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NOV 08 2013

CLERK, U.S. DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
BY *[Signature]*
DEPUTY CLERK

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8 IN THE UNITED STATES DISTRICT COURT
9 EASTERN DISTRICT OF CALIFORNIA

10
11 UNITED STATES OF AMERICA,) 1:13-CV-01542-LJO-GSA
12 Plaintiff,)
13 v.) **ORDER REGARDING CLERK'S**
14 APPROXIMATELY \$30,000.00 IN U.S.) **ISSUANCE OF WARRANT FOR**
CURRENCY,) **ARREST OF ARTICLES IN**
15 Defendant,) **REM**
16 United States v. Approximately $30,000.00 in U.S. Currency)

17 WHEREAS, a Verified Complaint for Forfeiture *In Rem* has been filed on September
18 24, 2013, in the United States District Court for the Eastern District of California, alleging
19 that the defendant approximately \$30,000.00 in U.S. Currency (hereafter "defendant
20 currency") is subject to forfeiture to the United States pursuant to 21 U.S.C. § 881(a)(6) for
21 one or more violations of 21 U.S.C. §§ 841 *et seq.*;

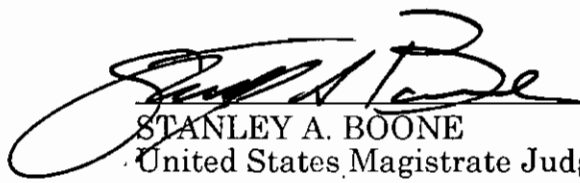
22 And, the Court being satisfied that, based on the Verified Complaint for Forfeiture *In*
23 *Rem* and the affidavit of Deputized Task Force Agent Robert Perez, there is probable cause
24 to believe that the defendant currency so described constitutes property that is subject to
25 forfeiture for such violation(s), and that grounds for the issuance of a Warrant for Arrest of
26 Articles *In Rem* exist, pursuant to Rule G(3)(b)(i) of the Supplemental Rules for Admiralty
27 or Maritime Claims and Asset Forfeiture Actions;

28 ///

United States v. Approximately $30,000.00 in U.S. Currency Doc. 4

1 IT IS HEREBY ORDERED that the Clerk for the United States District Court,
2 Eastern District of California, shall issue a Warrant for Arrest of Articles *In Rem* for the
3 defendant currency.

4 Dated: 1/8/13


STANLEY A. BOONE
United States Magistrate Judge

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AFFIDAVIT OF ROBERT PEREZ

I, Robert Perez, being first duly sworn under oath, depose and say:

1. I am a Deputized Task Force Agent for the Drug Enforcement Administration (DEA), assigned to the High Intensity Drug Trafficking Area group (HIDTA), and have been so assigned since December, 2008. I have been employed with the Fresno County Sheriff's Office since March 2001. Prior to this assignment, I was assigned to the Fresno County Sheriff Narcotics Enforcement Team for nearly two years. My law enforcement training began in July, 2007, when I attended the Police Academy at the State Center Community College District Regional Training Facility in Fresno, California. This course was over 23 weeks long from July, 1997, through December, 1997, and consisted of basic police and criminal law training. I have received special training in the methods used by drug traffickers to illegally produce, transport, and distribute marijuana and other controlled substances. I am familiar with, and have participated in, all the formal methods of investigations, including but not limited to, electronic surveillance, visual surveillance, general questioning of witnesses, search warrants, confidential informants, and the use of undercover agents. I have participated in investigations involving organizations trafficking in controlled substances. Based on my experience and training I have acquired from drug enforcement schools and from working with other Special Agents and Detectives, I am providing the following facts.

