

FILED
UNITED STATES DISTRICT COURT
ALBUQUERQUE, NEW MEXICO

UNITED STATES DISTRICT COURT

for the
District of New Mexico

DEC 04 2017

MATTHEW J. DYKMAN
CLERK

In the Matter of the Search of
(Briefly describe the property to be searched
or identify the person by name and address)

2004 PONTIAC GRAND AM, SILVER IN COLOR
BEARING VIN#1G2NF52E04M701067

Case No.

17mr1081

APPLICATION FOR A SEARCH WARRANT

I, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property (identify the person or describe the property to be searched and give its location):
See attachment A, incorporated by reference herein.

located in the _____ District of _____ New Mexico _____, there is now concealed (identify the person or describe the property to be seized):
See attachment B, incorporated by reference herein.

The basis for the search under Fed. R. Crim. P. 41(c) is (check one or more):

- evidence of a crime;
- contraband, fruits of crime, or other items illegally possessed;
- property designed for use, intended for use, or used in committing a crime;
- a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of:

Code Section	Offense Description
18 USC 1111 and 1114	Murder; murder or attempted murder of any officer of the United States
8 USC 1324	Bringing in and harboring certain aliens
21 USC 841	Distribution or possess with intent to distribute, controlled substances

The application is based on these facts:

- Continued on the attached sheet.
- Delayed notice of _____ days (give exact ending date if more than 30 days: _____) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.

[Handwritten Signature]

Applicant's signature

Jeff Rosengquist Special Agent

Printed name and title

Sworn to before me and signed in my presence.

telephonically

Date: December 7, 2017

[Handwritten Signature]

Judge's signature

City and state: Albuquerque, NM

Steven C. Yarbrough US Magistrate

Printed name and title

Judge

AFFIDAVIT IN SUPPORT OF SEARCH WARRANTS

I, Jeff Rosenquist, a Special Agent of the Federal Bureau of Investigation (FBI), United States Department of Justice, being duly sworn, do hereby depose and state as follows:

Introduction and Background

1. I am a Special Agent (SA) with the Federal Bureau of Investigation (FBI) and have received training on conducting criminal investigations. My appointment as an FBI SA has vested me with the authority to investigate violations of federal laws, including Title 18, United States Code, Sections 111 and 1114, Title 8 U.S.C. Section 1324, and Title 21 U.S.C. Section 841.
2. This affidavit is based upon my conversations with other law enforcement officers involved in the investigation, and my review of documents, including the interviews of cooperating witnesses. Because this affidavit is being submitted for the limited purpose of establishing probable cause for the issuance of a search warrant, it does not include all the facts that I have learned during the course of this investigation. Where the contents of documents and the actions and statements of others are reported herein, they are reported only in substance and in part, unless otherwise indicated.
3. I make this affidavit in support of the Government's application for issuance of a warrant to seize and search the following:

2004 PONTIAC GRAND AM, SILVER IN COLOR BEARING VIN# 1G2NF52E04M701067, registered to Sierra Duran, 1216 N. Main Portales, New Mexico 88130 (referred to hereinafter as "**SUBJECT VEHICLE**") currently in the custody of the FBI.

4. As set forth below, there is probable cause to believe that the SUBJECT VEHICLE contains trace evidence associated with the murder of a Border Patrol Agent and the assault of another, alien smuggling, and drug trafficking as referenced in Attachment B, concerning violations of Title 18 United States Code (U.S.C.) Sections 111 and 1114, Title 8 U.S.C. Section 1324 and Title 21 U.S.C. Section 841. It is believed that a search of SUBJECT VEHICLE, will lead to evidence, fruits and instrumentalities of the aforementioned crimes.

FACTS SUPPORTING PROBABLE CAUSE

Overview of the Investigation

5. On or about November 20, 2017, the Federal Bureau of Investigation initiated an investigation into the death of Border Patrol Agent Rogelio Martinez and the injury to Border Patrol Agent Stephen Garland.

6. I am informed that a source of information (SOI) provided information to the Border Patrol about the likely perpetrators of the assault. SOI, who is familiar with individuals engaged in the illegal transportation of aliens across the U.S./Mexico border, known as "coyotes," told a CBP Agent that one such coyote recently smuggled of group of persons across the U.S./Mexico border. Individuals in that group, whose names were unknown to the coyote, discussed their assault of the agents. SOI learned from another individual, familiar with the Munoz family, that Antonio Munoz and Jesus Munoz were the individuals in that group who assaulted the two Border Patrol Agents with rocks. Border Patrol Agent Martinez suffered wounds to his head and body that resulted in significant blood loss. Border Patrol Agent Stephen Garland also suffered

head injuries. I believe that any individual involved in this assault would have been in close proximity to either victim, either during the assault, or possibly afterwards.

