AO 91 (Rev. 11/11) Criminal Complaint

UNITED STATES DISTRICT COURT
for the
Northern District of Ohio

United States of America
v.
Victor Morales-Garcia,
aka "Ozzy,"
aka "William Castellon-Ibarra,"
aka "Efran Martinez-Esparza"
Defendant(s)

Case No. 1:15 MJ 3067

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of April 6, 2015 in the county of Lake in the Northern District of Ohio, the defendant(s) violated:

Code Section	*Offense Description*
21 U.S.C. Sections 846 and 841(a) (1)	Conspiracy to posses with intent to distribute and to distribute heroin and possesion of heroin

2015 APR -7 PM 2:33

This criminal complaint is based on these facts:

See attached affidavit

☑ Continued on the attached sheet.

Complainant's signature

Benjamin C. Carter, Special Agent, F.B.I.
Printed name and title

Sworn to before me and signed in my presence.

Date: April 7, 2015

Judge's signature

City and state: Cleveland, Ohio

Gregory A. White, U.S. Magistrate Judge
Printed name and title

A F F I D A V I T

I, Benjamin C. Carter, Special Agent of the Federal Bureau of Investigation (FBI), hereinafter referred to as your Affiant, being duly sworn, states that:

1. Your Affiant is an investigative or law enforcement officer of the United States within the meaning of Section 2510 (7), of Title 18, United States Code, as a Special Agent of the FBI. As such, your Affiant is empowered to conduct investigations of, and to make arrests for, offenses enumerated in Title 18, United States Code, Section 2516.

2. Your Affiant has been employed by the FBI for six and one half years. Your Affiant has been assigned to the Cleveland Division of the FBI for the past six years. Your Affiant is currently assigned to the Northern Ohio Law Enforcement Task Force (NOLETF), a Cleveland, Ohio, multi-agency Federal, State and local law enforcement drug task force. During your Affiant's assignment with the NOLETF, your Affiant has been assigned to investigations targeting organizations involved in drug trafficking offenses in the Northern District of Ohio and elsewhere. While being trained as a Special Agent of the FBI, your Affiant has received basic drug training at the FBI Academy located in Quantico, Virginia. Before employment with the FBI, your Affiant was employed as a Senior Police

Officer with the Des Moines, Iowa Police Department. Your Affiant was employed by the Des Moines Police Department for eight years and has extensive experience in investigations concerning narcotics trafficking, weapons violations, homicides and violent crime. As a Police Officer, your Affiant attended a Drug Enforcement Administration (DEA) Narcotics Investigator's Course at the Midwest Counter-Drug Training Center. Your Affiant has written and executed search warrants which have resulted in the seizure of illegal drugs and evidence of drug violations. Your Affiant has previously been the Affiant on twenty four Title III wiretap applications. Your Affiant has supervised the activities of informants who have provided information and assistance in the federal prosecution of drug offenders. Based upon the above experience, your Affiant is familiar with the modus operandi of persons involved in illicit distribution of controlled substances as well as the terminology used by persons involved in the illicit distribution of controlled substances. Your Affiant is aware that persons involved in the illicit distribution of controlled substances routinely attempt to conceal their identities as well as the locations at which drug transactions occur. These people are also known to have vehicles, properties, utilities and other items purchased in the names of others in order to conceal the association of drug activities with financial transactions. Your Affiant knows that individuals engaged in organized drug distribution and sales maintain extensive contact with persons from whom they receive drugs and with whom they distribute these drugs. Your Affiant has participated in investigations involving the organized distribution of illegal drugs and has made numerous arrests for drug-related offenses over the past four and one half years. Through investigation, training, and monitoring of Title III interceptions, your Affiant has become familiar with the types and amounts of profits made by drug traffickers and the methods, language, and terms which are used to disguise the source and nature of the profits from their illegal drug sales.

3. Your Affiant knows that the success of professional Drug Trafficking Organizations (DTOs) depends upon maintaining extensive contacts throughout the country. Specifically, individuals involved in drug trafficking must maintain contact with drug suppliers, drug couriers, drug customers, and others involved in supplying, transporting, distributing, selling, and marketing of controlled substances. It is essential that members of DTOs maintain contact with one another and use expedient means of communication. To do this, continued access to telephone communication, including push-to-talk communication, and electronic text messaging is necessary. The use of telephone communication is essential in maintaining timely long-distance and local contacts

with the original suppliers and those down the organizational chain, including local traffickers. Your Affiant knows that those involved in illegal drug operations often list their telephones and cellular telephones in the names of others or purchase pre-paid cellular telephones that do not require any proof of identification, in order to conceal their identities and illegal purposes. It is likewise essential that such organized groups meet to formulate plans concerning narcotics or other illegal activities and to divide their illegal proceeds. Through training and experience, your Affiant knows that members of a DTO use cellular telephones, including the push-to-talk, direct connect feature, in order to arrange such meetings.

