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FILED

DEC 2 2014

CLERK, U.S. DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
BY _____
DEPUTY CLERK

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

10
11 UNITED STATES OF AMERICA,

12 Plaintiff,

13 v.

14 APPROXIMATELY \$3,104,661.00 IN U.S.
CURRENCY,

15 Defendant.

1:14-CV-01642-LJO-SKO

ORDER REGARDING CLERK'S
ISSUANCE OF WARRANT FOR ARREST
OF ARTICLES *IN REM*

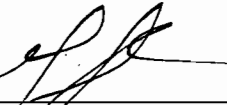
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18 WHEREAS, a Verified Complaint for Forfeiture *In Rem* has been filed on October 20, 2014, in
19 the United States District Court for the Eastern District of California, alleging that the defendant
20 Approximately \$3,104,661.00 in U.S. Currency ("defendant currency") is subject to forfeiture to the
21 United States pursuant to 18 U.S.C. § 981(a)(1)(C) and 21 U.S.C. § 881(a)(6) for one or more
22 violations of 21 U.S.C. §§ 841 *et seq.*, and 952, or a conspiracy to commit such offense;

23 And, the Court being satisfied that, based on the Verified Complaint for Forfeiture *In Rem* and
24 the affidavit of Drug Enforcement Administration Special Agent Jay J. Both, there is probable cause to
25 believe that the defendant currency so described constitutes property that is subject to forfeiture for
26 such violation(s), and that grounds for the issuance of a Warrant for Arrest of Articles *In Rem* exist,
27 pursuant to Rule G(3)(b)(i) of the Supplemental Rules for Admiralty or Maritime Claims and Asset
28

1 Forfeiture Actions;

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

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5 Dated: 12/2/14



6 GARY S. AUSTIN
United States Magistrate Judge

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1 **AFFIDAVIT OF JAY J. BOTH**

2 I, Jay J. Both, being duly sworn under oath, depose and state the following:

3 1. I am a Special Agent with the U.S. Drug Enforcement Administration ("DEA") and have
4 so been employed since June 2004.

5 2. I am presently assigned to the Drug Enforcement Administration Resident Office in
6 Bakersfield, California. I have successfully completed a sixteen (16) week DEA Basic Agent Training
7 Academy at the Drug Enforcement Administration Academy in Quantico, Virginia. This training
8 included instruction in the investigation of federal drug violations, including, but not limited to Title 21,
9 United States Code Sections 841 and 846 as well as State of California violations such as Health &
10 Safety Code Sections 11378, 11379, and California Penal Code Section 182. I have discussed with
11 numerous law enforcement officers, defendants, and informants, the methods and practices used by
12 narcotics distributors. I have been the affiant of previous federal and state search warrants, wire
13 intercepts, vehicle tracker warrants, cellular phone GPS ping warrants and have testified in court in the
14 area of narcotics.

15 3. In addition, I have completed various training provided by the DEA and local law
16 enforcement agencies, including, but not limited to training on identifying characteristics associated with
17 the manufacture, sale, and transportation of various narcotics, including, but not limited to
18 methamphetamine, heroin, cocaine, and marijuana. This training involved the use, possession,
19 packaging, sale, concealment, manufacturing, and transportation of various controlled substances as well
20 as its precursors and chemicals used in the manufacturing process. I am familiar with narcotics
21 traffickers' methods of operation including the distribution, storage, manufacturing, and transportation of
22 narcotics and the collection of money proceeds of narcotics trafficking. I have assisted on the execution
23 of several federal and state narcotics search warrants that resulted in the arrest of suspects and seizure of
24 narcotics.

25 4. I have participated in narcotics investigations either as a case agent or in a supporting role.
26 I have debriefed defendants, informants, and witnesses who had personal knowledge regarding narcotics
27 trafficking organizations. Additionally, I have participated in many aspects of drug investigations
28 including, but not limited to, undercover operations, conducting physical and electronic surveillance, and

1 arrests. I have conducted and been involved in numerous investigations regarding the unlawful
2 manufacture, possession, distribution, and transportation of controlled substances, as well as conspiracies
3 associated with criminal narcotics, in violation of Title 21, United States Code, §§ 841(a)(1), 841(c)(2),
4 843, and 846 and the State of California Health and Safety Code.

