

ORIGINAL

AO 91 (Rev. 08/09) Criminal Complaint

UNITED STATES DISTRICT COURT

for the

Northern District of Indiana

United States of America
v.
MARTIN GONZALEZ MEDINA

Case No. 1:14MJ 24

14 APR 30 AM 10:57
FOR THE NORTHERN DISTRICT OF INDIANA
FOR THE NORTHERN DISTRICT OF INDIANA

FILED

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 April 28, 2014 in the county of Allen in the Northern District of Indiana, the defendant(s) violated:

Code Section
21 U.S.C. § 841(a)(1)

Offense Description
Possession with intent to distribute 100 kilograms or more of marijuana, a schedule I controlled substance.

This criminal complaint is based on these facts:

Continued on the attached sheet.


Complainant's signature
DEA Task Force Officer Rodney L. Robinson
Printed name and title

Sworn to before me and signed in my presence.

Date: 04/30/2014

S/ JOHN E. MARTIN
Judge's signature

City and state: FT. WAYNE, IN

John E. Martin, U.S. Magistrate Judge
Printed name and title

AFFIDAVIT

Comes now your Affiant, Task Force Officer Rodney L. Robinson with the Drug Enforcement Administration (DEA), first being duly sworn, now deposes and says:

Your Affiant is a DEA Task Force Officer and has been assigned to the DEA Fort Wayne Post of Duty for approximately one year. Your Affiant has been employed by the Steuben County Sheriff's Department for the past 16 years, has the current rank of corporal, and was a member of the IMAGE Drug Task Force for approximately 3 years and Northeast Indiana SWAT for approximately 10 years. During the course of your Affiant's law enforcement career, your Affiant has been involved in the investigation of numerous drug investigations. Your Affiant has also attended ongoing training courses and conferences regarding the methods of drug traffickers. Through your Affiant's experience, your Affiant has participated in the execution of numerous narcotic investigations and search warrants. Your Affiant has investigated large indoor marijuana grows involving hundreds of plants and other complex investigations involving marijuana, crack cocaine, cocaine, heroin, methamphetamine, and large currency seizures. Based on this experience, your Affiant has become familiar with the activities and methods of illegal drug traffickers and other violent criminals.

Your Affiant has personally participated in this investigation; as a result, your Affiant is familiar with the facts and circumstances of the investigation through personal participation, from discussions with other agents, task force officers, and other law enforcement personnel, and from a review of records and reports relating to this investigation. Since this affidavit is being submitted for the limited purpose of a criminal complaint, your Affiant has not included details of every aspect of the investigation. Facts not set forth in this affidavit are not being relied upon

in reaching a conclusion of probable cause, and your Affiant does not request that this Court rely on any facts not set forth in this affidavit.

The DEA learned that Martin Gonzalez MEDINA (MEDINA) wanted to set up warehouses in Texas and Indiana for the purpose of shipping marijuana loads which were concealed inside what appeared to be legitimate cover loads of appliances. MEDINA wanted to accomplish this by establishing a fictitious business entity that would be used to lease warehouses in Texas to package and ship the marijuana to a warehouse in Indiana, where the marijuana load would be accepted and subsequently distributed at MEDINA's direction in Indiana. The fictitious business entity would help the shipments to appear legitimate and would thereby assist in avoiding law enforcement detection.

The DEA utilized a Confidential Source (CS) who had previously purchased large amounts of marijuana from MEDINA. In 2010, the CS purchased marijuana from MEDINA, initially buying about 350 pounds of marijuana and then increasing the purchased quantities to 400 pounds and 750 pounds at a time before stopping in December of 2010. During the investigation, MEDINA used multiple telephones to communicate with the CS about establishing the fictitious business, leasing the warehouses, and arranging the marijuana loads. Based upon information supplied by the CS, one of these telephones was a personal cellular telephone, and MEDINA never changed this number, with telephone records confirming MEDINA as the financially responsible party and showing this telephone to have been used by MEDINA for many years. Your Affiant believes the CS to be credible and reliable because the CS's information provided during the investigation was corroborated by police surveillance, documentary evidence, and audio and video recordings.

