

CRIMINAL COMPLAINT

UNITED STATES DISTRICT COURT		CENTRAL DISTRICT OF CALIFORNIA	
UNITED STATES OF AMERICA v. JOSE MEIJA-LEYVA and MANUEL BELTRAN-HIGUERA		DOCKET NO.	
		MAGISTRATE'S CASE NO. 12-	
Complaint for violation of Title 18, United States Code, Sections 1114; Title 18, United States Code, Sections 2 and 3			
NAME OF MAGISTRATE JUDGE Hon. Victor B. Kenton		UNITED STATES MAGISTRATE JUDGE	LOCATION Los Angeles, CA
DATE OF OFFENSE December 2, 2012	PLACE OF OFFENSE Santa Barbara County	ADDRESS OF ACCUSED (IF KNOWN)	
COMPLAINANT'S STATEMENT OF FACTS CONSTITUTING THE OFFENSE OR VIOLATION: On or about December 2, 2012, in Santa Barbara County, within the Central District of California, and elsewhere, defendants JOSE MEIJA-LEYVA and MANUEL BELTRAN-HIGUERA, each aiding and abetting the other, did kill United States Coast Guard law enforcement officer Terrell Horne III, an officer and employee of the United States, while officer Terrell Horne III was engaged in and on account of the performance of his official duties, in violation of Title 18, United States Code, Section 1114 and Title 18, United States Code, Sections 2 and 3.			
BASIS OF COMPLAINANT'S CHARGE AGAINST THE ACCUSED: (See attached affidavit which is incorporated as part of this Complaint)			
MATERIAL WITNESSES IN RELATION TO THIS CHARGE: N/A			
Being duly sworn, I declare that the foregoing is true and correct to the best of my knowledge. Joel Widell		SIGNATURE OF COMPLAINANT	
		OFFICIAL TITLE SPECIAL AGENT DEPARTMENT OF HOMELAND SECURITY, U.S. COAST GUARD INVESTIGATIVE SERVICE	
Sworn to before me and subscribed in my presence,			
SIGNATURE OF MAGISTRATE JUDGE(1)			DATE December 3, 2012

1) See Federal Rules of Criminal Procedure rules 3 and 54.

AFFIDAVIT

I, Joel Widell, being duly sworn, hereby state as follows:

INTRODUCTION

1. I have been employed as a Special Agent ("SA") with the Department of Homeland Security ("DHS"), U.S. Coast Guard Investigative Service ("CGIS") since August 2008. My previous assignments as a SA include general crimes investigations with CGIS in San Diego, California, and as a Task Force Officer with the Maritime Task Force ("MTF") in San Diego, California.

2. I am currently assigned to work with the Los Angeles Border Enforcement Security Task Force ("LA BEST") in San Pedro, California. LA BEST is a multi-agency task force that investigates individuals engaged in smuggling illegal narcotics and illegal aliens into the United States or that are otherwise engaging in illegal activity that significantly threatens the security of the United States borders. While at CGIS and LA BEST, I have participated in numerous investigations, including investigations involving maritime smuggling of illegal narcotics and illegal aliens.

3. I have completed the Criminal Investigator Training Program and the NCIS Special Agent Basic Training Program at the Federal Law Enforcement Training Center in Brunswick, Georgia. I have received training and am experienced in investigating violations of Federal law, including offenses involving the

smuggling of aliens and the importation and trafficking of illegal narcotics. I have also taken numerous advanced courses related to wiretaps, explosives, evidence collection, death investigations, and advanced interview techniques.

4. In connection with the investigations in which I have participated as a SA, I have used a variety of investigative techniques, including interviewing suspects, defendants, and witnesses, speaking with numerous law enforcement agents and officers, conducting physical and electronic surveillance, executing arrest and search warrants, and analyzing telephone, financial, and immigration records. As a result of my participation in these investigations, my training and experience, and my conversations with other investigators and law enforcement personnel, I am familiar with methods used by individuals and organizations to smuggle illegal aliens. I am also familiar with the methods used by narcotics traffickers to smuggle, transport, and distribute narcotics, by land, sea, and air, and to launder narcotics-related proceeds.

