

FILED

UNITED STATES DISTRICT COURT
ALBUQUERQUE, NEW MEXICO

UNITED STATES DISTRICT COURT

for the

MAR 31 2011

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Judicial District of New Mexico

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

Black and red in color "Coca-Cola" soft
sided back pack, with mesh front pocket.

Case No. 11-MR-174
MATTHEW J. DYKMAN
CLERK

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 there is now concealed on the following person or property located in the Judicial District of New Mexico *(identify the person or describe property to be searched and give its location):*

Black and red in color "Coca-Cola" soft sided back pack, with mesh front pocket currently in custody at the Albuquerque DEA office, 301 Dr. MLK Jr. Ave, NE, Albuquerque, NM. Approved by AUSA James Braun

The person or property to be searched, described above, is believed to conceal *(identify the person or describe the property to be seized):*

Cocaine, Methamphetamine, Heroin, and/or Marijuana

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 21 U.S.C. § 841, and 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

TFO Jeremy Bassett
Printed name and title

Sworn to before me and signed in my presence.

Date: 30 MAR 11

[Handwritten Signature]
Judge's signature

City and state: Albuquerque, New Mexico

W. Daniel Schneider
Printed name and title

**IN THE UNITED STATE DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

UNITED STATES OF AMERICA

vs.

Black and Red in color "Coca-Cola" soft sided backpack, with a mesh front pocket.

AFFIDAVIT

I, Jeremy Bassett, being first duly sworn, depose and state:

I am a Task Force Officer with the Drug Enforcement Administration and as such am an investigator or law enforcement officer of the United States within the meaning of 21 U.S.C., and I am empowered by law to conduct investigations and make arrests for offenses enumerated in 21 U.S.C. I have been so assigned to the DEA for approximately six and a half (6 ½) years. Prior to being assigned to the DEA, I was assigned to Field Services Division with the Albuquerque Police Department, for approximately four (4) years. Additionally I was a Military Police Officer in the United States Army for approximately eight and a half (8 ½) years prior to joining the Albuquerque Police Department. I am currently assigned to the DEA Albuquerque District Office Group One, and have attended extensive narcotics training with various local, state and federal agencies. I am a certified K-9 handler with a drug detection canine "Blaze". Blaze and I are currently certified with the National Narcotics Detector Dog Association. Blaze is trained and certified to detect the odors of marijuana, methamphetamine, cocaine, and heroin. TFO Bassett and Canine Blaze completed their training in 2005 at the Department of Homeland Security/ U.S. Border Patrol Canine School. Canine Blaze has been utilized by Federal, State, and local municipalities, and has proved to be reliable in the past. Blaze is certified at an 85% or greater success rate.

The statements contained in this affidavit are based on my own investigation. I have not included each and every fact known to me concerning this investigation. I have set forth only the facts that I believe are necessary to establish probable cause to show that evidence of a violation involving the possession with intent to distribute a controlled substance, in violation of U.S.C. 21 section 841 (a) (1), (b) (1), contained inside a black and red in color "Coca-Cola" soft sided back pack, with mesh front pocket.

On Monday, March 29, 2011, at approximately 9:05 PM, Albuquerque Police Department Officer Earl Higgs conducted a traffic stop of a black in color 2009 Kawasaki motorcycle driven by Joseph SANCHEZ. The traffic stop was conducted on Coors-by-pass near Eagle Ranch Rd. in the city of Albuquerque, county of Bernalillo, State of New Mexico.

Officer Higgs stopped SANCHEZ for an expired temporary license plate, expiration of 05/15/2010, violation of New Mexico State Statute 66-3-18, and dark sunglasses on a motorcycle during dark hours, violation of Albuquerque City Ordinance 8-2-1-29. Officer Higgs contacted SANCHEZ who was carrying and wearing black and red in color "Coca-Cola" soft sided back pack, with mesh front pocket.

SANCHEZ advised Officer Higgs that he did not have a driver's license on him, insurance documents, or registration on the motorcycle. SANCHEZ stated he was in the process of purchasing the motorcycle. Officer Higgs asked SANCHEZ if he could provide the name or phone number of the owner of the motorcycle. SANCHEZ could not provide any information on the owner of the motorcycle. During conversation between Officer Higgs and SANCHEZ, SANCHEZ begged Officer Higgs not to tow his motorcycle. SANCHEZ explained that he had just gone to Chucky Cheese to pay for a birthday party for his child. SANCHEZ appeared to be acting nervous to Office Higgs. Officer Higgs requested SANCHEZ take off his black and red in color "Coca-Cola" soft sided back pack and place it on the

motorcycle. Officer Higgs and SANCHEZ then walked to the front of Officer Higgs vehicle to conduct the remaining business of the traffic stop.

SANCHEZ provided Officer Higgs his name, Joseph SANCHEZ, and his date of birth 09-19-1984. Officer Higgs returned to his patrol car, ran a check of New Mexico Department of Motor Vehicles and determined Joseph SANCHEZ had a valid driver's license, but no motorcycle endorsement.

Officer Higgs returned to SANCHEZ, asked him if he would open the seat of the motorcycle so Officer Higgs could check for any documentation for the motorcycle. SANCHEZ opened the seat and Officer Higgs did not find any documentation. Officer Higgs ran the vehicle identification number (VIN) through NCIC, which provided a response of no record found. Officer Higgs returned to his patrol car to start filling out the traffic citations.

Albuquerque Police Department Officer Guerro arrived on scene and engaged SANCHEZ in conversation while Officer Higgs filled out the traffic citations for SANCHEZ. During conversation, SANCHEZ told Officer Guerro that he did not have any children, and he was out test driving his motorcycle. Officer Guerro notified Officer Higgs of his conversation with SANCHEZ. Officer Higgs noted the discrepancies from what SANCHEZ had told him.

Officer Higgs returned to SANCHEZ and requested consent to search his black and red in color "Coca-Cola" soft sided back pack for any documentation that would positively identify SANCHEZ or the motorcycles owner. SANCHEZ refused consent to Officer Higgs. Officer Higgs requested the assistance of a narcotics detection canine.

TFO Bassett arrived on scene of the traffic stop while SANCHEZ was in conversation with Officer Higgs at his patrol car. Officer Higgs was explaining the citations and having SANCHEZ sign them. TFO Bassett deployed his canine Blaze to conduct a sniff of the motorcycle. Blaze alerted, followed the odor to source and indicated on a black and red in color "Coca-Cola" soft sided back pack, with mesh front pocket belonging to Joseph SANCHEZ. The backpack was

hanging off the left handle bar of the motorcycle. When Blaze alerts and indicates, this means the odor of cocaine, methamphetamine, heroin or marijuana is present in the location in which Blaze alerts and indicates.

TFO Bassett advised SANCHEZ that a trained narcotics dog had indicated on his bag and that he was being detained while TFO Bassett applied for a search warrant.

For the reasons stated above, TFO Bassett believes there is probable cause to issue a warrant on the above-mentioned bag and respectfully request a federal search warrant to be issued.

I swear that this information is true and correct to the best of my knowledge.

Respectfully submitted,



Jeremy Bassett
Task Force Officer
Drug Enforcement Administration
Albuquerque, New Mexico

Subscribed to and sworn before me this 29th day of March 2011.



W. Daniel Schneider
United States Magistrate Judge
New Mexico Judicial District



