

SEAL
United States District Court

NORTHERN

DISTRICT OF

TEXAS

UNITED STATES OF AMERICA

V.

COMPLAINT

NANCY PINEDA

CASE NUMBER: 3-16-MJ-

3-16MJ861-BK


I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. On or about June 8, 2016, in the Dallas Division of the Northern District of Texas, defendant(s) did,

knowingly and intentionally combine, conspire, confederate, and agree with others both known and unknown to knowingly and intentionally distribute a mixture or substance containing a detectable amount of heroin, a Schedule I controlled substance, in violation of 21 U.S.C. §§ 841(a)(1) and b(1)(C), and 846.

I further state that I am a(n) Special Agent with the Drug Enforcement Administration (DEA) and that this complaint is based on the following facts:

See attached Affidavit of Special Agent James Henderson, which is incorporated and made a part hereof by reference.

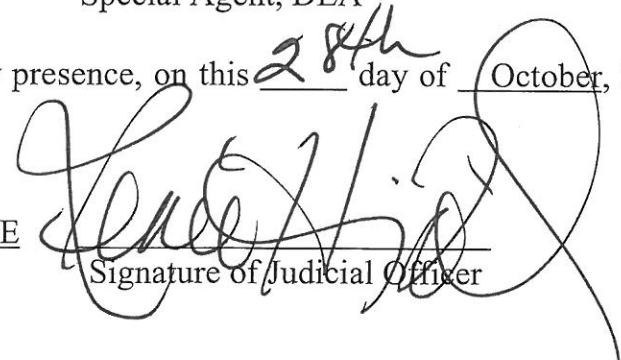
Continued on the attached sheet and made a part hereof: ☒ Yes ☐ No



Signature of Complainant
James Henderson
Special Agent, DEA

Sworn to before me and subscribed in my presence, on this 28th day of October, 2016, at Dallas, Texas.

RENÉE HARRIS TOLIVER
UNITED STATES MAGISTRATE JUDGE
Name & Title of Judicial Officer



Signature of Judicial Officer

AFFIDAVIT OF SPECIAL AGENT JAMES HENDERSON
IN SUPPORT OF APPLICATION FOR ARREST WARRANT

I, James Henderson, a Special Agent with the Drug Enforcement Administration, being duly sworn, state as follows:

AFFIANT'S EXPERIENCE

1. I am a federal criminal investigator with the Drug Enforcement Administration (DEA) and have been so employed since 1995. I am currently assigned to the Dallas, Texas, office. As part of my official duties, I have been involved in numerous gang, drug trafficking, and firearms related investigations. I have received training regarding the manner in which drug traffickers obtain, finance, manufacture, transport, store, and distribute illegal drugs. I am familiar with the methods utilized by drug traffickers to conduct their business. I have utilized various investigative techniques including physical surveillance, undercover operations, the use of confidential informants, and wire intercepts. Further, I have training and experience in the execution of search and arrest warrants, Title III investigations, and the debriefing of defendants, informants, and witnesses.

2. I am assisted with this investigation by Farmers Branch Police Department Narcotics Investigators. As a result of this investigation, Affiant has probable cause to believe that on or about June 8, 2016, **Nancy PINEDA** did knowingly and intentionally combine, conspire, confederate, and agree with others both known and unknown to knowingly and intentionally distribute a mixture or substance containing a detectable

amount of heroin, a Schedule I controlled substance, in violation of 21 U.S.C. §§ 841(a)(1) and b(1)(C) and 846.

PURPOSE OF AFFIDAVIT

3. This affidavit is made in support of an application for a criminal complaint for **Nancy PINEDA**.

4. Affiant has probable cause to believe that **Nancy PINEDA** did knowingly and intentionally combine, conspire, confederate, and agree with others both known and unknown to knowingly and intentionally distribute a mixture or substance containing a detectable amount of heroin, a Schedule I controlled substance, in violation of 21 U.S.C. §§ 841(a)(1) and (b)(1)(C), and 846.

THE INVESTIGATION – FACTUAL BACKGROUND

5. Because this Affidavit is being submitted for the limited purpose of establishing probable cause for a criminal complaint, I have not included each and every fact known to me concerning this investigation. I have set forth facts that I believe are necessary to establish probable cause of a violation of federal criminal offenses, specifically 21 U.S.C. §§ 841 (a)(1) and (b)(1)(C), and 846.

PROBABLE CAUSE

6. On June 8, 2016, at approximately 9:43 p.m., VICTIM was found deceased in the bathroom of a McDonalds restaurant, located at 2899 Valley View Lane, Farmers Branch, Texas. Based on observations of the scene, Farmers Branch Police Department (FBPD) suspected that VICTIM's death was the result of a heroin overdose. This was

later confirmed by the Office of the Medical Investigator, which determined VICTIM's cause of death was due to the toxic effects of heroin and ethanol.

