

UNITED STATES DISTRICT COURT

for the

Eastern District of California

FILED
Jan 24, 2022
CLERK, U.S. DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

United States of America)

v.)

ANGEL FELIX Jr.)

Case No. 2:22-mj-0012 AC

Defendant(s)

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 Dec. 8, 2021 - Jan. 20, 2022 in the county of San Joaquin in the Eastern District of California, the defendant(s) violated:

Table with 2 columns: Code Section, Offense Description. Rows include 21 U.S.C. §§ 846, 841(a)(1) - Conspiracy to distribute a controlled substance; 21 U.S.C. § 841(a)(1) - Distribution of a controlled substance; 21 U.S.C. § 841(a)(1) - Possession with intent to distribute a controlled substance.

This criminal complaint is based on these facts:

SEE ATTACHED AFFIDAVIT OF DEA Special Agent Jared Simmons

Continued on the attached sheet.

/s/ Jared Simmons

Complainant's signature

Jared Simmons, DEA Special Agent

Printed name and title

Sworn to and signed before me telephonically.

Date: 01/24/2022

City and state: Sacramento, California

Handwritten signature of Allison Claire and printed name: ALLISON CLAIRE, UNITED STATES MAGISTRATE JUDGE

AFFIDAVIT OF DEA SPECIAL AGENT JARED SIMMONS

I, Jared Simmons, being duly sworn, hereby depose and state:

CRIMINAL COMPLAINT FOR ARREST WARRANT

1. This Affidavit is submitted in support of an arrest warrants and criminal complaints charging **ANGEL FELIX, JR.** and **RODOLFO CARO-ACOSTA** with:

COUNT ONE: Conspiracy to distribute a controlled substance, in violation of 21 U.S.C. §§ 846 and 841(a)(1). (Felix and Caro-Acosta)

COUNT TWO: Distribution of a Controlled Substance, in violation of 21 U.S.C. § 841(a)(1). (Felix)

COUNT THREE: Possession with Intent to Distribute a Controlled Substance, in violation of 21 U.S.C. § 841(a)(1). (Felix and Caro-Acosta)

BACKGROUND AND EXPERTISE

2. I am a Special Agent with the Drug Enforcement Administration (“DEA”). I have been a DEA Special Agent since October 2020.
3. During the course of my employment as an DEA Special Agent, I have participated in several drug trafficking investigations. I have also participated in numerous investigations involving the use of federal and state search warrants to collect evidence, including controlled substances, the seizure of narcotics-related records, and other types of evidence that document the activities of criminal organizations in both the manufacturing and distribution of controlled substances and weapons. To successfully conduct these investigations, I have utilized a variety of investigative techniques and resources including physical and electronic surveillance, various types of infiltration (including undercover agents, informants, and cooperating sources), pen register and trap and trace devices, GPS and telephone tracking devices, trash covers, mail covers, pole cameras, stationary video recording vehicles, audio and audio/video recording devices.

4. Through these investigations, my training and experience, and conversations with other agents and law enforcement personnel, I have become familiar with the methods used by drug trafficking organizations to smuggle and safeguard controlled substances and weapons, to distribute, manufacture, and transport controlled substances, and to collect and launder related proceeds.
5. I am an “investigative or law enforcement officer” of the United States within the meaning of 18 U.S.C. § 2510(7), in that I am an officer of the United States empowered by law to conduct criminal investigations and make arrests for offenses enumerated in 18 U.S.C. § 2516.
6. Because this affidavit is submitted for the limited purpose of establishing probable cause for the requested criminal complaint, I have not included each and every fact known to me about this case. Rather, I have set forth only the facts that I believe are necessary to support probable cause.
7. This affidavit is based upon my own personal knowledge but also the knowledge of other law enforcement officers involved in this investigation. Where I describe statements made by other people (including other special agents and law enforcement officers), the statements are described in sum, substance, and relevant part. Similarly, where I describe information contained in reports and other documents or records in this affidavit, this information is also described in sum, substance, and relevant part.

