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FILED

DEC 15 2014

CLERK, U.S. DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

BY _____
DEPUTY CLERK

5 Attorneys for Plaintiff
United States of America
6

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

10 UNITED STATES OF AMERICA,
11 Plaintiff,
12 v.
13 APPROXIMATELY \$44,000.00 IN U.S.
CURRENCY,
14 Defendant
15

1:14cv 1985 AW1 SKO

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

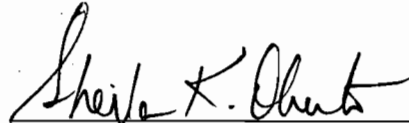
17 WHEREAS, a Verified Complaint for Forfeiture *In Rem* has been filed on December
18 12, 2014, in the United States District Court for the Eastern District of California,
19 alleging that defendant approximately \$44,000.00 in U.S. currency (hereafter "Defendant
20 Currency") is subject to forfeiture to the United States pursuant to 21 U.S.C. §§ 881(a)(6),
21 for 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 ^{*attached (SAs)*} affidavit of Drug Enforcement Special Agent Thomas Miles, there is probable
24 cause to believe that the Defendant Currency so described constitutes property that is
25 subject to forfeiture for such violation(s), and that grounds for the issuance of a Warrant
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1 for Arrest of Articles *In Rem* exist, pursuant to Rule G(3)(b)(i) of the Supplemental Rules
2 for Admiralty or Maritime Claims and Asset Forfeiture Actions;

3 IT IS HEREBY ORDERED that the Clerk for the United States District Court,
4 Eastern District of California, shall issue a Warrant for Arrest of Articles *In Rem* for the
5 Defendant Currency.
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8 Dated: December 12, 2014


9 SHEILA K. OBERTO
10 United States Magistrate Judge
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1 3. During the course of my employment with the DEA, I have had the
2 opportunity to converse with admitted and known drug traffickers as to their methods,
3 and those of their associates, regarding the manufacture, importation, transportation,
4 distribution and sales of controlled substances, as well as their methods used to conceal,
5 transport, and launder cash and/or other types of drug proceeds. I have become
6 knowledgeable in the methods used by drug traffickers to import, conceal, transport,
7 distribute, manufacture, and sell controlled substances, as well as the methods used to
8 conceal, transport, and launder cash and/or other types of drug proceeds. Through prior
9 investigations and training, I have become familiar with the types and amounts of profits
10 made by drug dealers, and the methods, language, and terms used by persons dealing
11 illegal substances.

12 4. This affidavit is made in support of a warrant for arrest of approximately
13 \$44,000.00 in U.S. Currency (hereafter "Defendant Currency"). The Defendant Currency
14 constitutes money or other things of value furnished or intended to be furnished in
15 exchange for a controlled substance or listed chemical, all proceeds traceable to such an
16 exchange and/or was used or intended to be used to facilitate one or more violations of 21
17 U.S.C. § 841 *et seq.* As a result of the foregoing, the Defendant Currency is subject to
18 forfeiture to the United States pursuant to 21 U.S.C. § 881(a)(6).

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

1 6. On June 20, 2014, at approximately 1:18 p.m. a California Highway Patrol
2 (CHP) officer initiated a traffic stop at SR-99 and Vista Road in Merced, California on a
3 2004 gray Toyota Sienna for a violation of California Vehicle Code 26708(b)(12) for an
4 improperly mounted GPS device.

5 7. Upon approaching the vehicle the officer made contact with the sole occupant
6 of the vehicle, later identified as Fabian Sanchez Martinez (hereafter "Martinez"). The
7 officer requested Martinez' driver's license, the vehicle registration and proof of insurance.
8 The vehicle was revealed to be registered to Joanna R. Cardenas at 12112 Bayport Street,
9 Apt. 1, Garden Grove, California. As Martinez retrieved his driver's license the officer
10 observed his hand was trembling severely. The officer also observed a single key in the
11 ignition with no other keys on the key ring (a trait the officer knew from his training and
12 experience indicative to narcotic traffickers or couriers). The officer also noticed a white
13 iPhone sitting in the center console of the vehicle.

