

FILED

SEP 06 2018

CLERK US DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
BY DEPUTY

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA**

UNITED STATES OF AMERICA,

Plaintiff

vs.

Jose Armando HERNANDEZ-Velazquez (1)

Sandra Cristina OSUNA-Nunez (2)

Defendant

Magistrate's Case No.

COMPLAINT FOR VIOLATION OF:

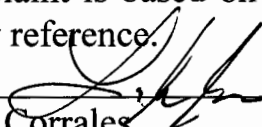
Title 21 U.S.C. § 841(a)(1)
Possession with intent to Distribute
Fentanyl

18MJ4805

The undersigned complainant, being duly sworn, states:

That on or about September 5, 2018 within the Southern District of California, defendants Jose Armando HERNANDEZ-Velazquez and Sandra Cristina OSUNA-Nunez possessed with the intent to distribute 400 grams and more, to wit: approximately 24.98 kilograms (55.07 pounds), of a mixture or substance containing a detectable amount of N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl] propanamide (Fentanyl), a Schedule II controlled substance, in violation of Title 21 United States Code, Section 841(a)(1).

And the complainant states that this complaint is based on the attached Probable Cause Statement, which is incorporated herein by reference.


Luis Corrales
Task Force Officer
Drug Enforcement Administration

Sworn to before me and subscribed in my presence, this 6th day of September 2018.


HONORABLE KAREN S. CRAWFORD
UNITED STATES MAGISTRATE JUDGE

1 **United States of America**

2 **vs.**

3 **Jose Armando HERNANDEZ-Velazquez (1)**

4 **Sandra Cristina OSUNA-Nunez (2)**

5 **STATEMENT OF PROBABLE CAUSE**

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8 I, Border Patrol Agent Luis Corrales, Task Force Officer of the Drug Enforcement
9 Administration (DEA), declare under penalty of perjury, the following is true and
10 correct:

11 On September 5, 2018, Border Patrol Agent (BPA) Salvador Contreras, BPA
12 Robert Dominguez, and BPA Jesus Pina with his Canine partner were assigned to the
13 Interstate 8 Westbound Immigration Checkpoint. BPA Pina and his canine partner are
14 trained and certified in the detection of concealed humans, and the odors of marijuana
15 and its derivatives, methamphetamines and its derivatives, cocaine and its derivatives,
16 heroin and its derivatives, and ecstasy. The checkpoint was fully operational with all
17 signs visible and lights functioning. The Interstate 8 (I-8) Westbound Checkpoint is
18 located in Pine Valley, California and is approximately 15 miles north and 8 miles east
19 of the Tecate, California Port of Entry.

20 At approximately 1:53 p.m., a silver Mini Cooper, bearing CA license plate
21 6CKV280, approached the primary inspection at the Interstate 8 Checkpoint. BPA
22 Contreras was working the primary inspection area. BPA Contreras questioned the
23 occupants, later identified as Jose Armando HERNANDEZ-Velazquez (Driver) and
24 Sandra Cristina OSUNA-Nunez, as to their citizenship. HERNANDEZ stated he was a
25 Mexican citizen with a Lawfully Admitted Permanent Resident card and OSUNA stated
26 she was a B1/B2 visa holder. BPA Contreras questioned HERNANDEZ as to his
27 profession. HERNANDEZ responded he was unemployed and was on his way to the
28 Viejas Casino to do some shopping. BPA Contreras observed HERNANDEZ' lips were

1 heavily quivering and his eyes were wide open and staring into the distance as he
2 answered BPA Contreras' questions.

3 At the same time, BPA Pina was walking to the primary inspection area when his
4 canine partner alerted as they approached the aforementioned vehicle and began to drag
5 BPA Pina towards the vehicle. BPA Pina allowed his canine partner to follow the source
6 of the alert. The canine drafted towards the rear driver's side fender and attempted to
7 make entry into the vehicle. BPA Pina continued to walk his canine partner around the
8 vehicle to the following car, however his canine partner would not continue past the
9 Mini Cooper.

10 BPA Pina asked BPA Contreras working in the primary inspection area to send the
11 vehicle to secondary for further inspection. BPA Pina and his canine partner followed
12 the vehicle into the secondary inspection area. At this time, BPA Contreras was relieved
13 from the primary inspection area and also followed the vehicle to secondary inspection.

14 In the secondary inspection area, BPA Dominguez questioned the occupants as to
15 their country of citizenship. Both occupants stated that they were Mexican citizens. BPA
16 Dominguez instructed the occupants to exit the vehicle. BPA Dominguez asked the
17 driver, Jose Armando HERNANDEZ-Velazquez if he smoked marijuana and
18 HERNANDEZ stated, "yes." BPA Dominguez asked HERNANDEZ if there was
19 anything illegal in the vehicle. HERNANDEZ stated, "no." BPA Dominguez asked for
20 consent to perform a canine sniff of the interior and exterior of the vehicle and also
21 asked for consent to search the vehicle. HERNANDEZ gave consent.

22 BPA Pina conducted a canine sniff of the vehicle by starting at the front driver's
23 side headlight. BPA Pina again observed an alert from his canine partner and allowed his
24 canine partner to follow the odor into the vehicle through the driver's side door that was
25 left open by HERNANDEZ. BPA Pina's canine partner continued to follow the odor and
26 indicated to the driver's side floorboard. BPA Pina advised BPA Contreras of the alert
27 and location. BPA Pina returned his canine partner to the service vehicle.
28

1 BPA Contreras inspected the bolts that secure the seat to the floorboard. BPA
2 Contreras observed a black color on the bolts that appeared to be shiny and inconsistent.
3 The black color was only on the inside of the head of the bolt and appeared to be a black
4 "Sharpie" marker. In BPA Contreras' training and experience, black sharpie marker is
5 used to mask tooling by concealing recent metal scarring.