STATEMENT OF PROBABLE CAUSE

Felix and Caro-Acosta identified a sub-distributors for Mexico-based drug trafficker Oscar Fidel Ayon.

8. On December 2, 2021, a federal grand jury returned a nine-count indictment charging Oscar Fidel Ayon (“Nando”), Oscar Ayon Lopez, Oliva Reyes, and Travis Jordan Michael with conspiracy to distribute and possession with intent to distribute methamphetamine and fentanyl. 2:21-CR-00232-KJM.
9. Nando is a Mexico-based drug trafficker that advertises drugs for sale via Snapchat. In October 2020, a Spanish-speaking undercover law enforcement officer (hereafter UC) started communicating directly with Nando. During this investigation, the UC placed drug orders directly with Nando. Nando

then caused US-based co-conspirators to deliver the drugs to the UC. As discussed below, the UC ordered drugs from Nando and Felix and Caro-Acosta delivered drugs on Nando's behalf.

UC orders drugs from Nando and Felix delivered the drugs.

10. Prior to December 8, 2021, the UC arranged to purchase 3,000 counterfeit M-30 pills from Nando. Nando agreed to sell the pills to the UC in exchange for \$9,000. Nando provided phone number 209-855-614 as the phone number for the person that would deliver the drugs.
 - a. M-30 is the marking applied to legitimately produced oxycodone. Based on my training and experience, I know that it is common for drug traffickers to manufacture counterfeit M-30 pills using fentanyl and attempt to mark the pills so that they appear similar to legitimately produced oxycodone pills.
 - b. During the course of the investigation of Nando, law enforcement has conducted prior controlled purchases of counterfeit M-30 pills ordered from Nando. Law enforcement has submitted several sample pills to the DEA drug lab for testing. In each instance, the counterfeit M-30 pills contained fentanyl. Throughout this investigation, all the M-30 pills that have been bought and seized from this DTO have all contained fentanyl. Based off my understanding of this DTO, all M-30 pills sold by this DTO have been counterfeit and contained fentanyl. Accordingly, based on my training and experience, and the communications between the UC and Nando during this case, I believe that when the UC orders M-30 pills, Nando supplies counterfeit M-30 pills made with fentanyl.
 - c. Fentanyl is a Schedule II controlled substance.
11. On December 8, 2021, law enforcement conducted a controlled purchase of 3,000 counterfeit M-30 pills from Angel Felix Jr. The transaction occurred in a Burger King parking lot in Stockton, California. Prior to the transaction, law enforcement surveillance observed a gray Acura sedan bearing California license plate 8YHU404 park next to the UC's vehicle. Felix was the driver and sole occupant of the Acura.

- a. The Acura is registered through the California Department of Motor Vehicles to Adreiel Lopez, 3232 Munford Ave., Sp 9, Stockton, California.
12. An undercover law enforcement officer then conducted the controlled drug transaction by bringing \$9,000 to the Acura and give the cash to Felix in exchange for 3,000 counterfeit M-30 pills. After the drug transaction, surveillance observed Felix drive and park near a group of houses, including 2739 Munford Avenue in Stockton.
 13. Based on my training and experience, I believe the pills purchased from Felix were counterfeit by the way they were packaged, their color, and the quality (there was powder residue in the clear plastic baggies, meaning they were not pharmaceutical grade that would have a “shell” on the pill to keep it from degrading).

Felix found with 8,000 counterfeit M-30 pills during traffic stop.