The CS stated that in November or December of 2013, MEDINA approached the CS about an illegal business opportunity and requested a meeting with the CS to discuss it further and to secure the CS's involvement. The CS met initially with MEDINA's adult son about MEDINA's interest in having the CS work for MEDINA. In January of 2014, MEDINA met the CS and discussed MEDINA's plan regarding the fictitious business entity. Using this business, MEDINA wanted to lease a warehouse in Texas to package and ship marijuana concealed in appliances to a warehouse in Indiana, where the load would be accepted and subsequently distributed at MEDINA's direction to others. MEDINA explained that the fictitious business entity would make the shipment appear legitimate and avoid law enforcement detection. MEDINA asked the CS to establish the fictitious business entity and lease a business office space and the warehouses. The CS provided text messages from MEDINA which corroborated this meeting.

MEDINA next directed, assisted, and paid for the CS to establish a fictitious business entity. The CS following MEDINA's instructions and created a business entity, with records from the Indiana Secretary of State confirming the establishment of this particular business on January 25, 2014. The CS again supplied text messages which corroborated MEDINA's inducing the CS to create this fictitious business. For example, on January 24, 2014, MEDINA asked whether the paperwork was all ready for filing, and MEDINA texted that they were ready to open a bank account as soon as they get a tax identification number. In your Affiant's opinion, these communications by MEDINA referenced the CS's creation of the fictitious business entity at MEDINA's direction and demonstrated MEDINA's next contemplated step of creating a bank account for the fake business. At MEDINA's direction, the CS later created a bank account in the name of the fictitious business, and the CS later provided bank statements

showing a savings and checking account in the name of the particular business. MEDINA explained to the CS that the accounts would be used to make payments associated with expenses and purchases related to the office space, the warehouses, and the cover loads concealing the marijuana shipments from Texas to Indiana. The bank statements reflected multiple deposits and expenditures associated with these tasks.

At MEDINA's direction, the CS leased an office space for the fake business in Indianapolis, Indiana, and the CS leased two warehouses, one located in Fort Wayne, Indiana, and another located in Weslaco, Texas. The CS stated that MEDINA directed, assisted, and paid for the CS to lease these locations using the fictitious business entity. MEDINA was present when the Fort Wayne warehouse was leased by the CS, and MEDINA took possession of a receipt that was provided by the landlord, who was not involved in MEDINA's marijuana operation. According to the CS, MEDINA planned on opening another warehouse in the Dallas area, with the CS not involved in leasing this warehouse which was subsequently located in Lancaster, Texas. MEDINA planned on using the Dallas-area warehouse as a storage and coordination point between the other two warehouses, with the Dallas warehouse helping with the concealment of the marijuana loads and with insulating the CS and MEDINA from being detected. According to the CS, MEDINA planned to accomplish the actual shipment via legitimate shipping companies that were not aware of the marijuana being concealed within the cover load of appliances.

On February 18, 2014, at the direction of agents and officers, the CS performed a controlled meeting with MEDINA at the Fort Wayne warehouse where MEDINA and the CS discussed an upcoming marijuana shipment from Texas to Indiana. Prior to the meeting, officers searched the CS's person and vehicle, finding no contraband, and the CS was outfitted with a

recording and listening device. Surveillance was established at the meeting location, and officers maintained surveillance on the CS. Prior to the meeting, surveillance units watched as the CS arrived and met with MEDINA at the warehouse. During the recorded meeting, MEDINA identified the warehouse in Weslaco as "Number 1." MEDINA identified the Dallas-area warehouse as "Number 2," and MEDINA identified the Fort Wayne warehouse as "Number 3." MEDINA said that he would take care of the Number 1 warehouse and asked the CS to take care of the Number 3 warehouse. MEDINA also requested for the CS to find transportation companies to ship the appliance cover loads concealing the marijuana. MEDINA intended to package the marijuana in big box freezers and build crates around the freezers to conceal the marijuana from law enforcement. The other appliances would be empty and would not contain marijuana.

On March 3, 2014, SA Schneider and your Affiant directed the CS to call MEDINA. The CS tried to call MEDINA on two of his cellular telephones, but the calls went to voice mail. The CS thereafter made a consensually recorded phone call to MEDINA on his personal cellular telephone, with this being the one in which he never changed the number. The CS and MEDINA discussed the purchase of a forklift for the Fort Wayne warehouse that cost MEDINA \$2,400, which included a delivery charge. MEDINA told the CS that he was working on the Dallas location and that he would call the CS back.