6 BPA Contreras tapped the bottom of the floor from underneath the vehicle and
7 placed his hand on the floor inside of the vehicle. In BPA Contreras' experience the
8 impact of the tap from the outside of the vehicle is normally felt within the vehicle. BPA
9 Contreras tapped the vehicle from the outside and was not able to feel the impact from
10 within. In BPA Contreras' experience this was an indicator to a possible aftermarket
11 compartment within the floor of the vehicle. At this time, the vehicle was transported to
12 the I-8 hydraulic lift for further inspection.

13 At approximately 2:00 p.m., BPA Contreras lifted the carpet on the driver's side
14 and observed aftermarket welding and silicon around the edge of the entire floorboard.
15 Agent Contreras removed the silicone and discovered an aftermarket floor compartment.
16 BPA Robert Dominguez utilized a fiber optic scope within an opening and observed
17 vacuum sealed bundles within.

18 At approximately 2:00 p.m., U.S. Border Patrol dispatch was notified of the
19 narcotic seizure and requested to commence a seizure packet. In the following few
20 minutes, U.S Border Patrol Dispatch advised an alert was recently placed on the vehicle.
21 BPA's Pina, Contreras and Dominguez, removed 21 brick packages and 2 pill form
22 packages, wrapped in vacuum sealed packages, from the floorboard compartment.
23 Several of the packages had visible markings present on their exterior. One of the legible
24 markings appeared to be a Mercedes Bens logo and the initials "TV" written on
25 numerous packages.
26

27 At approximately 2:00 p.m., BPA Pina advised BPA Joseph Lopez of the findings
28 and placed Jose Armando HERNANDEZ-Velazquez and Sandra Cristina OSUNA-

1 Nunez under an investigative detention for possible 21 USC 841 Manufacturing,
2 Distributing, or Dispersing of a Controlled Substance.

3 At approximately 2:30 p.m., a scan of the suspected narcotics was tested by BPA
4 Dominguez and witnessed by BPA Lopez utilizing a government issued Thermo
5 Scientific TruNarc narcotic identifier. The TruNarc analyzed the contents of one of the
6 bundles and the sample tested positive for the properties and characteristics of Fentanyl
7 with scan #444.

8 At approximately 2:40 p.m., Jose Armando HERNANDEZ-Velazquez and Sandra
9 Cristina OSUNA-Nunez were arrested for possible 21 USC 841 Manufacturing,
10 Distributing, or Dispersing of a Controlled Substance.

11 BPA Dominguez weighed the Fentanyl using a calibrated scale. This was
12 witnessed by BPA Lopez. The total gross weight of the 21 Fentanyl bricks was 23.52
13 kilograms. The total gross weight of the 2 Fentanyl pill packages was 1.46 kilograms.
14 The 21 Fentanyl bricks were inventoried and were placed in an evidence box. The 2
15 Fentanyl pill packages were inventoried and placed in an evidence box.

16 The vehicle had a positive 72 hour lane crossing. The vehicle had last crossed
17 internationally through the Calexico West Port of Entry on 09/05/18 at 11:20 p.m.,
18 approximately two hours prior to arriving at the Interstate 8 Westbound Checkpoint.

19 Drug Enforcement Agency (DEA) Special Agent (SA) Raul Castro, and Task
20 Force Officer (TFO) Luis A. Corrales responded to the Interstate 8 Westbound
21 Checkpoint at approximately 5:00 p.m. to investigate the incident.

22 At approximately 6:32 p.m., SA Casto read HERNANDEZ his Miranda Rights in
23 the Spanish language via form DEA-13b, as witnessed by TFO Corrales. HERNANDEZ
24 agreed to speak with the DEA Agents.

25 During the interview, HERNANDEZ admitted to knowing he was transporting
26 illegal merchandise for a compensation of \$2,500 USD. HERNANDEZ stated he was
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1 involved with a male individual by the name of "Raymundo." It was this individual that
2 started using HERNANDEZ as a transporter. HERNANDEZ said Raymundo and two
3 other individuals he did not know by name, registered the 2008 Mini Cooper (CA
4 6CKV280) to his (HERNANDEZ') name. The individuals told HERNANDEZ the
5 vehicle was his on the condition that they would be able to take it for the purpose of
6 loading. HERNANDEZ said he has transported what he imagined to be an illegal
7 substance approximately six to seven times, being payed \$2,500 USD each time.
8 HERNANDEZ said he received instructions to drive to a mall in either Riverside, CA, or
9 a mall near Anaheim, CA. Once at the location, HERNANDEZ would shop while
10 someone unknown to HERNANDEZ would take the vehicle and off load. HERNANDEZ
11 said he could tell the vehicle was off loaded because it always felt lighter in weight on
12 his return to Mexico. The interview was concluded at approximately 7:32 p.m.

13 At approximately 8:03 p.m., SA Castro read OSUNA her Miranda Rights in the
14 Spanish language via for DEA-13b, as witnessed by TFO Corrales. OSUNA agreed to
15 speak with the DEA Agents. During the interview, OSUNA denied any knowledge of
16 HERNANDEZ' illicit activity.

17 After both interviews, while in his cell HERNANDEZ volunteered information
18 regarding OSUNA's knowledge of his illicit activity. HERNANDEZ said OSUNA had
19 found out approximately three months prior and had been trying to get him to stop.
20 HERNANDEZ also stated OSUNA had once asked him how much "they" had paid him.

21 Jose Armando HERNANDEZ-Velazquez and Sandra Cristina OSUNA-Nunez
22 were charged with 21 USC 841 (a)(1); Possession with Intent to Distribute.
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