

# United States District Court

Judicial DISTRICT OF New Mexico

**FILED**  
 UNITED STATES DISTRICT COURT  
 ALBUQUERQUE, NEW MEXICO

Search Warrant Application Form designed for HP...  
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 allows keyboard input. F9 function key should be pressed after each entry.  
 7/28/09

In the Matter of the Search of  
(Name, address or Brief description of person, property or premises to be searched)

THE SINGLE FAMILY RESIDENCE OF KENGE R. RUIZ, LOCATED AT 617 CALLEJON ROAD, TAOS, TAOS COUNTY, NEW MEXICO, AS MORE PARTICULARLY DESCRIBED IN ATTACHMENT A, WHICH IS ATTACHED HERETO AND INCORPORATED HEREIN BY REFERENCE

APPLICATION AND AFFIDAVIT FOR SEARCH WARRANT  
**MATTHEW J. DYKMAN**  
CLERK

Case Number: 09-MR-273

I, Zachary S. Nichols being duly sworn depose and say:

I am a(n) United States Drug Enforcement Administration Task Force Officer assigned to the Alpine Multi Agency Task Force in Alpine, Texas and have reason to believe that

on the person of or on the property or premises known as (name, description and/or location)

see Attachment "A," a copy of which is attached to this application and affidavit for search warrant and is hereby incorporated by reference

in the JUDICIAL District of NEW MEXICO there is now concealed a certain person or property, namely (describe the person or property to be seized)

see Attachment "B," a copy of which is attached to this application and affidavit for search warrant and is hereby incorporated by reference

which is (state one or more bases for search and seizure set forth under Rule 41(b) of the Federal Rules of Criminal Procedure)

(1) evidence of a crime; (2) contraband, fruits of crime, or other items illegally possessed; and (3) property designed for use, intended for use, or used in committing a crime. Fed. R. Crim. P. 41(c)(1)-(3).

concerning a violation of Title 21 United States Code, Section(s) 846. The facts to support a finding of Probable Cause are as follows:

see attached Affidavit in support

Continued on the attached sheet and made a part hereof:  Yes  No

Signature of Affiant

Sworn to before me, and subscribed in my presence,

at ALBUQUERQUE, NEW MEXICO  
City State

Date July 28, 2009

Signature of Judge

W. Daniel Schneider  
Name of Judge

U.S. Magistrate Judge  
Title of Judge

**AFFIDAVIT IN SUPPORT OF SEARCH WARRANT APPLICATION  
FOR THE SEARCH OF THE SINGLE FAMILY RESIDENCE OF KENGE R.  
RUIZ, 617 CALLEJON ROAD, TAOS, TAOS COUNTY, NEW MEXICO**

BEFORE ME, the undersigned authority, on this date personally appeared United States Drug Enforcement Administration Task Force Officer Zachary S. Nichols, who being duly sworn upon his oath, testified as follows:

1. Your affiant, Zachary S. Nichols, is a Sergeant with the Texas Department of Public Safety Narcotics Service, assigned as a Task Force Officer for United States Department of Justice, Drug Enforcement Administration High Intensity Drug Trafficking Area (HIDTA) Task Force in Alpine, Texas, and has been so employed since September of 2008. Affiant has been employed with the Texas Department of Public Safety as a Texas Highway Patrol Trooper since April 2001. As a result of Affiant's training and experience as a State Trooper, and Narcotics Sergeant, Affiant is familiar with Federal criminal laws including violations of 21 U.S.C. § 846, controlled substances conspiracy; 21 U.S.C. § 841(a)(1), manufacture, distribution, possession with the intent to distribute a controlled substance; 21 U.S.C. § 856, maintaining drug- involved premises; 18 U.S.C. § 922(g)(3), user/addict in possession of a firearm; and 18 U.S.C. §§ 1956 and 1957, money laundering.

2. This affidavit is made in support of an application for a search warrant for the residence physically located at 617 Callejon Road, Taos, Taos County, New Mexico,

which is more particularly described in Attachment A, which is attached hereto and incorporated herein by reference.

