

**FILED**

OCT 19 2015

CLERK, U.S. DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA  
BY \_\_\_\_\_  
DEPUTY CLERK

AO 91 (Rev. 08/09) Criminal Complaint

**UNITED STATES DISTRICT COURT**

for the

Eastern District of California

United States of America )

v. )

Ivan De Jesus Jimenez )

Case No. 1:15-MJ-00158-BAM

\_\_\_\_\_  
*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 10/01-10/16/2015 in the county of Tulare in the  
Eastern District of California, the defendant(s) violated:

*Code Section*  
21 USC 841(a)(1), 841 (b)(1)(A),  
846

*Offense Description*  
1) Conspiracy to Manufacture, to Distribute and to Possess With Intent to Distribute 1,000 or More Marijuana Plants, a Schedule I controlled substance, in violation of Title 21, United States Code, Section(s) 841(a)(1), 841 (b)(1) (A) and 846; Penalty: Mandatory minimum prison term of 10 years, maximum prison term of life/fine up to \$10 million;  
(2) Depredation of government property with damage exceeding \$1,000.00; Penalty: Maximum prison term of 10 years/fine of up to \$250,000 or twice the gross loss

18 USC 1361

This criminal complaint is based on these facts:

See Attached Affidavit, which is incorporated herein by reference.

Continued on the attached sheet.

Affidavit submitted by email/pdf and attested to me as true and accurate by telephone consistent with Fed.R.Crim. P. 4.1

  
Complainant's signature

Brian Adams, Special Agent, U.S. Forest Service  
*Printed name and title*

Sworn to before me and signed in my presence.

Date: 10/19/15

  
Judge's signature

City and state: Fresno, California

Barbara A. McAuliffe, U.S. Magistrate Judge  
*Printed name and title*

1                               **AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT AND**  
2   **ARREST WARRANT**

3  
4             I, Special Agent Brian Adams, being duly sworn, hereby state and depose:

5   I.

6   **AFFIANT'S CREDENTIALS**

7             1. I am a Special Agent with the United States Forest Service  
8 (USFS), stationed on the Sequoia National Forest. I have been employed by the USFS since  
9 April of 1986 and was a uniformed Law Enforcement Officer from 1992 to 2008. In May of  
10 2008, I became a Special Agent. I am a graduate of both the Land Management Police Training  
11 Program and the Criminal Investigator Training Program at the Federal Law Enforcement  
12 Training Center in Glynco, Georgia. I also have the arrest powers of a California State Peace  
13 Officer, pursuant to Sections 830.8(a) and (b) of the California Penal Code, and have completed  
14 the training required by the State of California, pursuant to Penal Code Section 832. My  
15 primary duties include detecting, investigating, apprehending, and prosecuting criminal activity  
16 associated with controlled substance production and use on and relating to National Forest  
17 System lands. I have been both the lead and assisting investigator in numerous controlled  
18 substance investigations and have arrested/cited hundreds of persons for possession,  
19 manufacturing, transportation and sales of various controlled substances and illegal drug  
20 paraphernalia. While employed as a LEO/Special Agent I have investigated over 600 large  
21 scale outdoor marijuana grow sites on federal, state and private lands. The grow sites have been  
22 in various stages of production. As a result of investigating these grow sites, I have become very  
23 familiar with methods used by the growers to locate, set up, cultivate, harvest and conceal the  
24 marijuana grow sites. I have also become very familiar with methods used to re-supply the  
25 grow sites and remove harvested marijuana from the mountains. As a result of these  
26 investigations, I have learned that the primary means of communication between the growers  
27 and the upper-levels of their organization is by cellular telephone. During the course of these  
28 investigations, I have had the opportunity to interview subjects involved in and cultivating and

1 transporting marijuana. During these conversations I have discussed methods used to grow  
2 marijuana, evade detection, communicate with upper levels of their organization, and transport  
3 marijuana and supplies on National Forest lands. I have also observed subjects dropping off  
4 supplies and personnel to grow sites and have observed processed marijuana being removed by  
5 vehicle from the grow site areas. In 2002, I attended the DEA Aerial Cannabis Observation  
6 School and have spotted numerous marijuana gardens by air. I have 23 years of on the job  
7 training and experience in tracking people through the mountains in a variety of conditions and  
8 situations. I have used these skills in search and rescue situations and to detect and track  
9 marijuana growers on numerous occasions. I have received over 300 hours of formal training  
10 relating to the enforcement of controlled substance laws. This training has been provided to me  
11 by the Kern, Fresno and Tulare County Sheriffs' Offices, U.S. Drug Enforcement  
12 Administration (DEA), California Highway Patrol, California Narcotics Officers' Association  
13 (CNOA), California Department of Justice, USFS, and private organizations. I have been a  
14 member of the CNOA since 2004. I am a trained Drug Recognition Expert and have made  
15 numerous arrests for subjects being under the influence of and driving under the influence of  
16 various controlled substances. I am also responsible for investigating other crimes that occur on  
17 USFS land, including arson, resource and property damage and theft. I am a trained wildfire  
18 origin and cause investigator and have also attended advanced fire investigation courses. I have  
19 investigated over 50 fires on USFS, BLM and private lands during my career, including fires  
20 that have exceeded 50,000 acres in size.

