

UNITED STATES DISTRICT COURT

for the

NOV 18 2010

*mlg*

United States of America )  
v. )  
Arturo Rosales-Sanchez )  
Celso Rosales-Tello )

Case No. 10-MJ-02991  
MATTHEW J. DYKMA

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 11-17-2010 in the county of Bernalillo in the  
Judicial District of New Mexico, the defendant(s) violated:

Code Section	Offense Description
Title 21 U.S.C. Section 841(a)(1) and (b)(1)(B)	Possession with intent to distribute 100 grams and more of a mixture or substance containing a detectable amount of heroin, a controlled substance.

This criminal complaint is based on these facts:

Please see attached Affidavit.

This Criminal Complaint has been reviewed and approved by AUSA Elaine Ramirez.

Continued on the attached sheet.

*Christopher Godier*  
Complainant's signature  
Christopher Godier, Special Agent  
Printed name and title

Sworn to before me and signed in my presence.

Date: 11-18-2010

*Robert H. Broth*  
Judge's signature  
US Magistrate Judge  
Printed name and title

City and state: Albuquerque, New Mexico

Attachment A

I, Christopher Godier, a Special Agent of the Drug Enforcement Administration (DEA), being duly sworn, depose and state:

I am a Special Agent of the Drug Enforcement Administration and have been so employed since August 2003. I am currently assigned to the Albuquerque District Office, of the DEA, specifically assigned to investigate federal drug offenses.

This affidavit is made in support of the issuance of a Criminal Complaint charging Arturo Rosales-Sanchez and Celso Rosales-Tello with a violation of Title 21 U.S.C. Section 841(a)(1) and (b)(1)(B), possession with intent to distribute 100 grams and more of a mixture or substance containing a detectable amount of heroin, a controlled substance.

On November 17, 2010, Albuquerque Drug Enforcement Administration Agents served a federal search warrant signed by U.S. Magistrate Judge Robert Hayes Scott at 208 Merlida St SW, Albuquerque, NM.

Arturo Rosales-Sanchez and Celso Rosales-Tello were found in the residence when the warrant was executed. Rosales-Tello was found sleeping on a mattress, in the inner bedroom of the residence on the south side of the home. Rosales-Sanchez was found sleeping on a mattress in another bedroom located on the southeast corner of the home.

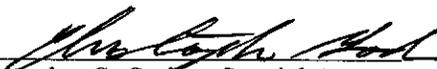
I located a large sum of U.S. currency in the kitchen area of the residence concealed in a cereal box. SA Eloy Montoya also located approximately 350 gross grams of suspected heroin concealed in the return air vent of the furnace in the residence.

While obtaining biographical information from Arturo Rosales-Sanchez and Celso Rosales-Tello both advised SA Montoya that they reside at 208 Merlida St. SW, Albuquerque, NM, and that no one else lives at the residence.

SA Montoya as witnessed by SA David Howell, read Celso Rosales-Tello his rights per *Miranda* in Spanish. Rosales-Tello waived his rights and agreed to speak with SA Montoya. Rosales-Tello advised that the money and drugs located in the house belonged to him and Arturo Rosales-Sanchez. Rosales-Tello also advised he had entered the United States illegally after a previous deportation.

SA Montoya as witnessed by SA David Howell, read Arturo Rosales-Sanchez his rights per *Miranda* in Spanish. Rosales-Sanchez waived his rights and agreed to speak with SA Montoya. Rosales-Sanchez advised that he did not know about the drugs located in the house, however, he stated that he came to Albuquerque to distribute marijuana for an individual named Pisa and that he had entered the United States illegally and was a citizen of Mexico. Rosales-Sanchez further advised SA Montoya that the money found in the residence was given to him by Pisa to purchase a vehicle to begin distributing drugs in the Albuquerque area for Pisa.

SA Eloy Montoya field tested the suspected heroin and obtained a presumptive positive result for the presence of heroin.

  
Christopher S. Godier, Special Agent  
Drug Enforcement Administration

Sworn and subscribed to before me  
this 19<sup>th</sup> day of November, 2010.

Robert H. Scott  
United States Magistrate Judge