On March 10, 2014, SA Schneider and your Affiant directed the CS to call MEDINA in another consensually recorded telephone call on another of MEDINA's cellular telephones. During the call, the CS asked MEDINA for a status update, which was a reference to when the marijuana shipment was going to arrive. MEDINA told the CS that he was in the Number 1 and that they were ready to start running "empty ones" between the Number 1 and the Number 2.

MEDINA said that, prior to the drug shipments, they planned on sending several empty ones first, with your Affiant believing this to mean that MEDINA wanted to send some test loads with just appliances before the marijuana loads started. MEDINA asked the CS if the CS was ready and was set up in the Number 3. The CS told MEDINA that the fork lift was there and that it was ready. MEDINA and the CS also discussed the bank account balance for the fictitious company. On or about March 11, 2014, DEA surveillance observed six appliances loaded into a truck and shipped from the Weslaco warehouse. A traffic stop was conducted on the truck, and the bill of lading indicated that six units were being shipped from the Weslaco warehouse to a location in Arlington, Texas, which is located in the Dallas-Fort Worth area.

On the morning of March 31, 2014, MEDINA communicated with the CS through a number of text messages. During the text messages, MEDINA requested a meeting with the CS on March 31 or April 1 to "talk about the big opening," a reference in your Affiant's opinion to the first marijuana shipment concealed in an appliance cover load coming from Texas to Fort Wayne. This meeting was arranged for April 1, 2014, and the CS performed a controlled meeting with MEDINA at the Fort Wayne warehouse where MEDINA and the CS discussed the marijuana shipment from Texas to Indiana. Prior to the meeting, officers searched the CS's person and vehicle, finding no contraband, and the CS was outfitted with a recording and listening device. Surveillance was established at the meeting location, and officers maintained surveillance on the CS. Surveillance units watched as the CS arrived and met with MEDINA and an unidentified male who identified himself to the CS as "Drew." MEDINA and Drew were in a white box truck that was backed up to the warehouse loading dock when the CS arrived.

During the recorded meeting, MEDINA told the CS that when the marijuana shipment arrived, the marijuana and appliances would be wrapped professionally. In general, MEDINA

referred to the appliances containing marijuana as the “special ones,” the “loaded ones,” the “good ones,” or the “red ones,” with this last term being a reference to planned red markings on the packaging. According to MEDINA, the appliances in the front of the trailer would be loaded with marijuana, and the empty appliances would be to the rear of the trailer near the door and concealing the loaded appliances. MEDINA said that they should be ready soon to start shipping the marijuana and that Drew would be the guy meeting with the CS on the day the marijuana shipment arrived. MEDINA said that he wanted the CS to meet Drew and to see the box truck that would be used to transport the loaded appliances to accomplish the further distribution of the marijuana in Indiana. MEDINA said that he would keep the CS informed and told the CS to check on freight shipping companies. In order for the CS to arrange the shipment to Fort Wayne, the CS asked MEDINA for the address of the Dallas-area warehouse, and MEDINA later texted the address of the Lancaster warehouse.

On April 3, 2014, the CS made a consensually recorded phone call to MEDINA, who was using another new telephone by this time. During the call, MEDINA and the CS discussed the potential freight companies, how they delivered, and their costs associated with shipping the load between Texas and the Fort Wayne warehouse. MEDINA told the CS that a fully loaded truck with 180 appliance units weighed less than 30,000 pounds, with this being important information in your Affiant’s opinion because the weight with the marijuana needed to remain reasonably consistent with the expected weight of the cover load for better concealment. MEDINA said that he was ready to go but that there was some delay with the Lancaster warehouse. MEDINA told the CS that he would let the CS know when they placed the order for transportation from the Weslaco warehouse to the Lancaster warehouse, describing these locations in this conversation as Point A and Point B. MEDINA asked the CS for the bank balance because they would be

paying \$1,900 to ship from Point A to Point B and \$2,600 to ship from Point B to Point C, a reference to the Fort Wayne warehouse. The CS informed MEDINA of the balance.

On April 3, 2014, MEDINA sent the CS a text message saying in part, “. . . I think I’m going to #1 [Weslaco] Tuesday for the grand opening [coordination of the first marijuana shipment].” On April 8, 2014, MEDINA told the CS that he was going to the Number 1 warehouse tomorrow and that things were almost ready. MEDINA asked the CS again for the address for the Number 3, or the Fort Wayne warehouse. On April 9, 2014, MEDINA asked the CS for the tax identification number for the fake business, with this information likely being used for the shipment and the bill of lading. On April 21, 2014, the CS made a consensually recorded phone call to MEDINA, and MEDINA told the CS that he was in the Number 2, or the Dallas-area warehouse, waiting on confirmation to move the load to the Number 3, the Fort Wayne warehouse, and that he would meet the CS up there to talk to the CS. MEDINA told the CS that he would be able to pay the CS “three to four” with his extra cash when the load arrived.