14. Prior to January 20, 2022, the UC arranged to purchase 10,000 M-30 pills from Felix. Felix agreed to sell the pills to the UC on January 20 in Salida, California.
15. On January 20, 2022, law enforcement conducted surveillance at Felix’s residence at 2739 Munford Avenue. At approximately 2:05 p.m., two unidentified individuals were observed entering a gray Lexus sedan parked near 2739 Munford Avenue, and departed from the area. Shortly before the two unidentified individuals were observed getting into the Lexus (8WRX568), the UC advised Felix that the UC was near the meet location. Felix told the UC that he would be at the meet location in 25 minutes.
 - a. The gray Lexus sedan was later identified through California license plate 8WRX568 registered to Angelica Guadalupe Leon at 2823 Munford Avenue, Stockton, California.
16. Law enforcement surveillance followed the Lexus, via 99 South. At approximately 2:17 p.m., a California Highway Patrol Officer conducted a traffic stop of the Lexus for a California Vehicle Code violation. The Lexus ultimately came to a stop on the Austin Road exit off of Highway 99-S, in Manteca, California.

17. CHP Officer Barker identified the driver as a Hispanic male juvenile and the passenger as Felix. The CHP officer subsequently searched the Lexus and seized approximately 8,000 M-30 pills in a paper bag on the front passenger floorboard where Felix had been sitting. In addition, the officer found a loaded pistol in the center console.
18. Depicted below is a photograph of the counterfeit M-30 pills and firearm seized from Felix during the traffic stop.



19. Based on my training and experience, I believe the pills seized from Felix were counterfeit by the way they were packaged, their color, and the quality (there was powder residue in the clear plastic baggies, meaning they were not pharmaceutical grade that would have a “shell” on the pill to keep it from degrading).

Drug found at Felix’s residence during search warrant execution.

20. Shortly after the traffic stop, on January 20, 2022, law enforcement officers executed a California state search warrant at the residence of Angel Felix at

2739 Munford Avenue. During execution of the search warrant, law enforcement officer found:

- a. A gun in the kitchen pantry.
- b. One clear Ziplock-style plastic bag containing blue and green M-30 pills - suspected fentanyl, found in a planter container in the backyard.
- c. Two clear plastic baggies containing brown tar-like substance - suspected heroin, found in the open kitchen pantry.
- d. One clear plastic baggie containing blue M-30 pills - suspected fentanyl, found in the open kitchen pantry.
- e. Three clear plastic baggies containing blue M-30 pills - suspected fentanyl, found in the refrigerator in the side yard.
- f. Two clear plastic baggies containing white powder substance, found in the refrigerator in the side yard.
- g. One clear plastic baggie containing a crystal substance - suspected crystal methamphetamine, found in the refrigerator in the side yard.

21. Depicted below is a photograph of the firearm and drugs seized from Felix's residence.



UC orders drugs from Nando and Caro-Acosta delivered the drugs.

22. In January 2022, the UC coordinated with Nando to purchase 10,000 M-30 pills. Nando told the UC that he had passed the UC's telephone number on, in order to complete the 10,000 M-30 pill deal. Shortly thereafter, an unknown male called and told the UC that he (the unknown male) was calling on behalf of Nando to complete the 10,000 M-30 pill deal. The UC and unknown male agreed to meet during the day of January 20, 2022, in order to complete the narcotics transaction. The unknown male told the UC to send a location to meet and that the unknown male would be coming from Sacramento. The UC arranged to meet the unknown male in a public parking lot in Salida, California.
23. At approximately 11:13 a.m., a white Dodge Dakota was observed slowly driving through the parking lot and the driver was looking at all the vehicles in the parking lot. Shortly thereafter the Dakota parked near the Burger King, 4612 Kiernan Avenue, Salida, California.
- a. The white Dodge Dakota is a 2004 model bearing California license plate 7N61101 and registered to Carlos Meza Romero.
24. At this time, the unknown male who the UC had been negotiating the purchase of the 10,000 M-30 pills with, called the UC and stated that he (the unknown male) had just arrived, parked near the Burger King, and was driving a white truck. Law enforcement surveillance observed a Hispanic male adult exit the Dakota and walk into the Burger King, out of view. The adult male was described as wearing a blue hat, white sweat shirt, and blue jeans. This unidentified adult male was the driver and sole occupant of the white Dakota.
25. Law enforcement then coordinated for the UC to call the person that he had been negotiating with so that law enforcement could confirm that it was the male who walked into the Burger King. The UC called the person and law enforcement was able to confirm that the male who got out of the white Dakota and went into the Burger King was the same person who was negotiating with the UC.
26. The unidentified male was arrested and law enforcement conducted a search of the white Dakota. The unidentified male was subsequently identified as

Rodolfo Caro-Acosta. Law enforcement officers found 8,000 M-30 pills in a plastic bag behind the driver's seat.