5. I make this affidavit, in part, on personal knowledge derived from my participation in this investigation, my training and experience, and from information obtained from the following sources:

a. Oral and written reports about this and other investigations, which I have received from federal, state, and local law enforcement agencies;

b. Physical surveillance conducted by the U.S. Coast Guard and U.S. Customs and Border Protection, the results of which were reported to me either directly or indirectly; and,

c. Information gleaned from multiple databases including: National Crime Information Center, Enforce Immigration database, and the Integrated Automated Fingerprint Identification System.

6. Unless otherwise noted, wherever in this affidavit I assert that a statement was made, the information was provided by another law enforcement officer (who may have either direct or indirect knowledge of the statement) to whom I have spoken or whose report I have reviewed.

PURPOSE OF THE AFFIDAVIT

7. This affidavit is made in support of the criminal complaint against JOSE MEIJA-LEYVA and MANUEL BELTRAN-HIGUERA for violating Title 18, United States Code, Sections 1114 and Title 18, United States Code, Sections 2 and 3.

8. This affidavit is made solely for the limited purpose of establishing probable cause for a criminal complaint and does not, therefore, attempt to set forth every fact learned during the course of the investigation, which remains ongoing.

PROBABLE CAUSE

Background: Maritime Drug Smuggling Operations

9. Based on my training and experience as a CGIS SA, I am aware that maritime smuggling operations in Southern California, including operations to smuggle illegal narcotics and illegal aliens into the United States by boat, typically operate as follows:

a. Smugglers who intend to illegally bring narcotics or aliens into the United States will bring the narcotics or aliens to areas in Mexico near the United States/Mexican border. Smugglers will often bring the narcotics or aliens into the United States by boat, often using a small, open, outboard fishing boat with a distinct appearance known as a "panga."

b. The laws of the United States prohibit the importation of narcotics into the United States, or the entry of non-United State citizens or aliens, unless certain legal requirements are met. Smugglers do not present the illegal narcotics or aliens for inspection to determine if these legal requirements were met. Instead, smugglers often will conceal narcotics or aliens within the panga boats in order to circumvent United States laws.

c. Based on my training and experience, I know that maritime smugglers from Mexico often carry large quantities of

fuel for long trips up the U.S. coast, often keeping quantities in reserve for the trip back to Mexico.

d. After surreptitiously crossing the United States/Mexican border by boat, smugglers will travel to predetermined areas where the illegal narcotics or aliens are unloaded from the boat and loaded into waiting vehicles. Smugglers will often contact accomplices onshore who will inform them exactly where to direct the boat to meet the waiting load vehicles. Once unloaded into these vehicles, the narcotics or aliens are then typically transported to "stash" houses, where the narcotics are divided and given to narcotics dealers or the aliens are held. Many such stash houses are located in the greater Los Angeles area.

Current Investigation

10. I learned the following from interviews of USCG officers Jonathan D'Arcy, Brandon Langdon, Michael Walker, Jordan David, Justin Thibodeau, Gregory Sykes, Pete John, Ross Schaffer, Hunter Atherton, Kriss Henders, Travis Connick, Paul Crisci, Joseph Plunket, Mathew Carlton, Michael Linehan, Michael Gustaveson, U.S. Border Patrol Agent Hermenegildo Martinez, and defendants JOSE MEJIA-LEYVA and MANUEL HIGUERA-BELTRAN.

11. At approximately 11:30 p.m., on December 1, 2012, USCG officers, onboard a C-130 aircraft ("C-130") operated by the USCG out of Sacramento, California, saw a recreational vessel in

the water approximately one mile from Smuggler's Cove, Santa Cruz Island, while on a routine patrol. The vessel was not moving and its navigation lights were turned off. Officers onboard the aircraft contacted USCG officers onboard the USCG Cutter Halibut. The "Halibut" is an approximately 87 foot long patrol boat, which has as part of its cargo an approximately 21 foot, small rigid hull inflatable boat. As part of their official duties, as U.S. Coast Guards, USCG officers on the Halibut were patrolling within the vicinity of the recreational vessel. USCG officers onboard the C-130 aircraft advised USCG officers on the Halibut of the location of the recreational vessel.