21 2. During my career, I have conducted or participated in controlled substance  
22 investigations, including conspiracies to manufacture, distribute and possess with intent to  
23 distribute controlled substances (21 U.S.C. Sections 841(a)(1) and 846) and the manufacture,  
24 distribution and possession of controlled substances with the intent to distribute (21 U.S.C.  
25 Section 841(a)(1)). These investigations targeted drug trafficking organizations primarily  
26 engaged in the sale, manufacture, importation and distribution of marijuana, which in some  
27 instances, also involved cocaine, methamphetamine and other controlled substances. During the  
28 course of my work, I have had the opportunity to converse with numerous Law Enforcement

1 Officers and drug enforcement officers, informants, as well as admitted and known drug  
2 traffickers as to the methods, regarding the manufacture, importation, transportation,  
3 distribution and sales of controlled substances. I have been the affiant on both federal and state  
4 search and arrest warrants and have testified in both state and federal court in the area of  
5 narcotics.

6 3. Through prior investigating and training, I have become familiar with the types and  
7 amounts of profits made by drug dealers and the methods, language and terms that are used. I  
8 am familiar and have participated in various investigative methods including, but not limited to,  
9 visual surveillance, interviewing of witnesses, search warrants and use of confidential  
10 informants. I have worked joint investigations with various experienced Law Enforcement  
11 Officers who are trained in narcotics investigations and I have drawn from their knowledge and  
12 expertise in the field of narcotics enforcement.

13 4. My awareness of these drug trafficking practices, as well as my knowledge of drug  
14 manufacturing and distribution techniques as set forth in this Affidavit, arise from the following:

15 (a) my training in controlled substance investigations;

16 (b) my past experience in outdoor marijuana garden investigations;

17 (c) my involvement in this drug investigation

18 (d) what other experienced drug agents have advised me when relating the substance of  
19 debriefings of confidential informants and cooperating individuals in prior drug investigations  
20 and the results of their own drug investigations; and

21 (e) other information provided through law enforcement channels.

22 Based upon this knowledge and experience, I state the following:

23 **II.**

24 **NATURE OF AFFIDAVIT**

25 5. This affidavit is submitted in support of a criminal complaint and arrest warrant for  
26 **Ivan De Jesus Jimenez**. Based upon your affiant's training, experience and conversations with  
27 other law enforcement officers, I submit there is probable cause to find that **Jimenez** conspired  
28 to manufacture, to distribute and to possess with intent to distribute 1,000 or more marijuana

1 plants, a Schedule I controlled substance, in violation of Title 21, United States Code, Sections  
2 841(a)(1), 841(b)(1)(A), and 846, and damaged government property resulting in a loss  
3 exceeding \$1,000.00, in violation of Title 18, United States Code, Section 1361.

4 6. The facts set forth in this affidavit are based on my training and experience and  
5 information obtained from other witnesses and Law Enforcement Officers, including incident  
6 reports. This affidavit is intended to show that there is sufficient probable cause for the  
7 requested complaint and arrest warrant and does not purport to set forth all of my knowledge of,  
8 or the investigation into, this matter.

9 III.

10 **STATEMENT OF PROBABLE CAUSE**

11 7. On October 14, 2015, at 2:30 p.m.,<sup>1</sup> I was conducting roadside reconnaissance along the  
12 Lloyd Meadow Road in the area of a landmark known as The Needles in the Sequoia National  
13 Forest in Tulare County in the Eastern District of California. At the approximate GPS  
14 coordinates of N 36 06.726 W 118 28.006, I located a heavily-used trail leading uphill to the  
15 west. I am very familiar with the area and I know there are no developed or maintained trails in  
16 that area and I have never seen that particular trail in my 33 years working in the area. I walked  
17 approximately two hundred yards up the trail and located small bits of plastic bags along the  
18 trail. I also found a heavily-trampled area just west of the road. Based on my training and  
19 experience, I identified the trail as being consistent in appearance with hundreds of access trails  
20 used by marijuana growers to hike to their clandestine grow sites. The trampled down area  
21 appeared to be a "lay-up" where growers hide and wait for the supply vehicle to arrive. I was  
22 alone so I did not hike any further up the trail.

