

UNITED STATES DISTRICT COURT

for the District of New Mexico

FILED
UNITED STATES DISTRICT COURT
ALBUQUERQUE, NEW MEXICO
AUG 30 2018

United States of America
v.

Case No.

18mj2823

Roberto Harris-Valencia
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 08/29/2018 in the county of Sandoval in the District of New Mexico, the defendant(s) violated:

Table with 2 columns: Code Section, Offense Description. Row 1: 21:841(a)(1), Possession with intent to distribute 500 grams or more of a mixture or substance containing a detectable amount of methamphetamine; Possession with intent to distribute 100 grams or more of a mixture or substance containing a detectable amount of heroin.

This criminal complaint is based on these facts:
See attached affidavit

[X] Continued on the attached sheet.

Signature of Nicholas A. Jackson, Police Officer
Complainant's signature
Nicholas A. Jackson, Police Officer
Printed name and title

Sworn to before me and signed in my presence.

Date: 08/30/2018

City and state: Albuquerque, New Mexico

Signature of Laura Fashing, U.S. Magistrate Judge
Judge's signature
Laura Fashing, U.S. Magistrate
Printed name and title
Judge

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

United States of America

v.

Roberto HARRIS-Valencia

Defendant.

AFFIDAVIT

I, Nicholas A. Jackson, being duly sworn, hereby depose and state the following:

INTRODUCTION AND AGENT BACKGROUND

1. I am a sworn law enforcement officer with the United States Department of Interior, Bureau of Indian Affairs ("BIA"), and I have been so employed since January 2016. I am currently assigned to the Division of Drug Enforcement within the District of New Mexico as a Canine Handler. I am a graduate of the Basic Police Officer Training Program at the Federal Law Enforcement Training Center in Artesia, New Mexico. I am also a graduate of a Basic Narcotics Investigation Training Program approved by the Federal Law Enforcement Training Center in Artesia, New Mexico. I have training and experience in the investigation and enforcement of drug crimes including the unlawful possession and trafficking of methamphetamine, marijuana, cocaine and heroin and other controlled substances, as well as other criminal violations occurring in Indian reservations in the District of New Mexico.
2. The information contained in this affidavit is not an exhaustive account of everything your affiant knows about this case. Rather, it contains only the facts that your affiant believes are necessary to establish probable cause in support of a criminal complaint against Roberto HARRIS-Valencia for violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(A), and Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(B).
3. The information contained within the affidavit is based on my training and experience, as well as information imparted to me by other law enforcement officers involved in this investigation.

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RELEVANT STATUTES

This investigation concerns violations of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(A), that is, possession with intent to distribute 500 grams or more of a mixture or substance containing a detectable amount of methamphetamine, and Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(B), that is, possession with intent to distribute 100 grams or more of a mixture or substance containing a detectable amount of heroin.

DETAILS OF INVESTIGATION

4. On or about August 29, 2018 at approximately 11:18 a.m., I, Canine Police Officer Nicholas Jackson, was monitoring vehicle traffic on Interstate 25 northbound from the center median within in the exterior boundaries of the San Felipe Indian Reservation at mile marker 250. I was in a marked Canine Police Vehicle with his Canine Partner Kofi. I observed a vehicle approach his location from the south near mile marker 249.5. I observed a white Toyota Avalon traveling in the left lane and quickly make a lane change to the right lane. As the vehicle passed my location, the driver was observed driving with a fixed posture and while looking straight ahead. After the vehicle passed the male driver was observed leaning forward and using the side mirror to look back. I decided to follow the vehicle and complete a vehicle police records check on the registration. I pulled out of the median when it was safe and made contact with the vehicle at about mile marker 252.
5. The vehicle was observed to still be in the right lane and passing another vehicle in the left lane at a steady pace. I conducted a visual speed estimation of the Toyota and then activated my Radar in the moving-same direction mode. I determined from the speed to be approximately 80 miles per hour in a 75 mile per hour zone based upon the target speed which was captured on Radar, consistent audio Doppler tone, my visual estimation and my speedometer. I also obtained a speed of 74 miles per hour from the vehicle in the left lane as the Toyota continued to pull forward causing a greater distance between the two vehicles. Prior to initiating my emergency lights, the driver was again seen leaning forward and looking in his side mirror. Upon noticing the patrol car, the driver activated his brakes and slowed to a speeds below 65 miles per hour within a few hundred feet. I then activated my emergency lights and moved into the right lane to initiate a traffic stop. The rear registration was observed to be Arizona tag CJT5094.

