

UNITED STATES DISTRICT COURT

for the
Southern District of California

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

Natural Titanium iPhone 15 Pro
Evidence Barcode E7180358

Case No. '24 MJ1816

APPLICATION FOR A WARRANT BY TELEPHONE OR OTHER RELIABLE ELECTRONIC MEANS

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 on the following person or property *(identify the person or describe the property to be searched and give its location)*:

See Attachment A-4, incorporated herein by reference.

located in the Southern District of California, there is now concealed *(identify the person or describe the property to be seized)*:

See Attachment B, incorporated herein by reference.

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:

<i>Code Section</i>	<i>Offense Description</i>
21 U.S.C. 952, 960, and 963	Importation of Federally Controlled Substances and Conspiracy Related Thereto

The application is based on these facts:

See Affidavit of Special Agent Prescilla Gonzales which is hereby incorporated by reference and made part hereof.

- 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.

Prescilla Gonzales
Applicant's signature

Prescilla Gonzales, Special Agent
Printed name and title

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by
_____ telephone _____ *(specify reliable electronic means)*.

Date: 05/10/2024

Michelle M. Pettit
Judge's signature

City and state: San Diego, California

Hon. Michelle M. Pettit, U.S. Magistrate Judge
Printed name and title

AFFIDAVIT

I, Special Agent Prescilla Gonzales, being duly sworn, hereby state as follows:

INTRODUCTION

1. I submit this affidavit in support of applications for warrants to search the following electronic device(s):

Silver iPhone 13 Pro Max, IMEI: 352996438149992 (Evidence Barcode E7180357) (**Target Device 1**);

White iPhone XR, IMEI: 357341094512149 (Evidence Barcode E7180358) (**Target Device 2**);

Black iPhone (Evidence Barcode E7180356) (**Target Device 3**); and,

Natural Titanium iPhone 15 Pro (Evidence Barcode E7180358) (**Target Device 4**) (collectively, the **Target Devices**)

as further described in Attachments A-1, A-2, A-3, and A-4, and to seize evidence of crimes, specifically importation of federally controlled substances and conspiracy related thereto, in violation of Title 21, United States Code, Sections 952, 960, and 963, as further described in Attachment B. The requested warrants relate to the investigation and prosecution of Department of Homeland Security (DHS), U.S. Customs and Border Protection Officers (CBPO) Jesse Clark GARCIA and Diego BONILLO, who were arrested within the past week. The **Target Devices** currently are in the custody of the Federal Bureau of Investigation (FBI) located at 11385 Sorrento Valley Parkway, San Diego, California 92121.

2. The facts and conclusions set forth in this affidavit are based on my own personal knowledge; knowledge obtained from other individuals during my participation in this investigation; my review of documents and records related to this investigation; communications with others who have personal knowledge of the events, details, and circumstances described herein; and information gained through my training, experience, and communications with colleagues experienced in the area of controlled substance investigations. Because this affidavit is submitted for the limited purpose of establishing

1 probable cause in support of the applications for the search warrants, it does not set forth
2 each and every fact that I or others have learned during the course of this investigation.
3 Dates, times, and amounts are approximate.

4 **BACKGROUND**

5 3. I am a Special Agent with the DHS, Office of Inspector General (OIG), and
6 have been employed since December 2020. During my time with DHS OIG, I have
7 investigated crimes involving public corruption, bribery, fraud, narcotics trafficking,
8 human trafficking, excessive use of force, and violations of civil liberties. Currently, I am
9 assigned as a Task Force Officer (TFO) with the FBI's Border Corruption Task Force
10 (BCTF). Prior to DHS OIG, I was a Special Agent with United States Immigration and
11 Customs Enforcement (ICE), Homeland Security Investigations (HSI). I am a graduate of
12 the Federal Law Enforcement Training Center (FLETC) Criminal Investigator Training
13 Program (CITP) and the Immigration and Customs Enforcement Special Agent Training
14 (ICESAT) course.

