

FILED

AO 91 (Rev. 02/09) Criminal Complaint

UNITED STATES DISTRICT COURT

2013 SEP 19 AM 10:0

for the Northern District of Ohio

CLERK U.S. DISTRICT COURT NORTHERN DISTRICT OF OHIO CLEVELAND

United States of America v. Eddy Jose Martinez-Delgado

Mag. Judge White

Case No.

1:13 MJ 3138

Defendant

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 of 09/18/2013 in the county of Cuyahoga in the Northern District of Ohio, the defendant violated 21 U. S. C. § 841 (a)(1) and (b)(1)(A), an offense described as follows:

Knowingly and intentionally possess with intent to distribute a controlled substance; to wit: 1 kilogram or more of a mixture or substance containing a detectable amount heroin, a schedule I controlled substance.

This criminal complaint is based on these facts:

See attached affidavit

Continued on the attached sheet.

Signature of Joseph R. Harper

Complainant's signature

Joseph R. Harper, Special Agent

Printed name and title

Sworn to before me and signed in my presence.

Date: 09/19/2013

Signature of Greg White

Judge's signature

City and state: Cleveland, Ohio

Greg White, U.S. Magistrate Judge

Printed name and title

AFFIDAVIT

Your Affiant, Joseph R. Harper, being duly sworn, deposes and states:

1. Your Affiant, Joseph R. Harper is an officer or employee of the United States Department of Justice (DOJ), Drug Enforcement Administration (DEA) within the meaning of Section 878(a) of Title 21, United States Code, that is an officer who is empowered by law to conduct investigations, make arrests, and seize property for violations of Title 18, United States Code and Title 21, United States Code.
2. Your Affiant is a Special Agent for the United States Department of Justice, Drug Enforcement Administration (DEA), and has been so employed since December 2005. During your Affiant's employment with the DEA, your Affiant has been assigned to the Cleveland Resident Office (CRO) in Cleveland, Ohio.

TRAINING AND EXPERIENCE

3. Your Affiant has been involved in the investigation of various individuals and organizations involved in the manufacturing, distribution, and use of controlled substances. Your Affiant has conducted surveillance

operations and has become familiar with the methods used by individuals engaged in the manufacturing, trafficking, and use of controlled substances. Your Affiant received specialized training at the DEA training facility located at the FBI Academy in Quantico, Virginia in regards to the identification of narcotic substances and the operation of drug trafficking organizations. Affiant has also attended the DEA OPERATION JETWAY Training which entails the training of DEA Special Agents and/or criminal investigators in regards to the investigation of the criminal organizations that facilitate the transportation of controlled substances [i.e. narcotics] and/ or narcotic derived proceeds [i.e. money] via commercial mass transportation systems [i.e. airline, bus, train, parcel as well as hotels and motels]. Your Affiant is currently assigned to the DEA Airport Interdiction Unit. Affiant has conducted and/or participated in numerous drug investigations and operations which resulted in the arrest(s) and conviction(s) of numerous drug traffickers in both state and federal prosecutions and the seizure of significant quantities of drugs and drug related proceeds.

PROBABLE CAUSE

4. On September 18, 2013, Affiant received intelligence from a source of information (SOI) concerning the suspicious travel itinerary of US Airways passenger tentatively identified as Eddy MARTINEZ having date of birth October XX, 1974. The information indicated that on September 17, 2013, MARTINEZ purchased a same day and one-way cash ticket from Los Angeles, California to Cleveland, Ohio and paid cash for the over-weight fee regarding his one (1) checked suitcase. According to MARTINEZ's travel itinerary, MARTINEZ was scheduled to arrive in Cleveland, Ohio on September 18, 2013 at approximately 9:32am.
5. On September 18, 2013, Affiant conducted an open source query concerning MARTINEZ and was not able to verify MARTINEZ's birth date or obtain additional identifiers; therefore, MARTINEZ's identity could not be positively corroborated based solely on his name and birth date. Based on his name, Affiant believed MARTINEZ to be a Hispanic male.
6. On September 18, 2013 at approximately 9:25am and concerning MARTINEZ's US Airways arrival gate, Affiant

and DEA SA James Goodwin observed a male believed by agents to potentially be MARTINEZ. Affiant and SA Goodwin followed the male to the US Airways baggage claim area.

