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# United States District Court

## WESTERN DISTRICT OF MISSOURI

UNITED STATES OF AMERICA

v.

SERAFIN RODRIGUEZ GONZALEZ,  
[DOB: 06/19/1986]

and

JUAN FRANCISCO GARCIA,  
[DOB: 03/30/1966],

21 U.S.C. §§ 841(b)(1)(A) and 846  
NLT 10 Years Imprisonment, NMT Life  
NMT \$4,000,000.00 Fine  
NLT 5 Years Supervised Release  
\$100 Mandatory Special Assessment  
Class A Felony

### CRIMINAL COMPLAINT

Case Number: 10-0111-JTM-01/02

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 between May 1, 2010 and July 27, 2010 in the Western District of Missouri, and elsewhere, the defendants, SERAFIN RODRIGUEZ GONZALEZ and JUAN FRANCISCO GARCIA, did knowingly and intentionally combine, conspire, confederate and agree with each other and others, both known and unknown, to manufacture, distribute and possess with intent to distribute 1000 plants or more of a mixture or substance containing a detectable amount of marijuana, a Schedule I controlled substance, in violation of Title 21, United States Code, Sections 841(a)(1) and (b)(1)(A) and 846

I further state that I am a Task Force Officer with the Drug Enforcement Administration and that this complaint is based on the following facts:

(See attached Affidavit)

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

/s/ Michelle Sumstad

Michelle Sumstad, Task Force Officer  
Drug Enforcement Administration

Sworn to before me and subscribed in my presence,

July 27, 2010

Date

at

Kansas City, Missouri

City and State

Sarah W. Hays

United States Magistrate Judge

Name and Title of Judicial Officer

/s/ SARAH W. HAYS

Signature of Judicial Officer

STATE OF MISSOURI     )  
  ) ss:  
COUNTY OF JACKSON    )

Complaint # : 10-0111-JTM-01/02

**AFFIDAVIT**

I, Michelle Sumstad, depose and state as follows:

1. I am a Detective with the Independence, Missouri Police Department and I am currently assigned to the position of Task Force Officer with the Drug Enforcement Administration (DEA) Kansas City District Office Task Force. I have been employed with the Independence, Missouri Police Department since 1995 and I have been assigned to the Kansas City DEA Task Force since May of 2010.

2. During my assignment I have participated in numerous investigations of individuals who have violated narcotic laws of the states of Missouri and Kansas as well as the United States of America. I have specifically participated in numerous cases involving the distribution of crack cocaine and methamphetamine. I am familiar with the federal laws governing the illegal possession, cultivation, manufacture and distribution of controlled substances, specifically Title 21 of the United States Code.

3. The information contained herein is based on my training, personal knowledge, investigation, and information supplied by other law enforcement officers and agencies. I believe each and every statement herein is true and correct to the best of my knowledge.

4. This affidavit is for a criminal complaint against JUAN FRANCISCO GARCIA (“GARCIA”) a Hispanic male, date of birth of March 30, 1966, and SERAFIN RODRIGUEZ GONZALEZ (“GONZALEZ”), a Hispanic male with a date of birth of June 19, 1986, for Conspiracy to Manufacture, Distribute, and Possess with intent to Distribute over 1,000 plants of Marijuana.

5. On June 10, 2010, I was informed by Drug Enforcement Administration (DEA) Special Agent (SA) Joseph Geraci and Kansas City, Missouri, Police Department (KCMOPD) Detective Cory Horalek about information provided by KCMOPD Confidential Informant 3094-29 (CI-29). CI-29 had been given general information about a large outdoor marijuana grow operation north of Kansas City International Airport. CI-29 had been told that an unknown Hispanic male (UHM1) was growing approximately four hundred to seven hundred pounds of marijuana. During the interview CI-29 said the parties were using a blue in color Chevrolet truck, a white Ford Expedition and white unknown model pick up truck. CI-29 gave an address of 2517 W. 45th Avenue located in Kansas City, Kansas (KCK) as a location for the vehicles.