23 8. On October 15, 2015, at 9:45 a.m., I returned to the area with USFS Special Agent B.  
24 Smith and California Department of Fish and Wildlife (DFW) Warden K. Shaw to hike up the  
25 trail to confirm that it led to a marijuana grow site. We began hiking and, after walking for  
26 approximately one-half mile, we came to an area where I saw harvested marijuana plants  
27 growing among native manzanita bushes and black water plastic lines running in rows along the

28 <sup>1</sup> Any and all references herein to dates, times, and drug quantities are to approximate dates,  
times and drug quantities.

1 hillside. We did not see any footprints on the trail or in the grow site and I suspected that the site  
2 might have already been harvested.

3 9. We entered the grow site and, after walking for approximately 75 yards, we came to an  
4 area where I saw numerous marijuana plants growing. Some of the plants had been topped, but  
5 most were still intact and growing. As we continued through the grow site, Warden Smith yelled  
6 "Runners!" and I saw subjects running up a steep hillside in the opposite direction. As I ran after  
7 them, I saw a large campsite hidden in the trees with numerous tents and tarped areas. I stopped  
8 to make sure there were no armed suspects in the camp, and then continued after the closest  
9 subject. Warden Shaw was closer to the subject than I was, but I could see him running through  
10 the trees. The subjects had too much of a head start on us and we soon lost sight of them. We  
11 were getting separated from each other, so I called off the search for officer safety reasons.

12 10. We returned to the camp and discovered a large marijuana processing area adjacent to  
13 three tents. There were at least 200 marijuana plants hanging in one area and two large racks  
14 containing manicured marijuana buds. We cleared the tents for suspects by pulling out sleeping  
15 bags and did not find any suspects in the tents. I found a light-colored backpack on the ground  
16 adjacent to one of the tents. In the pack, I found clothing and a black iPhone. I seized the phone  
17 as evidence. Under one of the tarps, I found a black backpack that contained clothing and a  
18 white Samsung Galaxy 2 cell phone. The tarp was just used as a roof to protect the kitchen area  
19 from rain. All sides of the tarped area were open and no attempt was made to close-off the area  
20 or make it private. I seized the phone as evidence.

21 11. We cleared the grow site and located six separate plots of marijuana plants. Three of  
22 the plots had not been harvested yet and the others were partially harvested. Another camp and  
23 kitchen area were located at the west edge of the grow site. I seized approximately 10 pounds of  
24 processed marijuana and several green plants as evidence. The remainder of the processed  
25 marijuana was destroyed by submerging it in a reservoir and covering it with dirt. All clothing,  
26 food and sleeping bags were also made unusable in the same manner. Based on the size of the  
27 camps, it appeared that six or more people were living there. Photographs were taken of the  
28

1 area. We left the grow site by the same trail and did not encounter any suspects. Other items of  
2 evidence were collected, including wrappers of various items found in the main camp.

3 12. A plan was made to return to the camp on October 16, 2015. As I was en route to the  
4 area, I received a radio call from USFS Officer J. Norris who reported that a citizen had  
5 contacted him to report suspicious activity. The citizen reported seeing three Hispanic male  
6 subjects sitting near his gate on the Lloyd Meadow Road at 7:00 a.m. This area is approximately  
7 a six hour walk from the grow site. The subjects were described as being wet and dirty. The  
8 subjects did not have any camping gear or backpacks with them. The subjects asked the citizen  
9 for assistance. The three subjects were given a ride to Sierra Gateway Market in Kernville and  
10 dropped off. The citizen reported that the subjects purchased new clothing and other items. The  
11 citizen said two of the subjects were older and spoke only Spanish and one of the subjects was  
12 younger and spoke English. One of the subjects was reported to be named "Luis." I responded  
13 to the store and was advised by the clerk that three subjects matching that description were  
14 dropped off at the store by a man who said he found them in the mountains. The store clerk said  
15 the subjects walked south from the store after purchasing the items and he lost sight of them.  
16 The clerk said they bought tourist-type clothing that said "Kern River" on the shirts.

