

United States District Court

Western DISTRICT OF Texas

FILED

NOV 6 2008

UNITED STATES OF AMERICA

V.

Ramon E. GANDARA

CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY mm
DEPUTY CLERK

CRIMINAL COMPLAINT

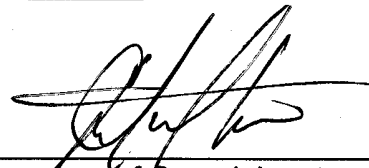
CASE NUMBER: 08-6147m

I, the undersigned complainant, being duly sworn state the following is true and correct to the best of my knowledge and belief. On November 4, 2008, in **El Paso County**, in the **Western District of Texas**, defendant(s) did, knowingly and intentionally possess with the intent to distribute Cocaine, to wit: approximately **243.4 grams** (gross weight) of Cocaine , a Schedule I Controlled Substance; and did knowingly and intentionally import into the United States from the Republic of Mexico, approximately **243.4 grams** (gross weight) of Cocaine , a Schedule I Controlled Substance in violation of **Title 21 United States Code, Section(s) 841(a) (1) and 952(a)**. Defendant also did, knowingly and intentionally possess with the intent to distribute Methamphetamine, to wit: approximately **17.5 grams** (gross weight) of Methamphetamine, a Schedule I Controlled Substance; and did knowingly and intentionally import into the United States from the Republic of Mexico, approximately **17.5 grams** (gross weight) of Methamphetamine, a Schedule I Controlled Substance in violation of **Title 21 United States Code, Section(s) 841(a) (1) and 952(a)**.

I further state that I am an Immigration and Customs Enforcement **Special Agent** and that this complaint is based on the following facts:

See Attached Affidavit

Continued on the attached and made a part hereof: X Yes No



Signature of Complainant
Carmelo Viera, Special Agent-ICE

Sworn to before me and subscribed in my presence,

November 6, 2008

Date

Richard P. Mesa, U.S. Magistrate Judge

Name & Title of Judicial Officer

El Paso, Texas

City and State

Richard P. Mesa

Signature of Judicial Officer

Affidavit
GANDARA
P.1 of 2

On November 4, 2008, at approximately 7:00 pm, Ramon E. GANDARA entered the United States, from the Republic of Mexico, at the Bridge of the Americas Port of Entry, El Paso, Texas. GANDARA was the driver of a 2008 Alle Recreational Vehicle (herein RV) bearing Texas license plate number JDL-762. Three other individuals were inside the RV, who were later identified as: Elba Gabriela Madrigal-Jurado (DOB: 1977), Vicente Barva-Felix (DOB: 1963) and Humberto Granillo (DOB: 1963). Barva-Felix and Granillo were released and Madrigal-Jurado was retained in unrelated charges.

Primary contact with GANDARA was made by U.S. Customs and Border Protection Officer (herein CBPO) Daniel Castro. CBPO Castro asked GANDARA a series of questions in relation to his arrival into the United States. In response, GANDARA stated that he was not bringing anything prohibited from Mexico, and claimed ownership of the RV he was operating. CBPO Castro then asked GANDARA to present his immigration documents; GANDARA claimed U.S citizenship and produced his passport. GANDARA further stated that he had driven to Juarez, Mexico to get a tune up for his RV. GANDARA further stated that the people inside the RV with him were family.

During this cursory inspection CBPO Castro observed GANDARA extremely nervous and uncooperative, therefore a canine unit was requested, as per CBP's policy. CBP Canine Enforcement Officer (herein CEO) Joe Vega responded to the scene and conducted an exterior/interior inspection of GANDARA'S RV. The canine unit alerted on a black briefcase under the kitchen sink. At that point GANDARA was instructed to drive his RV to the secondary inspection area.

In secondary inspection, CEO Vega asked GANDARA if he had lent his vehicle to anybody during his stay in Juarez, Mexico and if anybody apart from him had driven the vehicle while in Juarez, Mexico, and GANDARA answered in the negative on both occasions. CEO inspected the black briefcase where the canine unit had alerted, and found GANDARA'S wallet containing three (3) small bags containing a white powdery substance. At that point, GANDARA turned around excitedly uttered that he knew that was "coke" and that the mechanic probably left it there.