7. FBPD Investigator (INV) Christopher Henderson was assigned to VICTIM's death investigation. Through the course of his investigation, INV Henderson found text messages on VICTIM's phone that appeared to be drug related. The text messages showed that on June 8, 2016, at 7:00 p.m., VICTIM negotiated to buy a "dub" and a "point" from an individual saved in her phone contacts, later identified as "A.J." A "dub" is slang for .20 grams of narcotics, and a "point" is slang for a syringe. The text conversation concluded at 7:44 p.m. when VICTIM sent the text "we down the street."

8. INV Henderson obtained a state search warrant for A.J.'s cell phone, and as a result of that search warrant found text conversations between A.J. and an individual listed in his phone as "Nina." XXX-XXX-9758 was the telephone number associated with "Nina." XXX-XXX-9758 is registered to Elba Pineda at 13925 Montvale Drive, Farmers Branch, Texas. INV Henderson was familiar with that address from previous narcotics investigations involving a known heroin dealer, **Nancy PINEDA**.

9. The text conversations between "Nina," later identified as **Nancy PINEDA**, and A.J. began on June 8, 2016, at 7:08 p.m., and concluded at 7:25 p.m. During this text conversation, A.J. negotiated with **PINEDA** to obtain a "piece" at Taqueria El Paisano (Paisano), on Lombardy Lane in Dallas, Texas. "Piece" is slang for narcotics. A.J. also used VICTIM's phone to text **PINEDA** at 7:59 p.m. to tell her they were almost to Paisano.

10. INV Henderson was able to determine that A.J. and VICTIM drove together to Paisano to meet **PINEDA**. Surveillance video from Paisano shows A.J. exiting the car and talking on the phone. A.J. hands the telephone to VICTIM and runs to the Sonic restaurant nearby. A few minutes later, A.J. returns to the car and they leave. VICTIM can be seen talking on a cell phone as they drive away. Telephone records confirmed that A.J. was using VICTIM's phone to call **PINEDA's** phone while in the parking lot of Paisano. Those calls lasted approximately 30 and 40 seconds each.

11. Surveillance video from the Sonic on Lombardy Lane in Dallas, Texas, shows at approximately 8:13 p.m. A.J. walks up to a silver Ford sedan parked at the restaurant and makes a hand to hand transaction with the front seat passenger then walks away. That vehicle was registered to **PINEDA**. The front seat passenger of the silver Ford sedan can be seen on the surveillance video wearing a shirt with a large white collar. Affiant believes that the female passenger from the silver Ford sedan was **PINEDA**. INV Henderson observed a Facebook post made by **PINEDA** on that same day, June 8, 2016, where she is wearing the same shirt with distinctive white collar.


12. **PINEDA** was arrested on June 21, 2016, for unrelated regional warrants. She waived her Miranda rights and spoke with INV Henderson about her whereabouts on June 8, 2016. **PINEDA** admitted to being in the silver Ford sedan that met with A.J. at the Sonic on Lombardy Lane. **PINEDA** acknowledged that A.J. bought heroin at that time, but denied that she sold it to him.

13. A.J. later confirmed with INV Henderson that he was contacted by the VICTIM on June 8, 2016, to purchase heroin for her, and that he contacted **PINEDA** to

arrange the buy. A.J. admitted to purchasing the heroin directly from **PINEDA** at the Sonic restaurant, and that he gave that heroin to VICTIM immediately afterwards. This information is corroborated by surveillance videos, text message history of **PINEDA**, VICTIM, and A.J., and by additional witness interviews. A.J. confirmed with law enforcement that he had been a regular purchaser of heroin, and that he purchased heroin from **PINEDA** on multiple occasions. Law enforcement was also able to review telephone records and text message history, and interview witnesses that confirmed **PINEDA** knew VICTIM and had dealt heroin to VICTIM on a regular basis in the past.

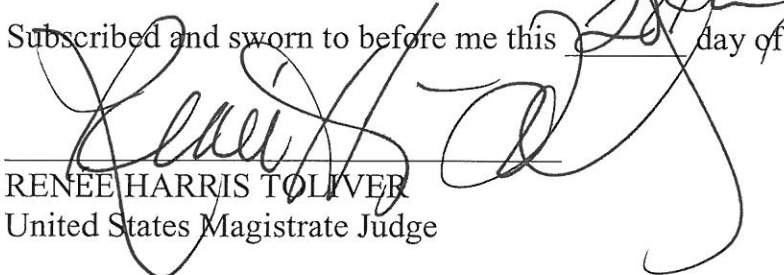
CONCLUSION

14. Based upon all of the information set forth in this application, Affiant believes that there is probable cause to establish that the defendant **Nancy PINEDA** did knowingly and intentionally combine, conspire, confederate, and agree with others both known and unknown to knowingly and intentionally distribute a mixture or substance containing a detectable amount of heroin, a Schedule I controlled substance, in violation of 21 U.S.C. §§ 841(a)(1) and (b)(1)(C), and 846.



James Henderson
Special Agent
Drug Enforcement Administration

Subscribed and sworn to before me this 28th day of October, 2016.



RENEE HARRIS TOLIVER
United States Magistrate Judge