12. The USCG officers onboard the Halibut then located the recreational vessel within approximately one nautical mile of Smuggler's Cove, Santa Cruz Island. USCG officers from the Halibut then boarded the recreational vessel, and subsequently detained two individuals whom they suspected of drug smuggling. On the recreational vessel, USCG officers found numerous extra fuel containers. Based on my training and experience as a CGIS SA, I believe that the recreational vessel may have been serving as a source of fuel supply for an illegal narcotics or illegal alien smuggling operation.

13. Shortly thereafter, USCG officers onboard the C-130 informed USCG officers onboard the Halibut that they had located

an approximately 30 foot long open-bowed fishing vessel, commonly referred to as a "panga" boat, in Smugglers Cove, Santa Cruz Island. The panga boat did not have any navigation lights turned on, and was occupied by two people. The location of the panga boat was provided to USCG officers aboard the Halibut.

14. In response, the USCG officers aboard the Halibut launched the Halibut's small rigid hull inflatable boat with officers Jonathan D'Arcy, Brandon Langdon, Michael Walker, and Terrell Horne III aboard (hereinafter referred to as the "small boat crew"). The USCG small boat crew searched for and located the panga boat in the water at approximately 1:20 a.m., and approximately 200 yards from the eastern shore of Santa Cruz Island. At the time, members of the USCG small boat crew observed that the panga boat was stationary in the water. When the USCG small boat crew was approximately 20 yards from the panga boat, the USCG small boat crew turned on the small boat's blue flashing law enforcement lights, and shouted to the individuals on the panga boat, in English and Spanish: "Stop, police, put your hands up."

15. In response, the crew members of the panga boat throttled the engines and steered the panga boat toward the small boat. As the panga boat rapidly approached the USCG small boat, officer Walker attempted to avoid a collision by steering the USCG small boat out of the path of the panga boat. In

addition, officer D'Arcy fired several shots from his service weapon at the panga boat, in an effort to deter the crew of the panga boat from forcibly ramming the USCG small boat.

16. Despite officer Walker's and officer D'Arcy's efforts, the panga boat rammed into the USCG small boat, striking the USCG small boat's front, left quarter, and causing officers Langdon and Horne to be ejected from the USCG small boat into the water. After striking the USCG small boat, the panga boat crew drove the panga boat past the USCG small boat and fled the scene.

17. As a result of the panga boat crew's actions, officer Horne was struck by a propeller in the head and sustained a traumatic head injury. He was subsequently pronounced dead by paramedics. Additionally, officer Langdon sustained a laceration to his knee. Officers Langdon and Horne were ultimately recovered from the water by other members of the USCG small boat crew.

18. The C-130 maintained visual observation of the panga boat as it fled, and followed the panga boat. The C-130 continued its pursuit of the panga boat until a USCG H-60 helicopter ("H-60") confirmed visual observation of the panga boat and assumed the pursuit of the panga boat.

19. The H-60 and the Coast Guard Response Boat Medium

45643 ("RBM") intercepted the panga boat at approximately 5:05 a.m., 20 miles north of the United States/Mexican border. When the H-60 shined a spot light on the panga, the driver of the panga boat tried to start the panga's engines. The RBM then pulled next to the panga boat, approximately a car length away, activated its blue lights, and radioed the panga boat. USCG officers on the RBM also gave orders to the occupants of the panga boat at gun point, which were not followed. The driver of the panga then started the panga and began to flee. The RBM continued to pursue the panga, at which point the panga boat broke down. The RBM again stopped alongside the panga boat, a car length away, and USCG officers aboard the RBM again gave orders to the individuals on the panga boat at gun point. The panga boat started up again and began to flee. The RBM then attempted for the third time to stop the panga boat by driving past and in front of the panga boat. USCG officers onboard the RBM again gave orders, at gunpoint, to the individuals onboard the panga. The driver of the panga boat continued to attempt to start the engine of the panga boat. A USCG officer onboard the RBM then pepper sprayed both individuals on the panga. The driver of the panga struggled with USCG officers, but was ultimately detained. The passenger on the panga boat was detained without incident.

