

CRIMINAL COMPLAINT

ORIGINAL

UNITED STATES DISTRICT COURT		CENTRAL DISTRICT OF CALIFORNIA	
UNITED STATES OF AMERICA v. HECTOR ANAYA		DOCKET NO.	
		MAGISTRATE'S CASE NO. 10- 10-1561M	
Complaint for violation of Title 18, United States Code, Section 371.			
NAME OF MAGISTRATE JUDGE Hon. ROSALYN M. CHAPMAN		UNITED STATES MAGISTRATE JUDGE	
		CENTRAL DISTRICT OF CALIFORNIA BY LOCATION DEPUTY Los Angeles County, CA	
DATE OF OFFENSES June 24, 2010	PLACE OF OFFENSE Los Angeles, CA	ADDRESS OF ACCUSED (IF KNOWN)	
COMPLAINTANT'S STATEMENT OF FACTS CONSTITUTING THE OFFENSE VIOLATION: On or about June 24, 2010, within the Central District of California, defendant HECTOR ANAYA, knowingly conspired to violate Title 18, United States Code, Section 659 (theft of interstate shipment from a railroad car) in violation of Title 18, United States Code, Section 371.			
BASIS OF COMPLAINTANT'S CHARGE AGAINST THE ACCUSED: (See attached affidavit which is incorporated as part of this Complaint)			
MATERIAL WITNESSES IN RELATION TO THIS CHARGE:			
Being duly sworn, I declare that the foregoing is true and correct to the best of my knowledge.		SIGNATURE OF COMPLAINTANT Raul [redacted]	
		OFFICIAL TITLE SPECIAL AGENT -Immigration and Customs Enforcement	
Sworn to before me and subscribed in my presence,			
SIGNATURE OF MAGISTRATE JUDGE(1) 		DATE June 25, 2010	

1) See Federal Rules of Criminal Procedure rules 3 and 54.

SL:rd

AFFIDAVIT

I, Raul [REDACTED], being duly sworn, do hereby depose and say:

I. TRAINING AND EXPERIENCE

1. I am a Special Agent ("SA") with the Department of Homeland Security, Immigration & Customs Enforcement ("ICE"), assigned to the Special Agent in Charge in Los Angeles, California. I have been so employed since March 2003. Prior to being an ICE agent, I was a Special Agent with the United States Customs Service beginning in April 2002.

2. I am a graduate of the Federal Law Enforcement Training Center in Glynco, Georgia, where I received training in violations of law, as well as the preparation and execution of search and arrest warrants. During the course of my employment with ICE, I have investigated cases involving narcotics smuggling, human smuggling, commercial fraud, financial crimes, and child pornography. During the investigation of these cases, I have been the affiant and participated in the execution of search and arrest warrants, and seized evidence of violations of United States law. As an ICE agent I am responsible for enforcing federal criminal

statutes including, but not limited to, Theft of Interstate Shipment, 18 United States Code 659

3. I am familiar with the information contained in this affidavit based upon the investigation I have conducted and based on my conversations with other law enforcement officers who have engaged in numerous investigations involving the theft of cargo from interstate commerce.

II. PURPOSE OF AFFIDAVIT

4. This affidavit is made in support of a complaint charging LEO MEZA-CRUZ, also known as "Jorge" ("MEZA-CRUZ"), ERIC LOPEZ ("LOPEZ"), HECTOR ANAYA ("ANAYA"), JESUS GALVEZ ("GALVEZ"), and FILEMON RIOS-RAMOS, also known as "Philly" ("RIOS-RAMOS"), with violating Title 18, United States Code, Section 371 (conspiracy to violate Title 18, United States Code, Section 659 - theft of interstate shipments from a railroad car). Because the purpose of this affidavit is to establish probable cause for a criminal complaint, I have not described all of the facts and circumstances of which I am aware. Facts not set forth herein are not relied upon in support of my conclusion that probable cause exists. The facts set forth in this affidavit and the conclusions I have reached are based on my training and experience, discussions with other experienced agents, and information from the following sources:

a. Oral and written reports about this investigation and other investigations which I have received from federal agents and agents from other law enforcement agencies; and

b. Physical surveillance or interviews conducted by federal law enforcement agents, the details of which have been reported to me either directly or indirectly, through written reports by the law enforcement agents or conversations with the law enforcement agents.