In a consensually recorded call on April 22, 2014, MEDINA talked about the load leaving Dallas on April 23 and arriving in Fort Wayne on April 25, and MEDINA was concerned about an “accident” which occurred in Fort Wayne last week, with your Affiant believing this to be a reference to a law enforcement seizure of a large marijuana load in Fort Wayne on or about April 15, 2014. MEDINA further said that he would have two box trucks there to be loaded from the truck. MEDINA told the CS that he would meet the CS in Fort Wayne and that the CS would go home very happy. In an unrecorded call on April 23, 2014, MEDINA told the CS that the shipment did not go out as expected and that it would be delivered in Fort Wayne on April 28, 2014. MEDINA said that he would not be present when the shipment was unloaded and that he would meet with the CS after the shipment was loaded into the box trucks. On April 24,

2014, DEA surveillance observed a semi tractor-trailer being loaded at the Lancaster warehouse and subsequently departing, with the numbers G57432 on the trailer. In a consensually recorded call on April 24, 2014, MEDINA and the CS discussed meeting in Fort Wayne on April 27, 2014, to discuss the arrival of the marijuana shipment on April 28, 2014.

On April 27, 2014, MEDINA met with the CS at the Fort Wayne warehouse and brought a pallet hand jack that was left at the warehouse. During the recorded meeting, MEDINA told the CS that he would not be at the warehouse when the shipment arrived. MEDINA told the CS that he would have something for him later that day and that they would be happy, with this being the CS's payment in your Affiant's opinion. In your Affiant's opinion, MEDINA did not want to be at the warehouse in case the police arrived and discovered the marijuana, with this being a common method for avoiding detection and arrest. MEDINA also told the CS that the semi tractor-trailer would arrive at the warehouse at 7:00 a.m. MEDINA told the CS to be at the warehouse at 7:15 a.m. MEDINA said that he would send over a Hispanic male to unload the semi tractor-trailer at 7:30 a.m. The CS asked MEDINA if they were loaded, which was a reference to the marijuana, and MEDINA confirmed that they were and told the CS that the ones up front were the loaded ones. MEDINA explained that there would be two box trucks that would arrive at the warehouse that needed to be loaded with the freezers filled with marijuana. MEDINA said that some of the freezers were identified with red marks and the others were not marked red. MEDINA further said that the freezers would be stacked on top of each other. They should load the three with the red marks into one box truck, and the other box truck would take the remaining three that were not marked. MEDINA said that they should put two additional appliances on the box trucks after the freezers were loaded. In your Affiant's opinion,

this placement of the marijuana-filled freezers in the front would help to make it harder for law enforcement to find the marijuana.

On April 28, 2014, the CS arrived at the Fort Wayne warehouse before 7:00 a.m., ready to accept the marijuana load as instructed by MEDINA. The semi tractor-trailer did not arrive at 7:00 a.m. like MEDINA described. An Hispanic male arrived at the warehouse driving a tan Chrysler Pacifica, and he met with the CS. The man was not very talkative with the CS and did not identify himself by name after the CS introduced himself. The man told the CS that MEDINA sent him. The CS and MEDINA communicated by phone and discussed why the shipment was late. MEDINA said that he would call the freight company when it opened to determine the arrival time. The semi tractor-trailer arrived at approximately 9:32 a.m., and the driver opened the trailer doors and backed up to the loading dock. When the trailer doors were opened, your Affiant observed that the trailer was loaded and had the same numbers, G57432, as the trailer observed at the Dallas-area warehouse. Prior to unloading the appliances, the CS asked the man if the CS could do it, meaning unload the trailer. The man replied that he knew how to load it, with your Affiant interpreting this to mean that the man had been instructed by MEDINA regarding which items went into which box truck.

Using a forklift, the man removed the shipment, which consisted of 19 white plastic wrapped units from the trailer, into the warehouse. Of those 19 units, six units were freezers, and 13 units were assorted other appliances like washers, dryers, and ovens. The six freezer units were surrounded with a wood frame, and each contained two freezers stacked one on top of the other, for a total of 12 freezers. Three of the six stacked two-freezer units were further identified and marked with red paint. The remaining 13 units contained 68 assorted other appliances that were stacked in groups of four or eight.

