

LODGED
CLERK, U.S. DISTRICT COURT

10/29/2021

CENTRAL DISTRICT OF CALIFORNIA
BY: _____ DM _____ DEPUTY

UNITED STATES DISTRICT COURT

FILED
CLERK, U.S. DISTRICT COURT

October 29, 2021

CENTRAL DISTRICT OF CALIFORNIA
BY: **VM** DEPUTY

for the

Central District of California

United States of America,

v.

GERARDO EKONOMO,

Defendant

Case No. 2:21-mj-04985-Duty-1

CRIMINAL COMPLAINT BY TELEPHONE OR OTHER RELIABLE ELECTRONIC 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 of October 28, 2021 in the county of Los Angeles in the Central District of California, the defendant violated:

Code Section

21 U.S.C. §§ 841(a)(1),
(b)(1)(A)(i)

Offense Description

Possession with Intent to Distribute Heroin

This criminal complaint is based on these facts:

Please see attached affidavit.

Continued on the attached sheet.

/s/

Complainant's signature

Robert A. Logan, Special Agent FBI

Printed name and title

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by telephone.

Date: October 29, 2021



Judge's signature

City and state: Los Angeles, California

Hon. Michael R. Wilner, U.S. Magistrate Judge

Printed name and title

AFFIDAVIT

I, Robert A. Logan, being duly sworn, declare and state as follows:

PURPOSE OF AFFIDAVIT

1. This affidavit is made in support of a criminal complaint against GERARDO EKONOMO ("EKONOMO") for a violation of 21 U.S.C. §§ 841(a)(1), (b)(1)(A)(i): Possession with Intent to Distribute Heroin.

2. The facts set forth in this affidavit are based upon my personal observations; my training and experience; and information obtained from various law enforcement personnel and witnesses. This affidavit is intended to show merely that there is sufficient probable cause for the requested complaint and does not purport to set forth all of my knowledge of or investigation into this matter. Unless specifically indicated otherwise, all conversations and statements described in this affidavit are related in substance and part only.

BACKGROUND OF FBI SPECIAL AGENT ROBERT A. LOGAN

3. I am a Special Agent ("SA") with the Federal Bureau of Investigation ("FBI"), and have been so employed since September 2017. I am currently assigned to the Los Angeles Field Office public corruption squad, where I specialize in the investigation of corrupt public officials who misuse their official positions for personal gain, including, but not limited to, offenses involving bribery, fraud against the government, extortion, money laundering, mail and wire fraud, and obstruction of justice. My duties have included conducting covert

investigations of public officials. I have also conducted physical surveillance, operated confidential informants, interviewed subjects and witnesses, reviewed various records, and have monitored electronic surveillance. I have assisted in wiretap investigations, including scheduling, monitoring, minimizing, and reviewing interception data. I have also discussed with senior agents the process and procedures of Title III interception. In addition, I have received training in the investigation of public corruption and other white-collar crimes.

4. Through my training and experience, I have also become familiar with and investigated narcotics traffickers' methods of operation, including the distribution, storage, and transportation of narcotics, the collection of money proceeds of narcotics trafficking, and methods of money laundering used to conceal the nature of the proceeds. I have conducted investigations regarding money laundering statutes involving the proceeds of specified unlawful activities and associated conspiracies. I have also spoken to other law enforcement officers who specialize in narcotics investigations.

5. This affidavit is based on personal knowledge I gained from my participation in this investigation, as well as information I believe to be reliable from the following sources:

- a. Confidential source statements;
- b. Oral and written reports about this investigation and other investigations, which I have received from other federal agents;

- c. Telephone toll records, pen register data, and subscriber information;
- d. Oral and electronic communications intercepted pursuant to a Title III wire;¹
- e. GPS and location data from phones;
- f. Physical surveillance conducted by federal and/or state law enforcement agencies, which have been reported to me either directly or indirectly;
- g. Public records;
- h. Law enforcement databases; and
- i. Evidence gathered through other law enforcement investigations.