BASIS OF INFORMATION

4. Except as otherwise noted, the information set forth in this Affidavit has been provided to your Affiant, by FBI Agents, NOLETF officers, DEA Agents, or other law enforcement officers. Unless otherwise noted, whenever in this Affidavit your Affiant asserts that a statement was made, the information was provided by another law enforcement officer (who may have had either direct or hearsay knowledge of the statement) to whom Affiant has spoken or whose report Affiant has read and reviewed. Likewise, information resulting from surveillance, except where otherwise indicated, does not necessarily set forth Affiant's observations but rather has been provided

directly or indirectly by FBI Agents, NOLETF Officers, DEA Agents, or other law enforcement officers who conducted such surveillance. Likewise, any information pertaining to vehicles and/or registrations, personal data on subjects and record checks has been obtained through the Law Enforcement Automated Data System (LEADS), the State of Ohio or the National Crime Information Center (NCIC), the Ohio Law Enforcement Gateway (OHLEG) computer system, and other known public database computer systems, by members herein described.

5. Since the Affidavit is being submitted for the limited purpose of securing arrest warrants, your Affiant has not included each and every fact known to him concerning this investigation. Your Affiant has set forth only the facts that he believes are necessary to establish the foundation for the issuance of the arrest warrants.

BACKGROUND OF INVESTIGATION

6. This affidavit is made in support of a criminal complaint for the arrest of VICTOR MORALES-GARCIA, aka Ozzy, aka William Castellon-Ibarra, aka Efran Martinez-Esparza, MARIO PEREZ-SANCHEZ, aka Anastacio Sanchez-Hernandez, and PEDRO ORTEGA-GOMEZ.

7. In March 2015, members of the Northern Ohio Law Enforcement Task Force ("NOLETF") continued an ongoing investigation into the drug trafficking activities of a drug trafficking organization ("DTO") run by an individual previously known to investigators as

"Ozzy".[1] This DTO is known to be trafficking significant amounts of black tar heroin in Lake, Cuyahoga, Erie and Huron counties in the state of Ohio. The investigation began with the arrest of Walter Ibarria in the City of Norwalk, Ohio in 2011 for trafficking black tar heroin as well numerous sources whom had information about a male previously only identified as "Ozzy" (VICTOR MORALES-GARCIA) of the same drug trafficking organization (DTO). Since the beginning of the investigation members of NOLETF have determined through surveillance and a pattern of arrests and seizures that have taken place within the Northern District of Ohio, that the MORALES-GARCIA DTO, has a base of customers from Huron and Erie County that travel to Cuyahoga and Lake County to purchase amounts of black tar heroin. Agents have learned this through interviews with numerous individuals arrested, after the surveilled and unsurveilled buys took place. These individuals were in possession of balloons of black tar heroin. These individuals were generally from Huron County and traveled on a daily and/or weekly basis from Huron County to Lake County to purchase black tar heroin. It should be noted that Huron County is approximately one hour and thirty minutes west of where the majority of the buys took place. Agents also learned of the above through controlled purchases of heroin from MORALES-GARCIA (Ozzy) and his heroin couriers, by undercover narcotic officers and

1 On April 6, 2015, investigators positively identified Ozzy as VICTOR MORALES-GARCIA.

confidential informants. Agents have also conducted multiple controlled buys of black tar heroin from other individuals known and unknown affiliated with this DTO. Agents have furthermore, surveilled on multiple occasions what they believe, based upon their training and experience, to be drug sales from both identified and unidentified persons affiliated with this DTO and MORALES-GARCIA himself. The majority of these drug purchases, controlled or not, have taken place between the furthest west suburbs of Cuyahoga County to the city of Painesville in Lake County in residential areas close to the interstates.

8. Since the spring of 2012 through March of 2015, over 20 controlled purchases of black tar heroin utilizing sources as well as undercover narcotic officers have been conducted. Agents have determined through the methods described above, a pattern and standard operating procedure has been determined as it relates to the method in which the MORALES-GARCIA DTO operates in supplying customers with black tar heroin. The DTO uses the telephone to arrange and set up a meeting location for the buyer to meet the seller. The pattern identified shows that the heroin customer would call a known number belonging to the MORALES-GARCIA DTO. The customer is then instructed to continually update the DTO through the use of the same number, where the customer is located on his or her route to the unknown meet location. During the final call to the DTO, the

customer is instructed as to where to meet a "runner" (heroin courier) or another unknown trafficker who is part of this DTO sent by MORALES-GARCIA to deliver an amount of black tar heroin. Agents have learned that the reason that the customer must continually update the DTO as to their whereabouts is due to the fact that if a customer is late to a meet location that the DTO will not supply black tar heroin to the customer and may never deal with the customer in the future as they may be suspected to be affiliated with law enforcement in an undercover capacity. This is another way to insulate the DTO from law enforcement. Agents have determined that the MORALES-GARCIA DTO changes the phone numbers customers call every 7-15 days. This has been determined through a phone analysis done, after the fact, with known MORALES-GARCIA DTO phone numbers. This is yet another way to insulate the DTO from law enforcement infiltrating the DTO.