15 4. As a federal law enforcement officer for approximately 18 years, I have
16 received formal training, as well as extensive on-the-job training, relative to the
17 investigation of federal crimes, including those involving corruption, human smuggling,
18 kidnapping/extortion, firearms smuggling, and narcotics trafficking. Through the course of
19 my narcotics investigations, I have used a variety of investigative techniques and resources,
20 including physical and stationary surveillance, informants and cooperating sources, pen
21 register and trap and trace devices, telephone toll analysis, Title III wire-intercepts,
22 undercover operations, search warrants, and electronic examinations of evidence. Through
23 these investigations, my training, experience, and my conversations with other law
24 enforcement investigators, I have become familiar with the methods used by narcotics
25 traffickers to smuggle and safeguard narcotics, to distribute narcotics, and to collect and
26 launder proceeds related to the sales of narcotics. I am also familiar with the methods
27 employed by large-scale narcotics organizations in attempts to thwart detection by law
28

1 enforcement, including but not limited to the use of cellular telephone technology, burner
2 telephones, encrypted applications, counter surveillance techniques, false or fictitious
3 identities and addresses, and coded communications. With respect to coded
4 communications, I know that such individuals often use coded language to obscure
5 conversations about their unlawful activity because they believe coded language makes it
6 more difficult to identify their conduct. Through the totality of my training and experience,
7 I have familiarized myself with the jargon, mannerisms, and methods employed by
8 distributors of controlled substances.

9 5. Through the course of my training, investigations, prior law enforcement
10 experience, and conversations with other law enforcement personnel, I am aware that it is
11 a common practice for individuals involved in the importation of federally controlled
12 substances to work in concert with other individuals and to do so by utilizing cellular
13 telephones and other portable communication devices to maintain communications with
14 others in order to further their illicit criminal activities. Such individuals often require the
15 use of a telephone facility to negotiate times, places, schemes, and manners for importing
16 federally controlled substances. The telephone enables such individuals to maintain contact
17 with criminal associates and coordinate with them. As such, those devices can store
18 information about key locations, including the location of stash houses and homes of
19 associates. They also can store, among others, messages referring to the illicit arrangements
20 and the payment of monies related to those arrangements, the names and contact
21 information of associates, and photographs reflecting drug importation activity.

22 6. Based upon my training, experience, and consultations with law enforcement
23 officers experienced in narcotics investigations, and all the facts and opinions set forth in
24 this affidavit, I am aware that cellular telephones (including their SIM card(s)) can and
25 often do contain electronic evidence, including, for example, phone logs and contacts,
26 voice and text communications, and data, such as emails, text messages, chats and chat
27 logs from various third-party applications, photographs, audio files, videos, and location
28

1 data. This information can be stored within disks, memory cards, deleted data, remnant data,
2 slack space, and temporary or permanent files contained on or in the cellular telephone.
3 Specifically, searches of cellular telephones of individuals involved in the importation of
4 federally controlled substances may yield evidence:

- 5 a. tending to indicate efforts to import federally controlled substances;
- 6 b. tending to identify accounts, facilities, storage devices, and/or services
7 – such as email addresses, IP addresses, and phone numbers – used to
8 facilitate the importation of federally controlled substances;
- 9 c. tending to identify criminal associates or others involved in the
10 importation of federally controlled substances;
- 11 d. tending to identify travel to or presence at locations involved in the
12 importation of federally controlled substances, such as stash houses,
13 meeting locations, or associates’ residences;
- 14 e. tending to identify the user(s) of, or person(s) with control over or
15 access to, the **Target Devices**; and/or,
- 16 f. tending to place in context, identify the creator or recipient of, or
17 establish the time of creation or receipt of communications, records, or
18 data involved in the activities described above.

16 **FACTS SUPPORTING PROBABLE CAUSE**

17 **A. Background**

18 7. On May 3, 2024, a grand jury returned an under-seal Indictment charging
19 eleven counts of drug trafficking activity against CBPOs GARCIA, BONILLO, and a third
20 individual who remains a fugitive. The charges include conspiracy to import controlled
21 substances, in violation of Title 21, United States Code, Sections 952, 960, and 963;
22 multiple counts of importation of controlled substances, in violation of Title 21, United
23 States Code, Sections 952 and 960; aiding and abetting, in violation of Title 18, United
24 States Code, Section 2; *Pinkerton* liability; and criminal forfeiture. GARCIA and
25 BONILLO were arrested on May 2, 2024, and May 4, 2024, respectively.

26 8. GARCIA’s and BONILLO’s arrests stemmed from a long-term investigation
27 by FBI BCTF, with assistance from the Drug Enforcement Administration (DEA).
28

1 GARCIA and BONILLO worked with a Mexico-based poly-drug Drug Trafficking
2 Organization (DTO) to ensure that the DTO's drug-laden vehicles were admitted into the
3 United States without inspection at the Tecate, California and Otay Mesa, California Port
4 of Entries (POEs), respectively.