6. Except as otherwise noted, when I assert that a statement was made, the information was provided by an FBI agent, another law enforcement officer, an FBI support employee, or a source of information (who may have had either direct or indirect knowledge of the statement), with whom I have spoken or whose reports or statements I have reviewed. I have included summaries of conversations, which are subject to revision after further review and may represent only a portion of the exchanged information. Likewise, information resulting from surveillance, except where otherwise indicated, does not necessarily set forth my own observations but rather has been provided directly or

¹ The Honorable Josephine L. Staton, United States District Judge for the Central District of California, signed an order authorizing a Title III wire interception on JOHN ABEL BACA's PHONE for the period of June 28, 2021 to July 27, 2021, in Case No. 21-CM-15-JLS.

indirectly by law enforcement officers who conducted such surveillance.

SUMMARY OF PROBABLE CAUSE

7. On October 28, 2021, FBI agents executed a federal search warrant at the residence of GERARDO EKONOMO, a purported Inglewood Police Department ("IPD") confidential source signed up by Inglewood Police Officer JOHN ABEL BACA, who was indicted for drug distribution on October 21, 2021 and subsequently arrested on those federal charges. Buried in the yard on the property of EKONOMO's RESIDENCE, agents recovered approximately 1,318.7 gross grams of a brown substance resembling heroin and approximately 516.1 gross grams of a white substance resembling cocaine. The items were packaged in a way consistent with drug distribution, one of the individually wrapped packages (the largest of the four) tested presumptively positive for heroin, and the packages look similar to three bags of heroin seized from EKONOMO's car during his arrest on June 16, 2021 in Las Vegas, Nevada. At EKONOMO's RESIDENCE, agents also recovered approximately 50-75 heat-seal bags in the garage in a package addressed to "GERARDO E." and a revolver and ammunition in the closet of the master bedroom. Based on my training, experience, and knowledge of this investigation as summarized below, I believe that there is probable cause that EKONOMO possessed a total of approximately 1,318.7 gross grams of suspected heroin at his residence with the intent to distribute it.

STATEMENT OF PROBABLE CAUSE

A. Background on Investigation

8. Based on my knowledge of the investigation, below is general background on certain Subjects and their respective phone numbers and residences. Although this investigation currently has other Subjects, this affidavit focuses on the Subjects most relevant to the requested complaint.

9. **GERARDO EKONOMO** is a Hispanic male born in 1978. As described in more detail below, EKONOMO was a purported confidential source signed up with the IPD by JOHN ABEL BACA, an IPD Officer who has been indicted on federal drug distribution charges. EKONOMO was arrested on June 16, 2021 by the North Las Vegas Police Department for a drug-related offense, specifically trafficking in controlled substances in violation of Nevada Revised Statutes Section 453.3385. That case is pending.

a. Based on information contained on a cell phone seized from EKONOMO at the time of his arrest, pen register and trap and trace records, source reporting, and IPD records, I believe that EKONOMO utilizes telephone number 323-997-3195 (EKONOMO's PHONE).

b. Based on IPD records and other sources including Department of Motor Vehicle records, EKONOMO resides at 737 E. 135th Street, Los Angeles, California 90059 (EKONOMO's RESIDENCE).

c. The IPD provided certain records of informant files for confidential human sources that BACA used at IPD during his career. According to those records, BACA requested

GERARDO EKONOMO as a candidate to become a confidential source for IPD on October 12, 2016. According to the paperwork, EKONOMO had no substantial criminal history and had never worked as a paid informant but was "willing to work with the Inglewood Police Department to assist with investigations pertaining to major narcotics issues within our city." BACA submitted the request, which was approved by an IPD Sergeant. The "Informant Identification Record" for EKONOMO listed his residence as 737 E. 135th Street, Los Angeles, California ("EKONOMO'S RESIDENCE"), and his phone number as 323-997-3155 (EKONOMO'S PHONE is 323-997-3195, which is only one digit off from the listed phone number). EKONOMO's "code name" was listed as "HUERO."² According to that same record, EKONOMO's "associates" included "major narcotics traffickers." EKONOMO's "hangouts" included "Inglewood/Gardena." Based on IPD files, EKONOMO executed a Confidential Informant Agreement with IPD on August 18, 2016. However, based on the IPD informant status and activity log, EKONOMO conducted no documented operations after he was signed up as an informant.