7. At approximately 9:40am in the US Airways baggage claim area and as witnessed by SA Goodwin, Affiant conducted a consensual encounter with the male determined to be MARTINEZ who spoke and understood English well. MARTINEZ allowed agents to review his flight documents and provided agents verbal consent to search his checked suitcase which was still in the US Airways secure baggage area.

8. Affiant and SA Goodwin entered the US Airways secure baggage area and located MARTINEZ's suitcase which contained a US Airways checked baggage label displaying MARTINEZ's name, flight number being US Airways 4584, and baggage claim number B6GRCN. Upon searching MARTINEZ's suitcase, Affiant and SA Goodwin noted the unusual heavy, thick padding sewn into the liner and located in the bottom of the suitcase; the padding and location being indicative of the methods persons involved in drug dealing utilize to conceal

drugs and/or drug proceeds during transport. Upon opening the liner, Affiant and SA Goodwin determined the padding to be a flat package wrapped in black electrical tape containing air fresheners and two separate sealed vacuum saver bags, each bag containing a brown substance that resembled in texture and odor the controlled substance known as heroin.

9. As witnessed by Task Force Officer (TFO) Terry Helton, Affiant detained and escorted MARTINEZ to the airport interdiction office located at the Cleveland, Ohio, Municipal Airport (CLE). Affiant provided MARTINEZ with Miranda warnings. MARTINEZ stated that he understood his rights and invoked his right to counsel; therefore, MARTINEZ was not questioned.

10. As witnessed by Affiant and TFO Helton, SA Goodwin conducted a Marquis Reagent field test on the substance in each vacuum saver bag, the substance showing a positive result for the presence of heroin. Affiant weighed each vacuum saver bag, one bag weighing approximately 1,624 grams and the other approximately 1,655 grams for an approximate total of 3 kilograms of suspected heroin. During the field

test process, SA Goodwin commented on having to process as well as to transport the suspected heroin to the lab in Chicago, Illinois, to which MARTINEZ made the following spontaneous reply: that's funny, I was transporting it and now you guys are. MARTINEZ's spontaneous statement indicates to some degree that MARTINEZ knowingly possessed the suspected heroin and was transporting the contraband to a delivery location not known. This affidavit does not contain each and every piece of information and/or fact known to Affiant and other investigators, but rather only information sufficient to establish probable cause to support the requested arrest warrant.

11. Agents transported MARTINEZ to the CRO where MARTINEZ was processed and fully identified as Eddy Jose MARTINEZ Delgado. At approximately 12:34pm, Affiant was notified by FBI SA Steve Sloan and TFO Jeff Gabel that MARTINEZ asked if arresting agents would come speak with him because he wanted to make a statement. As witnessed by SA Goodwin, Affiant again provided Miranda warnings to MARTINEZ who stated that upon acquiring the suitcase containing the suspected heroin in an area of Fontana, California, he overheard his

suppliers state that heroin was in the suitcase; therefore, he did know that he was transporting heroin and would get paid for its successful delivery.

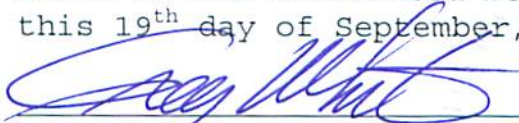
CONCLUSION

12. Based upon the above listed facts and circumstances, Your Affiant has probable cause to believe, and does believe that, on or about September 18, 2013, Eddy MARTINEZ Delgado did in the Northern District of Ohio, Eastern Division, knowingly and intentionally possess with the intent to distribute a mixture or substance containing a detectable amount of heroin, a Schedule I controlled substance, in violation of Title 21, United States Code, Section 841 (a) (1) and (b) (1) (A). Your Affiant requests that an Arrest Warrant be issued for Eddy MARTINEZ Delgado.



Joseph R. Harper
Special Agent
Drug Enforcement Administration

Sworn to and subscribed before me
this 19th day of September, 2013.



Greg White
United States Magistrate Judge
Northern District of Ohio
Eastern Division