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**FILED**

MAR 25 2015

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

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

10 UNITED STATES OF AMERICA,

11 Plaintiff,

12 v.

13 APPROXIMATELY \$40,600.00 IN U.S.  
14 CURRENCY,

15 Defendant

1:15-CV-00237---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 February  
18 12, 2015, in the United States District Court for the Eastern District of California,  
19 alleging that defendant approximately \$40,600.00 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.*;

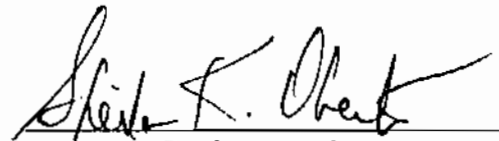
22 And, the Court being satisfied that, based on the Verified Complaint for Forfeiture *In*  
23 *Rem* and the affidavit of Drug Enforcement Special Agent Philip Hartshorne (attached  
24 hereto), there is probable cause to believe that the Defendant Currency so described  
25 constitutes property that is subject to forfeiture for such violation(s), and that grounds for  
26

1 the issuance of a Warrant for Arrest of Articles *In Rem* exist, pursuant to Rule G(3)(b)(i) of  
2 the Supplemental Rules 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:

March 24, 2015



SHEILA K. OBERTO  
United States Magistrate Judge

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1 of money acquired from engaging in the acquisition and distribution of controlled  
2 substances in their residence, vehicles, safes, storage containers, and in other areas under  
3 their control.

4 4. I am an investigative or law enforcement officer of the United States within  
5 the meaning of Section 2510(7) of Title 18, United States Code, in that I am an officer of  
6 the United States, empowered by law to conduct investigations and make arrests for  
7 offenses enumerated in Title 18, United States Code, Section 2516.

8 5. This affidavit is made in support of a warrant for arrest of approximately  
9 \$40,600.00 in U.S. Currency (hereafter "Defendant Currency"). The Defendant Currency  
10 constitutes money or other things of value furnished or intended to be furnished in  
11 exchange for a controlled substance or listed chemical, all proceeds traceable to such an  
12 exchange and/or was used or intended to be used to facilitate one or more violations of 21  
13 U.S.C. § 841 *et seq.* As a result of the foregoing, the Defendant Currency is subject to  
14 forfeiture to the United States pursuant to 21 U.S.C. § 881(a)(6).

15 6. The facts set forth in this affidavit are known to me as a result of reviewing  
16 official reports, documents, and other evidence obtained as a result of the investigation,  
17 and through conversations with other agents and detectives who have participated in this  
18 investigation and I have determined the following:

19 7. On September 11, 2014, agents with the Drug Enforcement Administration  
20 received information that Josue Pedro Grajeda (hereafter "Grajeda") was traveling on a  
21 one way ticket purchased on September 10, 2014, from Denver, Colorado to Fresno,  
22 California by way of Phoenix, Arizona via U.S. Airways flight 2950 on September 11, 2014.  
23 A search of law enforcement databases revealed that Grajeda had a criminal history  
24 relating to narcotics, including a May 2014 incident (discussed below).

25 8. DEA agents and additional law enforcement made contact with Grajeda after

1 he arrived at the airport. Grajeda was subsequently contacted by two law enforcement  
2 officers. Grajeda was advised that he was not under arrest and free to leave. When asked  
3 if Grajeda had narcotics or anything dangerous in his bag, Grajeda stated that he did not  
4 but advised that he was carrying some money. When asked how much money he was  
5 carrying, Grajeda stated that he had about \$20,000.00.

6 9. Law enforcement agents then asked Grajeda for permission to view the  
7 currency and Grajeda consented, walked to some nearby seats in the terminal and  
8 voluntarily opened his bag. Once Grajeda had opened the bag, law enforcement agents  
9 observed what appeared to be a large amount of currency contained in tightly-compressed,  
10 vacuum sealed, clear plastic.

11 10. When asked by law enforcement if he had been previously arrested, Grajeda  
12 said that he had not. When asked if he was carrying any other currency, Grajeda  
13 produced a stack of rubber banded bills from his pocket along with a small amount of  
14 currency that was not rubber banded. Subsequently, the non-rubber-banded currency was  
15 returned to Grajeda.

16 11. When asked by law enforcement agents, why he was carrying so much money,  
17 Grajeda indicated that he was in Fresno to purchase a 2009 Silver Jaguar for \$30,000.  
18 When asked if he had an advertisement for the vehicle, Grajeda indicated he did not.  
19 When asked by law enforcement what Grajeda did for a living he (Grajeda) advised that  
20 he was a truck driver and that he owns JAG Trucking. When asked if he had a contact  
21 number for the person from whom he was to buy the vehicle, Grajeda responded that he  
22 did not. When asked if he knew the name of the person from whom he was to buy the  
23 vehicle Grajeda said that he did not know. When asked by law enforcement how he  
24 intended to pay the \$10,000.00 difference, after the \$20,000.00 he (Grajeda) stated he was  
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1 carrying in order to purchase the \$30,000.00 vehicle, Grajeda advised that he would owe  
2 the seller an additional \$10,000.00.