10. **JOHN ABEL BACA** is a Caucasian male born in 1976. Based on my knowledge of the investigation, BACA has been employed by the IPD since approximately 2000, where he has participated as a task force officer on drug investigations. He is also IPD's police union representative. BACA has a 1996

² Based on my conversation with Spanish-speaking agents, I understand that the Spanish pronunciation of the word "Guero" sounds similar to "Huero," in that the "G" is not pronounced with a hard "G" sound.

conviction for assault and battery, for which he was sentenced to one year of probation. BACA is currently detained in federal custody pending trial, as described below.

a. On October 19, 2021, a federal grand jury returned an indictment charging BACA with one count of distribution of cocaine, in violation of 21 U.S.C. § 841(a)(1), (b)(1)(C), for a drug transaction on April 29, 2021, and one count of distribution of cocaine, in violation of 21 U.S.C. § 841(a)(1), (b)(1)(B)(ii), for a drug transaction on May 4, 2021.

b. On October 20, 2021, the Honorable Alexander F. MacKinnon, United States Magistrate Judge, signed six search warrants in this investigation, including a search warrant authorizing the search of BACA's residence for evidence, contraband, fruits, or instrumentalities of violations of 21 U.S.C. §§ 846 and 841(a)(1) (conspiracy to distribute controlled substances and distribution of controlled substances), and 21 U.S.C. §§ 1956 and 1957 (money laundering and conspiracy to commit money laundering).

c. On October 21, 2021, FBI Special Agents executed a federal arrest warrant, arresting BACA on the indictment (case number 8:21-CR-187-JVS). After the arrest, BACA provided certain relevant information to law enforcement,³ as described

³ BACA was not provided any promises for any specific benefits related to the information he provided, beyond that such information would be taken into consideration in BACA's criminal case.

below. BACA is currently detained in federal custody awaiting trial. The case is pending.

B. May and April 2021 Cocaine Distribution

1. April 21, 2021 - BACA Meeting Regarding Drugs

11. A Cooperating Witness ("CW-1")⁴ who knew BACA began working with the FBI in approximately March 2021. CW-1 agreed to record all communications with BACA including by phone and in person, and allowed FBI agents to place an audio- and video-recording device at CW-1 residence to record in-person meetings with BACA.

12. At the direction of law enforcement, on April 21, 2021, a CW-1 called BACA on BACA's PHONE via Telegram⁵ in the presence of agents, who witnessed CW-1 dialing the saved contact "Johnny BACA," with the phone number of BACA's PHONE. During the recorded call, BACA and CW-1 agreed to meet at CW-1's office at around 3:00 PM.

⁴CW-1 is motivated to assist law enforcement to seek consideration to mitigate potential charges and any eventual sentence relating to a separate criminal investigation. Drug Enforcement Administration ("DEA") agents initially believed that CW-1 was not forthcoming regarding the DEA investigation; but based on my conversations with agents familiar with the other investigation, my understanding is that CW-1 has since provided credible information, including admitting his/her own involvement in a drug scheme. CW-1 admitted to sending a wipe command to his/her phone after it was seized by DEA as well as discussing doing the same with others. CW-1's criminal history consists of a 1986 arrest and conviction that was later set aside, and a 1999 charge that was dismissed in furtherance of justice.

⁵ Telegram is an encrypted call and messaging application that cannot be intercepted by law enforcement.

13. On April 21, 2021, at approximately 3:00 PM, at the direction of law enforcement, CW-1 met BACA at CW-1's office. This meeting was not recorded because the FBI had not yet issued the CW-1 a recording device. The following information is based on CW-1's debrief with the FBI after the meeting. According to CW-1:

a. BACA stated that he could set aside five kilograms of cocaine for CW-1. BACA told CW-1 that the price of cocaine was going down and that it would be a good time to buy cocaine if CW-1 was ready. BACA told CW-1 that CW-1 needed to decide soon while the cocaine was still available.

b. CW-1 mentioned the potential for the buyer to meet BACA, but BACA was not interested in meeting the buyer and only wanted to deal directly with CW-1. BACA preferred to meet at CW-1's residence to talk about narcotics in the future.

c. BACA wanted to switch to the WhatsApp⁶ messenger application to communicate with CW-1 because BACA had recently spoken to a DEA agent who told BACA that WhatsApp was more secure than Telegram.

2. April 26, 2021 - BACA Meeting Regarding Drugs

14. On April 26, 2021, at approximately 1:00 PM, at the direction of law enforcement and in a consensually recorded meeting, CW-1 met BACA at CW-1's residence to discuss BACA providing a sample of cocaine to CW-1 for CW-1 to provide to a purported buyer. A portion of the meeting was both audio- and

⁶ WhatsApp is an encrypted call and messaging application that cannot be intercepted by law enforcement.

video-recorded using a device placed at the meeting location prior to the meeting. This summary is based on a review of that recording. During the recording, CW-1 and BACA had the following exchanges:

CW-1: But if I tell them [purported buyers] where it came from, what would I tell them?

