

**FILED****UNITED STATES DISTRICT COURT****CHARLOTTE, NC**

for the

**OCT 12 2016**

Western District of North Carolina

**US District Court  
Western District of NC**

United States of America )  
 v. )  
 Edwin Lobato AGUIRRE )  
 Maria Esther GARCIA )  
 Luis Alberto MEDINO Florez )

Case No. 3:16-mj- ~~386~~*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 10-11-2016 in the county of Union in the  
Western District of North Carolina, the defendant(s) violated:

<i>Code Section</i>	<i>Offense Description</i>
21 U.S.C. 846, 841(a), and 841(b)(1)(A)	Conspiracy to distribute and to possess with intent to distribute at least 5 kilograms or more of a mixture or substance containing a detectable amount of cocaine.
21 U.S.C. 841(a) and 841(b)(1)(A)	Possession with intent to distribute at least 5 kilograms or more of a mixture or substance containing a detectable amount of cocaine.

This criminal complaint is based on these facts:

See Attached Affidavit

☒ Continued on the attached sheet.


*Complainant's signature*

Christopher P. Morgan, DEA Special Agent  
*Printed name and title*

Sworn to before me and signed in my presence.

Date: 10/12/2016


*Judge's signature*

City and state: Charlotte, North Carolina

U.S. Magistrate Judge David C. Keesler  
*Printed name and title*

Affidavit of Special Agent Christopher Morgan

I am a Special Agent with the Drug Enforcement Administration (DEA) and have been so assigned since October 1999. I attended a 16-week basic agent training program in Washington, DC, during 1999, and have since attended seminars and training courses dealing with the enforcement of the Controlled Substance Act. Prior to attending basic agent training, I was employed for five years as a State Trooper with the North Carolina Highway Patrol. I attended a 26-week basic patrol-training program in Garner, North Carolina, during 1994. I have also attended training courses dealing with the interdiction of narcotics and the detection of narcotic smuggling techniques. Since October 1999, your affiant has been involved in numerous investigations of individuals who derive substantial income from unlawful activities, including the importation, manufacture, cultivation, distribution and sale of illegal controlled substances.

I am familiar with the habits and practices of persons engaged in violations of controlled substance laws and has over 15 years of experience in narcotics investigations. Your affiant has actively participated in federal and state search warrants, wiretap investigations, undercover drug purchases, search and seizure, surveillance, intelligence analysis, drug reversals, conspiracy investigations, arrests, interviews and interrogations, drug interdiction, eradication and clandestine laboratories. Additionally, I have become familiar with practices used by traffickers involving the collection of money proceeds of narcotics trafficking and methods of money laundering used to conceal the nature of the proceeds, including the language and terms that are used to disguise the source and nature of the profits from their illegal narcotics dealing.

I have conducted investigations regarding the unlawful importation, possession, distribution and (conspiracies involving, and aiding abetting, the same) as well as related money laundering offenses, in violation involving the proceeds of specified unlawful activities and

conspiracies associated with criminal narcotics, in violation of 21 U.S.C. §§ 841(a)(1), 843(b), 846, 952(a), and 963, and 18 U.S.C. §§ 1956, 1957 and 2.

As a result of my personal participation in the investigation of matters referred to in this affidavit, and based upon reports made to me by other law enforcement officials, I am familiar with the facts and circumstances of this investigation. The information contained in this affidavit is provided for the limited purpose of establishing probable cause; therefore, I have not included each and every fact known to me concerning this investigation. The statements contained in this Affidavit are based on my investigation, information provided by agents of the DEA, on conversations held with and/or reports from officers and agents from other law enforcement agencies, on information provided by confidential sources, surveillances, on information gathered by analysis of telephone toll records, and on my and other agents' training, experience and background as agents of the Drug Enforcement Administration.