3. Affiant requests court authority, pursuant to this search warrant, to search for all those items contained in Attachment B, including Marihuana, or other controlled substances possessed in violation of law, and documents evidencing the acquisition, possession with intent to distribute, and the distribution of controlled substances, including but not limited to Marihuana, and any and all drug ledgers, customer lists, papers or other media documenting quantities of controlled substances acquired or distributed, money, other things of value, and any remuneration for controlled substances and money owed for controlled substances, and accounts receivable, which have been fronted to customers.

4. Affiant believes that at the time of the search within the location described in Attachment A, there will be present contraband possessed in violation of the controlled substances laws of the United States, evidence of crimes, property designed for use, intended for use, or used in committing crimes, other and fruits and instrumentalities constituting violations of, or evidencing violations of the crimes set forth in paragraph 1 above.

5. Specifically, Affiant believes those documents and tangible things listed on Attachment B will be present at the time of the search. Affiant requests a search warrant

so he might seize those items listed on Attachment B, which attachment is attached hereto and incorporated herein by reference.

6. Affiant believes that the referenced evidence, fruits, and instrumentalities of the above-mentioned violations will be present at the locations described herein based on the facts and information set forth below, which are predicated on his own personal knowledge, conversations with other law enforcement officers and the review of reports of investigation generated by those law enforcement officers, along with conversations intercepted on a consensual wire intercept of a cellular telephone belonging to a Confidential Source.

7. 617 Callejon Road, Taos, Taos County, New Mexico, is the primary residence of KENGE R. RUIZ (hereinafter referred to as "RUIZ").

8. RUIZ, is one of the main targets of a current PTO investigation and is a multi-pound distributor of Marihuana, MDMA (Ecstasy), and Cocaine. RUIZ runs a Marihuana, MDMA, and Cocaine distribution operation out of the residence located at 617 Callejon Road, Taos, Taos County, New Mexico. RUIZ does not have a criminal history.

**PROBABLE CAUSE**

9. Investigators believe that RUIZ runs a large scale narcotics smuggling organization, including Marihuana and MDMA, and that probable cause exists through the following:

10. Chelsa Louise Davis, White/Female, DOB: 08-29-1977, was arrested in Pecos County, Texas on 01-12-2009 by the Texas Highway Patrol, after being found in possession of ninety five (95) pounds of Marihuana, stated to investigators while debriefing, that Will Brandenburg is the distributor Davis worked for out of Santa Fe, New Mexico. But after Davis quit making trips to northern California, a male named "Kenge" who lived in Taos, New Mexico came in and was employing drivers to bring loads of Marihuana from northern California to Brandenburg in Santa Fe, New Mexico since August 2008. According to Davis, the drivers drove white Ford F-250, or F-350 pickups with bed covers.

11. On May 24, 2009, JAMES C. WILLIAMS (hereinafter "WILLIAMS") was arrested for possession of approximately sixty four pounds of Marihuana, and two pounds of MDMA (Ecstasy) in Lubbock County, Texas. Williams was driving a white Ford F-250 pickup with a bed cover at the time of arrest. Williams was bonded out of the Lubbock County Jail by RUIZ, and members of RUIZ'S distribution network, including Layla Salvarezza, and Joseph W. Sevart. Investigators conducted surveillance while Salvarezza and Sevart were doing so. WILLIAMS was kept in various motels in Lubbock, Texas until fleeing Texas for the Canadian border, according to WILLIAMS'

debriefings. Williams was arrested in Bonner County, Idaho on 06-11-2009, and was found in possession of \$15,894.00 in U.S. Currency, and a loaded Glock .45 caliber pistol. WILLIAMS gave false information as to who WILLIAMS was, and WILLIAMS' true identity was discovered by the Deputies when the Lubbock County Jail book in sheet containing WILLIAMS' photo and identifiers was found in WILLIAMS' backpack. WILLIAMS also had a map of the Canadian border with an "X" marking a spot. WILLIAMS debriefed, and stated that WILLIAMS was to place a coke can on the highway in Canada at the spot where the "X" was on the map, and individuals were to stop and pick up WILLIAMS and take WILLIAMS into the interior of Canada. WILLIAMS has since debriefed with investigators, stating that WILLIAMS has worked as a narcotics and currency courier for RUIZ for seven years. WILLIAMS stated that the largest amount of currency WILLIAMS has transported for RUIZ at one time was \$750,000. WILLIAMS also stated that WILLIAMS was hauling the load of Marihuana and MDMA to Lubbock, Texas and Chicago, Illinois for RUIZ.