BACA: Tell them it came from fucking Mexico.

. . .

BACA: A couple of months ago it was upwards of 28 a key. And now they're sayin' that because the administration stuff [inaudible] . . . so between 23 and 25 is what . . . but see this is wholesale price right.

CW-1: Yeah, I know.

BACA: If you're in the know. So they're kind of not in the know, so tell them . . . because I want you to make money . . . I think I can get it for 23, and you tell them like . . .

CW-1: 25?

BACA: 25.

CW-1: Is that a good rate?

BACA: 26-5.

CW-1: 26-5?

BACA: [nods head up and down]

15. Based on my training and experience, and the context of the conversation, I believe that when BACA said, "upwards of 28 a key," BACA meant that cocaine was selling for up to \$28,000 per kilogram. I believe that when BACA said, "between 23 and 25," he meant cocaine was being sold for between \$23,000 and \$25,000 per kilogram. I believe BACA was telling CW-1 to tell CW-1's buyers that the cocaine would cost between \$25,000 and

\$26,500, but that BACA could actually get the cocaine for \$23,000 and wanted CW-1 to make money from the transaction.

16. Later in the same conversation, CW-1 and BACA had the following exchange regarding heroin (referred to as "black tar" and "China White"):

CW-1: And then they said if that worked out, they asked me if the black tar was still available.

BACA: Nah, it's just China White.

CW-1: You still have that?

BACA: That's still lingering around.

CW-1: And what's that one selling for? That I can sell it to them for?

BACA: Sell it to them for fucking 10.

CW-1: 10? Is that a good rate?

BACA: Good price. Yeah. So, here's the difference. Right now, the China White that everyone wants has fentanyl in it. Don't ask me why. . . . So, what we're getting doesn't have fentanyl. It's the old school China White.

17. Based on my training and experience, I believe that BACA was telling CW-1 that he did not have any black tar heroin available, but had China White heroin available. I believe BACA told CW-1 to sell the kilogram of China White heroin for \$10,000 for CW-1 to make a profit.

18. During the meeting, BACA told CW-1, "I think there's like five left," which I believe meant BACA had five kilograms of "China White" heroin left for sale. BACA and CW-1 then had the following exchange regarding heroin:

CW-1: Do they normally sample that like they do with weed and coke?

BACA: Yeah, they probably will, so what I'll do is get you a sample of both.

CW-1: Do what you did last time. The, the --

BACA: Gloves?

CW-1: Yeah.

BACA: Just wrap it in there?

CW-1: Yeah.

BACA: Yeah.

19. Based on information provided by CW-1, in around September 2020 (before CW-1 began cooperating with law enforcement), BACA had brought CW-1 a sample of narcotics for CW-1 to give to CW-1's potential buyers and delivered the sample in a latex medical glove. Accordingly, based on my knowledge of the investigation and the context of the communication, I believe BACA's reference to "gloves" referred to the prior occasion when BACA gave CW-1 a sample of drugs in a latex glove.

3. April 29, 2021 - First Recorded Cocaine Sample Transaction

20. On April 28, 2021, at approximately 4:00 PM, at the direction of law enforcement, CW-1 called BACA on BACA's PHONE via Telegram. During the audio-recorded call in which BACA's voice is clearly audible, BACA told CW-1, "I picked up that sample for you," adding, "I got it." BACA wanted to give CW-1 the sample for the buyer to try over the weekend. BACA and CW-1 made plans for BACA to deliver the sample of cocaine to CW-1 on Thursday, April 29, 2021 around lunch time.

21. On April 29, 2021, at the direction of law enforcement, CW-1 met with BACA for BACA to provide a sample of cocaine to CW-1 for CW-1 to provide to a purported buyer. The meeting took place at CW-1's residence at approximately 1:55 PM.

22. As with the last meeting with BACA, a portion of the meeting was both audio- and video-recorded using a device placed at the meeting location prior to the meeting. During the meeting, the video captured a blue latex medical glove. BACA said: "When are you going to give that to them?" CW-1 responded: "Probably tonight. I don't want to keep it here. I'll probably take it to work with me too. Just because I don't want to leave it here." Based on my training and experience, and the context of the conversation, I believe BACA was asking when CW-1 planned to give the cocaine to the purported buyers.

