

SEALED UNITED STATES DISTRICT COURT for the Eastern District of California

FILED Jul 09, 2021 CLERK, U.S. DISTRICT COURT EASTERN DISTRICT OF CALIFORNIA

United States of America v. JOSE JESUS TORRES GARCIA Case No. 1:21-mj-00072 EPG Defendant(s)

CRIMINAL COMPLAINT BY TELEPHONIC MEANS

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 July 8, 2021 in the county of Fresno in the Eastern District of California, the defendant(s) violated:

Table with 2 columns: Code Section (18 USC Section 924(c)(1)(A)(i)), Offense Description (Possession of a Firearm in Futherance of a Drug Trafficking Offense), and Maximum Penalties (5 years to life in prison, \$250,000, 3 years of supervised release, \$100 special assessment fee).

This criminal complaint is based on these facts: See affidavit of HSI Special Agent Bret Koch

Continued on the attached sheet.

Bret Koch Complainant's signature Bret Koch, HSI SA Printed name and title

Sworn to before me by telephone consistent with Fed. R. Crim. P. 4.1, 4(d), and 41(d)(3) on

Date: Jul 9, 2021

Erica P. Grosjean Judge's signature

City and state: Fresno, CA

Hon. Erica P. Grosjean, U.S. Magistrate Judge Printed name and title

1 IN THE UNITED STATES DISTRICT COURT  
2 EASTERN DISTRICT OF CALIFORNIA

3 UNITED STATES OF AMERICA,  
4  
5 Plaintiff,  
6 v.  
7 JOSE JESUS TORRES GARCIA,  
8 Defendant.

CASE NO.  
AFFIDAVIT OF HSI SPECIAL AGENT BRET  
KOCH

9 I, Bret N. Koch, Special Agent, being sworn, depose and state the following:

10 1. I am an “investigative or law enforcement officer” within the meaning of Title 18, United  
11 States Code, Section 2510(7), that is, an officer of the United States who is empowered by law to  
12 conduct investigations of, and to make arrests for, offenses enumerated in Title 18, United States Code,  
13 Section 2516. I have also been cross designated by the Drug Enforcement Administration (“DEA”) and  
14 am empowered to investigate and make arrests for offenses under Title 21 of the United States Code. I  
15 have been involved with investigations for Title 21 offenses and am familiar with the Interagency  
16 Cooperation Agreement between the U.S. Drug Enforcement Administration and the U.S. Immigration  
17 and Customs Enforcement (“ICE”).

18 2. I am a Special Agent with the United States Department of Homeland Security (“DHS”)/  
19 Immigration and Customs Enforcement/ Homeland Security Investigations (“HSI”), presently assigned  
20 to the Office of the Resident Agent in Charge, Fresno, California (“HSI Fresno”). I am a “federal law  
21 enforcement officer” within the meaning of Federal Rule of Criminal Procedure 41(a)(2)(C). I entered  
22 on duty in September 2018 as an HSI Special Agent (“SA”) assigned to the Office of the Resident Agent  
23 in Charge, Alpine, Texas (“HSI Alpine”), and I entered on duty with HSI Fresno in August 2020. As  
24 part of my daily duties as an HSI SA, I investigate narcotics offenses in violation of 21 USC § 841(a)(1).  
25 I have received training in the area of federal narcotics offenses, and I am a graduate of the Federal Law  
26 Enforcement Training Centers’ (“FLETC”) Criminal Investigator Training Program and the FLETC HSI  
27 Special Agent Training Program. In addition to my training at FLETC, I received a Bachelor of Arts  
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1 degree in Philosophy from Northern Kentucky University and a Master of Arts degree in English from  
2 Southern New Hampshire University.

3 3. Since becoming an HSI SA, I have worked cases in a variety of programmatic areas.  
4 While assigned to HSI Alpine, I primarily conducted immigration and smuggling investigations. This  
5 experience included investigating federal immigration offenses, human smuggling, narcotics smuggling,  
6 and narcotics distribution offenses. In addition, during my time as an HSI SA, I have also conducted  
7 and/or participated in federal investigations involving firearms offenses and child exploitation. I have  
8 also participated in numerous state-level investigations and operations involving the same.

9 4. This affidavit is in support of a complaint charging Jose Jesus TORRES GARCIA with a  
10 violation of Title 18, United States Code, Section 924(c)(1)(A)(i), possession of a firearm in furtherance  
11 of a drug trafficking offense. The information set forth in this affidavit is not intended to detail each and  
12 every fact and circumstance of the investigation or all the information known to me and other law  
13 enforcement investigators. Rather, this affidavit serves only to establish probable cause for the arrest of  
14 Jose Jesus TORRES GARCIA.

15 5. On July 8, 2021, HSI, DEA, and Fresno PD officers executed a federal search warrant at  
16 4413 E Iowa Ave, Fresno, California, the residence of Jose Jesus TORRES GARCIA (1:21-sw-0231-  
17 BAM). TORRES GARCIA was under active investigation for the distribution of fentanyl pills in the  
18 Fresno, California area. Investigators first learned of TORRES GARCIA while investigating a private  
19 Facebook Messenger group dedicated to narcotics trafficking in which the Facebook profile of TORRES  
20 GARCIA (under vanity name "Compa Chuy") was observed advertising the sale of narcotics, including  
21 M/30 pills known to contain fentanyl, and a firearm.