In October 2016, DEA agents in Charlotte North Carolina received reliable and credible information regarding an individual in the Charlotte area possibly associated with illegal narcotics. Based on the information, on October 11, 2016, DEA Charlotte agents began a surveillance operation at 7212 Brighton Brook Drive, Charlotte, North Carolina. At approximately 11:15 a.m., surveillance observed a Hispanic male later identified as **Edwin Lobato AGUIRRE a/k/a "Flaco,"** and a Hispanic female later identified as **Maria Esther GARCIA**, depart the residence in a white GMC Yukon displaying Virginia License plate (WTD-2446). Surveillance followed the Yukon to the Home Depot located at 4750 South Boulevard, Charlotte, North Carolina and observed it meet with a U-Haul truck occupied by 2 unknown Hispanic males.

At the Home Depot, agents observed the 2 subjects exit the U-Haul truck and engage AGUIRRE and GARCIA in conversation. GARCIA then entered the U-Haul truck by herself and

the 2 unknown Hispanic males then entered the Yukon with AGUIRRE. Surveillance then followed as the Yukon (driven by AGUIRRE) left the parking lot while GARCIA (driving the U-Haul) followed in tandem.

Surveillance followed both vehicles for approximately 45 minutes to Monroe, North Carolina. Once in Monroe, the Yukon and U-Haul stopped in the parking lot of La Herradura, a Mexican restaurant located at 1701 Morgan Mill Road. At the parking lot, GARCIA exited the U-Haul and went into the restaurant as one of the unknown Hispanic males got into the U-Haul truck. Surveillance then followed the Yukon and U-Haul (again traveling in tandem) approximately ½ mile down the road to a residence surrounded by thick foliage located at 1911 Morgan Mill Road, Monroe, North Carolina.

Surveillance units got out on foot and positioned themselves in the tree line and observed as AGUIRRE and the 2 unknown male subjects unpacked brick sized packages, later determined to be kilograms of cocaine. The packages were being taken from boxes inside the U-Haul and subsequently loaded into the trunk of a white Nissan Maxima on the property. AGUIRRE then entered the driver's seat of the Maxima and moved it approximately 50 yards away from the U-Haul. Shortly thereafter, AGUIRRE and the 2 unknown Hispanics departed the residence in the white Yukon. Surveillance units followed the Yukon back to the restaurant where GARCIA re-entered the vehicle.

Shortly thereafter, surveillance at the residence observed a Hispanic male, later identified as Luis Alberto MEDINO-Flores, walk over to the Nissan Maxima and open and close the trunk several times. During one occasion, agents observed MEDINO-Flores carry a small duffel bag from the Nissan to a white work van parked in the yard and place the duffel bag in the back of the van.

At approximately 5:20 p.m., AGUIRRE arrived back at the residence in a grey Toyota Tacoma (seen earlier the same day at 7212 Brighton Brook Drive, Charlotte, North Carolina). Surveillance observed AGUIRRE remove two white coolers from the back of the truck and place the coolers in other unknown locations on the property (later determined to be the garage on the property). Surveillance later observed AGUIRRE and MEDINO removing more boxes from the U-Haul and placing them on the ground near the residence. Surveillance continued to observe both AGUIRRE and MEDINO outside the residence near the back of the U-Haul truck.

At approximately 7:10 p.m., agents and investigators from the DEA Charlotte District Office, along with members of the Monroe Police Department, approached the residence and its occupants to include AGUIRRE and MEDINO. Both AGUIRRE and MEDINO were located standing at the rear of the U-Haul vehicle. At this point, both individuals were detained while agents and investigators continued to conduct a safety sweep of the property and residence. Agents made contact with Brisa HERNANDEZ-Badillo, who was in the kitchen cooking dinner. HERNANDEZ advised that she resided at the residence and provided consent to search the house and the property.

Once the property and the residence were secured, agents read MEDINO his Miranda Rights in Spanish and MEDINO informed agents that he resided at the residence with HERNANDEZ and provided written consent to search the house, property, and multiple vehicles parked within the curtilage. MEDINO then provided agents with the keys to the white work van (the same van agents previously observed MEDINO place a duffel bag into) and a brown Toyota Camry.