6. CI-29 has provided information and assistance in other investigations to include the purchases of controlled substances. CI-29 had been involved in drug trafficking in the Kansas City area for a period of time prior to becoming a CI. Based on the information in this affidavit and the activities known to me of CI-29, I believe the CI to be credible and reliable.

7. On June 25, 2010, at approximately 10:30 a.m., I observed a white Ford Explorer, Kansas license 462-COY parked in the driveway of 2517 W. 45th Avenue located in KCK. The white Ford Explorer was dirty as if it had been driven on dirt roads. The residence is located within the city limits of KCK and there are no dirt roads in closed proximity to the residence.

8. On June 29, 2010, CI-29 was again interviewed. CI-29 stated that in May 2010 he/she had been received information about an unknown Hispanic male (UHM3), who had moved from Washington State to the Kansas City area. UHM3 reportedly had been growing marijuana elsewhere but had moved his operation to the Kansas City area.

9. Later in May 2010, UHM3 met with CI-29. UHM3 wanted CI-29 to assist UHM3 in establishing a large outdoor marijuana grow somewhere north of Kansas City

International Airport. UHM3 said CI-29 would get a portion off of the final harvest estimated at four hundred to seven hundred pounds of marijuana. UHM3 wanted CI-29 to assist with re-supplying the subjects living at the grow location and then providing labor in harvesting the marijuana. UHM3 said that there would be at least two people living at the grow location.

10. During this contact, UHM3 provided CI-29 his phone number and direct connect. CI-29 also learned that UHM3 lived at the KCK residence at 2517 W. 45th Avenue. CI-29 believed that UHM3 drove a white Ford truck with a blue stripe and a temporary tag, a white Ford Expedition, a blue Chevrolet truck, and a brown Toyota Corolla.

11. On June 29, 2010, at approximately 3:00 p.m., I observed a blue Chevrolet truck with Missouri license 5WB-295, registered to Francisco Beserra, 5017 E. 6th St, Kansas City, Missouri, parked in the street in front of the residence at 2517 W. 45th St.

12. On June 29, 2010, at approximately 4:30 p.m. I observed the Chevrolet truck pull away from 2517 W. 45th Avenue occupied by GONZALEZ and an unknown Hispanic male (UHM5). At approximately 4:45 p.m. SA Geraci observed the Chevrolet truck stop in front of 501 Southwest Blvd, Kansas City, Missouri, where GONZALEZ and UHM5 exited the vehicle.

13. TFO Smith then observed GONZALEZ and UHM5 approach GARCIA in a green 1994 Plymouth Voyager bearing Missouri license HF5-K4T registered to Juan GARCIA, 200 N. Jackson, Kansas City, Missouri. TFO Smith observed GONZALEZ, UHM5, and GARCIA involved in a conversation near the Chevrolet truck and photographed them.

14. On June 29, 2010, at approximately 4:55 p.m., TFO W. Smith observed both vehicles leave the area. Investigators then began to follow the Plymouth minivan. At approximately 5:18 p.m. the Plymouth minivan arrived at Price Chopper, 5800 Wilson Road, located in Kansas City, Missouri. At approximately 5:49 p.m. TFO Chris Farkes observed

GARCIA exit the Price Chopper and approach his vehicle, the Plymouth minivan. GARCIA took four trips to empty all of the groceries into his vehicle. At approximately 5:59 p.m. the Plymouth minivan left the Price Chopper parking lot.

15. The June 29, 2010 surveillance operation traveled through the Kansas City metropolitan area, and proceeded north bound out of the city on Highway 169. The Plymouth minivan was then observed by SA Geraci pulling into the Airy Acres Mobile Home Park located approximately 1.16 miles west of Highway 169 on 268th Street. The mailing address is 9000 NW 268th Street, Gower, Missouri, however that is the address of the office, located approximately two tenths of a mile east of the mobile home park. The minivan parked in a driveway of a tan mobile home with gold trim in the farthest south east corner lot of the park, with the driveway entering and exiting onto 268th Street. While there are no readily apparent markings on the trailer or lot identifying the lot number or mobile home number, documentation was located inside the trailer identifying it's location as "Lot 1." SA Geraci observed GARCIA taking the groceries out of the vehicle at 6:55 p.m. Hereafter, the Airy Acres Mobile Home Park and trailer will be referred to as "the trailer".