5 9. As CBPOs, GARCIA and BONILLO were randomly assigned to various
6 locations throughout their respective POEs in one-hour shifts, which were posted daily. The
7 randomness of the shifts, the limited duration of the assignments, and the timing of the
8 scheduling were efforts by CBP to reduce the potential for corruption. Nevertheless, the
9 investigation reflected that GARCIA and BONILLO relayed their duty assignments to DTO
10 members, including the times when they were assigned to the primary vehicle lanes and the
11 specific lanes under their control, so that load vehicles could enter into the United States
12 with their assistance free from inspection.

13 **B. Coordination by GARCIA with DTO Members in 2021**

14 10. On April 18, 2021, at 11:51 a.m., Vanessa Valdovinos applied for entry from
15 Mexico into the United States at the Tecate POE driving her 2016 Kia Soul. Two vehicle
16 lanes were operational. The one manned by GARCIA had traffic while the other one did
17 not. Nevertheless, Valdovinos remained lined-up for GARCIA's lane. The CBPO operating
18 the empty lane indicated to the limit-line CBPO to send vehicles to his lane. That CBPO, in
19 turn, indicated for Valdovinos to change lanes; however, she hesitated before finally
20 relenting. Due to a computer-generated alert, she was referred to the secondary inspection
21 area. On the way towards secondary, Valdovinos kept looking back towards the vehicle
22 primary area, specifically looking at GARCIA.

23 11. In secondary, packages thought to contain approximately 63.68 kilograms of
24 cocaine and 11.70 kilograms of methamphetamine were found concealed inside the Soul's
25 front passenger door and rear doors, front and rear passenger seatbacks, rear quarter panels,
26 spare tire, rear bumper, and in a backpack located in the rear hatchback. The DEA lab has
27 since tested an approximate 10-kilogram sample of the supposed cocaine and has
28

1 determined that it contained 8.98 kilograms of fentanyl. A sample of the methamphetamine
2 also was tested. It is 98 percent pure such that of the 1.32 kilograms tested, it contained 1.29
3 kilograms of methamphetamine (actual). Additionally, approximately 2.8 kilograms of
4 suspected cocaine were later found concealed inside the vehicle. The suspected cocaine is
5 currently being tested. GARCIA has been charged by the grand jury on an aiding and
6 abetting and/or *Pinkerton* theory with this importation.

7 12. Crossing records for Valdovinos reflect that she crossed through lanes manned
8 by GARCIA approximately four of the seven times she crossed through the Tecate POE
9 prior to her April 18, 2021, arrest. Given the concerted effort by CBP to randomly assign
10 officers in one-hour shifts, investigators believe this statistic reflects a coordinated effort to
11 cross at times when GARCIA was on duty. Indeed, Valdovinos's remaining three crossings
12 were through lanes operated by three *separate* CBPOs.¹ Telephone evidence also reflects
13 that Valdovinos had advance knowledge of GARCIA's schedule. For example, on April 9,
14 2021, at 8:36 a.m., Valdovinos crossed from Mexico into the United States through
15 GARCIA's lane. A video found on Valdovinos's telephone reflects that, beginning at
16 approximately 7:51 a.m., she filmed a video while riding in a vehicle in Mexico as it passed
17 the Tecate POE. Others also were in the vehicle. Towards the end of the video, the following
18 dialogue was heard:

19 Male: I'm going to hurry up a little bit, because I'm going to wait here
20 for him to come, the (Unintelligible) the door. (Unintelligible)
21 walking here or (Unintelligible).

22 Female #2: (Unintelligible)
23
24

25 ¹ Based on training and experience, investigators believe that these dates were likely
26 dates when Valdovinos was burning plates. Investigators are aware that burning plates – a
27 process whereby an individual and/or vehicle creates a crossing history – is commonplace
28 amongst narcotics traffickers because they believe it reduces suspicion at the POE and/or
provides plausible deniability as to their knowledge of the narcotics if they are caught.

1 Valdovinos: Ah, I saw! Yes, there are four doors [lanes], but right now only
2 two are open.

3 Male: Only two are open.

4 Valdovinos: Two are open.

5 Female #2: Which one is it that you come in?

6 Valdovinos: The first one.

7 13. As reflected in the video, the “first” lane they passed as they drove was later
8 manned by GARCIA. Indeed, records obtained from the POE reflect that GARCIA was
9 scheduled to work that lane from 8:30 a.m. to 9:30 a.m., *i.e.*, beginning 39 minutes *after*
10 the video was taken. As stated above, Valdovinos later crossed through that lane, which
11 was indeed manned by GARCIA, at 8:36 a.m.