12. In early July 2009, while debriefing with DEA Agents in Idaho, WILLIAMS identified a photo of the residence located at 617 Callejon Road, Taos, Taos County, New Mexico as the location where WILLIAMS knew RUIZ lives. WILLIAMS also stated that WILLIAMS would deliver multiple pounds of Marihuana to the location in the garage, and receive one hundred (100) dollars per pound in return.

13. Investigators have been utilizing a consensual wire intercept of a Confidential Source's cellular telephone since 06-03-2009, and have intercepted numerous conversations where RUIZ

divulges information indicating involvement in helping WILLIAMS become a fugitive from justice by bonding Williams out of jail, and having knowledge that WILLIAMS had not checked in with the bonding company and stating that WILLIAMS is gone. RUIZ has also been intercepted in conversations about the prices and specific weights of prospective loads, and RUIZ also discusses the activities of the suppliers in Canada, and attending meetings about the well being and planning of the organization.

14. On 07/27/2009, approximately eighty (80) pounds of Marihuana was seized from Elisha S. Wofford in Pecos, Texas after Wofford delivered the Marihuana to undercover Texas DPS Narcotics Officers. The load had been negotiated between a Confidential Source and RUIZ over recorded phone conversations. The initial price for the load was negotiated at \$209,000, and was raised to \$235,000 the morning it was to be delivered. At the time of Wofford's arrest, Wofford was driving a white Ford F-250 pickup with a bed cover.

15. On 07/28/2009, Task Force Officers conducted surveillance on 617 Callejon Road, Taos, Taos County, New Mexico, and the vehicles observed during surveillance conducted in late June 2009 that were registered to Ruiz, were still located at the property.

16. Your Affiant has participated in and has knowledge of the execution of numerous search warrants for firearms, controlled substances, and related violations. Based on this experience and what Affiant has been taught during numerous Texas DPS training sessions, Affiant knows that:

- a. Narcotics traffickers commonly store various types of drug paraphernalia, to include but not limited to: needles and pipes used to ingest methamphetamine or other narcotics; scales for weighing narcotics; containers, packaging materials,

sealing devices and other paraphernalia commonly used to package Marihuana or other narcotics for distribution in non-bulk, individualized use units; records, documentary and electronic, indicating sales, purchases, and customers of Marihuana or other narcotics; counter-surveillance equipment, to include but not limited to video cameras and night vision equipment; and various types of communications devices, including but not limited to, cellular telephones, computer emails and computer chat programs, and police scanners which are used to facilitate drug transactions.

- b. Furthermore, your Affiant knows from training and experience that narcotics traffickers keep and store the above listed evidence and paraphernalia, as well as the items listed under Attachment B, for extended periods of time and will possess the evidence during time periods when narcotics are not present at the location. Your Affiant, based on the totality of information listed in this affidavit, believes it entirely reasonable that the above listed evidence will be present at 617 Callejon Road, Taos, Taos County, New Mexico, during the time period of this affidavit and the warrant it requests.

17. As mentioned above, Affiant is thoroughly familiar with the information contained in this Affidavit, either through his own investigation or through information received from other law enforcement officers or confidential sources, reviewing consensual intercepted calls, and reading the reports of investigation generated as a result of this PTO multi-agency joint investigation.


18. Based on the facts set forth in the foregoing Affidavit, Affiant has probable cause to believe, and does believe, that located at the residence at 617 Callejon Road, Taos, Taos County, New Mexico, that evidence of these violations will be found, as described in Attachment B. Affiant believes that RUIZ utilizes his residence for his drug trafficking activities, and therefore, Affiant believes that probable cause exists for the issuance of a search warrant as requested above.