16. On June 29, 2010, at approximately 7:05 p.m. the Plymouth minivan left the trailer and surveillance continued to follow it while it drove a large circle around the area and returned to the trailer without making any stops. This appeared to be for the sole purpose of counter-surveillance, so at approximately 7:30 p.m. surveillance was terminated.

17. On July 9, 2010, at approximately 3:55 a.m., TFO Farkes and TFO W. Smith went to the trailer. TFO Farkes and TFO W. Smith proceeded to the trailer driveway that the Plymouth minivan had parked at on June 29, 2010. Officers found the Plymouth minivan parked in the driveway of the location. TFO Farkes installed a covert electronic tracking device on the

Plymouth minivan, and then officers departed the location.

18. On July 11, 2010, TFO Farkes performed an analysis of the data gathered by the covert electronic tracking device previously installed on the Plymouth minivan. The analysis revealed the following locations where the vehicle stopped:

- a. parking lot of a Wal-Mart store located at 3022 S. Belt Highway, Saint Joseph, Missouri on July 9, 2010 from approximately 10:39 a.m. until approximately 10:59 a.m.
- b. parking lot of a Wal-Mart store located at 4201 N. Belt Highway, Saint Joseph, Missouri on July 10, 2010 from approximately 10:17 a.m. until approximately 10:59 a.m.
- c. parking lot of the Tractor Supply store located at 3027 S. Belt Highway, Saint Joseph, Missouri on July 10, 2010 from approximately 2:35 p.m. until approximately 2:50 p.m.
- d. parking lot in front of a Radio Shack store located at 629 N. Belt Highway, Saint Joseph, Missouri on July 10, 2010 from approximately 2:57 p.m. until approximately 3:03 p.m.
- e. parking lot of a Wal-Mart store located at 11601 US 40 Highway, Kansas City, Missouri on July 12, 2010 from approximately 12:03 p.m. until 12:10 p.m.

19. On July 12, 2010, we went to the Tractor Supply store located at 3027 S. Belt Highway, Saint Joseph, Missouri. The store assistant manager reviewed the in-store video surveillance system archives. The review revealed the Plymouth minivan pulled into and parked in the parking lot on July 10, 2010 at approximately 2:35 p.m. A pair of subjects walked from the minivan into the store. We identified the minivan driver as GARCIA. The second subject was a new unknown Hispanic male, UHM7. We obtained a copy of the sales transaction receipt showing GARCIA and UHM7 purchased a 20' length of 2" suction hose and a plastic strainer attachment for a 2" suction hose.

20. On July 12, 2010, we went to the Wal-Mart store located at 3022 S. Belt Highway. A Loss Prevention Associate reviewed the in-store video surveillance system archives. The review of the archives revealed the Plymouth minivan pulling into and parking in the parking lot at approximately 10:32 a.m. GARCIA was then observed walking into the store and going to a Bank Midwest ATM found in the front area of the store. GARCIA appeared to utilize the ATM at approximately 10:35 a.m. GARCIA was then observed walking out of the store, returning to the Plymouth minivan and leaving the parking lot.

