

**FILED**

UNITED STATES DISTRICT COURT  
ALBUQUERQUE, NEW MEXICO

**UNITED STATES DISTRICT COURT**

for the

SEP 16 2010

Federal District of New Mexico

United States of America )  
v. )  
Pedro PORTILLO )  
Fernando OROZCO )

Case No.

MATTHEW J. DYKMAN

10-MJ-3485

*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 09-15-2010 in the county of Sandoval in the Federal District of New Mexico, the defendant violated 21 U. S. C. § 841(a)(1); 841(b)(1)(B),

an offense described as follows:

Knowingly and willingly possess with intent to distribute a controlled substance, to wit, 50 grams or more of Methamphetamine, its salts, isomers, and salts of its isomers.

This criminal complaint is based on these facts:

Please see attached affidavit.

Continued on the attached sheet.

G. Maestas  
*Complainant's signature*

Gerald P. Maestas, Special Agent  
*Printed name and title*

Sworn to before me and signed in my presence.

Date: 09-16-2010

[Signature]  
*Judge's signature*

City and state: Albuquerque, New Mexico

Richard L. Puqlisi, U.S. Magistrate Judge  
*Printed name and title*


AFFIDAVIT

I, Gerald P. Maestas, being duly sworn, do depose and say as follows:

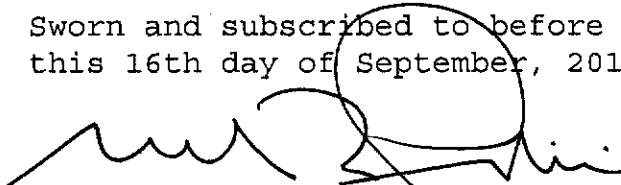
1. I am a Special Agent of the United States Drug Enforcement Administration and have been so employed for over ten years. I am presently assigned to the Albuquerque District Office.
2. This affidavit is written in support of a Criminal Complaint charging Pedro PORTILLO and Fernando OROZCO with violation of Title 21 USC 841 (a)(1), and 21 USC 841 (b)(1)(B), to wit: Possession with intent to distribute 50 grams or more of a mixture or substance containing a detectable amount of methamphetamine, its salts, isomers, or salts of its isomers, namely one bundle of methamphetamine weighing approximately 458 gross grams.
3. This affidavit is submitted for the limited purpose of providing probable cause to support the attached Criminal Complaint charging PORTILLO and OROZCO with the violations described above, and I have not set forth each and every fact learned during the course of this investigation.
4. On September 14, 2010, a Drug Enforcement Administration Special Agent, working in an undercover capacity, negotiated telephonically with a person identified as Pedro PORTILLO in order to conduct a transaction for two pounds of methamphetamine for the cost of \$32,000. The undercover agent and PORTILLO arranged to meet in the parking lot of the Santa Ana Star Casino located on New Mexico State Highway 550 in Bernalillo, New Mexico to conduct the transaction.
5. At approximately 4:12 pm, the undercover agent met with PORTILLO, who was the passenger in a white Lincoln passenger car driven by a person later identified as Fernando OROZCO. After a short discussion in the undercover agent's vehicle, PORTILLO retrieved a tape-wrapped package from the trunk of the Lincoln, returned to the undercover agent's vehicle and handed it to the agent. The agent cut through

multiple layers of tape which were wrapped around a plastic container. The container held a clear plastic bag which further contained a crystalline substance. The undercover agent determined that the substance was consistent in appearance and texture with crystal methamphetamine. The undercover agent gave the pre-arranged arrest signal and PORTILLO and OROZCO were taken into custody without incident.

6. The combined gross weight of the methamphetamine including the clear plastic bag was approximately 458 grams. The substance field-tested positive for the presence of methamphetamine.
7. After the arrests, a 10mm handgun was discovered under the passenger's seat of the Lincoln. During post-arrest interviews, PORTILLO stated that he was going to make \$1,000 profit from the sale of the methamphetamine.
8. During post-arrest interviews, OROZCO stated that this was his first crystal methamphetamine transaction and that he was going to make \$200 for assisting PORTILLO in transporting the methamphetamine to the undercover agent. OROZCO also stated that PORTILLO had been carrying the handgun, but had placed it under the seat when he got out of the vehicle to meet with the undercover agent.
9. Assistant United States Attorney James Braun authorized the prosecution of PORTILLO and OROZCO on charges of Possession with Intent to Distribute Methamphetamine. AUSA Braun also approved this complaint and supporting affidavit.
10. For the reasons set forth above, I respectfully request the court approve this Criminal Complaint charging Pedro PORTILLO and Fernando OROZCO with violation of Title 21 USC 841(a)(1), and 21 USC 841 (b)(1)(B), to wit: Possession with intent to distribute 50 grams or more of a mixture or substance containing a detectable amount of methamphetamine, its salts, isomers, or salts of its isomers, namely 458 gross grams of methamphetamine.

  
\_\_\_\_\_  
Gerald P. Maestas, Special Agent  
Drug Enforcement Administration

Sworn and subscribed to before me  
this 16th day of September, 2010.

  
\_\_\_\_\_  
Richard L. Puglisi  
United States Chief Magistrate Judge