12 **C. Coordination by GARCIA with DTO Members in 2023**

13 14. On August 22, 2023, Amanda Mancera applied for entry from Mexico into the
14 United States at the Tecate POE as the driver of her Toyota Camry. GARCIA admitted her.
15 Records received from the Tecate POE reflect that GARCIA had been assigned to the
16 pedestrian entry lanes at the time he admitted Mancera but had switched with another CBPO
17 to work the vehicle primary lane shortly before she entered.

18 15. Mancera was later arrested at the Route 94 checkpoint, which is located
19 approximately 15 miles from the Tecate POE. Packages were found concealed in the
20 Camry’s trunk under a blanket, all four doors, the rear quarter panels, and underneath the
21 front-passenger carpets. The DEA lab has since confirmed that the packages contained a
22 total of 3.99 kilograms of fentanyl and 216 kilograms of cocaine. Mancera has since pled
23 guilty to two counts of possession with intent to distribute federally controlled substances.
24 As part of her guilty plea, Mancera admitted that the Camry was loaded with the fentanyl
25 and cocaine at the time she crossed the border at the Tecate POE. GARCIA has been
26 charged by the grand jury on an aiding and abetting and/or *Pinkerton* theory with this
27 importation.

1 16. As with Valdvinos, Mancera’s crossing pattern reflects that she coordinated
2 her crossings in order to be admitted by GARCIA. Indeed, crossing records reflect that she
3 crossed through vehicle lanes manned by GARCIA on approximately 12 of the 32 times
4 she crossed through the Tecate POE.² Indeed, telephone evidence reflects that Mancera also
5 had advance knowledge of GARCIA’s schedule. For example, on May 9, 2023, Mancera
6 crossed through GARCIA’s lane (lane two) at the Tecate POE at approximately 10:51 a.m.
7 Prior to crossing, at approximately 10:19 a.m., a co-conspirator sent the following audio
8 WhatsApp message to Mancera: “Remember, from 10:30 to 11:30, door [lane] two.” A few
9 minutes later he added, “Just calculate that it’s 10:30, come slowly and, because there’s no
10 line, no line, Amanda, nothing, it’s clean all the way down.” Records obtained from the
11 POE reflect that GARCIA was assigned to work lane two of the vehicle primary lanes from
12 10:30 a.m. to 11:30 a.m., *i.e.*, beginning 11 minutes *after* the message was sent by the co-
13 conspirator to Mancera telling her to cross lane two between 10:30 and 11:30.

14 **D. Coordination by BONILLO and GARCIA with DTO Members in 2023 and 2024**

15 17. On February 6, 2024, at 10:32 a.m., Arquimides Jesus De Los Santos Rabiela
16 was admitted from Mexico into the United States by GARCIA as the driver of a silver Ford
17 Escape. Then, at 12:54 p.m., *i.e.*, more than two hours after Rabiela, Nayeli Viridriana
18 Servin Vega entered the United States from Mexico in a Honda Odyssey. She, too, was
19 admitted by GARCIA.

20 18. Records from the POE reflect that GARCIA was assigned to work the primary
21 vehicle lanes from 10:00 a.m. to 11:00 a.m., when Rabiela crossed, and then again from
22 12:00 p.m. to 1:00 p.m., when Servin crossed. With respect to Servin, CBP records also
23 reflect that she was admitted by GARCIA despite there being an automatic referral for
24 “High Risk Narcotics/Currency Smuggling” on her Odyssey requiring that she be referred
25

26 ² Four of the remaining 20 crossings were admissions by one CBPO, three were
27 admissions by another, four were admissions by two separate CBPOs (two each), and the
28 remaining nine admissions were by nine *separate* CBPOs.

1 for a secondary inspection. GARCIA subsequently told POE staff that he had received the
2 alert late, which resulted in him inadvertently admitting the Odyssey. However, an audit of
3 GARCIA's computer revealed that the automatic referral was received approximately 55
4 seconds *before* he admitted the Odyssey.