17 13. I eventually located the three subjects at the Pine Cone Inn in Kernville. After  
18 contacting the subjects I interviewed them and all three subjects admitted post-Miranda that they  
19 were working in the marijuana cultivation site and ran when they saw me and the other two  
20 officers. Other officers, including Warden K. Shaw, arrived on scene to assist me. One of the  
21 subjects in the room, Juan Carlos Martinez-Tinoco, was positively by Warden Shaw as one of  
22 the men we were chasing in the grow site. All three subjects were arrested and booked into the  
23 Kern County Jail on federal charges authorized by U.S. Magistrate Judge Stanley A. Boone on  
24 October 16, 2015. The other two subjects arrested were Armando Arnoldo Martinez and Luis  
25 Enrique Flores.

26 14. On October 17, 2015 at 1:00 p.m., USFS Officer J. Norris received a call from Tulare  
27 County Deputy B. Minor regarding a Hispanic male subject in his twenties or early thirties who  
28 had been given a ride from Lower Durwood Lodge in Tulare County to the McNally Ranch in

1 Lake Isabella. Minor had received a call from the owner of the lodge reporting that a subject,  
2 later identified verbally as **Ivan De Jesus Jimenez**, had been dropped off at the R Ranch in  
3 Johnsondale and then taken to the Lower Durwood Lodge and dropped off. **Jimenez** reportedly  
4 had been separated from his friends and lost in the woods with no food or water. He said  
5 raccoons ate all of his food. Minor also said **Jimenez** was carrying a blue bag and what  
6 appeared to be a bedroll. R Ranch is only three miles from the location where Juan Martinez,  
7 Armando Martinez and Luis Flores were first contacted on October 16, 2015. Norris advised me  
8 that at 10:00 a.m. he saw a subject matching that description walking south along the Lloyd  
9 Meadow Road in the area of Lower Peppermint Campground, but he did not stop because he was  
10 en route to eradicate the grow site. Lower Peppermint Campground is approximately three miles  
11 from the grow site.

12 15. At 1:12 p.m., Officer Norris place a call to the McNally Ranch and spoke to a subject  
13 identified as Brian at that location. Brian said **Jimenez** was dropped off at his ranch by Dee  
14 from Lower Durwood Lodge. Brian told Officer Norris that **Jimenez** told him he became  
15 separated from three of his friends while out hiking but kept giving a different story. **Jimenez**  
16 told Brian he was trying to get back to West Covina where he lives. It should be noted here that  
17 Luis Flores said he lives in West Covina. Brian assisted **Jimenez** by sending him to work with  
18 one of his plumbers who was currently at a job site at 5115 Shawnee Road in Weldon, California  
19 to make some money to get home. Norris advised me of the situation and I went on duty and  
20 responded to the Weldon area to assist him. Norris was waiting for me at the intersection of  
21 Highway 178 and Navajo Drive.

22 16. At 1:30 p.m., Norris advised me via radio that he saw a subject matching the description  
23 given by Brian, Dee and Deputy Minor walking north on Navajo Drive from the direction of  
24 Shawnee. The subject turned east on Highway 178 and continued walking. Norris said it was  
25 the same subject he saw walking near Lower Peppermint Campground on the previous day. The  
26 subject had a camouflage colored jacket. Norris contacted the subject and detained him. I  
27 arrived on scene approximately one minute later.

28



1 17. I contacted the subject and identified myself and told him he was not under arrest but  
2 was being detained. **Jimenez** spoke English. Using a ruse, I told **Jimenez** I recognized him as  
3 one of the men I had chased in the marijuana grow site on October 15, 2015. I explained the  
4 reason for our contact and he spontaneously said he and the other subjects ran from the grow site,  
5 because they were afraid and he had been lost and was trying to find his way home. I stopped  
6 him and asked him not to say anything further. I did not ask **Jimenez** any further questions or  
7 otherwise prompt any response from him. We then placed **Jimenez** in handcuffs and transported  
8 him to the Kern Valley Sheriff's Substation in Lake Isabella for further investigation. Officer  
9 Norris went to 5115 Shawnee and recovered the blue bag and bedroll that **Jimenez** had left there.

10 18. At the substation, I read **Jimenez** his Miranda rights from a pre-printed Miranda card  
11 supplied by my agency. **Jimenez** said he understood his rights. **Jimenez** waived his rights and  
12 agreed to answer questions. **Jimenez** was not handcuffed during the Miranda advisement or  
13 subsequent interview. The Miranda advisement and following interview was recorded. I asked  
14 **Jimenez** to tell me what happened on the day when he ran from the grow site. **Jimenez** said on  
15 October 15, 2015, he was in the grow site working with other subjects when one of the other  
16 workers said he saw three people walk into the grow site. **Jimenez** said he was told to go see  
17 what was going on, because he speaks English and looks like a "guero" or light-complicated  
18 individual. **Jimenez** said he hid among the bushes and saw me and two other people walking  
19 through the marijuana. He said the last person in line was carrying a rifle. It should be noted  
20 here that Agent Smith was the third person in line and was carrying a rifle. **Jimenez** said he  
21 heard one of us yell, "Runner!" and he immediately took off running downhill. **Jimenez** said he  
22 ran all the way to the road and saw my gray truck and a black SUV parked on the road. He said  
23 he backed up and ran some more, then crossed the road and kept running.