2. During my career, I have conducted or participated in controlled substance investigations involving, inter alia, conspiracies to distribute controlled substance (21 U.S.C. 841 (a) (1) and 846) and the manufacture and possession of controlled substances with the intent to distribute (21 U.S.C. 841 (a) (1)). These investigations targeted large scale drug trafficking organizations engaged in the sale, manufacture, importation, and distribution of heroin, methamphetamine, cocaine, and other controlled substances. During the course of my work, I have had the opportunity to converse with admitted and known drug traffickers as to their methods, and those of their associates, regarding the manufacture, importation, transportation, distribution and sales of controlled substances,

1 as well as their methods used to conceal, transport, and launder cash and/or other types of
2 drug proceeds. I have become knowledgeable in the methods used by drug traffickers to
3 import, conceal, transport, distribute, manufacture, and sell controlled substances, as well
4 as their methods used to conceal, transport, and launder cash and/or other types of drug
5 proceeds.

6 3. Through prior investigations and training, I have become familiar with the
7 types and amounts of profits made by drug dealers, and the methods, language, and terms
8 that are used. I am aware that drug traffickers often communicate with their drug
9 trafficking associates through the use of electronic communication devices. In addition, I
10 am aware that drug traffickers frequently use multiple electronic communication devices. I
11 know from my training and experience that drug traffickers often use fictitious names and
12 identification for the purpose of subscribing to electronic communication devices. I also
13 know from my training and experience that drug traffickers also put communication devices
14 in the names of associates or relatives is designed to impede law enforcement investigations
15 into the true subscriber and/or user of such communication devices.

16 4. This affidavit is made in support of a warrant for arrest of defendant
17 approximately \$30,000.00 in U.S. Currency ("the defendant currency"). The defendant
18 currency constitutes a thing of value furnished or intended to be furnished in exchange for a
19 controlled substance or listed chemical, and is proceeds traceable to such an exchange, and
20 was used or intended to be used to facilitate one or more violations of 21 U.S.C. § 841, *et*
21 *seq.*

22 5. The facts set forth in this affidavit are known to me as a result of reviewing
23 official reports, documents, and other evidence obtained as a result of the investigation, and
24 through conversations with other agents and detectives who have participated in this
25 investigation and I have determined the following:

26 6. On February 20, 2013, at approximately 11:09 a.m., Fresno County Sheriff
27 detectives were working on Interstate 5 in Fresno County, California. Both detectives were
28 riding together in a marked patrol vehicle traveling southbound on I-5 when they noticed a

1 red Ford Explorer (Oregon License #649CNU).

2 7. As they passed the Explorer, they noticed a GPS unit attached to the center of
3 the windshield and a cracked windshield. The detectives slowed down and allowed the
4 Explorer to pass and then initiated the stop. They initiated a vehicle stop on the Explorer
5 for the GPS being affixed to the center of the windshield and the cracked windshield.

6 8. The detectives identified the driver as Marcus Valencia (hereafter "Valencia")
7 and the passenger as Alfonso Ramos (hereafter "Ramos").

8 9. The detective advised Valencia and Ramos of the reason for the stop and asked
9 Valencia for his driver's license, registration, and proof of insurance. Ramos quickly
10 advised that the vehicle belonged to him and that he purchased the Explorer the day before
11 in Hillsboro, Oregon for \$2,500.

12 10. The detective asked Valencia and Ramos where they were going and they both
13 said Los Angeles. As Valencia and Ramos gathered the documentation, the detective could
14 smell a strong odor of air freshener emitting from inside the vehicle and then saw two air
15 fresheners hanging from the ceiling near the cargo area of the Explorer. The detective also
16 observed a single ignition key in the ignition.

17 11. Based on training and experience, detectives know that air fresheners are also
18 commonly seen in vehicles used for smuggling contraband such as narcotics or currency, as
19 a masking agent, in the event a narcotic canine is introduced to the vehicle. Based on the
20 detective's training and experience, detectives also know that persons involved in
21 smuggling contraband will commonly not have any of their own keys on the key ring to the
22 vehicle. This is because the trip is a pre-planned event in a vehicle that does not belong to
23 the driver or passengers. Vehicles used for smuggling contraband are commonly only used
24 for that purpose and the driver will not typically leave his or her other keys on the same
25 ring. Further, Ramos's statement that had purchased the Explorer the day before was
26 likely designed to explain away the fact that the registered owner was listed as someone
27 else, here, Osio Estevez from Forest Grove, Oregon.