27. Depicted below are the drugs seized from Caro-Acosta's white Dakota.



28. Based on my training and experience, I believe the pills seized from Caro-Acosta were counterfeit by the way they were packaged, their color, and the quality (there was powder residue in the clear plastic baggies, meaning they were not pharmaceutical grade that would have a "shell" on the pill to keep it from degrading).

29. Caro-Acosta was born in Mexico and is unlawfully present in the United States. Caro-Acosta has previously been deported from the United States on May 9, 2019, September 1, 2019, and September 26, 2019.

30. Caro-Acosta was previously charged with possession with intent to distribute five pounds of methamphetamine in the District of Utah. On January 12, 2014, Caro-Acosta was charged by criminal complaint in the District of Utah with possession of methamphetamine with intent to distribute, in violation of 21 U.S.C. § 841(a)(1). 2:14-MJ-00010-EJF. Caro-Acosta was later charged by indictment with the same offense. 2:14-CR-00033, ECF 22. Subsequently, the United States moved to dismiss the case against Caro-Acosta because

“there is currently insufficient evidence readily available to the government to bring the case to trial.” ECF 47, 57.

CONCLUSION

31. Accordingly, based on the above facts, I believe that there is probable cause to believe that Felix and Caro-Acosta committed the following criminal offense and therefore request that this court issue an arrest warrant for Felix and Caro-Acosta for:

COUNT ONE: Conspiracy to distribute a controlled substance, in violation of 21 U.S.C. §§ 846 and 841(a)(1). (Felix and Caro-Acosta)

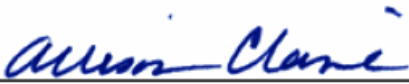
COUNT TWO: Distribution of a Controlled Substance, in violation of 21 U.S.C. § 841(a)(1). (Felix)

COUNT THREE: Possession with Intent to Distribute a Controlled Substance, in violation of 21 U.S.C. § 841(a)(1). (Felix and Caro-Acosta)

I swear, under the penalty of perjury, that the foregoing information is true and correct to the best of my knowledge, information, and belief.

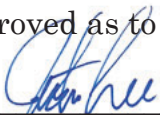
/s/ Jared Simmons
JARED SIMMONS
DEA Special Agent

Sworn and Subscribed to me telephonically,
on January 24, 2022,



ALLISON CLAIRE
UNITED STATES MAGISTRATE JUDGE

Approved as to form:



JUSTIN LEE
Assistant United States Attorney

PENALTY SLIP

United States v. Felix & Caro-Acosta

COUNT ONE: 21 U.S.C. §§ 846, 841(a)(1) – Conspiracy to Distribute a Controlled Substance

Fine of up to \$1,000,000, and
Imprisonment of up to 20 years, or both
Term of Supervised Release of at least 3 years and up to life
Mandatory \$100 Special Assessment

COUNT TWO: 21 U.S.C. § 841(a)(1) – Distribution of a Controlled Substance

Fine of up to \$1,000,000, and
Imprisonment of up to 20 years, or both
Term of Supervised Release of at least 3 years and up to life
Mandatory \$100 Special Assessment

COUNT THREE: 21 U.S.C. § 841(a)(1) – Possession with Intent to Distribute a Controlled Substance

Fine of up to \$1,000,000, and
Imprisonment of up to 20 years, or both
Term of Supervised Release of at least 3 years and up to life
Mandatory \$100 Special Assessment