23. Agents attempted to conduct surveillance before, during, and after the meeting at CW-1's residence. At approximately 1:55 PM, agents saw BACA arrive at the location in a dark grey California edition Ferrari with no license plate. When BACA got out of the Ferrari, he was holding an unidentified item. At approximately 2:40 PM, agents saw BACA leave the residence and enter the Ferrari. Shortly thereafter, agents saw BACA return to CW-1's residence.

24. According to CW-1 and the recording, BACA returned to CW-1's residence shortly after leaving. CW-1 asked, "What's going on?" BACA responded, "I trust you, I always have, ok? I got a weird feeling. Not about you. But I'm driving away, and I'm like 'Wait, I've had this scenario play out like a hundred

times . . . on my cases where guys are working a case.'" BACA then added, "I trust you, and I know you'd never fuck with me, right?" CW-1 assured BACA that he could trust CW-1. BACA then again reiterated, "You would never do that to me, right?" CW-1 responded, "No, I'm fucked already," referring to the pending criminal investigation against CW-1. Based on my training and experience, knowledge of the investigation, and the context of the communication, I believe BACA wanted to confirm that CW-1 was not cooperating with law enforcement and setting up BACA with the controlled drug transaction.

25. At approximately 3:00 PM, CW-1 called BACA via Telegram to express CW-1's own concern about law enforcement detection or set up. During the recorded call, the two assured each other that they could trust each other.

26. Following the meeting, CW-1 provided a blue latex medical glove to the FBI, which BACA had used to provide CW-1 a sample of cocaine. The latex glove contained a clear plastic bag with a white substance, which tested presumptively positive for cocaine. On June 22, 2021, I received confirmation from the DEA Southwest Laboratory that the substance was approximately 1.054 grams of cocaine with 75% purity.

27. On April 30, 2021, at approximately 6:24 AM, CW-1 received a Telegram message from BACA asking, "We're [sic] you able to drop that off?" At 6:29 AM, CW-1 responded: "Delivered" and added a thumbs up emoticon. Based on my training and experience, knowledge of the investigation, and the context of

the communication, I believe BACA was confirming with CW-1 that CW-1 delivered the sample of cocaine to the purported buyers.

4. May 4, 2021 - Second Recorded Kilogram of Cocaine Transaction

28. On Monday, May 3, 2021, at the direction of law enforcement, CW-1 had several recorded phone calls with BACA. During the recorded calls, CW-1 told BACA that “[the purported buyers] gave me the cash today.” BACA later confirmed, “And they gave it all to you?” BACA then asked: “You want me to talk to them and try and get it tonight?” CW-1 declined, and the following exchange then took place:

CW-1: They need it by Friday [May 7, 2021]. So, I figured um, they told me, he gave me the cash and he goes, he goes, ‘Look I’m trusting you with this. It’s a lot of money.’ And I started laughing. I go, ‘This ain’t a lot of money.’ [laughing]

BACA: Right.

CW-1: Yeah.

BACA: [laughing]

CW-1: And then, and then he goes, okay he goes, ‘So when can I have it?’ I said, ‘I’m pretty sure by Friday.’ And then he said, ‘No later than Friday.’ And I said ‘Okay.’ So.

BACA: Perfect. Alright.

CW-1: Yeah, so.

BACA: Yeah, let me hit him up.

CW-1: The sooner the better, but not tonight because of [inaudible].

BACA: Yeah. I’ll hit him up.

29. Based on my training and experience, my knowledge of the investigation, and the context of the conversation, it appears that at the time of this phone call, BACA did not yet have the cocaine in his possession but had arranged to obtain cocaine from a supplier. When BACA said, "I'll hit him up," I believe BACA indicated he planned to reach out to BACA's cocaine supplier to initiate the drug transaction.

30. On May 4, 2021, at approximately 11:25 AM, at the direction of law enforcement, CW-1 called BACA on BACA's PHONE via Telegram to inquire when they could meet for BACA to give CW-1 one kilogram of cocaine. BACA told CW-1 that he was waiting for a call back. Based on the context of this communication, I believe BACA was referring to a call from BACA's narcotics connections, indicating that as of that time, BACA did not yet have the cocaine in his possession.