III. FACTS ESTABLISHING PROBABLE CAUSE

5. ICE and the Union Pacific Railroad Police Department ("UPRPD") are currently investigating a series of thefts of cargo from rail cars in the Central District of California destined for locations outside of California.

6. On June 4, 2010, ICE and the UPRPD began utilizing a Confidential Informant ("CI") who permitted law enforcement to intercept telephone calls on his cellular telephone pursuant to a consensual wire.¹

7. On June 5, 2010, the CI met in person with RIOS-RAMOS. The CI was wearing a body wire to record audio and video of the meeting. During the meeting, RIOS-RAMOS introduced the CI to another man, identified as "Chilango."

¹Several of the intercepted calls were conducted in Spanish. I am fluent in Spanish and listened to several of the summarized calls myself. Other calls were translated and summarized for me. The descriptions of the calls below are summaries and not verbatim transcriptions.

The CI identified RIOS-RAMOS as a person to whom the CI previously sold merchandise stolen from rail cars. During the meeting RIOS-RAMOS and the CI discussed rail thefts. Specifically, the CI asked about "Jorge," a man whom the CI knew to be engaged in rail car thefts. RIOS-RAMOS told the CI that "Jorge" was working and bringing in small amounts. The CI told RIOS-RAMOS that he wanted to work. RIOS-RAMOS told the CI that "Jorge" was only bringing in small amounts because "Jorge" only had one van. The CI told RIOS-RAMOS that they would need to get a good truck in order to get any work done. RIOS-RAMOS provided "Jorge's" telephone number to the CI. At that point "Chilango" stated that "Jorge" had worked last night and was in Ludlow, California on Highway 40. The CI asked if they were hitting the Santa Fe (referring to the Santa Fe rail line). Chilango stated it was the one from San Bernardino. RIOS-RAMOS told the CI that he was ready to work and would start looking for a truck.

8. On June 5, 2010, at the direction of law enforcement, the CI exchanged telephone calls with "Jorge," who has since been identified as MEZA-CRUZ. According to the CI, MEZA-CRUZ told him that he was on his way to the high desert area to steal from a Burlington Northern Santa Fe ("BNSF") train. MEZA-CRUZ indicated that he was working

with four other individuals from the Bakersfield, California area. MEZA-CRUZ told the CI that he had been hitting (burglarizing) these trains during the last two weeks, but only getting small amounts because he has a small car. MEZA-CRUZ told the CI that he had spoken to "Philly" (RIOS-RAMOS) and "Philly" told him that he was going to get a truck to haul merchandise.

a. Due to unexpected technical problems, only the CI's side of this conversation was recorded on the consensual wire. The CI relayed the entirety of the conversation to law enforcement on June 6, 2010. Toll records for the CI's telephone confirm he did exchange a telephone call with the telephone number belonging to MEZA-CRUZ.

9. Also on June 5, 2010, at approximately 8:41 p.m., MEZA-CRUZ called the CI. Because of technical difficulties, only MEZA-CRUZ'S side of this conversation was recorded on the consensual wire. A review of the recording revealed that MEZA-CRUZ discussed train robberies with the CI. MEZA-CRUZ said that doing these types of jobs is better because you receive less jail time than one would for dealing drugs. In a later call that night, MEZA-CRUZ told the CI that all they needed was a truck or a van and they could get started. Again, only MEZA-CRUZ's side of this conversation was recorded.

10. On June 7, 2010, the CI called RIOS-RAMOS. During the consensually intercepted call, RIOS-RAMOS told the CI that he found a Ford truck for \$4000 that seemed to be in good condition.

11. On June 8, 2010, the CI called RIOS-RAMOS. During the consensually intercepted call, RIOS-RAMOS asked if the CI had a place to keep the truck.

12. Also on June 8, 2010, the CI and MEZA-CRUZ met in East Los Angeles. The CI was wearing a recording device for this meeting and wore a body wire which allowed agents to monitor the conversation as it was taking place. During this conversation, MEZA-CRUZ explained how he orchestrated a theft of three cargo containers out of a shipping yard. MEZA-CRUZ also said that he recently went to the Needles, California area and he and his crew took two loads of Samsung televisions from a train. Based on conversations with other agents, I know that a theft of a rail car on the Burlington Northern Santa Fe railroad did, in fact, take place on June 2, 2010 in the area of Needles, California.