5 5. This affidavit is made in support of a warrant for arrest of Approximately \$3,104,661.00
6 in U.S. Currency (hereafter "defendant currency"). The defendant currency constitutes money furnished
7 and intended to be furnished in exchange for a controlled substance or listed chemical, constituted
8 proceeds traceable to such an exchange, and was used and intended to be used to commit or facilitate a
9 violation of 21 U.S.C. §§ 841 *et seq.*, 952, or a conspiracy to commit such offense. As a result of the
10 foregoing, the defendant currency is subject to forfeiture to the United States pursuant to 18 U.S.C. §
11 981(a)(1)(C) and 21 U.S.C. § 881(a)(6).

12 6. The facts set forth in this affidavit are known to me as a result of my personal
13 observations, observations of other law enforcement officers, through conversations with other agents
14 and/or detectives who have participated in this investigation, and from reviewing official reports,
15 documents, and other evidence obtained as a result of the investigation and I have determined the
16 following:

17 7. On August 19, 2014, Luis Ricardo Eslava-Corral ("Eslava"), a Mexican National,
18 attempted to enter the United States from Mexico at the Otay Mesa Port of Entry in San Diego County.
19 Eslava was driving a tractor-trailer bearing California license plate 9E98066, and the trailer bearing
20 California license plate 4NC2644. A U.S. customs officer referred Eslava to a secondary inspection,
21 where a narcotics detector dog alerted to the underside of the tractor-trailer. A law enforcement search of
22 the tractor-trailer revealed a hidden compartment containing multiple packages of cocaine.

23 8. Following the discovery of the cocaine at the United States-Mexico Border, federal law
24 enforcement agents began following Eslava's tractor-trailer vehicle, which made stops in San Diego and
25 San Clemente on August 19, 2014. The next day, August 20, 2014, Eslava continued driving north
26 toward Bakersfield, with federal agents following his route. During the drive, Eslava was observed using
27 his cell phone, and the frequency of cell phone usage increased as Eslava approached Bakersfield.

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1 9. At approximately 5:40 p.m., on August 20th, Eslava and the tractor-trailer arrived at a
2 truck stop in north Bakersfield. An individual named Jimmy Gil (“Gil”) – driving a Nissan Maxima
3 registered to him at 164 Kattenhorn, Shafter, California – met Eslava and took possession of the tractor-
4 trailer and cocaine. Eslava left the meeting in Gil’s Nissan Maxima. Gil then drove the tractor-trailer to
5 a trucking business located at 300 Buena Vista Blvd., Bakersfield, California, where he was joined by
6 Jose Luis Montoya-Salazar (“Salazar”).