5 19. After Rabiela and Servin were admitted by GARCIA, undercover officers
6 surveilled them. Both vehicles subsequently were stopped and federally controlled
7 substances were located inside their vehicles. With respect to Rabiela, a total of
8 approximately 144 packages were found concealed within the factory voids of the trunk
9 area, center console, and in a non-factory floor compartment located under both front seats.
10 The packages are believed to contain approximately 32.35 kilograms of fentanyl, 37.1
11 kilograms of methamphetamine, and 54.6 kilograms of cocaine, according to presumptive
12 testing. The DEA lab results are pending. With respect to Servin, a total of approximately
13 130 packages of presumptive methamphetamine, weighing approximately 58.87
14 kilograms, were found concealed inside a non-factory compartment located in the
15 Odyssey's floorboard. This DEA lab report also is pending. GARCIA has been charged by
16 the grand jury on an aiding and abetting and/or *Pinkerton* theory with these importations.

17 20. Crossing records of Rabiela and Servin reflect that they coordinated their
18 crossings in order to be admitted by GARCIA and BONILLO. For example, beginning on
19 December 30, 2023, Rabiela crossed through the Tecate POE vehicle lanes 23 times. Three
20 were in the silver Ford Escape, *i.e.*, the load vehicle, and the remaining were in a grey Ford
21 Escape that bore the same license plate. Investigators believe that two nearly identical
22 vehicles were utilized – one to smuggle drugs and one to burn plates – in order to avoid the
23 risk that the driver and/or vehicle would have alerts placed due to finding an empty drug
24 compartment during random inspections while burning plates. Notably, two of the three
25 crossings in the silver load vehicle were through GARCIA's lane.

26 21. With respect to Servin, before crossing through the Tecate POE, she crossed
27 23 times through the Otay Mesa POE vehicle lanes. Four of those crossings were through
28

1 BONILLO's lane, which reflects a coordinated effort. Indeed, the remaining 19 crossings
2 were through lanes operated by 19 *separate* CBPOs. Moreover, telephone evidence reflects
3 that she was loaded and in contact with known co-conspirators on dates she crossed through
4 BONILLO's lanes, and not at other times she crossed through the Otay Mesa POE. For
5 example, on December 14, 2023, after Servin entered the United States from Mexico at the
6 Otay Mesa POE through BONILLO's lane, telephone evidence reflects that she had the
7 following WhatsApp exchange with a co-conspirator:

8 Servin: I'm about to get to San Clemente (audio message)³

9 Servin: I just passed secondary checkpoint

10 Co-conspirator: Were they there

11 Servin: No, closed. Do you have an address yet?

12 22. Investigators are aware that there is a checkpoint located near San Clemente,
13 California. Investigators are further aware that the operational status of checkpoints is often
14 of concern to drug traffickers because vehicles carrying drugs may be identified by law
15 enforcement officers or K-9s working at the checkpoints. As such, investigators believe,
16 based on training and experience, that Servin had imported federally controlled substances
17 on this date. Notably, as occurred on her arrest date, Servin was admitted close in time to
18 Rabiela, who crossed approximately 30 minutes after her. She also crossed close in time to
19 an individual named Luis Francisco Gonzalez-Montenegro, who crossed 2 minutes before
20 her (his February 2024 drug seizure is discussed below). As with Servin, Rabiela and
21 Gonzalez were admitted by BONILLO on this same date.

22 **E. Coordination by BONILLO with DTO Members in February 2024**

23 23. On February 15, 2024, a CBPO working pre-primary at the Otay Mesa POE
24 inspected a Buick LaCrosse being driven by Gonzalez. During the pre-primary inspection,
25 the CBPO observed packages in one of the quarter panels and called-out over the radio
26

27 ³ The timing of the message vis-à-vis Servin's crossing is consistent with Servin
28 having driven directly from the POE to San Clemente.

1 “SDNET,” which is an enforcement group that surreptitiously follows loaded vehicles from
2 the POE in order to gain intelligence about other criminal associates and stash locations.
3 The CBPO also notified the primary officer – BONILLO – and requested that the LaCrosse
4 be sent to the secondary inspection area. Gonzalez was only one car away from
5 BONILLO’s booth at the time the discovery was made.⁴ Notably, crossing records reflect
6 that GONZALEZ was admitted *four* other times by BONILLO at the Otay Mesa POE – a
7 statistically improbable number of crossings unless coordinated.