20. During the panga's flight from the RBM, crewmembers on the RBM observed the driver remaining at the helm of the panga while the other occupant remained forward of the helm station near fuel containers. At some point during the pursuit, the panga slowed significantly while changing fuel containers, which allowed the RBM to pull alongside of it. The panga then sped away, ignoring the hails from the RBM to yield.

21. The two crew members of the panga were subsequently identified as JOSE MEIJA-LEYVA and MANUEL BELTRAN-HIGUERA.

22. The panga boat was taken back to the USCG station in San Pedro, California. USCG conducted a preliminary inspection of the panga boat and observed bullet holes in the front, left side of the panga, including one in front of the steering column. USCG officers also found a satellite phone, knife, handheld GPS, and a cellphone on the panga boat. The defendants JOSE MEIJA-LEYVA and MANUEL BELTRAN-HIGUERA were transported by USCG officers to LA BEST in San Pedro, California. Once they arrived at LA BEST, at approximately 12:30 p.m., agents of LA BEST arrested the two defendants.

Interview of Subjects On Board the Panga Boat

23. JOSE MEIJA-LEYVA and MANUEL BELTRAN-HIGUERA provided booking and identifying information and were determined to have entered the country illegally from Mexico without inspection or admission by an Immigration Officer. JOSE MEIJA-LEYVA and

MANUEL BELTRAN-HIGUERA were then read and provided a written form setting forth their *Miranda* rights in Spanish. Each of the defendants signed his respective written *Miranda* waiver form, initialed next to an acknowledgment in Spanish that he understood his *Miranda* rights, and agreed in writing to answer the questions of law enforcement. Each of the defendants was also advised of his consular notification rights.

24. After waiving his *Miranda* rights, JOSE MEJIA-LEYVA stated that he was the captain of the boat, and that he was taking gasoline to some lost friends north of Los Angeles. After making this statement, MEJIA-LEYVA chose to exercise his right to an attorney, and all questioning of MEJIA-LEYVA by law enforcement immediately stopped.

25. After waiving his *Miranda* rights, MANUEL BELTRAN-HIGUERA stated, in Spanish, that he is a citizen and national of Mexico. BELTRAN-HIGUERA further stated that in Ensanada, Baja California, Mexico, an unidentified young man approached him and offered to pay him \$3,000.00 if he would transport a load of gasoline to an awaiting panga boat in the United States. BELTRAN-HIGUERA stated that when he arrived at the panga boat, he recognized the captain as a man named "Blacky" that he knew from the port in Ensanada, Mexico. BELTRAN-HIGUERA stated that "Blacky" was the person with whom he was arrested, and who was later identified as JOSE MEJIA-LEYVA.

26. BELTRAN-HIGUERA stated that MEJIA-LEYVA told him that they were heading to a point north of Los Angeles, near an island where they were supposed to meet with another panga boat and transfer fuel. Beltran further stated that he did not know whether the other panga boat would be carrying drugs or people. When they arrived at that island, the second panga never arrived. After waiting for approximately 20 minutes, they were detected by a Coast Guard boat and helicopter. When the Coast Guard approached, BELTRAN-HIGUERA saw the Coast Guard's lights and heard a siren. BELTRAN-HIGUERA also heard someone yell: "Police! Stop! Put your hands up!" BELTRAN-HIGUERA then heard a series of gun shots, before the Coast Guard vessel collided with the panga.

27. BELTRAN-HIGUERA stated that after the collision, MEJIA-LEYVA drove the panga south toward Mexico.

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CONCLUSION

28. Based on the foregoing facts and my training and experience, I submit there is probable cause to believe that JOSE MEIJA-LEYVA and MANUEL BELTRAN-HIGUERA violated Title 18, United States Code, Sections 1114 and Title 18, United States Code, Sections 2 and 3.

Joel Widell
Special Agent
Department of Homeland Security,
U.S. Coast Guard Investigative Service

Sworn to and subscribed to before me on
this 3rd day of December, 2012.

HONORABLE VICTOR B. KENTON
United States Magistrate Judge