**REQUEST FOR NO-KNOCK ENTRY**

19. Affiant requests that the Court authorize law enforcement to make a “no-knock” entry. As previously mentioned in this affidavit, there is probable cause to believe, and probable cause that RUIZ is involved in an extensive Marihuana trafficking conspiracy. As set forth by information told to investigators by a Confidential Source, that RUIZ possesses numerous firearms. Affiant knows by virtue of his training, education and experience that firearms are considered by federal courts, including the Fifth Circuit Court of Appeals, to be “tools of the trade” of drug trafficking. Affiant has participated in numerous narcotics search warrants, and it is Affiant’s experience that firearms, or other weapons, are often possessed in residences used to distribute controlled substances, for the purposes of protecting the controlled substance stash, protecting the proceeds derived from the sale thereof, and as a contingency against arrest. Further, it is Affiant’s experience that drug traffickers frequently dispose of drugs by flushing or other means from the time they become aware of the officers’ presence until entry is made and the residents of the premises to be searched are secured. Because there is probable cause to believe that RUIZ is involved in narcotics trafficking. Affiant requests that the Court authorize law enforcement to execute the requested search warrant without knocking and announcing its presence. *Reference United States v. Washington*, 340 F.3d 222, 227 (5th Cir. 2003).

FURTHER YOUR AFFIANT SAYETH NOT.

  
\_\_\_\_\_  
ZACHARY S. NICHOLS  
Task Force Officer, Drug Enforcement  
Administration (DEA)

SWORN TO AND SUBSCRIBED BEFORE ME this 28<sup>th</sup> day of July, 2009

  
\_\_\_\_\_  
W. DANIEL SCHNEIDER  
UNITED STATES MAGISTRATE JUDGE

## ATTACHMENT A

### THE PREMISES

The single family residence of Kenge R. RUIZ, located at 617 Callejon Road, Taos, Taos County, New Mexico, the curtilage thereof, including all outbuildings and appurtenances thereto, and vehicles thereon at the time the search warrant is executed, further described as a residential beige colored stucco house with blue wood trim, a beige composition roof, and a white colored garage door located on the north side of the 600 block of Callejon Road, facing south/southwest. The residence has four (4) windows on the garage door and two windows surrounded by blue trim visible in surveillance photos taken by investigators. The main entrance to the residence blocked by trees and landscaping.

One true and accurate photograph of the residence is attached hereto and incorporated herein by reference.

**Attachment B**

This application and affidavit for search warrant requests court authorization to search for the following items:

1. Any controlled substances possessed in violation of law, particularly Marihuana, 3,4 Methylenedioxy-methamphetamine (MDMA or Ecstasy), and Cocaine;
2. Books, records, receipts, notes, ledgers, airline tickets, bank records, money orders, and other papers relating to the transportation, ordering, sale, and distribution of illegal controlled substances including, but not limited to, Marihuana, MDMA, or Cocaine;
3. Currency, financial instruments, precious metals, jewelry, vehicle registration receipts, property titles, and other items of value and/or proceeds of drug transactions relating to obtaining, transferring, secreting, or spending large sums of money made from engaging in illegal controlled substances;
4. Books, records, receipts, notes, airline tickets, and other records evidencing significant cash expenditures, such as aircraft, boats, vehicles, motorcycles, and other items of value that are the proceeds of illegal drug transactions, and further showing the concealment of the source and ownership of such cash, proceeds, and items of value by use of false names, aliases, postal box addresses, addresses of relatives and acquaintances, sham corporations, and other such devices;
5. Telephone and address books or papers that reflect names, addresses, and/or telephone numbers for associates dealing in illegal controlled substances and persons or entities from whom proceeds of drug transactions or other items of value have been obtained and in what manner said proceeds are presently maintained;
6. Photographs, negatives, videotapes, films, undeveloped film, slides, and other media-containing material of individuals, conspirators, property, firearms, assets purchased with drug proceeds, United States currency, and illegal controlled substances;
7. Books, records, receipts, notes, identification documents, and other papers indicating that the persons associated with the Marihuana organization described within this affidavit are presently using aliases or assumed names other than their names and are representing themselves to others under these assumed or alias names in order to hide and conceal themselves from law enforcement authorities to disguise their current activities;