After the appliances were off-loaded, the semi tractor-trailer and the man left. Prior to the man leaving, the CS observed him remove two small rectangular items from underneath the plastic of two separate assorted appliances. Based upon surveillance, the man was next seen meeting with MEDINA at a local Fort Wayne hotel, where surveillance observed him pass something to MEDINA, and MEDINA provided the man with the keys to a U-Haul box truck. The man then left in the box truck and returned to the warehouse, and MEDINA went into a hotel room. When the man returned to the warehouse, he and the CS separated the freezers that were not marked with red paint and loaded them into the box truck.

The Fort Wayne Police Department Emergency Services Team entered the warehouse as the man and the CS were loading the freezers into the box truck. The man was detained, and the warehouse was secured. After searching the warehouse and opening the freezers, approximately 2,160 pounds of marijuana was discovered concealed inside the 12 freezers and wrapped in 97 plastic rectangular bundles of different sizes and weights. In your Affiant's opinion, 2,160 pounds of marijuana is not an amount for personal consumption and is considered an amount for distribution. When officers opened the freezers, they were able to smell a strong odor of marijuana, and the bundles were packaged in a manner consistent with a marijuana shipment. There was marijuana residue in the freezers as well. A field test was performed on a sample of one of the bundles, and the sample field tested positive for marijuana.

MEDINA was later arrested in his hotel room by members of the FWPD. At the time of his arrest, MEDINA's phones were recovered. Those were the same phones used to communicate with the CS to coordinate the marijuana shipment.

After the man was arrested, he was interviewed, and he advised that he met a person identified to him as Jose at an Indianapolis, Indiana, location described as a grocery store. Your

Affiant and SA Schneider showed him a picture of MEDINA, and the man identified MEDINA as Jose. He stated that he was asked by MEDINA to unload appliances from a trailer and to load these onto other trucks. MEDINA told him that he looked to be strong, and MEDINA needed someone strong to assist a white guy with unloading appliances. He advised that MEDINA was going to pay him \$1000 for a day's work. MEDINA provided him with a black phone that he used to communicate with MEDINA. He stated that he drove to Fort Wayne, where he was told to get a room. He stated that he drove to Fort Wayne on April 27, 2014 and that he checked into a particular hotel. On the morning of April 28, 2014, he checked out of the hotel and went to the warehouse to assist a white guy unload a semi-trailer of appliances. When the semi arrived at the location, he and the white guy unloaded the packaged appliances. He stated that he operated the forklift while the white guy stood by. He stated that when the truck was unloaded, the white guy signed the receiving paperwork from the trucking company. At this time, he put a call into MEDINA who advised him to look through the unloaded items and find a pallet with a piece of black tape on it. Once he found the piece of tape, MEDINA instructed him to cut it and get an item behind the tape. He stated that he found the tape and located a brick-shaped item wrapped in bubble-wrap behind the tape. He was further instructed by MEDINA to bring this item to MEDINA, which he did. MEDINA then handed the man a key to a U-Haul truck and advised him to return to the warehouse and put the appliances in it. He advised that he was to load six freezers with no color on them. MEDINA also told him to place two more appliances in the load. He stated that he returned to the warehouse where he met with the white guy, and then they proceeded to load two freezers before law enforcement secured him and the white guy.

Your Affiant has not included each and every fact known or provided by members of the DEA or other law enforcement agencies concerning the individual events described herein. The

information contained in this affidavit is based on information provided to your Affiant by other law enforcement officers as well as your Affiant's personal observations.

Based upon the above information, your Affiant has probable cause to believe that MEDINA did knowingly and intentionally possess with intent to distribute a controlled substance, namely 100 kilograms or more of a mixture or substance containing a detectable amount of marijuana, a Schedule I Controlled Substance, in violation of 21 U.S.C. § 841.

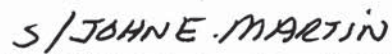
The foregoing facts are true and accurate to the best of your Affiant's knowledge and belief.

Further your affiant sayeth naught.



Rodney L. Robinson
Task Force Officer
DEA

Subscribed and sworn to before me, this 30th day of April, 2014.



John E. Martin
United States Magistrate Judge