

AO 91 (Rev. 11/11) Criminal Complaint

UNITED STATES DISTRICT COURT

for the District of New Mexico

FILED UNITED STATES DISTRICT COURT ALBUQUERQUE, NEW MEXICO

OCT 30 2024

MITCHELL R. ELFERS CLERK

United States of America

v.

ANGELO GARCIA (born 2005)

Case No.

24-MJ-1586

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 October 30, 2024 in the county of Bernalillo in the District of New Mexico, the defendant(s) violated:

Code Section

18 U.S.C. § 924(c)(1)(A)(i) 21 U.S.C. §§ 841(a)(1) and (b)(1)(B);

Offense Description

Possession of a firearm in furtherance of a drug trafficking crime. PWID 40 grams and More of Mixture and Substance containing Fentanyl (N-Phenyl-N-[1-(2-phenylethyl)-4-piperidinyl] propanamide)

This criminal complaint is based on these facts:

See attached affidavit

Continued on the attached sheet.

AR

Complainant's signature

Aran Marquis, FBI Special Agent

Printed name and title

Sworn to before me and signed in my presence.

Date: 10/30/2024

Steven C. Yarbrough

Judge's signature

City and state: Albuquerque, New Mexico

Steven C. Yarbrough, Magistrate Judge

Printed name and title

I, Aran Marquis, being duly sworn, depose and say:

### **INTRODUCTION AND CRIMINAL CHARGES**

1. I am a Special Agent with the Federal Bureau of Investigation (FBI) and have been since 2019. I am currently assigned to the FBI Albuquerque Field Office, Violent Gang Task Force (VGTF), where I primarily investigate violent gangs and federal drug and firearm related crimes.

2. This affidavit is in support of a criminal complaint and arrest warrant charging ANGELO GARCIA, born 2005, with violations of the following United States Code sections:

- a. 21 U.S.C. §§ 841(a)(1) and (b)(1)(B): possession with intent to distribute 40 grams and more of a mixture and substance containing fentanyl; and
- b. 18 U.S.C. § 924(c): possession of a firearm in furtherance of a drug trafficking crime;

### **STATEMENT OF PROBABLE CAUSE**

3. On October 30, 2024, agents from the FBI executed a federal search warrant<sup>1</sup> at the residence of ANGELO GARCIA (GARCIA), 4903 Rincon Road Northwest, Albuquerque, New Mexico. The warrant authorized the search for evidence of drug trafficking and the introduction of contraband into a correctional facility. As agents arrived on scene at GARCIA's residence, agents observed a male occupant inside the residence moving from east to west inside the home. Agents were unable to determine the identity of this male at that time, and ultimately two Hispanic males exited the residence and were temporarily detained, along with all other occupants of the house. As all of the occupants were called out from the residence by agents and temporarily detained, agents confirmed the identity of each occupant. Inside the residence were GARCIA;

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<sup>1</sup> 24-MR-1985 was issued in the District of New Mexico on October 29, 2024, by the Honorable Steven C. Yarbrough.

GARCIA's mother, ANGEL; GARCIA's minor sister; GARCIA's grandmother; a female relative of GARCIA; and another Hispanic male, VICTOR, who directed agents to his room at the north of the house. After successfully clearing the residence, all the occupants of the residence, aside from GARCIA, were freed from handcuffs and instructed they were free to leave the premises. GARCIA remained handcuffed and was instructed he was being detained for the duration of the search.

4. During a search of the residence, agents located a Glock model 17 pistol bearing serial number BVCH358 under a pile of clothing in the laundry room. An extended Glock magazine was inserted in the pistol and was filled with 18 9 millimeter rounds, although no round was chambered. Inside a bedroom at the east end of the house, later identified by ANGEL as being GARCIA's bedroom, agents found approximately 316.2 grams of blue pills marked "M 30<sup>2</sup>," two boxes containing suboxone strips, suspected marijuana wax, and bulk U.S. currency.

5. During the search, agents interviewed ANGEL, who had remained at the premises to look after her daughter. ANGEL told agents that the seized Glock and fentanyl pills were hers and that she was a drug addict. ANGEL stated she had stored the fentanyl pills in GARCIA's bedroom because she did not know where else to keep them. Following this interview, agents conducted a custodial interview of GARCIA. Agents read GARCIA his Miranda rights and GARCIA consented to be interviewed by agents<sup>3</sup>. GARCIA stated he was asleep when agents arrived at his house, but that he had woken up after hearing the law enforcement sirens and that he

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<sup>2</sup> The blue "M 30" pills were not field tested by agents; however, based on my training and experience, I know blue pills marked "M 30" to be consistent with counterfeit 30 milligram oxycodone pills containing fentanyl. Agents intend on sending the suspected fentanyl to the Drug Enforcement Administration (DEA) laboratory for further analysis.

<sup>3</sup> This interview was recorded by the interviewing agents.

had taken his Glock pistol from his bedroom at the east end of the house to the laundry room just to the west of his bedroom. GARCIA then hid the pistol underneath some clothing in the laundry room. GARCIA stated his mother, ANGEL, was merely trying to cover for him and that neither the firearm nor the drugs belonged to her. GARCIA told agents he kept the pistol for protection. GARCIA added that he kept the fentanyl pills in his bedroom, but stated he had no intention of selling them. Based on my training and experience, I know the amount of suspected fentanyl pills to be more consistent with distribution amounts of fentanyl rather than user amounts. I also know based on training and experience that drug traffickers frequently carry firearms with them when selling drugs as a means of protection.

#### **INTERSTATE NEXUS**

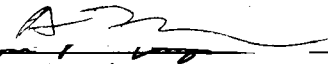
6. Based in my training and experience, I am aware Glock 19 Gen 5 handguns are manufactured by Glock in Austria. Agents examined and conducted a function check of the Glock 19 Gen 5 9 mm pistol, with serial number BVCH358, and believe it meets the federal definition of a "firearm."

#### **CONCLUSION**

7. Based on the information contained herein, I believe there is probable cause to charge GARCIA with 21 U.S.C. §§ 841(a)(1) and (b)(1)(B): possession with intent to distribute 40 grams and more of a mixture and substance containing fentanyl; and 18 U.S.C. § 924(c): possession of a firearm in furtherance of a drug trafficking crime;

8. Assistant United States Attorney Paul Mysliwiec approved criminal charging in this matter.

Respectfully submitted,

  
Aran Marquis  
Special Agent  
FBI

Electronically signed and telephonically sworn  
on October 30, 2024:

  
UNITED STATES MAGISTRATE JUDGE

*Steven C. Karbrough*