21. On July 12, 2010, we went to the Radio Shack store located at 629 N. Belt Highway, Saint Joseph, Missouri. The in-store video surveillance system did not have a recorded archive. However, a review of the electronic copy of the sales transaction log for July 11, 2010 between approximately 2:57 p.m. and 3:03 p.m. showed a two sales transactions were completed during that time span. The first completed transaction was a credit card purchase of a digital television converter box. The second transaction was the cash purchase of \$10.00 worth of minutes for a Boost mobile pay-as-you-go account. The telephone number associated with the Boost mobile account was identified as (913) 319-9406. We obtained a copy of the sales transaction receipt for the purchase of the minutes

22. On July 12, 2010, we went to the Wal-Mart store located at 4201 N. Belt Highway, Saint Joseph, Missouri. The Loss Prevention Manager reviewed the in-store video surveillance system archives. The review revealed the Plymouth minivan pulling into and parking in the parking lot at approximately 10:17 a.m. on July 10, 2010. GARCIA was observed walking from the vehicle into the store. Upon completing his shopping, GARCIA was observed purchasing a number of grocery items to include 3 large packages of tortillas, 180 eggs, 8.5 pounds of tomatoes and a package of chicken drumsticks. GARCIA was then observed leaving

the store, returning to the Plymouth minivan and leaving the parking lot. A copy of the sales transaction receipt for the purchases was obtained.

23. On July 13, 2010, we went to the Wal-Mart store located at 11601 US 40 Highway, Kansas City, Missouri. A Loss Prevention Associate completed a review of the in-store video surveillance system archives. The review revealed the Plymouth minivan entering the parking lot of the store on July 12, 2010 at approximately 12:03 p.m. Upon watching the surveillance video we recognized the occupants as GARCIA and UHM7. GARCIA and UHM7 were observed exiting the vehicle and walking into the Lawn and Garden section of the business. GARCIA and UHM7 were then observed purchasing a large box of Miracle-Gro plant fertilizer, priced at \$12.42. Upon completing the purchase, GARCIA and UHM7 were observed leaving the store, returning to the Plymouth minivan and leaving the parking lot. We obtained a copy of the sales transaction receipt for the purchase.

24. On July 13, 2010, at 12:11 p.m., KCMOPD Det. Cory Horalek received an unsolicited phone call from CI-29. CI-29 stated that on July 08, 2010, an unknown Hispanic male he/she knows came to the CI's place of employment. The vehicle, license and physical description provided by CI-29 fits our observations of GARCIA and the minivan he drives. GARCIA was driving the green 1994 Plymouth Voyager minivan, Missouri license HF5K4T.

25. CI-29 went on to state that GARCIA told CI-29 that he (GARCIA) has a marijuana grow operation in the area of St. Joseph, Missouri utilizing seven Hispanic male workers. GARCIA indicated that the marijuana grow was three acres, and would produce between one and two tons of marijuana. It should be noted that CI-29 has no knowledge that DEA and KCMOPD are conducting this investigation into CI-29's earlier information about the house in KCK and the efforts to recruit CI-29 into a marijuana grow operation.

26. On July 20, 2010, TFO Farkes performed another analysis of the data gathered by the covert electronic tracking device previously installed on the Plymouth minivan. The analysis of the tracking data from July 9, 2010 at approximately 9:50 a.m. through July 20, 2010 at approximately 5:54 a.m. revealed locations where the vehicle stopped at locations in unincorporated Clinton County, Missouri and Buchanan County, Missouri.

27. The Plymouth minivan stopped at a location on NW Mac Road ("Plot 1"), also known as County Road 374, in Clinton County, Missouri approximately .3 miles north of County Road 373 on the following dates and times (all times being approximate):

- a. July 10, 2010 at 4:42 a.m. for less than 90 seconds
- b. July 12, 2010 at 5:48 a.m. for less than 15 seconds
- c. July 12, 2010 at 8:55 a.m. for less than 5 seconds
- d. July 14, 2010 at 1:51 p.m. for less than 80 seconds
- e. July 14, 2010 at 10:10 p.m. for less than 70 seconds
- f. July 18, 2010 at 4:32 a.m. for less than 15 seconds

28. In addition to these stops in the roadway on NW Mac Road, the Plymouth minivan also made numerous trips past the same location without stopping. This location has large open fields on both the east and west sides of the roadway with no occupied residences within sight of the location.