Agents subsequently searched the white work van and located the blue duffel bag observed earlier, which was found to contain approximately 15 kilograms of cocaine, and 3 other large

suitcases containing an additional seventy-five (75) kilograms of cocaine (total in the van was 90 kilograms of cocaine). A search of the garage area that contained the Maxima revealed a suitcase with an additional 5 kilograms of cocaine, a bag containing a large amount of U.S. currency, and two white coolers (previously removed from AGUIRRE's Tacoma) that contained a box, which also contained U.S. currency.

A search of the U-Haul truck revealed boxes of fruit and motif candles. A closer look revealed opened empty aluminum bags and empty candle boxes with an "X" marked on the outside, which were indicative of the boxes that originally contained the kilograms of cocaine.

MEDINO provided a post-*Miranda* confession to agents and investigators. MEDINO stated the following, among other things: MEDINO stated that he was previously contacted by someone in Mexico concerning this shipment of cocaine. The cocaine was to come to MEDINO at which point MEDINO would allow others to use his property to store said cocaine until contacted by someone else to retrieve the cocaine. MEDINO explained that his job during the negotiation was to allow other individuals to off load cocaine on to his property with the understanding that someone would eventually come to pick it up. MEDINO stated that he expected someone to pick up the several suitcases of cocaine on the following day (October 12, 2016). MEDINO stated that he was offered a small house and possible property in Mexico in exchange for his services of allowing the cocaine to be stored at his residence until the eventual customer picked it up. MEDINO believed that AGUIRRE was there to oversee that the cocaine had been delivered and was in a safe location. MEDINO admitted to coordinating with AGUIRRE the relocation of the cocaine once it was delivered. MEDINO stated that AGUIRRE knew about the cocaine and in fact handled the cocaine. MEDINO stated that he wasn't present during the

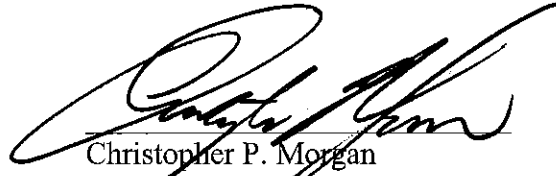
initial arrival of the cocaine, but did admit to relocating the cocaine into MEDINO's van which was also parked on his property.

While agents were concluding the searches at the Monroe residence, additional agents traveled back to 7212 Brighton Brook Drive, Charlotte, North Carolina. Upon arriving, agents observed the white Yukon (seen earlier on surveillance operated by both AGUIRRE and GARCIA) parked in the driveway. Agents subsequently conducted a knock-n-talk at the residence and made contact with GARCIA. During an interview with GARCIA, GARCIA admitted to activities observed by agents earlier in the day including: driving the white Yukon along with AGUIRRE to the Home Depot, driving the U-Haul to Monroe, North Carolina and ultimately admitted to knowing that approximately 100 kilograms of cocaine were/had been in transit.

Based on the physical observations during surveillance, the amount of evidence located during the consent searches (including a total of 95 kilograms of cocaine and approximately \$150,000 - \$200,000 in bulk currency) and the statements provided by MEDINO and GARCIA, I know that **Edwin Lobato AGUIRRE, a/k/a "Flaco," Maria Esther GARCIA, Luis Alberto MEDINO-Flores** were involved in the possession and distribution of 95 kilograms of cocaine.

Based on the above facts and circumstances there is probable cause to believe that **Edwin Lobato AGUIRRE a/k/a "Flaco," Maria Esther GARCIA, and Luis Alberto MEDINO-Flores** did knowingly and intentionally conspire with each other and others to knowingly and intentionally possess with the intent to distribute a Schedule II Controlled Substance to wit: more than five kilograms of cocaine in the Western District of North Carolina, in violation of Title 21, United States Code, Sections 841 (a)(1) and 846.

Sworn to and subscribed to before  
Me this 12<sup>th</sup> day of October, 2016



Christopher P. Morgan  
Special Agent, DEA



David C. Keesler  
United States Magistrate Judge

*AUSA Elizabeth F. Greene has reviewed this Affidavit.*