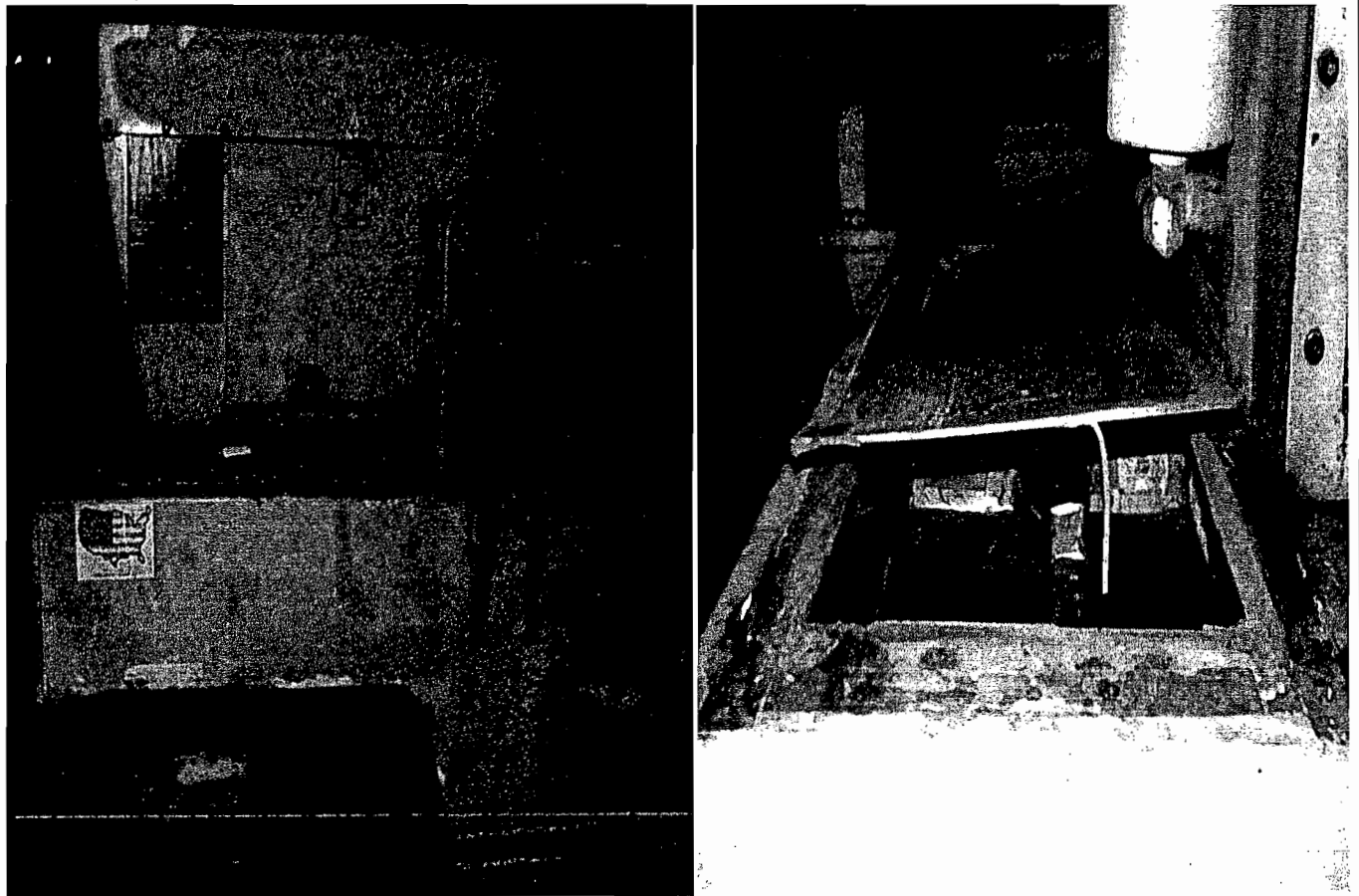
7 10. The pair, Gil and Salazar, began to unload the packaged cocaine from the tractor-trailer’s
8 hidden compartment in the floor of the trailer and placed the packages in Montoya’s vehicle. After
9 offloading 18 one-kilogram packages of cocaine, federal agents interceded and arrested both Gil and
10 Salazar. A subsequent search of the tractor-trailer’s hidden compartment revealed an additional 20 one-
11 kilogram packages of cocaine. In total, 38 kilograms of cocaine were seized from Gil, Montoya, and the
12 tractor-trailer that crossed into the United States from Mexico on August 19, 2014.



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25 11. Once in custody, federal agents connected Gil to an ongoing investigation into the
26 concealment of large amounts of drug proceeds in heavy machinery and equipment. When asked about
27 the ongoing investigation and whether he knew of monies concealed in heavy equipment, Gil confirmed
28 that a large amount of cash was hidden inside of construction equipment located at XXXX Coronado

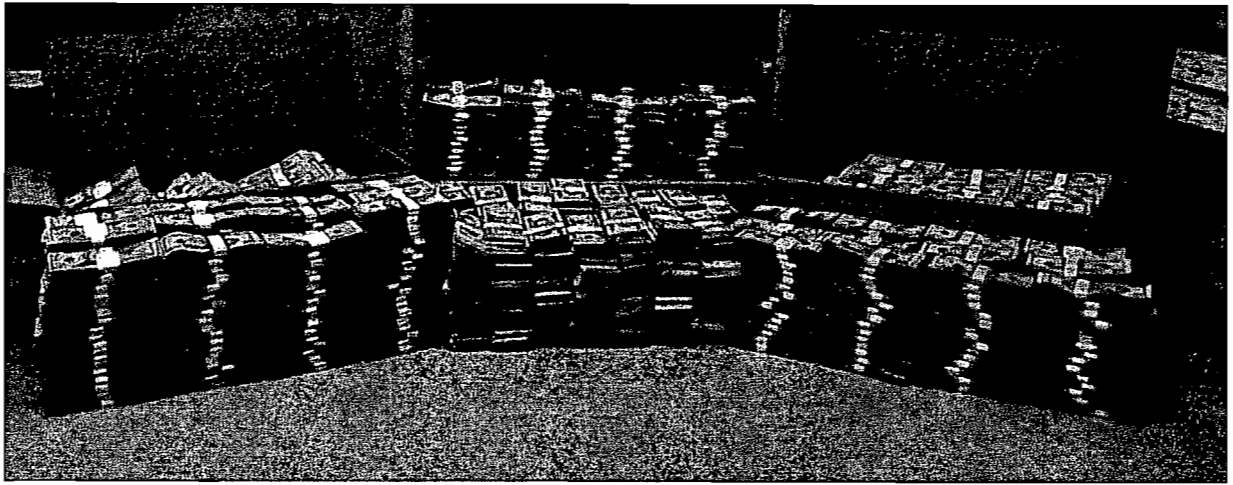
1 Street, W, in Bakersfield, Kern County, California.

