

UNITED STATES DISTRICT COURT

for the

Northern District of California

FILED

Nov 16 2020

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

United States of America

v.

Alex Jose Torres-Carrero,
Roberto Villalobos-Buelna,
Sergio Villalobos-Cisneros,

Case No.3:20-mj-71641 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 at least 6/6/2020 to 6/25/2020 in the county of Santa Clara in the
Northern District of California, the defendant(s) violated:*Code Section**Offense Description*

21 U.S.C. § 846;

Attempted possession with the intent to distribute 500g or more of a mixture/
substance containing methamphetamine21 U.S.C. § 841(a)(1) and (b)(1)(A)
(viii)

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

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; \$100
special assessment; and potential deportation.

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.Approved as to form: /s/ Thomas Colthurst
AUSA Colthurst

/s/ Kevin Li

Complainant's signature

Kevin Li, DEA Special Agent

Printed name and title

Sworn to before me by telephone.

Date: 11/13/2020City and state: San Francisco, CA*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 the individuals listed in the following chart for the violations of federal criminal law listed in this chart. The following chart also lists, for each Defendant, the paragraphs supporting the conclusion that the Defendant committed the charged offense:

Defendant	Charge	Relevant Paragraphs
Alex Jose Torres-Carrero a/k/a "Chupon" ("Torres")	21 U.S.C. §§ 846 (attempted possession of methamphetamine with the intent to distribute)	13-39
Roberto Villalobos- Buelna a/k/a "Lobo" ("Villalobos")	21 U.S.C. §§ 841(a)(1) and (b)(1)(A)(viii) (possession of methamphetamine with the intent to distribute)	13-39
Sergio Villalobos- Cisneros ("Sergio")	21 U.S.C. §§ 841(a)(1) and (b)(1)(A)(viii) (possession of methamphetamine with the intent to distribute)	24-39

SOURCES OF INFORMATION

2. This affidavit is submitted for the limited purpose of securing a criminal complaint and arrest warrants. 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 been 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 investigation 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, wherein 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, Sections 924(c), the possession or use of firearms in furtherance of drug trafficking offenses. I am familiar with common methods used by

drug traffickers involving firearms and/or violence to facilitate drug trafficking and to 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. I have also 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. I have also 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.

12. Pursuant to Title 21, United States Code, Section 846, it is unlawful for any person to attempt or conspire to commit any offense defined in Title 21, including violations of Section 841(a)(1).

FACTS SUPPORTING PROBABLE CAUSE

Overview of Investigation

13. The Drug Enforcement Administration (DEA), partnered with other agencies, has been investigating a Bay Area methamphetamine trafficker named Alex Jose Torres-Carrero (hereafter “Torres”) (among other persons) using court-authorized federal wiretaps and physical and electronic surveillance.

14. During a court-authorized wiretap of a telephone used by Torres, the DEA learned that on or about June 25, 2020, Torres was seeking to purchase approximately 25 pounds of methamphetamine from a supplier identified as Roberto Villalobos-Buelna (hereafter referred to as “Villalobos”). Agents conducted surveillance of Villalobos and learned that Villalobos, along with his associate Sergio Villalobos-Cisneros (hereafter “Sergio”), had traveled to Long Beach, California on June 24, 2020, to pick up approximately 25 pounds of methamphetamine for Torres.

15. Based on the surveillance, agents seized 25 pounds of methamphetamine on June

25, 2020, as the methamphetamine was being transported to the Northern District of California. These events are described in detail below.

Scheme to Transport 25 Pounds of Methamphetamine to Northern California

16. In June 2020, the DEA initiated a wiretap of a cellular telephone used by Torres. During this wiretap, agents learned about various methamphetamine suppliers to the Torres DTO, including one such supplier, Roberto Villalobos-Buelna (hereafter “Villalobos”).

17. On or about June 6, 2020, at approximately 3:44 p.m., the DEA intercepted a call between Torres, then using the telephone number 669-255-6215, and Villalobos who was then using the telephone number (408) 701-8687. Torres asked Villalobos to check with Villalobos’s suppliers about current methamphetamine supply. The following are pertinent portions of their communications translated from Spanish into English:

Villalobos: “That is why he did not answer, he said that they did not answer my brother said. That fifteen days. I called and spoke to *la calabazona* my brother.”

Villalobos: “He said that he is working on that, that it will be like thirteen or fourteen days for it to be over here.”

Torres: “Yea.”

Villalobos: “My brother talked to another guy and he had said that it was down there. He said it is here also, and that he had only L’s. He said he could not get them for less than thirty five.”

Torres: “What number?”

Villalobos: “How many do you want me to get you?”

Torres: “Well just that if that is all there is.”

Villalobos: “23?”

Torres: “Maybe 23.”

Villalobos: “23 L’s?”

Torres: “Yes.”

Villalobos: “Let me talk to my brother then to tell him...”