14 8. Martinez stated that he did not have insurance as he had just purchased
15 the vehicle a couple days ago. Martinez relayed that he knew he had several days to get
16 insurance at which point the officer advised this was incorrect and that it is against the
17 law to drive uninsured. The officer then asked Martinez what brought him up north from
18 the Los Angeles area and Martinez relayed that he was driving to tow truck companies to
19 buy salvaged cars for his business and provided the officer with a business card. The
20 business card had "Fast Auto Service" as the name of the business with an address in
21 Corona, California but it did not have a person's name provided. The officer observed that
22 Martinez remained extremely nervous and that his statement about the purpose for his
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1 trip seemed unnatural and rehearsed.

2 9. The officer asked Martinez to exit the vehicle and meet him (the officer) at
3 the front of his patrol vehicle. While Martinez walked with the officer to the patrol
4 vehicle, the officer asked Martinez if he had any weapons on his person. Martinez stopped
5 walking and backed up slightly. When asked again if he had any weapons Martinez stated
6 that he did not. A consent pat search of Martinez' person revealed two additional cell
7 phones and a bundle of currency folded in half.

8 10. The officer subsequently issued Martinez a citation for driving uninsured. As
9 the officer wrote out the citation he observed Martinez put his hands in his front pockets
10 and began to move around excessively. Martinez began moving slowly away from the
11 officer and the patrol vehicle without an apparent reason or destination. The officer
12 observed Martinez' behavior was odd and asked Martinez if everything was okay;
13 Martinez related that it was. The officer then asked Martinez what tow-truck company
14 he was coming from in Modesto. Martinez looked away from the officer, thought briefly,
15 and stated "Jose's Towing." When asked by the officer if Jose's Towing was located in
16 Modesto, Martinez advised that it was, however he was unable to provide an address.

17 11. After Martinez signed the citation, the officer advised Martinez that he was
18 free to leave. As Martinez began to walk away the officer asked Martinez if he could ask
19 him a few more questions and Martinez consented. The officer asked Martinez to confirm
20 his previous statement. Martinez confirmed that he bought and sold cars for a living. The
21 officer then asked Martinez if he had any large amounts of money in the car with him.
22 Martinez stated that he did not have any large amounts of money with the exception of

1 the money that was in his pocket. When asked if he had any guns, marijuana, cocaine,
2 heroin, or methamphetamine in his vehicle, Martinez stated that he did not.

3 12. The officer asked Martinez how much money he had in his pocket and
4 Martinez advised that he had \$2,000.00 in his pocket. The officer asked Martinez how
5 many cell phones he had and Martinez advised that he had two; one for business and the
6 other for personal use. When asked about the white iPhone in the center console of the
7 vehicle, Martinez advised that it was just for listening to music. The officer then asked
8 Martinez a second time if there were any large amounts of money in the vehicle.
9 Martinez again denied possessing any money in the vehicle. The officer then asked
10 Martinez for consent to search his vehicle and Martinez agreed and executed a form
11 authorizing consent for the officer to search the vehicle.

12 13. At this time a second patrol unit arrived at the scene of the vehicle stop to
13 assist with the search of the vehicle. As the initial officer conducted a hand search of the
14 vehicle the second officer stood nearby with Martinez who advised the second officer that
15 he did in fact have additional monies in the vehicle. Martinez relayed that he was
16 reluctant to disclose this to the initial officer as he did not trust the officer. The initial
17 officer again made contact with Martinez who confirmed that there was more money in the
18 vehicle. When asked how much was in the vehicle, Martinez advised there was
19 \$40,000.00. When asked where the money was located, Martinez stated that it was
20 located inside the blue travel bag.