31. Based on cell site GPS data on BACA's PHONE, at approximately 12:56 PM, BACA's PHONE was located near EKONOMO's RESIDENCE, with an uncertainty radius of .5971 miles. Based on my training and experience, the "ping" or location of BACA's phone appears as coordinates and a specific location on a map, with an uncertainty radius, the range of which depends on various factors. The ping at 12:56 PM means BACA's phone was located within an approximate .5971-mile radius of EKONOMO's RESIDENCE.

32. At approximately 3:46 PM, CW-1 called BACA on BACA's phone directly, as verified by pen register data. During that recorded call, BACA asked, "Should I just head over to you?"

CW-1 indicated that CW-1 was at work and BACA told CW-1 that BACA would meet CW-1 at work. Based on my training and experience, and the context of the communications, I believe that at this time, BACA had in his possession the cocaine to sell to CW-1.

33. Agents initially expected the drug transaction would take place at CW-1's residence, but BACA changed the meeting location by informing CW-1 that BACA instead was coming to CW-1's business to deliver the drugs. At approximately 3:55 PM, I received a call from CW-1 informing me that BACA was about to enter the business location. At approximately 4:09 PM, agents who arrived at the scene saw a blue Nissan Maxima with no license plate parked in front of CW-1's business.

34. During the audio-recorded meeting, BACA referred to the cocaine in multiple ways, by stating that he was "throwing it up in the air," and referring to "a little bump." CW-1 commented that the cocaine had a smell. BACA then told CW-1: "Give me 22," which, based on my knowledge of the investigation, training and experience, and context of the communication, I believe to mean \$22,000. BACA stated he would come back later the same day or the next day to collect the cash from CW-1.

35. Agents who were on foot at nearby businesses observed BACA exit the business at approximately 4:36 PM, enter the blue Nissan Maxima, and leave the premises. FBI Air Operations surveillance was used for the meeting on May 4, 2021, but air surveillance was unable to capture the meeting between CW-1 and

BACA due to the limited time allowed in the air space and BACA's arrival time to meet CW-1 being continuously pushed back.

36. After the recorded meeting at CW-1's business, CW-1 turned over the item BACA provided to the FBI. The item was a white substance in the shape of a brick, wrapped in plastic and adhesive tape, then wrapped tightly in a white plastic bag, then placed inside a Target shopping bag. The substance was booked into evidence. On or about May 21, 2021, I received a chemical analysis report from the DEA Southwest Laboratory. The chemical analysis confirmed that the item BACA provided to CW-1 on May 4, 2021 consisted of 1,006 grams of cocaine with 83% purity.

37. On May 4, 2021, at approximately 5:21 PM, CW-1 called BACA on BACA's PHONE and asked if they could meet the next day, as verified by pen register data. During the recorded call, BACA responded: "Could you just put the paperwork in an envelope and just say I'm going to pick it up?" Based on my training and experience, I believe when BACA said "paperwork," he was referring to money. CW-1 suggested leaving it in CW-1's backyard.

38. At approximately 5:22 PM, at the direction of law enforcement, CW-1 called BACA on BACA's PHONE directly and asked how quickly BACA could come over. During the recorded call, BACA stated that he could leave "right now."

39. At approximately 6:01 PM, BACA arrived at CW-1's residence. At the direction of law enforcement, CW-1 provided \$22,000 in cash to BACA for the kilogram of cocaine. During the

recorded meeting, BACA stated that he was making "about \$1,000" on the deal.

40. Based on GPS data, in addition to May 4, 2021, BACA's phone was located in the vicinity of **EKONOMO's RESIDENCE** on multiple other occasions after May 4, 2021, to include:

a. 5/20/2021 at 15:42 PST, uncertainty radius of .7233 miles;

b. 5/28/2021 at 13:57 PST, uncertainty radius of .8768 miles;

c. 5/28/2021 at 14:12 PST, uncertainty radius of .2268 miles;

d. 6/03/2021 at 16:27 PST, uncertainty radius of .2753 miles;

e. 6/09/2021 at 14:56 PST, uncertainty radius of .2753 miles;

f. 6/29/2021 at 15:50 PST, uncertainty radius of .2753 miles;

g. 7/01/2021 at 13:53 PST, uncertainty radius of .4058 miles;

h. 8/02/2021 at 17:05 PST, uncertainty radius of .2057 miles.