18. Based on the conversation above, I believe based on my training and experience that Villalobos is likely a drug source of supply for Torres. Based on the contents of the call, I believe that Villalobos and his brother “*La Calabazona*” are suppliers of methamphetamine. I believe that the reference to 23 “L’s” at “thirty five” refers to a deal for 23 pounds of methamphetamine at \$3,500 per pound. I believe the reference to “L’s” is a play on words for the Spanish word for pound or “*libra*”.

19. I am aware that during the COVID-19 pandemic, the price of methamphetamine in the Northern California Bay Area has rose dramatically, and the price of \$3,500 per pound was consistent with the range of prices for methamphetamine in the Bay area in June 2020.

20. On or about June 8, 2020, at approximately 10:37 a.m., Torres and Villalobos had a telephone conversation during which Villalobos told Torres that he (Villalobos) had just spoken with an associate of his brother. The following are pertinent portions of their communications translated from Spanish into English:

Villalobos: “Hey yea, I just finished talking to the guy that is with my brother. He said the other guy told him already, a little while ago that he would head out from there. He is coming from down there.”

Torres: “Yea.”

Villalobos: “He said that he told him that because the friend, well of my brother is only the...well he’s an intermediary. And he says that dude did not, did not want to not even to. He does not want to leave anything like that to front nothing. He’ll only do what is there for the ‘magazines’.”

Torres: “Yea?”

Villalobos: “Supposedly he would come with a four and a zero (40). I told him that you had like, more or less like around for around twenty-five (25).”

21. Based on the contents of the call, I believe that Villalobos was informing Torres that 40 pounds of methamphetamine would be crossing, and Villalobos was communicating Torres's assertion that Torres was able to purchase 25 pounds if the payment was to occur upfront.

22. This deal however, did not seem to happen based on a follow up call on June 10, 2020, between and Villalobos during which Villalobos cancelled the deal. The following are pertinent portions of their call translated from Spanish into English:

Villalobos: "He said there was nothing."

Torres: "That's fine."

Villalobos: "He talked to his comrade before and that they went all the way over there to pick up what he had down there...and that supposedly right now they are not letting anyone put up stores."

Torres: "Yea."

Villalobos: "That supposedly they want to regulate the numbers I guess...If I hear something I will holler at you man."

23. Based on the conversation, I believe that Villalobos was informing Torres that the shipment would not occur and that the supply of methamphetamine was being regulated by the suppliers. Agents suspect that Villalobos was referring to efforts by suppliers in Mexico to drive up the price of methamphetamine (i.e. "the number") in the US by limiting the number of distributors or "stores" with supply.

24. Agents learned that this discussed deal later came to fruition on or about June 23, 2020, when the DEA intercepted a call between Villalobos and Torres during which Villalobos let Torres know that the requested methamphetamine was ready. The following are pertinent portions of their call translated from Spanish into English:

Villalobos: “Alright. Uh, my brother called me right now. He said that, that the kid called him already...that a twenty five (25) already arrived to him, and he’s waiting for the other one for, for the “*Toleco*” [slang for “fifty”].

Torres: “Ok.”

Villalobos: “Uh, but, but that that we should head out at early dawn so we can get there early.”

Torres: “You tell me what time is that time.”

Villalobos: “Uh I will go in my thing, in my car. And you, would you take yours?”

Torres: “If you want.”

Villalobos: “Alright then. So then uh, let him tell me, more or less in what town it is and, and we’ll leave around like at 5:30 or 6:00, if you want.”

Torres: “That’s fine.”

25. On or about the morning of June 24, 2020, agents observed that location information¹ for the Villalobos Telephone showed that it was traveling southbound towards Southern California. The telephone eventually stopped in the vicinity of the Best Western Motel in Gardena, California. Agents conducting surveillance in the vicinity of the motel were able to locate a BMW Sedan with California license plate “8HSH457” registered to “Anais Torres at 3159 Shofner Place, San Jose, California, parked in the parking lot of the Best Western Motel.

26. Agents also noted that the Shofner address matched location data showing where the Villalobos telephone ending in 8687 was often found at night, indicating that this is where Villalobos would spend the night.

¹ The Honorable Judge Donald Ayoob, San Mateo County Superior Court authorized the acquisition of location information associated to the Villalobos telephone ending in 8687.

27. Later that night, agents saw Villalobos accompanied by two other Hispanic males (one of whom was later identified as Sergio Villalobos-Cisneros) climb into the BMW and drive to a nearby restaurant.

28. As agents observed Villalobos leave the motel, a ruse call was placed to the telephone ending in 8687. Agents terminated the ruse call before the call could connect. Later while outside the restaurant, agents observed Villalobos exit the restaurant and attempt to make a return phone call to the ruse caller.² The ruse caller, a law enforcement officer, received an incoming call from the Villalobos telephone ending in 8687. Agents then observed Villalobos attempt to call the ruse caller once again after the initial call went unanswered. The ruse caller once again received an incoming call from the Villalobos telephone ending in 8687. Based on the observed calling pattern, agents concluded that Villalobos was the user of the telephone ending in 8687.