21 14. The officers subsequently located the blue travel bag inside of the vehicle.
22 Inside of the blue travel bag, officers observed numerous pieces of clothing as well as a
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1 small round black bag with white trim. The small black bag was approximately 8" in
2 diameter and noticeably heavy. Upon opening the black bag, the officers observed a white
3 plastic grocery bag in the shape of a rectangular brick. Inside of the grocery bag, officers
4 located a large amount of U.S. currency. When asked again how much money it was,
5 Martinez stated that it was \$43,000, \$44,000, or \$45,000.00. When asked yet again how
6 much it was, Martinez stated that it was \$44,000. A picture of the currency is below:



15. Shortly thereafter, a canine unit arrived at the location of the vehicle stop in order to conduct a controlled sniff search on the currency located. Officers utilized

1 narcotic detecting canine Aaron to conduct the search. Aaron, a three year old Belgian
2 Malinois/ German Shepard cross, is a dual purpose canine certified in narcotics detection
3 and patrol. Aaron received in excess of 200 hours of training and was certified in narcotics
4 detection to detect cocaine, heroin, marijuana and methamphetamine. Aaron in trained to
5 locate these narcotics in vehicles, buildings and during area searches. Aaron participates
6 in approximately eight hours of training per week with his handler, and eight hours of
7 division training per month.

8 16. Upon arrival of the canine unit, Aaron was utilized to perform a sweep of an
9 area away from the vehicle in which he did not alert to the odor of illegal narcotics. The
10 officer's then removed the Defendant Currency from the blue travel bag and placed it in
11 the pre-swept area. Aaron was introduced to the area and gave a positive alert for the
12 odor of illegal narcotics on the Defendant Currency.

13 17. During the continued hand search of the vehicle, officers noticed heavily
14 tooled seat bolts on the right front passenger seat and noticed the bolts were only hand
15 tight. An officer removed the seat bolts and observed a sheet metal door to an aftermarket
16 hidden compartment under the seat.

17 18. The compartment consisted of a sealed floor compartment underneath the
18 vehicle. A false floor had been lowered approximately five inches. The compartment ran
19 from the firewall to the front of the second row seats and on the sides from the
20 transmission tunnel to the running boards on the passenger side of the vehicle. The
21 compartment was constructed of sheet metal and lined with a sound deadener which had a
22 reflective silver coating on the top. Below is a picture of the compartment:



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10 19. Aaron was utilized to conduct a sniff search of the interior of the vehicle and
11 made a positive alert for the odor of narcotics at the opening of the hidden compartment.

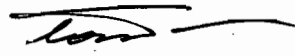
12 20. The currency was later confirmed to total approximately \$44,000.00 and was
13 seized for forfeiture proceedings.

14 21. According to the California Employment Development Department, Martinez
15 does not have any reported wages in California in the past 12 months.

16 22. Based on my training and experience narcotic traffickers often possess large
17 amounts of currency, typically bundled and secured with rubberbands and wrapped in
18 some form of plastic. The Defendant Currency was found wrapped in a plastic grocery
19 bag, bundled and secured with rubberbands, indicative of narcotic trafficking.

20 23. Based on the foregoing, I have probable cause to believe that the Defendant
21 Currency is proceeds from drug trafficking. Additionally, "[T]he filing of the forfeiture
22 complaint allows the government immediately to obtain a warrant for the arrest of the res,
23 without any further showing of probable cause. Indeed, arrest of the res is a jurisdictional


1 requirement." United States v. \$191,910.00 in United States Currency, 16 F.3d 1051 (9th
2 Cir. 1994). It is respectfully requested that a Warrant for Arrest of Articles *In Rem*,
3 pursuant to the Supplemental Rules for Admiralty or Maritime Claims and Asset
4 Forfeiture Actions Rule G(3)(b)(i), be issued for the Defendant Currency.

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6 
7 THOMAS MILES
8 Special Agent
9 Drug Enforcement Administration

10 Sworn to and Subscribed before me this 12 day of December 2014.

11 
12 HON. SHEILA K. OBERTO
13 United States Magistrate Judge

14
15 Reviewed and approved as to form

16 
17 JEFFREY A. SPIVAK
18 Assistant U.S. Attorney