Further inspection of GANDARA'S RV revealed one (1) additional small bag containing a white powdery substance; a plastic container (approximately 2x6x3 in diameter) halfway full containing a white powdery substance; one (1) small bag containing a tan colored rocklike substance; 33 pills of Victan, 52 pills of Valium, 3 pills of Prozac and 18 pills of Halcion. The white powdery substance was tested and it reacted to the properties of Cocaine for a total of 243.4 of Cocaine. The tan colored substance was tested and it reacted to the properties of Methamphetamines for a total of 17.5 grams of Methamphetamine. GANDARA could not provide any records to show that he had a valid medical prescription for the pills found in his RV.

Also found in GANDARA'S RV were, four (4) firearms to wit: one (1) Sako 30-06 Bolt Action Rifle; serial number 723295 with corresponding ammunition; one (1) FNH .40 caliber semi-automatic pistol, serial number 61CMT06770 with corresponding ammunition; one (1) FNH 9 millimeter semi-automatic pistol, serial number 61BMT02623 with corresponding ammunition; and one (1) Glock 9 millimeter semi-automatic pistol, serial number SLL250US with corresponding ammunition. GANDARA did not provide any ownership record for the weapons found in his RV.

U.S. Immigration and Customs Enforcement Special Agents (herein SA) Carmelo Viera, SA Christopher Perez and SA Joshua Fry arrived at the Bridge of the American Port of Entry and began an investigation. In the presence of SA Perez and SA Fry; SA Viera read to GANDARA the Miranda Statement of Rights in the English

language. GANDARA acknowledged that he understood his rights and agreed to make statements and answer questions without the presence of an attorney, however refused to sign the document.

GANDARA stated that he knew that one of the passengers inside his RV was using a false document to make entry into the United States. GANDARA stated that he has been having financial difficulties. GANDARA admitted that the weapons inside his RV were his. GANDARA also stated that he knew that taking weapons to Mexico is illegal and that the penalty for doing so is jail. GANDARA also stated that he owns a FNH 5.7 caliber semi-automatic pistol but does not remember where it is. SA Viera asked GANDARA if he knows that the FNH 5.7 is known as the "cop killer" handgun and that it is very sought after by the Mexican drug cartels for its ability to perforate body armor and GANDARA, with a smile on his face, replied yes I know.

When SA Viera asked GANDARA about his domicile, GANDARA stated that he lives in Juarez, Mexico with his wife and children, but that sometimes he stays at 712 South Hills St. El Paso, Texas 79901. SA Viera asked GANDARA if he has stayed in the El Paso address recently and GANDARA said yes.

SA Viera asked GANDARA about the controlled substances found inside his RV and GANDARA started making random, incoherent statements such as "I don't know, I don't want to say, I don't want to be here, I want you to listen to me." Then GANDARA stayed silent and invoked his right to an attorney at which point the interview was concluded.

SA Viera attempted to corroborate the information provided by GANDARA as to his residence in the United States. SA Viera spoke with Mrs. Otilia Gandara De Hernandez on November 5, 2008. Mrs. Gandara De Hernandez is the aunt of GANDARA and her residence is located at 712 South Hills St. El Paso, Texas 79901. Mrs. Gandara De Hernandez stated that GANDARA does not live there and that she has not seen him for over a year and that the only reason he uses her address is to get mail there. But, Mrs. Gandara De Hernandez reiterated that GANDARA has not received anything there for over a year. SA Viera asked Mrs. Gandara De Hernandez if she knows where GANDARA lives and she replied "in Juarez, Mexico with his wife and children".

I make this affidavit on the basis of my personal knowledge, as well as information furnished to me by the CBP Officers on site.

Carmelo Viera
ICE Special Agent
Narcotics Conspiracy
Group 5