29. The following day, on or about June 25, 2020, agents re-established surveillance of Villalobos outside the Best Western Motel and saw Villalobos accompanied by the same two Hispanic men from the previous day. Agents observed one of the Hispanic men get into Villalobos's BMW carrying a large black backpack. The other Hispanic male, later identified as Sergio Villalobos-Cisneros (hereafter "Sergio"), entered a different car—a black Audi—and both cars departed from the motel.

30. Agents lost track of Sergio's Audi, but they were able to follow Villalobos's BMW to a Motel 6 in Long Beach, California. There, agents saw both Villalobos and the other unidentified Hispanic male carry a large black backpack into a room at the Motel 6.

² Toll records have confirmed the calls placed between the ruse caller and Villalobos Telephone ending in 8687.

31. Several minutes later, agents saw Villalobos leave the motel room carrying a large navy duffel bag. The other unidentified Hispanic man was no longer in possession of the backpack. Agents saw Villalobos place the navy duffel bag into the trunk of his BMW.

32. Agents were unable to maintain surveillance of Villalobos's BMW after it departed from Long Beach, and lost visual of the vehicle for a brief period of time before re-acquiring the vehicle at the Best Western in Gardena, California. Afterwards, agents continued to follow the BMW, and observed that the BMW was now solely occupied by Villalobos as it began travelling northbound towards the Interstate 5 freeway.

33. As agents continued to follow the BMW, they spotted Sergio's Audi driving northbound along the 5 freeway as well, approximately a mile away from Villalobos's BMW.

34. Around that time, the California Highway Patrol conducted a traffic stop of Villalobos's BMW for violations of the California Vehicle Code near Valencia, California.

35. During the traffic stop, Villalobos identified himself as Roberto Villalobos-Buelna and provided an address at 3159 Shofner Place, San Jose, California. Villalobos gave CHP officers consent to search his BMW, but officers discovered that the trunk of his BMW was empty. Villalobos was released from the scene following the negative search results.

36. Agents then continued surveillance along the Northbound 5 freeway in an attempt to locate Sergio's Audi. Later that day, agents located Sergio's Audi near Gilroy, California in the vicinity of the Highway 152. There, a CHP officer stopped Sergio's Audi for violations of the California Vehicle Code. A narcotics K-9 was also present at the scene of the stop, and the K-9 positively alerted to the odor of narcotics emanating from Sergio's Audi.

37. A search of the Audi's trunk led to the discovery of a large navy duffel bag matching the description of the bag previously observed in Villalobos's possession. A search of

the duffel bag yielded approximately 25 individually vacuum-sealed bags containing one-pound quantities of a white crystalline substance suspected to be methamphetamine. Sergio was placed under arrest following the discovery of the 25 pounds of suspected methamphetamine.³

38. A DEA laboratory tested the seized suspected methamphetamine, and it tested positive for the presence of methamphetamine with a net weight of approximately 11,019 grams.

39. Based on the totality of the circumstances and my training and experience, I believe that Villalobos had likely traveled to Southern California after he had met with Torres on June 24, 2020, to collect the money for the 25 pounds of methamphetamine. Then on or about June 25, 2020, after finally receiving confirmation from his methamphetamine source that the methamphetamine was ready, Villalobos travelled to the Motel 6 in Long Beach, California where the transaction for the 25 pounds was completed. I believe the money was likely contained within the black backpack that was dropped off at the motel room. Following the transaction at the Motel 6, I believe that the methamphetamine contained within the navy duffel bag was then transferred to Sergio who was told to drive the methamphetamine back to Northern California on Villalobos's behalf.

CONCLUSION

40. On the basis of my participation in this investigation and the information summarized above there is probable cause to believe that the following individuals have violated the statutes listed below, based on evidence that Alex Jose Torres-Carrero attempted to possess the methamphetamine that he ordered from Roberto Villalobos-Buelna and that Roberto

³ This seized methamphetamine was tested by a DEA laboratory and tested positive for the presence of methamphetamine, with a net weight of approximately 11,019 grams.

Villalobos-Buelna and Sergio Villalobos-Cisneros possessed the methamphetamine that they were transporting to deliver to Torres. Therefore, I request that the Court issue complaints for the following criminal violations:

Alex Jose Torres-Carrero	21 U.S.C. § 846
Roberto Villalobos-Buelna	21 U.S.C. §§ 841(a)(1) and (b)(1)(A)(viii)
Sergio Villalobos-Cisneros	21 U.S.C. §§ 841(a)(1) and (b)(1)(A)(viii)

Because this investigation is continuing, disclosure of the complaint, this affidavit, and/or this application and the attachments thereto would jeopardize the progress of the investigation and potentially endanger the agents and confidential sources working on the investigation. It may also cause Defendants to flee and/or destroy evidence of their crimes. Accordingly, I request that the Court seal the application, this affidavit, the complaint and the supporting papers, except that the Clerk of the Court should be permitted 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

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Sworn to before me over the telephone and signed by me pursuant to Fed. R. Crim. P 4.1 and 4(d) on this 13th day of November, 2020.



HON.
United States Magistrate Judge