29. The Plymouth minivan stopped at a second location ("Plot 2"), this one on County Line Road, approximately .5 miles south of NW 268th Street on the following dates and

times (all times being approximate). This "Plot 2" location is approximately a two minute drive from the trailer:

- a. July 12, 2010 at 5:26 a.m. for less than 45 seconds
- b. July 13, 2010 at 5:26 a.m. for less than 20 seconds
- c. July 13, 2010 at 10:04 p.m. for less than 20 seconds
- d. July 15, 2010 at 5:03 a.m. for less than 35 seconds
- e. July 17, 2010 at 5:06 a.m. for less than 10 seconds
- f. July 20, 2010 at 5:33 a.m. for less than 5 seconds

30. In addition to these stops in the roadway on County Line Road, the Plymouth minivan also made numerous trips past the same location without stopping. This location has large wooded areas on both the east and west sides of the roadway. There is one occupied residence approximately 100 yards to the north from which residents could possibly be within sight of the location.

31. On July 18, 2010, at approximately 4:15 a.m., the electronic tracking device indicated that the minivan was leaving the trailer and headed in the direction of the potential re-supply point for Plot 1. Officers, believing that the minivan would eventually return to the trailer after the potential re-supply, went to a wooded location on the south side of the 268th Street, across from the Airy Acres Mobile Home Park, Gower, Missouri.

32. On July 18, 2010, at approximately 5:00 a.m., the minivan returned to the trailer. Two males exited the vehicle and were heard speaking Spanish as they walked into the residence. The residence had been completely dark with no signs of occupancy prior to their arrival. Once the subjects entered the location lights came on within the location. No other persons were observed in the trailer or in the area. TFO W. Smith and Det. Horalek then

departed the location and terminated the surveillance.

33. An aerial surveillance was conducted to follow up on the information gleaned from the covert electronic tracking device that had been installed on the Plymouth minivan. That information identified two specific locations that appeared to be active outdoor marijuana growing operations. Based on that and other information provided to a federal magistrate in the Western District of Missouri four federal search warrants were obtained for Plot 1 (Clinton County), Plot 2 (Buchanan County), the trailer and the minivan.

34. On July 26, 2010, at approximately 6:00 a.m., the search warrant was served at the trailer. At the trailer, agents arrested GARCIA and located the following items from the trailer: a propane tank, a Miracle Grow hose end sprayer, Miracle Grow refill pack, five peat moss blocks for starter plants, numerous receipts that corroborated the tracker stops previously described above, envelopes showing the physical address of the trailer 9198 Northwest 268th Street, Lot 1, Gower, Missouri, six cellular telephones, three cellular telephone chargers, empty Boost mobile box, a large amount of eggs in the refrigerator. Inside the van agents located a 50 pound bag of Tractor Supply brand weed and feed fertilizer.

35. On July 26, 2010, at approximately 6:01 a.m., the search warrant was served at Plot 1 (Clinton County). Agents located the following items: approximately 3,000 growing marijuana plants in various stages of development none of which were at the stage of harvest, tarp covered living quarters that contained food stuffs, cooking utensils and personal items for at least one person, two tents, a rechargeable battery booster box, a Tractor Supply brand backpack style sprayer box and a backpack style sprayer, well-worn paths leading from the campsite to grow areas, cleared area inside a large wooded area with the underbrush cleared and smaller trees cutoff at knee height with a chainsaw, some of the cuttings had been used to camouflage

the area and raise the campsite from the ground, two distinct areas of growing marijuana: one with smaller plants and the other with larger plants, obvious signs of pruning and cultivation around each plant, plants were planted in rows, watering hoses, a fresh bag of grocery store tomatoes, freshly picked corn, numerous broken egg shells and black plastic starter plant trays. When pulled from the ground, a large number of the growing plants still had the peat moss blocks for starter plants attached to the root system.