28 12. While any one of the above indicators may not alone be suspicious, the

1 combination of the indicators led the detectives to believe Valencia and Ramos might be
2 smuggling contraband.

3 13. The detective asked Valencia to exit the Explorer and accompany him to the
4 patrol vehicle. Valencia complied. At the patrol vehicle, Valencia said that he and his
5 cousin, Ramos, left Vancouver, Washington the night before at about 10:00 p.m. Valencia
6 said they were planning to stay in Los Angeles until the weekend. The detective had
7 Valencia standby with the second detective while he walked over to the Explorer to speak to
8 Ramos.

9 14. Ramos told a different story about where he and Valencia had come from and
10 how long they intended to stay in Los Angeles. Ramos told the detective that he and
11 Valencia had come from Hillsboro, Oregon the night before. He told the detective that they
12 planned to stay in Los Angeles for a day and then to head home the following evening.

13 15. At about 11:18 a.m., the third detective responded to the scene and assisted on
14 the traffic stop. Based on the multiple air fresheners, the single key in the ignition, the
15 third party registered owner, and the inconsistent statements given by the Valencia and
16 Ramos, the detective asked for consent to search the Explorer. Both Valencia and Ramos
17 consented. The detective asked both occupants if there were any weapons, narcotics or
18 large sums of money in the Explorer and both said no. Both Valencia and Ramos were
19 asked to exit the vehicle.

20 16. The detectives then utilized a narcotic detection canine to conduct an exterior
21 and interior sniff of the Explorer for the odor of narcotics. The canine gave a positive alert
22 to the odor of narcotics to the exterior rear cargo area of the Explorer. The canine also gave
23 a positive alert to the interior cargo area and the center console area of the Explorer.

24 17. The canine used in this case is Cody who is an eight year old Labrador
25 Retriever and has been extensively trained as a Narcotic Detection K-9. Cody has been
26 employed by the Fresno County Sheriff's Office since October 2005. Cody was first assigned
27 to Det. Courtney Williams from October 2005 to February 2007. Cody was next assigned to
28 Det. Rod Lucas from March 2007 to March 2008. Since March 2008, Det. Ramiro Rodriguez

1 has been Cody's handler.

2 18. For a drug-detecting canine to become certified, the canine goes through one or
3 more certification processes. The fundamental purpose of a certification process is to
4 determine (1) whether the canine recognizes the odors of marijuana, cocaine, heroin,
5 methamphetamine, and opium; (2) whether the canine responds to those odors; and (3)
6 whether the handler recognizes the canine's responses. As part of this process, the canine
7 is also tested or "proofed" against non-narcotic items to determine whether the canine alerts
8 to odors such as food, plastics, cotton, currency, etc.

9 19. Cody was first certified in 2005 in the detection of the odor emanating from
10 narcotics through the California Narcotic Canine Association and thereafter has been
11 certified yearly. Cody was first trained in 2005 at Master K-9 for his initial assignment to
12 Det. Williams. Then, in 2007, Cody received training at Master K-9 for his assignment to
13 Det. Lucas. As sated above, Cody received training at Master K-9 in 2008 with Det.
14 Rodriguez.

15 20. Every year since the initial certification, Cody has been re-certified by the
16 California Narcotic Canine Association. Since Det. Rodriguez' initial assignment with
17 Cody, they were certified in May 2008 and have been re-certified each year since. The re-
18 certification process tests the detection of marijuana, cocaine, heroin, and
19 methamphetamine.