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6. Upon approach to the Toyota on the passenger side, the driver appeared to struggle as he attempted to light a cigarette prior to rolling down the passenger side window. Prior to rolling down the window, I observed a single bag on the back seat, caffeine drinks in the center console cup holder and a single key in the ignition. I did not notice any other personalization's on the vehicle or inside of the vehicle. I identified myself and the reason for the traffic stop to the male driver. I asked for his driver's license, vehicle registration and proof of insurance. During this time, I detected an overwhelming odor of marijuana and observed air fresheners in the driver's door. I identified the driver from his Arizona Driver's License as Roberto HARRIS-Valencia (HARRIS). As HARRIS continued to look for his Registration and Proof of insurance, his hands were observed to be shaking uncontrollably.
7. When HARRIS found his insurance and proof of insurance, I asked him to exit the vehicle and come back to my patrol car where I normally conduct business. I explained to HARRIS he was going to issue a written warning for the violation. Once at the front of the police vehicle, I confirmed HARRIS was the registered owner but had insurance in another person's name and address. HARRIS confirmed with me the insurance was in his friends name because it was too expensive. I also concluded that HARRIS just recently obtained new registration on August 27, 2018. HARRIS stated he was traveling to Colorado. I returned to my patrol car and advised BIA dispatch of the odor of marijuana and requested back up. I then confronted HARRIS about the odor of marijuana in the vehicle which he stated there was no marijuana in the vehicle.
8. As HARRIS was explaining that there was no marijuana in the vehicle, and while I was asking about the contents within the vehicle, HARRIS's phone in his front left pocket continued to vibrate as if he was receiving multiple phone call. HARRIS also continued to place his hands in his pockets after being repeatedly ask to keep his hand visible. I then performed a search of HARRIS's person based on the odor of marijuana and him continually placing his hands in his pockets. I removed a cell phone and observed an incoming call coming, a wallet and lighter. I then placed HARRIS in the rear of my patrol vehicle and advised him he was being detained. I began my search of the vehicle and observed the front passenger seat to be irregular in cushion size. I pressed on the seat and felt a hard object which was not consistent with the manufacture production. I went to the back of the seat and observed the rear access panel to be loose. I moved the access panel very slightly and observed multiple packages wrapped in green plastic and silver color duct tape.
9. I knew from my training and experience this was a common method of concealment within the factory void of seats and it was commonly used to traffic narcotics illegally. I immediately stopped my search and returned to my patrol vehicle where I removed HARRIS from the patrol car and placed him in handcuffs. HARRIS was advised of his Miranda Rights and agreed to speak with me without an attorney. BIA Special Agent




Crag Janis (SA Janis) assigned to the Division of Drug Enforcement was contacted to respond. SA Janis obtained assistance of the New Mexico State Police and the U.S. Department of Homeland Security Immigration and Custom Enforcement office. The vehicle was driven to the Homeland Security Immigration Office in Albuquerque where the suspected narcotics were field tested and weighed. Prior to moving the vehicle I removed a total of 10 packages from the front passenger seat and 3 packages front driver seat both concealed within the factory voids.

10. A field test of the substance returned positive results for the presence of Methamphetamine from 12 of the packages and Heroin from 1 package. The Methamphetamine packages were later put on a scale and weighed approximately 5,764.74 grams (gross with packaging). The package that was tested positive for heroin had an approximate weight of 567.67 grams (gross with packaging). Based on my training and experience, this amount is consistent with narcotics distribution and not an amount that would be for personal use. The narcotics were placed back into the vehicle where they were located in the seats.
11. With the assistance of Police Lieutenant Arsenio Chavez (NMSP CHAVEZ), Department of Public Safety, New Mexico State Police, we located an additional 3 packages under the center console, concealed in the factory void area. They were later weighed to be approximately 1 pound (gross with packaging) and tested positive for Methamphetamine. A combined approximate weight of all Methamphetamine packages was determined to be 15.9 pounds (gross with packaging).
12. A database checks conducted by me reveal the vehicle is registered to Roberto HARRIS-Valencia. Special Agent Scott Pharis (PHARIS) with the Homeland Security Investigation office in Albuquerque, New Mexico and I conducted a post-Miranda interview of the subject. HARRIS admitted that he was "driving" to pick up \$20,000.00 in US Currency for a friend named "Jose" who he owed money. HARRIS stated if he refused to make the trip to Colorado he and his family would be harmed. HARRIS further stated he was being paid \$5,000.00 in US Currency for making the trip to Colorado when asked several times. HARRIS admitted to registering the vehicle day prior to his trip to Colorado. HARRIS stated this was his first attempt at trafficking narcotics and United States currency.

CONCLUSION

13. Based on the foregoing, your affiant believes that there is probable cause that on or about August 29, 2018, in Sandoval County, in the State and District of New Mexico, Roberto HARRIS-Valencia, did violate Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(A) in that he possessed with intent to distribute 500 grams and more of a mixture and substance containing a detectable amount of methamphetamine.

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GA #642

Nicholas Jackson
Police Officer
Department of Interior,
Bureau of Indian Affairs

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Subscribed and sworn to before me
This ~~20~~³⁰ day of August, 2018

Laura Fashing
~~HONORABLE JERRY H. REITER~~ Laura Fashing
United States Magistrate Judge

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