C. June 16, 2021 Drug Trafficking in Las Vegas

41. On October 27, 2021, I received records from the City of North Las Vegas Police Department ("NLVPD") regarding an arrest of EKONOMO in June 2021. Based on my review of these records, I know the following:

a. On June 16, 2021, an NLVPD officer pulled over a 2018 Nissan Pathfinder with a California license plate for a traffic violation in the Las Vegas, Nevada area. GERARDO EKONOMO was the driver of the car, and three other passengers were in the car, including EKONOMO's wife. EKONOMO stated that they just got into town from California and were heading back the same night. After the officer observed that EKONOMO and his passengers were nervous, the officer asked EKONOMO if there were any illegal narcotics in the car, to which EKONOMO answered that there were not. After the officer asked if his K-9 partner could search the car, EKONOMO stated he needed to speak to the officer away from the vehicle.

b. According to the police report, EKONOMO then told the officer that there were three kilograms of heroin inside the car. EKONOMO said he brought the heroin to Las Vegas from California. EKONOMO said he was supposed to show the heroin to an unknown Hispanic male, who EKONOMO was supposed to follow to a residence. EKONOMO then said the other occupants were not aware of what he was doing and had no knowledge that there was heroin inside the car.

c. The officer then had the K-9 partner conduct a sniff around the vehicle. The K-9 alerted near the hatch of the car. The K-9 then alerted to a purple bag inside the car near the trunk area. Inside the bag were three vacuum-sealed heat-

seal bags⁷ of very light brown/tan powdery substance. Dryer sheets were also inside the bags.

d. The officer asked EKONOMO why the heroin appeared almost white, and EKONOMO stated that it was brown powder heroin.

e. EKONOMO was then arrested for high level trafficking of heroin.

f. The bags of heroin were weighed at the police station. One bag was 1,085 gross grams, a second bag was 1,080 gross grams, and a third was 1,095 gross grams. The substance also tested presumptively positive for heroin.

42. On July 13, 2021, BACA had several intercepted calls and text messages with a phone number with a Las Vegas area code. Based on my phone conversations with NLVPD Officer 1, I have confirmed that the phone number belongs to NLVPD Officer 1. Below is a summary of certain relevant intercepted communications:

a. At approximately 1:10 PM (session 5166), BACA had an intercepted call with NLVPD Officer 1. At the start of the call, BACA said the officer's first name and introduced himself as "Johnny BACA with Inglewood." BACA then stated: "Hey, my guy hit me up, he said he's got, he's ready to go, just wanted to know where things are at with this case. He's got a case right now he wanted to pick up some money down here. Remember the one I told you about?" NLVPD Officer 1 then began responding but

⁷ Based on discussions with agents who investigate drug trafficking, heat-seal bags are often used to store drugs and minimize odor when they are vacuum-sealed.

hesitated, and BACA interrupted adding: "Hey call me back later." NLVPD Officer 1 then stated that he would call BACA back in about an hour.

b. At approximately 6:39 PM (session 5308 and 5309), BACA sent a text message to NLVPD Officer 1, writing: "What's up brotha. Don't forget about me. Just wanted to touch base to see what's gonna happen w GERARDO [EKONOMO]'s case. He has some good cases set up but he has some court appearances coming up. Just wanted to see what you want me to tell him."

c. At approximately 6:40 PM (session 5310), NLVPD Officer 1 called BACA from the same phone number. During the intercepted call, BACA and NLVPD Officer 1 discussed the "next court date" as being "the 22nd of this month." BACA added: "He's good, just to be able to work the case off, I'm giving you carte blanche." BACA stated that he (referring to GERARDO EKONOMO) "says he's got a guy out there who wants to buy them" and added that "he's got another meth guy out there." Based on my training, experience, and knowledge of the investigation, it appears that BACA was inquiring about the status of EKONOMO's criminal case with the North Las Vegas Police Department, and offering that EKONOMO could "work off" the case by cooperating.

43. On July 14, 2021, BACA and NLVPD Officer 1 continued their conversation from the prior day. Specifically:

a. At approximately 1:16 PM (session 5489), BACA sent the following text message to NLVPD Officer 1: "What's up [NLVPD Officer 1 first name]? Just following up to see what we can do for my guy and if needs to head to court on the 22nd[.]"

b. At approximately 3:39 PM (session 5553), NLVPD Officer 1 called BACA from the same phone number. NLVPD Officer 1 discussed an upcoming felony arraignment on the 22nd and the DA assignment, at which point the case would proceed to a preliminary hearing. BACA stated: "I got him out there making things happen." In response, NLVPD Officer 1 explained that "if he gets me something, I will happily make these charges go away." NLVPD Officer 1 later explained: "I need to get some justification for dropping the charges." BACA responded: "I'll make it happen brother."