8 24. In secondary, a Z-Portal scan showed anomalies within the doors and rear
9 quarter panels of the LaCrosse. A K-9 also alerted to the LaCrosse’s trunk. Gonzalez and
10 the LaCrosse were subsequently admitted into the United States, after placement of a GPS
11 tracker, so that SDNET could follow it to its destination. Despite not being told that
12 anything was amiss before he was released from the secondary inspection area, Gonzalez
13 engaged in highly surveillance-cautious maneuvers after leaving the POE, including
14 driving aggressively and making sudden U-turns. Investigators are aware that such efforts
15 are typically utilized by drug traffickers in an effort to ferret out whether they are being
16 followed. Gonzalez eventually parked the LaCrosse in a public parking area and then fled
17 out of the back of a store after convincing a store manager that he was in danger. The
18 LaCrosse was left behind. Given Gonzalez’s immediate apparent suspicion after leaving
19 the POE, investigators believe that BONILLO likely tipped-off the DTO that SDNET
20 would be following Gonzalez.

21 25. Indeed, actions by members of the DTO reflecting that they believed they
22 were being surveilled continued. For example, as investigators watched, a different
23 individual arrived after several hours to the LaCrosse. She then drove it to a few locations,
24 including trying to stay the evening at a hotel, before parking the LaCrosse on the street
25 overnight. She later returned the next day and drove it to a residence where it was taken
26

27 ⁴ BONILLO has been charged by the grand jury on an aiding and abetting and/or
28 *Pinkerton* theory with this importation.

1 into a garage. A search warrant was then obtained for the residence. During execution,
2 three males, later identified as Michael Morales, Cesar Meza, and Armando Gallo ran from
3 the garage towards the rear of the residence and were apprehended at an outside patio.
4 Inside the residence, Jamie Rose Perez, who had driven the LaCrosse to the residence, and
5 a woman named Sheila Torres also were apprehended. Notably, Meza has three vehicle
6 crossings through lanes manned by GARCIA, and one crossing through a lane manned by
7 BONILLO. Similarly, crossing records reflect that Torres also crossed through
8 BONILLO's lane approximately 18 minutes after Gonzalez entered in the LaCrosse.

9 26. A search of the LaCrosse resulted in the seizure of 41 packages of fentanyl
10 powder weighing approximately 43.42 kilograms; 3 packages of fentanyl pills, weighing
11 approximately 2.18 kilograms; and 1 package of heroin, weighing approximately 1.01
12 kilograms. The packages were found concealed inside, among others, the vehicle's quarter
13 panels, left door panels, and right passenger door panel. An additional 24 packages of
14 fentanyl powder and 11 packages of fentanyl pills also were found in two duffle bags inside
15 the residence.

16 27. Notably, after her arrest, Torres was given the chance to make a call and told
17 investigators that she wanted to call her cousin, who she identified as "Melissa." When the
18 call was placed to the Mexican number of her supposed cousin, a male answered. Torres
19 asked for Melissa, but the male seemed confused. This prompted Torres to exclaim,
20 "Diego!" and state that she was in jail. The male then hung up. BONILLO's first name is
21 "Diego," although investigators continue to investigate whether this was BONILLO.

22 **F. Seizing the Target Devices**

23 **i. Target Device 1, Target Device 2, and Target Device 3**

24 28. On May 2, 2024, HSI investigators located in Hermosillo, Mexico learned that
25 GARCIA was driving his GMC Yukon registered to him from the state of Sinaloa towards
26
27
28

1 Hermosillo, Mexico.⁵ Because the grand jury had not yet returned the Indictment, BCTF
2 investigators applied for and obtained an arrest warrant issued in connection with a
3 complaint. HSI investigators then coordinated with Mexican law enforcement (MLE) who
4 setup a vehicle checkpoint near Hermosillo in order to apprehend him. At approximately
5 9:39 p.m., GARCIA entered the checkpoint and was placed under arrest pursuant to
6 expulsion from Mexico based on his arrest warrant (GARCIA is not a Mexican citizen). At
7 the time of his arrest, GARCIA was the sole occupant of the Yukon. MLE located three
8 cellphones in his vehicle, *i.e.*, **Target Device 1**, **Target Device 2**, and **Target Device 3**, as
9 well as a wallet, U.S. Passport, and a SENTRI card in his name. GARCIA's property was
10 turned over to HSI investigators on scene.

11 29. GARCIA then was immediately driven to the Nogales, Arizona POE where his
12 deportation was effectuated. HSI investigators followed behind the transport vehicle. Once
13 at the POE, GARCIA and his property were turned over to BCTF Arizona investigators.
14 GARCIA was not asked to identify **Target Device 1**, **Target Device 2**, or **Target Device**
15 **3**; however, before he was admitted into the federal facility near Tucson, Arizona, he
16 requested that investigators assist in the retrieval of his girlfriend's telephone number from
17 **Target Device 3**.