22 6. During the search of the residence, agents identified mail addressed to TORRES  
23 GARCIA, as well as other indicia of occupancy and ownership, in the main living room of the premises,  
24 which also contained a bed.<sup>1</sup> TORRES GARCIA himself admitted during a post-Miranda interview that  
25 this main living room constituted his sleeping quarters. During the same post-Miranda interview,  
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27 <sup>1</sup> In this same area, agents also found Bulldog gang indicia, such as a Bulldog blanket, two  
28 baseball caps, and a sticker. TORRES GARCIA's Facebook profile summary section, ends with the  
words: "Bulldog Elite." I know that the Bulldog criminal street gang is a Fresno-based street gang.

1 TORRES GARCIA stated, “everything that’s illegal should be in the living room under my bed,” and  
2 admitted to being presently in possession of a rifle and various narcotics. TORRES GARCIA also  
3 confirmed that he sells such narcotics and detailed to myself and DEA Task Force Officer (TFO)  
4 Cardinale the prices for which he buys and sells those narcotics while also referring to himself as an  
5 “entrepreneur.” In addition, TORRES GARCIA admitted to investigators that his Facebook profile is  
6 that which appears under vanity name “Compa Chuy,” and that he has advertised narcotics for sale on  
7 Facebook Messenger.

8 7. A search of TORRES GARCIA’s living space located a loaded, short-barrel AR-15 lying  
9 on the floor directly next to TORRES GARCIA’s bed. The rifle’s barrel appeared to be about six inches  
10 shorter than the legal limit. The illicit rifle also had attached a 30-round capacity magazine, which was  
11 loaded to capacity. Beneath the rifle, also directly next to TORRES GARCIA’s bed, was a plate carrier  
12 for body armor which was, incidentally, carrying Armored Republic AR500 body armor plates.

13 8. In the same room, agents located 8 baggies with “M/30” pills, which are commonly  
14 counterfeit and contain fentanyl. Some of the baggies contained between 5-8 pills, other baggies  
15 contained between 20-75 pills. The gross weight of the baggies and pills was 42 grams. Based on my  
16 training and experience, there was a greater-than-user amount of these pills and they were packaged for  
17 sales. Agents also found a baggie with suspected counterfeit Alprazolam pills (more commonly known  
18 as Xanax) pills, with at least 50 pills and 3 pill bottles of Farnapram (more commonly known as Xanax).  
19 Based on my training and experience, there was a greater-than-user amount of these pills. Within the  
20 same room, agents also located packaging materials, such as several bags containing smaller baggies and  
21 a digital scale. Based on my training and experience, I have seen such baggies on numerous occasions  
22 and know them to serve as small, packaging materials for narcotics. I also know, based on my training  
23 and experience, that drug dealers use digital scales to weigh narcotics in furtherance of drug trafficking.  
24

25 9. In the same room, agents also found additional controlled substances including:

26 a) a couple grams of a white, powdery substance which, based on my training and  
27 experience, appeared to be cocaine;

28 b) white, oval-shaped pills labeled “7.5” on one side;

- 1 c) a baggie containing brown-colored crystals in capsules;
- 2 d) a clear bottle containing white residue;
- 3 e) two bottles labeled "Promethazine with Codeine Oral Solution"; and
- 4 f) other substances, including unknown crushed pills/powder in baggies as well as
- 5 additional brown, rocklike, crystalline substances.<sup>2</sup>

6 10. The controlled substances, the loaded AR-15 rifle, and body armor were all observed to  
7 be within roughly five feet of TORRES GARCIA'S bed. Based on my training and experience, I know  
8 that narcotics traffickers possess firearms to protect their narcotics stashes and/or proceeds. Based on  
9 the proximity of the loaded AR-15 to the narcotics, I believe that the firearm was strategically placed for  
10 this purpose.

11 **CONCLUSION**

12 9. The above facts set forth probable cause to believe that Jose Jesus TORRES GARCIA is in  
13 violation of Title 18, United States Code, Section 924(c)(1)(A)(i), possession of a firearm in furtherance  
14 of a drug trafficking offense. I request that an arrest warrant be issued for Jose Jesus TORRES  
15 GARCIA for this violation.

16 *Bret Koch*

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Bret Koch  
18 Speical Agent, Homeland Security Investigations

19 Affidavit submitted to me by reliable electronic means and attested to me as true and accurate by  
20 telephone consistent with Fed. R. Crim. P. 4.1, 4(d), and 41(d)(3) this 9 day of July, 2021.

21 *Erica P. Grosjean*

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Hon. Erica P. Grosjean  
United States Magistrate Judge

23 Reviewed as to form by

24 /s/ Justin Gilio  
25 JUSTIN GILIO  
26 Assistant U.S. Attorney

27  
28 <sup>2</sup> These substances are in the process of being submitted for lab analysis.