36. On July 26, 2010, at approximately 6:01 a.m., the search warrant was served at Plot 2 (Buchanan County). Agents located the following items: approximately 4,000 growing marijuana plants in various stages of development none of which were at the stage of harvest, tarp covered living quarters that contained food stuffs, cooking utensils and personal items for at least one person, two tents, a Tractor Supply brand backpack style sprayer box and a backpack style sprayer, well-worn paths leading from the campsite to grow areas, cleared area inside a large wooded area with the underbrush cleared and smaller trees cutoff at knee height with a chainsaw, some of the cuttings had been used to camouflage the area and raise the campsite from the ground, two distinct areas of growing marijuana: one with smaller plants and the other with larger plants, obvious signs of pruning and cultivation around each plant, plants were planted in rows, watering hoses, a 20 foot long, two inch diameter 150 gallon a minute, pump hose with a black filter box attached to end, hand dug holes lined with plastic to hold water along the edge of the field, empty Tractor Supply fertilizer 50-pound bag, bag of fresh eggs and black plastic starter plant trays. When pulled from the ground, a number of the growing plants still had the peat moss blocks for starter plants attached to the root system. A large number of peat moss blocks for starter plants were found around the grow in various places.

37. On July 26, 2010, at approximately 7:00 a.m., agents observed an Hispanic male (UHM8) driving a grey Avalanche arrive at 2517 West 45th Avenue, Kansas City, Kansas, park the vehicle and walk inside the rear door. At approximately 7:15 a.m., agents attempted to initiate contact with UHM8 by knocking on the front door. A short time later, UHM8 ran out the back door and over a rear fence. Agents attempted to follow UHM8, while other agents walked to the rear of the residence and smelled a strong odor of marijuana. Agents made a protective sweep of the residence and found GONZALEZ in an upstairs bedroom. In plain view, agents observed marijuana and other items associated with the manufacture of marijuana. GONZALEZ was arrested.

38. On July 26, 2010, at approximately 12:00 p.m., agents obtained a Kansas State search warrant based on officer's observations and the above listed facts for the residence located at 2517 West 45th Avenue, Kansas City, Kansas. During the search agents found the following items: two empty Miracle Grow fertilizer boxes, numerous cellular telephones, numerous telephone calling cards, three digital scales, five dozen large eggs, a cancelled mail envelope addressed to GARCIA, at the address of the trailer (9198 NW 268th Street, Lot 1, Gower, Missouri), rechargeable battery booster boxes, approximately ten pounds of marijuana seeds, approximately 40 pounds of marijuana in three large black trash bags (One bag, along with some seeds, were in GONZALEZ's closet), approximately 5 pounds of marijuana in multiple heat sealed plastic bags, a loaded assault rifle, .223 rounds of ammunition (in GONZALEZ's room), a 9 mm handgun (in GONZALEZ's room), plastic irrigation type tubing, approximately \$3,000 in cash (in GONZALEZ's room), heat sealing device and plastic bags near the marijuana in the basement, five Miracle Grow hose end sprayers, black plastic starter plant trays. A Washington State driver's license in GONZALEZ's name was located in his wallet on

his person at the time of the search.

39. As noted above, the trailer, Plot 1 (Clinton County), Plot 2 (Buchanan County) and 2517 West 45th Avenue, Kansas City, Kansas all had numerous items in common and or for use in the manufacture and distribution of marijuana including: fertilizer, large amounts of eggs and food stores, battery booster boxes, hose sprayers, black plastic starter plant trays, marijuana seeds, marijuana plants, bulk marijuana, and marijuana in heat sealed plastic baggies.

40. Based on the information contained in this affidavit, I believe there is probable cause for the complaint against JUAN FRANCISCO GARCIA and SERAFIN RODRIGUEZ-GONZALEZ.

Further affiant sayeth naught.

/s. Michelle Sumstad  
Michelle Sumstad  
Task Force Officer  
Drug Enforcement Administration

Subscribed and sworn to before me  
this 27th day of July 2010.

/s/ SARAH W. HAYS  
SARAH W. HAYS  
United States Magistrate Judge