8. Paraphernalia for using, packaging, processing, diluting, weighing, and distributing controlled substances, particularly Marihuana, MDMA, and Cocaine, including, but not limited to, scales, plastic bags, heat-sealing devices, syringes, pipes, spoons containing residue, and "cut;"
9. Books, records, receipts, notes, ledgers, and other papers relating to the distribution of controlled substances, including but not limited to Marihuana, and any and all drug ledgers, customer lists, papers or other media documenting quantities of controlled substances acquired or distributed, money, other things of value, and any remuneration for controlled substances and money owed for controlled substances, and accounts receivable for controlled substances, which have been fronted to customers;
10. Personal books and papers reflecting names, addresses, telephone numbers, and other contact or identification data relating to the distribution of controlled substances;
11. Cash, currency, and records relating to income and expenditures of money and wealth concerning controlled substances, including but not limited to, money orders, wire transfers, cashier's checks, receipts, bank statements, passbooks, checkbooks, and check registers;
12. Items of personal property that tend to identify the person(s) in residency, occupancy, control, or ownership of the premises that is the subject of this warrant, including but not limited to canceled mail, deeds, leases, rental agreements, photographs, personal telephone books, diaries, utility and telephone bills, statements, identification documents, and keys;
13. Airline tickets; notes and itineraries; airline schedules; bills; charge card receipts; hotel, motel, and rent-a-car statements; correspondence with travel agencies and other travel-related businesses; airline, rent-a-car, and hotel frequent flier or user cards and statements; passports and visas; and other papers relating to domestic and international travel, utilized in travel for the purpose of obtaining, transporting, transferring, or distributing controlled substances, particularly Marihuana, MDMA, and Cocaine;
14. Plastic, metal or cardboard cans or buckets, plastic or metal pipe, safes or any other object that is modified or is capable of being modified to conceal contraband within, as well as money belts, or other devices used to conceal contraband and drug proceeds;
15. Any identification documents, such as driver's licenses, social security cards and/or any identification for other than the known occupants of the residence

located at 617 Callejon Road, Taos, Taos County, New Mexico, who have a nexus to the Marihuana conspiracy;

16. Computer hard drives, address books, and electronic organizers that can be used to maintain storage of records created, modified or stored in electronic or magnetic form and any data, image, or information that is capable of being read or intercepted by a computer, relating to the obtaining or distribution of controlled substances, particularly Marihuana. In order to search for any items to be seized that were prepared, modified, or stored in electronic or magnetic form, searching agents request authority to seize and search the following:

i. Any computer hardware or computer-related equipment capable of creating or storing information in electronic or magnetic form;

ii. Any computer peripheral used to facilitate the transmission, creation, display, encoding or storage of information, images and data including word processing equipment, modems, monitors, printers, plotters, encryption circuit boards, optical scanners;

iii. Any magnetic or electronic storage device such as floppy diskettes, hard disks, backup tapes, CD-ROMs, optical discs, printer buffers, smart cards, memory calculators, electronic dialers, Bernoulli drives, or electronic notebooks;

iv. Computer software, documentation, operating logs and instruction manuals relating to the operation of the computer hardware and software to be searched;

v. Application software, utility programs, compilers, interpreters, and other programs or software used to facilitate direct or indirect communication with the computer hardware and software to be searched;

vi. Any physical keys, encryption devices and similar physical items that are necessary to gain access to the computers to be searched or are necessary to gain access to the programs, data, and information contained on the computer to be searched;

vii. Any passwords, password files, test keys, encryption codes or other computer codes necessary to access the computers to be searched or to convert data, file or information on the computers into a readable form;

viii. Electronically stored communications or messages, including any of the items to be seized that may be found in electronic mail ("e-mail");

17. All firearms as that term is defined by Title 18, United States Code, Section 921(a)(3), magazines, firearm accessories, ammunition, and any other firearms-related items;
18. Counter-surveillance equipment including, but not limited to, video surveillance devices, night vision equipment, electronic listening devices, motion sensors, alarms, communication devices, and police scanners, used for the purpose of counter-surveilling law enforcement activities;
19. Electronic communication devices including, but not limited to, cellular telephones, answering machines, caller identification devices, paging devices, and all contents contained within each of these devices used to facilitate drug trafficking;