20 21. Cody has been training to detect the scent of the following narcotics:
21 marijuana, cocaine, methamphetamine, opium and heroin. Cody has alerted to areas found
22 to contain various amounts, from a few grams to numerous pounds.

23 22. As part of his care and maintenance, Cody engages in weekly training
24 approximately four (4) hours in length. Often, he engages in training more than once a
25 week. Cody is training both individually and with the Fresno County Sheriff's Office canine
26 officers as a unit. Approximately once a week Cody and Det. Rodriguez trainings with a
27 certified trainer from Vigilant Canine Service International (V.C.S.I.). During Det.
28 Rodriguez' handling of Cody, Cody has competed in law enforcement canine competitions

1 and won various awards.

2 23. During his weekly training, Det. Rodriguez "proofs" or tests Cody with various
3 substances to ensure that he alerts only to the odor of narcotics. Food items, plastic wrap
4 (commonly used by drug traffickers to wrap narcotics and currency) and other items which
5 drug traffickers often employ to attempt to mask the odor of narcotics such as dryer sheets
6 and air fresheners. To that end, on a weekly basis in our training Det. Rodriguez proofs
7 Cody using currency, both uncirculated currency obtained from the United States Mint, as
8 well as circulated currency, to test whether he alerts to the odor of currency or to any
9 alleged trace odors of narcotics on currency. He does not.

10 24. The training records maintained for Cody reflect his weekly training, but do
11 not include the time involved in street deployments which provide Cody with additional
12 experience and training. Street deployments are instances when Cody and his handler are
13 called upon to go out as part of a law enforcement investigation, so that he can perform a
14 "sniff" for the odor of the various narcotics to which he is trained to alert. A conservative
15 estimate is that Cody is involved in approximately 200 to 400 street deployments each year,
16 in the seven years he has been in service.

17 25. Detectives conducted a hand search of the Explorer. Detectives located five
18 bundles of currency inside the center console. Each bundle was rubber-banded and
19 wrapped in light green cellophane. The detective asked Ramos and Valencia if the bundles
20 of currency belonged to them. Ramos said the currency belonged to him. Ramos was asked
21 how much currency was in the bundles and Ramos said about \$10,000.

22 26. Ramos was asked why he had so much currency and he answered that he
23 planned to buy a classic Chevy Impala while in Los Angeles. Ramos was asked from where
24 the currency came and Ramos said from his job and his tax return. He failed to explain
25 why he had purchased the Explorer the day before if he intended to buy a second car when
26 he arrived in Los Angeles.

27 27. Ramos was then asked the source of the currency, and Ramos said he just
28 received \$7,000 from his tax return and that he also makes money on the side from painting

1 cars.

2 28. A detective then located an additional bundle of currency hidden under a
3 plastic panel of the center console near the gear shift. It was also rubber-banded and
4 wrapped in light green cellophane. The bundle was identical to the bundles located inside
5 the center console. The detective advised Ramos of the additional bundle of currency
6 located near the gear shift. Ramos said, "Oh yeah, I forgot about that one." Ramos was told
7 that it appeared there was more than \$10,000. Ramos said he was not really sure how
8 much currency was there, but believed it may be closer to \$20,000.

9 29. Ramos was asked if he put the currency in the Explorer and if he wrapped the
10 currency in plastic. Ramos said yes. Ramos said he wrapped the currency in plastic
11 because it was too loose and scatters all over the place. Ramos was asked if there were any
12 more bundles that they should know about and Ramos said he did not think so. Ramos
13 then said that because he purchased the Explorer the day before, he did not necessarily
14 know what else may be in the Explorer.

15 30. Valencia and Ramos were advised that the money was being seized due to
16 detectives' belief that the currency was related to narcotics trafficking. Valencia said the
17 currency did not belong to him and signed a Disclaimer of Currency form which was
18 explained to him. Ramos was issued a receipt for the currency.