2 12. On August 21, 2014, federal agents executed a federal search warrant at XXXX Coronado
3 Street, finding numbered stacks of in cash concealed in two non-factory hidden compartments in an
4 asphalt roller. Federal agents utilized a drug-detecting canine to determine if the odor of narcotics was
5 present. The drug-detecting canine positively alerted to the presence of the odor of narcotics in the
6 specific area where the cash was concealed and ultimately discovered. Below are pictures of the asphalt
7 roller (left image, side-view) and paneling that was removed to reveal the concealed cash (right image,
8 down-view).



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24 13. A later bank count of the cash seized from inside the asphalt roller totaled approximately
25 \$3,104,661.00 in cash – the defendant currency. The defendant currency was broken down in the
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1 following denominations: \$360,000 in \$100 bills; \$330,000 in \$50 bills; \$2.264 million in \$20 bills;
2 \$102,000 in \$10 bills; \$27,500 in \$5 bills; and \$21,161 in miscellaneous unknown tender.¹



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12 14. On September 4, 2014, Jimmy Gil, Luis Ricardo Eslava-Corral, and Jose Luis Montoya-
13 Salazar were indicted in the Eastern District of California for Conspiracy to Import, to Distribute, and to
14 Possess with Intent to Distribute at least 5 kilograms of cocaine in violation of 21 U.S.C. §§ 841(a)(1),
15 841(b)(1)(A), 846, 952, and 960, United States v. Jimmy Gil, et al., Case 1:14-cr-00196-LJO-SKO.

16 15. On September 18, 2014, Jimmy Gil filed a notice of appeal of his revocation of pretrial
17 release. The appeal under United States Court of Appeals case number 14-10440, is pending.

18 16. On September 22, 2014, Luis Ricardo Eslava-Corral entered a guilty plea to violations of
19 21 U.S.C. §§ 841(a)(1), 841(b)(1)(A), 846, 952, and 960 – Conspiracy to Import, to Distribute, and
20 Possess with Intent to Distribute at least 5 kilogram of cocaine; his sentencing is set for January 12, 2015.

21 17. Based on the foregoing, I have probable cause to believe that the defendant currency was
22 intended for the purchase of illegal drugs or is proceeds from drug trafficking or a conspiracy of such
23 offense. It is respectfully requested that a Warrant for Arrest of Articles *In Rem*, pursuant to the

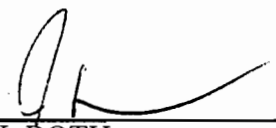
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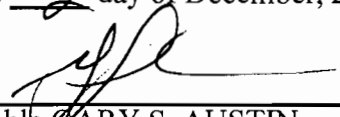
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27 ¹ Miscellaneous unknown tender (MUT) is a term for currency that cannot be counted and processed by a bill-counting
28 machine used by banks and must instead be hand-counted because the currency is warped, wrinkled, damaged, or is counterfeit.

1 Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions Rule G(3)(b)(i), be
2 issued for the defendant currency listed above.

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4 
5 JAY J. BOTH
6 Special Agent
7 Drug Enforcement Administration

8 Sworn to and Subscribed before
9 me this 2 day of December, 2014.

10 
11 Honorable GARY S. AUSTIN
12 United States Magistrate Judge

13 Reviewed and approved as to form

14 /s/ Kevin C. Khasigian
15 Kevin C. Khasigian
16 Assistant U.S. Attorney