24 19. **Jimenez** said he came to a campsite where he found the blue bag and other items, with a  
25 small amount food. He said he built a fire and camped, but in the middle of the night raccoons  
26 came and took all of his food. He said he had to fight the raccoons off. **Jimenez** said on the  
27 following morning he found his way back to the road and began walking. He said he saw  
28 Officer Norris's vehicle and other vehicles pass him. **Jimenez** said he eventually passed out.

1 He said he heard a car coming and waived his arm and the vehicle stopped. **Jimenez** said the  
2 driver of the vehicle was some type of worker and the man and his co-worker took him to R-  
3 Ranch at Johnsondale. From that point, he was taken to Lower Durwood Lodge and met Dee.  
4 He said Dee took him to a ranch in Lake Isabella. The man at Lake Isabella assisted him by  
5 giving him plumbing work to make some money to get back home.

6 20. I asked **Jimenez** what his job in the marijuana grow site was and he said he was being  
7 paid two hundred dollars per day to trim and manicure marijuana buds. He said there were  
8 approximately thirteen people working in the grow site. I asked **Jimenez** where he was from and  
9 he said West Covina. I asked **Jimenez** if he know Luis Flores and he said Flores is an old friend  
10 and he is the one who got him the job. He said Flores asked him if he wanted to go to work  
11 "trimming some buds" and he agreed to do it. **Jimenez** said he has a "medical" marijuana card  
12 and knows about manicuring marijuana. **Jimenez** said an unknown man in a green SUV drove  
13 him and Flores to the mountains and dropped them off. An older man met them on the road and  
14 guided them in. They were told to walk to the grow site and be quiet. **Jimenez** said he likes to  
15 smoke marijuana and has been around marijuana plants before, but there was too much  
16 marijuana in the grow site he was working in and he wanted to leave. **Jimenez** said he had been  
17 working in the grow site since October 1. He said he just did what he was told and did not know  
18 any of the people working there except Flores. He said everyone just called each other "guy,"  
19 which is Spanish for "dude" in English.<sup>2</sup> **Jimenez** said he did not know who was in charge and  
20 did not know who owned the grow site.

21 **IV.**

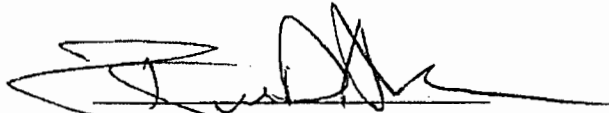
22 **CONCLUSION**

23 21. Based on the foregoing, I submit that there is probable cause to charge and arrest  
24 **Ivan De Jesus Jimenez** for conspiring to manufacture, to distribute and to possess with the  
25 intent to distribute 1,000 or more marijuana plants, a Schedule I controlled substance, in  
26

27 <sup>2</sup> My knowledge of Spanish is based on years of Spanish courses. During my school years, I  
28 took Spanish classes starting at age 5 and continued studying in high school and college. I have  
also spoken Spanish to Spanish-speaking defendants and people I have arrested during my many  
years of employment with the USFS.

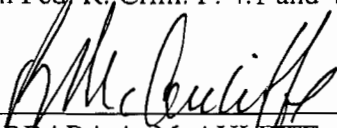
1 violation of Title 21, United States Code, Sections 841(a)(1), 841(b)(1)(A), and committing  
2 depredation of government property with damage exceeding \$1,000.00, in violation of Title 18,  
3 United States Code, Section 1361.

4 Your affiant swears under penalty of perjury that the facts presented are true and accurate  
5 to the best of my knowledge.

6  
7 

8 BRIAN ADAMS  
9 Special Agent  
United States Forest Service

10 Affidavit submitted by email/pdf and attested to me as true and accurate by telephone consistent  
11 with Fed. R. Crim. P. 4.1 and 4(d) before me this 19th day of October, 2015.

12 

13 BARBARA A. McAULIFFE  
14 United States Magistrate Judge

15 Reviewed and Approved as to Form  
16 this 18th day of October, 2015

17 /s/ Karen A. Escobar  
18 KAREN A. ESCOBAR  
Assistant U.S. Attorney

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