview of Investigation

12. On February 4, 2020, the Federal Bureau of Investigation (FBI) conducted a controlled purchase of two kilograms of methamphetamine directly from Jazmin Cuevas in San

Jose, California, through a Confidential Source (CS-1)¹. I have reviewed reports generated by the FBI in relation to this controlled purchase, and my summary of the controlled purchase is based in part on these documents, in addition to my conversations with an agent from the FBI who participated in the controlled purchase.

13. Before the February 4, 2020 controlled purchase, CS-1 contacted a drug source, and negotiated to purchase two kilograms of methamphetamine. CS-1 was advised by the drug source that the two kilograms would be sold at \$2,300 per kilogram, with an additional \$800 referral fee to be sent to Mexico via wire-remitter. CS-1 additionally, was provided the contact for the source's niece in San Jose, California: Cuevas, who would be delivering the methamphetamine to CS-1.

14. CS-1 was later contacted by Cuevas, who informed CS-1 that she had been directed by her "uncle" to meet with CS-1. CS-1 and Cuevas eventually agreed upon a time and specific location in San Jose, California, to conduct the transaction.

15. In response, agents from the FBI provided CS-1 with \$5,400 in buy-funds and arranged to surveil CS-1 as CS-1 met with Cuevas in San Jose, California to conduct the purchase.

¹ The CS is working for monetary compensation only. Agents have independently verified all information from the CS that has been included in this application. I have been informed that FBI agents have been working with the CS since 2017. The agents find the CS to be reliable and that information provided by the CS is credible. The CS has a 2005 felony conviction for child cruelty, a 2009 felony conviction for first-degree burglary, and a 2009 misdemeanor conviction for assisting another to obtain a Department of Motor Vehicle document improperly. The CS also has a misdemeanor conviction for driving under the influence, and the CS was arrested approximately two years ago for the same crime. The CS received no special consideration or treatment for this offense in exchange for assistance with this investigation, and this was made clear to the CS.

16. I have been informed by agents from the FBI, that CS-1 was equipped with a concealed recorder that recorded the details of the buy between CS-1 and Cuevas. FBI agents also live monitored the controlled purchase as it occurred. I have also been informed that CS-1 was searched before and after the controlled purchase for additional currency and contraband with negative results.

17. CS-1 and Cuevas eventually met at the predetermined purchase location in San Jose, California, later that day and conducted the transaction. Agents observed that Cuevas arrived at the location in a white Honda Accord with California license plate "8EJY140" registered to "Jazmin A Cuevas-Capetillo" at "314 N. 7th Street, San Jose, California". CS-1 and Cuevas met within Cuevas's vehicle. Cuevas provided CS-1 with two Ziploc baggies containing a white crystalline substance suspected to be methamphetamine, in exchange for \$4,600 in buy funds from CS-1. I have seen still photographs and reviewed portions of recorded video obtained through a recording device employed to monitor the transaction, and I recognized the image of Cuevas in the vehicle during the transaction.

18. The suspected methamphetamine was later field tested and found to test presumptively positive for the presence of methamphetamine, with an approximate weight of 2,024 grams.

19. Agents later learned from the California Department of Motor Vehicles (DMV) that Cuevas had listed 314 North 7th Street, San Jose, California, as her address of record with a prior address at 1521 West Hedding Street, San Jose, California.

CONCLUSION

20. On the basis of my participation in this investigation and the information summarized above there is probable cause to believe that the defendant has violated 21 U.S.C. §§ 841(a)(1) and (b)(1)(A)(viii) (possession of methamphetamine with the intent to distribute).

Therefore, I request that the Court issue a criminal complaint charging the defendant with this violation and issue a warrant for the defendant's arrest.

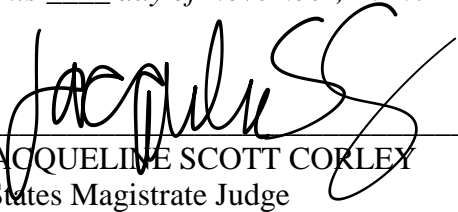
21. Because this investigation is continuing, disclosure of the complaint, my affidavit, this application, and the attachments would jeopardize the progress of the investigation and potentially endanger the agents and confidential sources working on the investigation. It may also cause the defendant to flee and/or destroy evidence. Accordingly, I request that the Court seal the application, this affidavit, the complaint and supporting papers, except that the Clerk of the Court be directed to provide copies of these documents to the United States Attorney's Office and/or the Drug Enforcement Administration for use in connection with this case.

I declare under penalty of perjury that the above is true and correct to the best of my knowledge.

/s/

KEVIN Y. LI
Special Agent
Drug Enforcement Administration

Sworn to before me over the telephone and signed by me pursuant to Fed. R. Crim. P 4.1 and 4(d) on this ^{20th} _____ day of November, 2020.



HON. JACQUELINE SCOTT CORLEY
United States Magistrate Judge