9. Through interviews with subjects conducted by other agencies, including but not limited to the United States Border Patrol, it has been reported that the MORALES-GARCIA DTO has utilized numerous known and unknown Hispanic males known as heroin couriers to deliver black tar heroin to the customer. Investigations have learned numerous runners have been illegally been brought from the Nayarit/Tepic area of Mexico to the Painesville, Ohio area, with a

promise of working on a farm or in an automobile service garage. Once in Ohio, these individuals become heroin couriers for the DTO.

10. On April 3, 2015, a federal search warrant was signed by U.S. Magistrate Judge Greg White for 56 Palm Boulevard, Madison, Ohio. Prior investigation, using physical surveillance in conjunction with controlled purchases of heroin, revealed that this residence (a mobile home) was a possible stash location used by the MORALES-GARCIA DTO.

11. On April 6, 2015, a confidential reliable informant (CRI) placed an outgoing telephone call to MORALES-GARCIA, wherein the CRI placed a heroin order with MORALES-GARCIA.[2] Shortly after this telephone call was placed, surveillance observed an unknown Hispanic male (later identified as PEDRO ORTEGA-GOMEZ), exit 56 Palm Boulevard, Madison, and enter a Hyundai Sante Fe, bearing Ohio license plate GJS6464 and titled to Antonio Reyes.[3] Approximately 10 minutes later, while under constant surveillance of investigators, a traffic stop of the Sante Fe was initiated. The driver of the vehicle was identified as PEDRO ORTEGA-GOMEZ, who was found to be without a driver's license. A search of the vehicle yielded a large bag of heroin in the center console, all individually

2 CRI identified the voice over the telephone as "Ozzy" (MORALES-GARCIA) and had conducted multiple heroin transactions with Ozzy in the past.
3 This vehicle was a known heroin delivery vehicle used by the DTO in the past, and had been surveilled by investigators in prior surveillance of this DTO.

packaged in small balloons. At this time, the search warrant was executed at 56 Palm Boulevard (see paragraph 11).

12. On April 6, 2015, at approximately 12:14 p.m., the search warrant at 56 Palm Boulevard, Madison, Ohio, was executed. Upon entry to secure the residence, officers observed MARIO PEREZ-SANCHEZ as he attempted to flush a large amount of suspected heroin down the toilet. This suspected heroin was later removed and seized from the toilet after the residence was secured. Also present at the residence was VICTOR MORALES-GARCIA, aka Ozzy. MORALES-GARCIA was immediately recognized by investigators familiar with this investigation as Ozzy. In addition, a task force officer (TFO) who had conducted undercover heroin purchases from MORALES-GARCIA in the past identified MORALES-GARCIA as Ozzy.

13. Items seized during the execution of the search warrant included a large amount of suspected black tar heroin,[4] bagged in plastic baggies and also individually packaged in balloons for sale. This suspected heroin was located on a table in the living room area of the mobile home, a common area, and was in plain view. Also on the table were packaging materials, razor blades with suspected heroin residue, balloons for packaging, drug scales, and a hammer,[5] creating a heroin cutting and processing station. Additional items

4 Samples of the suspected heroin seized from the residence field tested presumptive positive for the presence of heroin. The combined total of the seized suspected heroin yielded a preliminary estimated weight 450-500 grams.
5 Your Affiant knows through training and experience that large scale drug traffickers use a hammer to smash or break chunks of heroin off of kilograms to package in smaller quantities.

seized during the execution of this warrant included a .22 caliber revolver, numerous wire transfer receipts showing thousands of dollars being wired to Mexico, drug ledgers, numerous cellular telephones (several of which were broken in half), additional drug scales, and U.S. currency.

14. This investigation has also revealed that the persons captioned in this affidavit: VICTOR MORALES-GARCIA, aka Ozzy, aka William Castellon-Ibarra, aka Efran Martinez-Esparza; MARIO PEREZ-SANCHEZ, aka Anastacio Sanchez-Hernandez; and PEDRO ORTEGA-GOMEZ are all illegal aliens in the Unites States and that these persons have all been deported from the United States in the past.

CONCLUSION

15. Based on you Affiant's training, experience and the facts set forth in this Affidavit, your Affiant believes that there is probable cause to believe that MARIO PEREZ-SANCHEZ, PEDRO ORTEGA-GOMEZ, and VICTOR MORALES-GARCIA, aka Ozzy, did knowingly and intentionally possess with the intent to distribute heroin, a schedule I controlled substance, in violation of Title 21, U.S.C., Section 841(a)(1), and did conspire to possess with the intent to distribute and distribute heroin in violation of Title 21, U.S.C, Section 846.

Benjamin C. Carter
Special Agent
Federal Bureau of Investigation

This and the preceding 11 pages were sworn to and subscribed before me this 7th day of April, 2015.

GREGORY A. WHITE
United States District Court Magistrate/Judge