18 30. BCTF Arizona investigators transferred custody of **Target Device 1**, **Target**
19 **Device 2**, and **Target Device 3** to BCTF San Diego investigators on May 9, 2024.

20 **ii. Target Device 4**

21 31. On May 4, 2024, BCTF investigators coordinated with an FBI agent located in
22 Las Vegas, Nevada to assist in locating BONILLO and arresting him pursuant to the arrest
23 warrant issued after the grand jury returned the Indictment. This is because BONILLO's
24 telephone was pinging in the area of the Aria Hotel in Las Vegas. At approximately 2:00
25

26 ⁵ GARCIA had been in Mexico since late 2023 after taking an extended leave of
27 absence from work. Shortly before his arrest, his work status transitioned to absent without
28 leave after he stopped communicating with his supervisors.

1 p.m., Las Vegas investigators began locating BONILLO's whereabouts utilizing the pings
2 and tracked him to the Las Vegas Convention Center. There, investigators located a vehicle
3 BONILLO was believed to be using (investigators were aware from the investigation that
4 it belonged to his roommate) and surveilled it. At approximately 2:45 p.m., investigators
5 observed BONILLO walk out of the Convention Center, go towards the vehicle, and enter
6 it. He then was approached by investigators and arrested. At the time of his arrest, **Target**
7 **Device 4** was located on the front passenger seat.

8 32. BCTF San Diego investigators traveled to Las Vegas for the interview. Post-
9 *Miranda*, BONILLO provided the access pin to **Target Device 4** but did not provide consent
10 to search it. BONILLO did not admit criminal wrongdoing.

11 33. Based upon my training and experience, consultation with other law
12 enforcement officers experienced in narcotics and other trafficking investigations, and all
13 the facts and opinions set forth in this affidavit, I believe that telephone numbers, contact
14 names, electronic mail (email) addresses, appointment dates, messages, pictures, and other
15 digital information are stored in the memory of the **Target Devices**. In light of the above
16 facts and my training and experience, I also believe there is probable cause to believe that
17 GARCIA was using **Target Device 1**, **Target Device 2**, and **Target Device 3**⁶ and
18 BONILLO was using **Target Device 4** to communicate with others to further the
19 importation of illicit narcotics. Accordingly, I request permission to search **Target Devices**
20 **1, 2, and 3**, for data beginning on December 23, 2020 (a month prior to Valdovinos's first
21 crossing in GARCIA's lane, which occurred on January 23, 2021), up to and including May
22 3, 2024 (the day after GARCIA's arrest).⁷ Investigators also request permission to search

23
24 ⁶ As stated above, based on training and experience, I am aware that narcotics
25 traffickers often utilize multiple cellular telephones, including burner telephones, in order
26 to compartmentalize their illicit dealings.

27 ⁷ Investigators are aware from training and experience that planning and coordinating
28 a drug-importation offense often takes days or weeks. Investigators also know that criminal
associates are often unaware of an arrest and will continue to attempt to contact the arrestee
after his/her arrest.

1 **Target Device 4** for data beginning on October 6, 2023 (a month prior to Servin’s first
2 crossing in BONILLO’s lane, which occurred on November 5, 2023), up to and including
3 May 5, 2024 (the day after BONILLO’s arrest).

4 **METHODOLOGY**

5 30. It is not possible to determine merely by knowing the cellular telephone’s
6 make, model and serial number, the nature and types of services to which the device is
7 subscribed and the nature of the data stored on the device. Cellular devices today can be
8 simple cellular telephones and text message devices, can include cameras, can serve as
9 personal digital assistants and have functions such as calendars and full address books and
10 can be mini-computers allowing for electronic mail services, web services and rudimentary
11 word processing. An increasing number of cellular service providers now allow for their
12 subscribers to access their device over the internet and remotely destroy all of the data
13 contained on the device. For that reason, the device may only be powered in a secure
14 environment or, if possible, started in “flight mode” which disables access to the network.
15 Unlike typical computers, many cellular telephones do not have hard drives or hard drive
16 equivalents and store information in volatile memory within the device or in memory cards
17 inserted into the device. Current technology provides some solutions for acquiring some of
18 the data stored in some cellular telephone models using forensic hardware and software.
19 Even if some of the stored information on the device may be acquired forensically, not all
20 of the data subject to seizure may be so acquired. For devices that are not subject to forensic
21 data acquisition or that have potentially relevant data stored that is not subject to such
22 acquisition, the examiner must inspect the device manually and record the process and the
23 results using digital photography. This process is time and labor intensive and may take
24 weeks or longer.