7. SOI further informed Agents that Antonio Munoz could be found in Portales, New Mexico and that Jesus Munoz could be located in Odessa, Texas.
8. On November 28, 2017, Agents located and interviewed Antonio Munoz and his younger brother Daniel Munoz in Portales, New Mexico. Antonio Munoz denied any role in the death and assault of the Border Patrol Agents and Daniel Munoz denied any knowledge about his brother's participation in any recent assault.
9. During the interview, Daniel Munoz admitted to driving the SUBJECT VEHICLE on or about November 20, 2017 to Presidio, Texas in order pick up Antonio Munoz.
10. Daniel Munoz admitted picking up Antonio Munoz in the SUBJECT VEHICLE along the side of a road in the Presidio, Texas area on or about November 20, 2017 and then driving Antonio Munoz to Portales, New Mexico. During the drive, the SUBJECT VEHICLE broke down and was left in Tatum, New Mexico, approximately 30 miles from Portales, New Mexico.
11. Daniel Munoz admitted to picking up the SUBJECT VEHICLE the next day, on or about November 21, 2017.
12. Daniel Munoz admitted to Agents that he knew his brother, Antonio Munoz, had illegally entered the United States sometime before November 20, 2017.
13. Daniel Munoz stated that during his trip in the SUBJECT VEHICLE to pick up his brother Antonio Munoz, there was an additional passenger in the SUBJECT VEHICLE. Daniel Munoz identified that passenger as Maria Gonzales.

14. During the interview on November 28, 2017, Antonio Munoz admitted to illegally entering the country sometime before November 20, 2017.

15. Antonio Munoz admitted to being picked up by his younger brother Daniel Munoz in the SUBJECT VEHICLE in the Presidio, Texas area on or about November 20, 2017.

16. On December 1, 2017 Maria Gonzales was located and interviewed by Agents. During the interview, Maria Gonzales admitted to traveling with Daniel Munoz in the SUBJECT VEHICLE to pick up Daniel's brother, Antonio Munoz. She advised that when Antonio entered the vehicle, he appeared "clean cut" and "looked clean," adding that he appeared to have on clean clothes, a sweater, hoodie, hat and jeans.

17. I have learned after discussions with members of the FBI Evidence Response Team and other agents that whenever two objects come into physical contact an exchange of materials takes place. When two individuals struggle, the physical components of their person can be exchanged, as well. It can take the form of textile fibers comprising their clothing, hairs from different body areas, and other fibers and material. These types of transfers are referred to as primary transfers. However, there are also secondary transfers, where once trace material has transferred, any subsequent moves of that material may also cause a transfer. Given that Antonio appeared to be wearing clean clothing when he entered the SUBJECT VEHICLE, it is still possible that his person and or clothing still contained trace evidence which then transferred to the vehicle.

18. Maria Gonzales stated that while she was in the SUBJECT VEHICLE with Daniel Munoz and Antonio Munoz, she overheard Antonio Munoz speaking to someone on the phone about crossing into the United States with illegal drugs to include methamphetamine and heroin.

19. Based upon conversations with other agents familiar with drug trafficking methodology, particularly use of drug couriers to transport drugs into the U.S., Antonio Munoz was likely such a drug courier. Typically, these couriers transport loads in backpacks, referred to as "backpack loads" across the border to points [along border highways where other persons in the courier process arrive in a vehicle(s) to retrieve the backpack loads and backpackers. The load vehicle drivers then transport the loads to other points of contact] for eventual distribution. While each vehicle occupant took turns driving the vehicle, Maria Gonzales advised that both brothers made sure she was the one driving the vehicle through the Marfa, Texas checkpoint. Drug couriers are aware of checkpoint protocols, and likely Antonio made use of Gonzales's citizenship and Driver's License in order to minimize the potential that the vehicle would be searched.

20. On or about November 29, 2017 Antonio Munoz was brought before a United States Magistrate Judge sitting in Roswell, NM for an initial appearance on charges that he violated Title 8 U.S.C. Section 1326, Illegal Re-entry. During that hearing, he used the name Juan Anthony Munoz-Nunez.

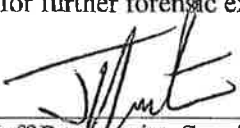
CONCLUSION

21. Based upon the information described above, I believe that the SUBJECT VEHICLE will contain trace evidence relating to drug trafficking, the murder of Agent Martinez, and the assault of Agent Garland as described in Attachment B.

ADDITIONAL REQUESTS

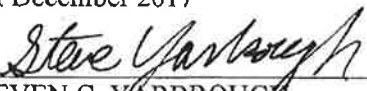
22. In order to adequately conduct the proposed search, it will be necessary to transport the SUBJECT VEHICLE to the Albuquerque Field Office, to an enclosed structure, so that Albuquerque Evidence Response Team personnel will have access to various tools and devices necessary to conduct the search, and a means of controlling the lighting to allow for the use of certain techniques.

23. It may also be necessary, during the course of the search, to remove sections of material from the interior of the SUBJECT VEHICLE for further forensic examination.



Jeff Rosenquist, Special Agent

Sworn to before me this 2 day of December 2017



STEVEN C. YARBROUGH
UNITED STATES MAGISTRATE JUDGE
DISTRICT OF NEW MEXICO