13. Also during this meeting on June 8, 2010, MEZA-CRUZ told the CI that MEZA-CRUZ takes his crew, loads them in a vehicle, drives them to the Barstow area, drops them off when the train comes and they hide in the containers. If they do not see police, they will then steal items from

the container. If they see police, they will stay on the train and ride it to the Needles area where they can more easily conduct the theft. Once they find what they are looking for, the crew members notify MEZA-CRUZ when they have unloaded the merchandise and MEZA-CRUZ meets them with a van, they load up the merchandise, and drive it back to the Los Angeles area. This portion of the conversation was monitored by agents stationed nearby via the body wire device.

14. On June 23, 2010, the CI and MEZA-CRUZ met at a park on 190th Street in Torrance, California. Law enforcement agents visually observed the meeting and were able to see MEZA-CRUZ. After the meeting, the CI told agents that the CI and MEZA-CRUZ would be meeting at the Home Depot the next day in order to observe BNSF trains leaving the yard in an effort to find high value containers.

15. On June 24, 2010, at approximately 2:52 p.m., the CI received a call from MEZA-CRUZ. During the consensually monitored call, MEZA-CRUZ told the CI that he had a crew available and was ready to work. MEZA-CRUZ indicated that he was driving to Home Depot. The CI stated that he would also travel to the Home Depot.

16. At approximately 4:14 p.m., the CI called MEZA-CRUZ. During the consensually monitored call, the CI told MEZA-CRUZ that a train just left the yard that appeared to have several containers with cable seal locks. The containers were located 20 trailers from the rear of the train. MEZA-CRUZ told the CI that he would pick up a crew. Both the CI and MEZA-CRUZ agreed that the train should arrive at the spot around 8:30 or 9:00 p.m. The CI told MEZA-CRUZ that he would see him up there.

17. At approximately 7:51 p.m., the CI called MEZA-CRUZ. During the consensually monitored call, the CI asked MEZA-CRUZ when the crew would be dropped off. MEZA-CRUZ replied when it began getting dark. The CI also asked MEZA-CRUZ how many crew members he would be dropping off. MEZA-CRUZ replied that he had three.

18. At approximately 8:33 p.m., the CI called RIOS-RAMOS. During the consensually monitored call, RIOS-RAMOS indicated that he had spoken to MEZA-CRUZ and learned that they were headed up there.

19. At approximately 8:38 p.m., MEZA-CRUZ called the CI. During the consensually monitored call, MEZA-CRUZ told the CI that he dropped off the crew at the bridge. The CI asked MEZA-CRUZ if the police might spot them on the train. MEZA-CRUZ indicated that the crew was hidden under the axles

of the railcar. The CI asked MEZA-CRUZ where the crew would start opening containers. MEZA-CRUZ said that they would start opening containers past Ludlow.

20. At approximately 9:45 p.m., MEZA-CRUZ called the CI. During the consensually monitored call, MEZA-CRUZ told the CI that he spoke RIOS-RAMOS and asked him to bring the truck. According to MEZA-CRUZ, RIOS-RAMOS did not have a driver for the truck. MEZA-CRUZ then told RIOS-RAMOS to drive it himself. The CI asked MEZA-CRUZ if the train stops in Ludlow and whether the plan would be to approach the train or to continue to drive ahead. MEZA-CRUZ told the CI that by no means were they to approach the train. It was the crew's job to unload the cargo if the train stopped. The CI asked MEZA-CRUZ how he works that area. MEZA-CRUZ told the CI that he will stop at the gas pumps in Ludlow and upon the trains passing, he will get back on the freeway and drive ahead to observe the light on the signals. If the light turns red, he will know that the train will stop. He will then return to the gas pumps in Ludlow. At this time, the CI was stationed as a lookout in the general vicinity. He was not assigned to approach the trains himself.

21. At approximately 11:01 p.m., the CI contacted an individual known as "Morro." "Morro" told the CI that they found 52-inch Sonys (referring to Sony televisions). Based

on "Morro's" statement about having found the televisions, he is believed to be one of the crew members who was physically at the train and unloading merchandise.

22. At approximately 11:02 p.m., the CI contacted MEZA-CRUZ. During the consensually monitored call, the CI told MEZA-CRUZ that the crew had found 52-inch Sonys and that they were going to start unloading.