25 31. Following the issuance of the warrant, I will collect the **Target Devices** and
26 subject them to analysis. All analysis, including forensic, of the data contained within the
27
28

1 telephone and its memory card will employ search protocols directed exclusively to the
2 identification and extraction of data within the scope of this warrant.

3 32. Based on the foregoing, identifying and extracting data subject to seizure
4 pursuant to the warrant may require a range of data analysis techniques, including manual
5 review, and, consequently, may take weeks or months. The personnel conducting the
6 identification and extraction of data will complete the analysis within ninety (90) days of
7 the date the warrant is signed, absent further application to this court.

8 **PRIOR ATTEMPTS TO OBTAIN THIS EVIDENCE**

9 33. There have been no prior attempts to obtain this evidence other than as stated
10 above, except that on or about September 28, 2023, investigators obtained an iCloud
11 warrant associated with GARCIA's telephone number 619-997-7846, for data from
12 approximately March 1, 2023, to September 28, 2023. Investigators are unaware at this
13 time whether one of the devices seized from GARCIA's vehicle at the time of his arrest is
14 associated with the same iCloud account. To the extent it is, investigators may obtain some
15 duplicate data from a search of the telephone that utilizes that iCloud account.

16 **CONCLUSION**

17 34. Based on the facts and information set forth above, I submit there is probable
18 cause to believe that a search of the **Target Devices** will yield evidence of GARCIA's,
19 BONILLO's, and others' violations of Title 21, United States Code, Sections 952, 960, and
20 963. Accordingly, I request that the Court issue warrants authorizing law enforcement to
21 search the items described in Attachments A-1, A-2, A-3, and A-4, and seize the items
22 listed in Attachment B using the above-described methodology.

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1 I swear the foregoing is true and correct to the best of my knowledge and belief.
2

3 *Prescilla Gonzales*
4 Special Agent Prescilla Gonzales
5 DHS Office of Inspector General

6 Sworn and attested to under oath by telephone, in accordance with Federal Rule of Criminal
7 Procedure 4.1, this 10th day of May, 2024

8 *Michelle M. Pettit*
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10 Honorable Michelle M. Pettit
11 United States Magistrate Judge
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ATTACHMENT A-4
PROPERTY TO BE SEARCHED

The following property is to be searched:

Natural Titanium iPhone 15 Pro
Evidence Barcode E7180358
(Target Device 4)

Target Device 4 is currently in the possession of the Federal Bureau of Investigation (FBI) located at 11385 Sorrento Valley Parkway, San Diego, California 92121.

ATTACHMENT B
ITEMS TO BE SEIZED

Authorization to search the cellular/mobile telephones described in Attachments A-1, A-2, A-3, and A-4 includes the search of disks, memory cards, deleted data, remnant data, slack space, and temporary or permanent files contained on or in the cellular/mobile telephones for evidence described below. The seizure and search of the cellular/mobile telephones shall follow the search methodology described in the affidavit submitted in support of the warrants.

The evidence to be seized from the cellular/mobile telephones will be electronic records, communications, and data such as emails, text messages, chats and chat logs from various third-party applications, photographs, audio files, videos, and location data, for the period of December 23, 2020, up to and including May 3, 2024, for the cellular/mobile telephones described in Attachments A-1, A-2, and A-3, and for the period of October 6, 2023, up to and including May 5, 2024, for the cellular/mobile telephone described in Attachment A-4:

- a. tending to indicate efforts to import federally controlled substances;
- b. tending to identify accounts, facilities, storage devices, and/or services – such as email addresses, IP addresses, and phone numbers – used to facilitate the importation of federally controlled substances;
- c. tending to identify criminal associates or others involved in the importation of federally controlled substances;
- d. tending to identify travel to or presence at locations involved in the importation of federally controlled substances, such as stash houses, meeting locations, or associates' residences;
- e. tending to identify the user(s) of, or person(s) with control over or access to, the **Target Devices**; and/or,
- f. tending to place in context, identify the creator or recipient of, or establish the time of creation or receipt of communications, records, or data involved in the activities described above;

which are evidence of violations of Title 21, United States Code, Sections 952, 960, and 963.