19 31. Ramos said he works for an auto body shop in Portland, Oregon and that he
20 made about \$40,000 and about \$55,000 in 2011. Ramos said the amount of money he
21 makes depends on how many cars he works on. Ramos said he also makes money on the
22 side by painting cars. Ramos said he painted three or four cars in 2012. Ramos was asked
23 what he charges to paint a car and Ramos said anywhere from \$2,000 to \$3,000.

24 32. Valencia, Ramos, and the Explorer were released without further incident.

25 33. Based on the detectives' training and experience, the manner in which the
26 currency was concealed is consistent with the manner narcotic traffickers transport their
27 currency and narcotics. The manner in which the currency was concealed and packaged led
28 the detectives to believe that the currency was wrapped in cellophane to avoid detection by

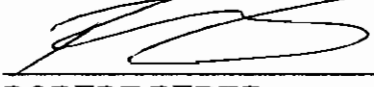
1 the narcotic detection canine and law enforcement. The fact that Ramos first stated there
2 was \$10,000 in the Explorer, then stated it may be \$20,000 and prior to being released he
3 stated it may be closer to \$30,000, led the detectives to believe he was transporting the
4 currency for someone else.

5 34. The currency was in the following denominations: 35 x \$100 bills, 16 x \$50
6 bills, 1,259 x \$20 bills, 48 x \$10 bills, and 8 x \$5 bills.

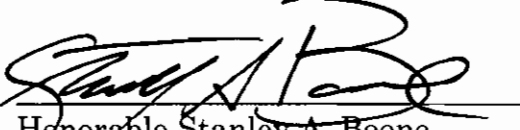
7 35. Based on the evidence presented in this affidavit, it is my opinion that the
8 currency described in this Affidavit are proceeds from criminal offenses or used to facilitate
9 such criminal offenses, as described with more particularity above.

10 36. "[T]he filing of the forfeiture complaint allows the government immediately to
11 obtain a warrant for the arrest of the res, without any further showing of probable cause.
12 Indeed, arrest of the res is a jurisdictional requirement." United States v. \$191,910.00 in
13 United States Currency, 16 F.3d 1051 (9th Cir. 1994).

14 37. Based on the above, I believe there is probable cause to indicate that the
15 defendant currency constitutes a thing of value furnished or intended to be furnished in
16 exchange for a controlled substance or listed chemical, and is proceeds traceable to such an
17 exchange, and was used or intended to be
18 used to facilitate one or more violations of 21 U.S.C. § 841, *et seq.*, and that a Warrant for
19 Arrest of Articles *In Rem*, pursuant to the Supplemental Rules for Admiralty or Maritime
20 Claims and Asset Forfeiture Actions Rule G(3)(b)(i), be issued for the defendant currency.

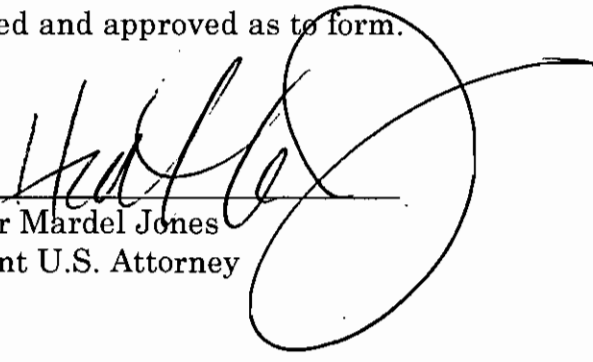
21
22 
23 ROBERT PEREZ
Deputized Task Force Agent
Drug Enforcement Administration

24 Sworn to and Subscribed before me
25 this 5th day of November 2013.

26
27 
28 Honorable Stanley A. Boone
United States Magistrate Judge

1 Reviewed and approved as to form.

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4 Heather Mardel Jones
5 Assistant U.S. Attorney
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A handwritten signature in black ink, appearing to read "Heather Mardel Jones", is written over a horizontal line. The signature is stylized and includes a large, circular flourish that extends to the right.