23. At approximately 11:05 p.m., the CI contacted RIOS-RAMOS. During the consensually monitored call, RIOS-RAMOS said that he had given the truck to a driver and the driver was en route on the 15. The CI asked RIOS-RAMOS how the driver of the truck would contact them. RIOS-RAMOS told the CI that when the driver arrived in Victorville, he would call them. The CI told RIOS-RAMOS that the crew was unloading and it all looked good. RIOS-RAMOS told the CI to bury the televisions. The CI told RIOS-RAMOS that everything was good and that they were waiting for an Amtrak train to pass. At this point in time, law enforcement had set up surveillance near the railroad tracks in Ludlow.

24. At approximately 11:11 p.m., the CI called MEZA-CRUZ and advised him that the truck was approaching the 15 freeway and MEZA-CRUZ responded that he had already spoken to RIOS-RAMOS and had given him directions to their location. MEZA-CRUZ told the CI that the televisions were

"3-D" and that they had already unloaded 14. This call was recorded.

25. At approximately 11:19 p.m., the CI contacted RIOS-RAMOS and advised him that the televisions were 52-inch "3-D's" and asked RIOS-RAMOS how many would fit in the truck. RIOS-RAMOS told him that the truck would fit about 70. The CI asked RIOS-RAMOS if he had another truck. RIOS-RAMOS said he did not and told the CI to bury them. This call was recorded.

26. At approximately 11:44 p.m., the CI contacted RIOS-RAMOS and asked him where the truck was. RIOS-RAMOS told him it was going up the hill in San Bernardino. The CI advised him that there was nowhere to hide them, and they needed to load the truck as fast as possible. RIOS-RAMOS asked if it was on Highway 40. The CI confirmed that it was on Highway 40. RIOS-RAMOS asked what model they were, the 6000 or the 7000. The CI told RIOS-RAMOS that he would find out and call him back. This call was recorded.

27. At about 11:56 p.m., the CI called RIOS-RAMOS and told him that they were the 7000 model. The CI told RIOS-RAMOS that there were about 84 pieces and RIOS-RAMOS said they could bring them. This call was recorded.

28. At about 11:45 p.m., law enforcement agents arrested MEZA-CRUZ at a Chevron gas station located near a

freeway off-ramp in Ludlow, California. By this time, law enforcement had listened to intercepted calls between the CI and MEZA-CRUZ in which MEZA-CRUZ said he would be waiting at this particular Chevron gas station in Ludlow. The individual at the gas station matched the CI's description of "Jorge," (MEZA-CRUZ) and his vehicle also matched the CI's description of "Jorge's" car (a grey Nissan Altima). Upon arrest, law enforcement found a Boost mobile receipt in MEZA-CRUZ's wallet for the same telephone number with which the CI had exchanged the calls with "Jorge" described above. Additionally, law enforcement agents who surveilled the previous meeting between the CI and MEZA-CRUZ confirmed that this was the same individual that they had observed.

29. Shortly thereafter, ANAYA and GALVEZ were apprehended by law enforcement agents at the location where the televisions had been off-loaded from the freight car. Law enforcement surveillance observed three individuals unloading large boxes from a railroad car in Ludlow. The agents then observed the rail car leave and the individuals stayed with the boxes (later determined to be televisions). After the train left, law enforcement approached the three individuals whom they had seen on the train. At that point, all three individuals fled on foot. Law enforcement was able to apprehend two of the individuals, later identified

as ANAYA and GALVEZ. In one of the calls intercepted between the CI and MEZA-CRUZ in early June 2010, MEZA-CRUZ said he was working with individuals named "Morro" and "Hector." ANAYA's first name is "Hector."

30. At about 12:53 a.m. on June 25, 2010, the CI called RIOS-RAMOS and asked where the truck was. RIOS-RAMOS said the truck was passing Barstow. This call was recorded.

31. At about 12:58 a.m., the CI received a phone call from RIOS-RAMOS. RIOS-RAMOS provided a cellular telephone number for the driver of the truck. RIOS-RAMOS told the CI if the truck breaks down, to hide them and they would pick them up tomorrow in another truck. This call was recorded.