3 12. When asked by law enforcement how he intended to get to the vehicle he  
4 intended to purchase, Grajeda advised that his buddy "John" was taking him. When  
5 asked if John had a last name or a phone number so that law enforcement could contact  
6 "John" to authenticate Grajeda's story, Grajeda advised that he did not know "John's" last  
7 name or telephone number. When asked how he intended to get back to Colorado,  
8 Grajeda advised that he planned to drive the vehicle he was in Fresno to purchase back to  
9 Colorado.

10 13. Towards the end of the interview after learning that law enforcement agents  
11 would be seizing the Defendant Currency, Grajeda expressed concern that he would be  
12 unable to afford a rental car since they were taking his money. An agent asked Grajeda  
13 why he could not use a credit card to rent a vehicle and Grajeda stated that he did not  
14 have any credit cards. Agents subsequently asked Grajeda to produce his wallet at which  
15 point they observed the wallet to contain what appeared to be credit cards. When asked  
16 about the credit cards in his wallet, Grajeda relayed that the credit cards belonged to his  
17 mom.

18 14. Upon conclusion of the interview and prior to walking away from law  
19 enforcement agents Grajeda stated that there was actually \$40,000.00 in the vacuum  
20 sealed bag containing the currency.

21 15. The interview with Grajeda concluded at approximately 9:47 p.m. At  
22 approximately 9:55 p.m., a controlled sniff of the currency was conducted wherein narcotic  
23 detecting canine "Duce" made a positive alert on the money for the presence of narcotics.  
24 Duce a 2 year old Labrador retriever, is a P.O.S.T. certified narcotics detection canine.

1 Duce has received approximately 400 hours of training and was certified in narcotics  
2 detection to detect marijuana, cocaine, methamphetamine, heroin, and opium.

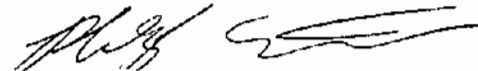
3 16. On May 6, 2014 (just four months prior to the subject incident), Grajeda was  
4 stopped by the California Highway Patrol in Fresno, California on suspicion of driving  
5 under the influence. Grajeda was traveling with other passengers. During a search of the  
6 vehicle, law enforcement located a large amount of U.S. currency (later determined to be  
7 \$18,600.00) in the center console which was vacuum wrapped in plastic. Grajeda and the  
8 two passengers disclaimed ownership of the currency, which was administratively  
9 forfeited to the United States.

10 17. Through further investigation, law enforcement discovered that Grajeda had  
11 flown into Fresno from out of state the day prior, May 5, 2014, and was staying in room  
12 263 at the Piccadilly Inn- Airport in Fresno. Law enforcement subsequently sought and  
13 obtained a search warrant for Grajeda's hotel room. During the search of Grajeda's hotel  
14 room, law enforcement located a large cardboard box which was found to contain two blue  
15 plastic bins containing 21 vacuum sealed bags filled with processed marijuana. The bags  
16 of processed marijuana were subsequently weighed and weighed in excess of 23 pounds.

17 18. Grajeda is currently facing state criminal charges in the Fresno County  
18 Superior Court relating to this incident.

19 Based on the foregoing, I have probable cause to believe that the Defendant  
20 Currency is proceeds from drug trafficking. Additionally, "[T]he filing of the forfeiture  
21 complaint allows the government immediately to obtain a warrant for the arrest of the res,  
22 without any further showing of probable cause. Indeed, arrest of the res is a jurisdictional  
23 requirement." United States v. \$191,910.00 in United States Currency, 16 F.3d 1051 (9th  
24 Cir. 1994). It is respectfully requested that a Warrant for Arrest of Articles *In Rem*,

1 pursuant to the Supplemental Rules for Admiralty or Maritime Claims and Asset  
2 Forfeiture Actions Rule G(3)(b)(i), be issued for the Defendant Currency.

3   
4 PHILIP HARTSHORNE  
5 Special Agent  
6 Drug Enforcement Administration

7 Sworn to and Subscribed before me this 24 day of March 2015.

8   
9 HON. SHEILA K. OBERTO  
10 United States Magistrate Judge

11  
12 Reviewed and approved as to form

13  
14 /s/ Jeffrey A. Spivak  
15 JEFFREY A. SPIVAK  
16 Assistant U.S. Attorney