32. At about 12:59 a.m., the CI received a call from an unidentified man (UM-1). UM-1 told the CI that the truck was still in Barstow with overheating problems. UM-1 told the CI that another vehicle was going to be following the truck. The CI told UM-1 to call him when he got back on the freeway and that it should take him approximately 40 minutes. This call was recorded.

33. At approximately 2:00 a.m. on June 25, 2010, law enforcement agents went to the same Chevron gas station in Ludlow after hearing the CI instruct the truck drivers over the telephone to go to the Chevron gas station in Ludlow near the freeway exit. Law enforcement agents saw one large

yellow truck and a white Dodge car. Law enforcement agents arrested one individual in the truck, later identified as LOPEZ, and one individual in the white car, who was later released for lack of evidence.

34. Upon arrest, law enforcement agents seized a cellular phone in LOPEZ's possession, and later reviewed the phone after receiving consent from LOPEZ to do so. The review of the cellular telephone revealed that its phone number is the same phone number used by the "driver" with whom the CI exchanged telephone calls earlier that evening. After his arrest and waiving his Miranda rights, LOPEZ said that he knows "Philly" socially and that he suspected "Philly" was involved in narcotics. LOPEZ said that "Philly" offered him \$400 to drive a truck and gave him MEZA-CRUZ's phone number. LOPEZ said he understood he would be transferring merchandise from one truck to another. LOPEZ claimed, however, that he did not know more than that.

35. A total of 45 52-inch Sony Bravia model number XBR-52HX909 series 3DHD TVs, valued at \$3,999.99 each, were recovered by the railroad tracks in Ludlow. In addition, a set of 24-inch Workforce bolt cutters, yellow in color with black grips, were found approximately 20 feet from the televisions. A red plastic seal and a bolt seal were

discovered directly across from where the burglarized container would have been located on the train.

36. Law enforcement agents reviewed BNSF documents which revealed that the train from which the televisions were stolen was destined for Willow Springs, Illinois.

37. On or about June 5, 2010, law enforcement agents provided the CI with a "six-pack" photo line-up of individuals and asked the CI to identify the person to whom he referred as "Philly" and to whom he previously brought stolen merchandise. The CI identified RIOS-RAMOS as that individual and the individual with whom he exchanged the recorded calls. Prior to the CI's identification of RIOS-RAMOS, law enforcement, based on conversations with other confidential sources, had identified RIOS-RAMOS as a distributor of stolen property. RIOS-RAMOS has a 1996 arrest for transporting illegal aliens and was deported from the United States in 1996.

38. On June 25, 2010, law enforcement, utilizing a warrant (authorized by a United States Magistrate Judge) to identify the location of RIOS-RAMOS' cell phone via GPS technology, identified RIOS-RAMOS' location. Law enforcement observed him in a vehicle in Los Angeles and then RIOS-RAMOS put the car in reverse and drove away. Law enforcement immediately recognized RIOS-RAMOS as the

individual previously identified by the CI. Law enforcement had also surveilled previous meetings between the CI and RIOS-RAMOS in connection with this investigation and recognized him from those meetings. Law enforcement pulled in front of the car and proceeded to arrest RIOS-RAMOS.

39. MEZA-CRUZ has a prior conviction for receiving stolen property and second degree attempted burglary. MEZA-CRUZ also has several arrests for receipt of stolen property. The CI has multiple felony convictions for attempted burglary and burglary involving the Union Pacific Railroad trains. The CI is cooperating with law enforcement in exchange for early release from prison for a federal immigration violation.

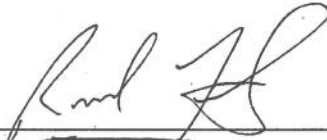
40. Based upon my training and experience, and the facts contained herein, I believe there is probable cause to conclude that MEZA-CRUZ, RIOS-RAMOS, LOPEZ, ANAYA, and GALVEZ knowingly conspired to violate Title 18, United States Code, Section 659, which makes it a crime to unlawfully take or carry away, with the intent to convert

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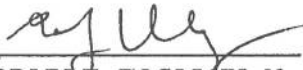
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for one's own use, goods or chattels from a railroad car which are part of an interstate shipment of property, in violation of Title 18, United States Code, Section 371.



Raul [REDACTED]
Special Agent
Immigration & Customs Enforcement

Subscribed and sworn
before me this 25th day of June, 2010.



HONORABLE ROSALYN M. CHAPMAN
United States Magistrate Judge