44. Based on my training, experience, and knowledge of the investigation, this call is significant for several reasons. First, as described below, BACA was with EKONOMO on July 13, 2021, at approximately 2:02 PM, during a 24-minute phone call during which BACA and PERSON 1 discussed marijuana operations and explicitly mentioned "kilos" of "coca" (cocaine). Therefore, it appears that BACA called this Las Vegas officer to inquire about "GERARDO" (EKONOMO's first name) either shortly after being with EKONOMO or while still with EKONOMO. Second, these communications corroborate that EKONOMO is involved in trafficking heroin, one of the types of drugs BACA offered to sell to CW-1, and that was later found at EKONOMO's RESIDENCE. Lastly, this communication shows that BACA is willing to abuse his position as a law enforcement officer in furtherance of his drug trafficking activities and to assist and protect his co-conspirators.

45. On October 28, 2021, I spoke to NLVPD Officer 1 on the phone by dialing the same phone number intercepted on the wire. NLVPD Officer 1 confirmed that he recalled a drug arrest of GERARDO EKONOMO, who informed NLVPD Officer 1 that JOHN BACA from Inglewood Police Department was his "handler." NLVPD Officer 1 subsequently spoke to BACA, who confirmed that EKONOMO was his source and attempted to convince NLVPD Officer 1 to dismiss the case against EKONOMO in exchange for EKONOMO cooperating in other drug trafficking operations. According to NLVPD Officer 1, EKONOMO was not able to provide any law enforcement assistance to date and his criminal case in Las Vegas remains pending. EKONOMO's next scheduled court appearance is November 16, 2021. NLVPD Officer 1 sent me a photograph of the three bags of heroin seized from EKONOMO's car on June 16, 2021, pictured below:



D. July 13, 2021 Intercepted Call Discussing Drug Trafficking

46. On July 13, 2021, BACA, who was with EKONOMO, had a 24-minute intercepted phone call with Person 1, a Spanish-speaker, and his son, Person 2, who acted as a translator. In summary, Person 1 and BACA were on the conference call to discuss issues related to a marijuana grow operation in Lucerne Valley. Based on my review of the recording and translation of the call, it appears that BACA was with "GUERO" (EKONOMO) during the call. As described below, BACA also confirmed that GUERO was with him during the July 13, 2021 call during his interview with agents on October 21, 2021. Based on the call described in more detail below, BACA, EKONOMO, and Person 1 appear to be involved in the management and operation of a marijuana cultivating site in Lucerne Valley, as well as trafficking other narcotics including cocaine.

47. At the beginning of the call, the following exchange took place:⁸

BACA: What's up man, how are you doing? Tell [him], you gotta do it on WhatsApp.

PERSON 2: I don't have WhatsApp.

BACA: You don't? Do you have any of them?

PERSON 2: Uh uh.

BACA: Oh shit, alright.

⁸ The summary below is based on my review of the intercepted call as well as a draft transcript of the call prepared by other agents and a Spanish-speaking FBI support employee. Text below in *Italics* indicates English translation of audio that was originally in Spanish, as translated by the Spanish-speaking technician.

PERSON 2: *He says he has WhatsApp but I don't have WhatsApp.*

48. Based on my training, experience, and knowledge of this investigation, it appears that BACA wanted to move the call to an encrypted application at the start of the conversation to conceal criminal activity, which is common among narcotics traffickers and money launderers trying to evade electronic monitoring by law enforcement. However, because PERSON 2 did not have WhatsApp or other encrypted applications, the phone call continued on the regular line for 24 minutes.

49. Later in the conversation, the following exchange took place:

BACA: Tell him this. I brought 38 5 right now. I will leave it.

PERSON 2: *He said he brought 38 5 and he said he is going to leave it.*

PERSON 1: *With that I can't pay our people man tell him.... We don't pay our people understand, understand in your head what we are doing. Son, son, tell him what we are doing is abuse, it's abuse, my people can call the cops and we can get into problems. Tell him! Tell him!*

PERSON 2: He said the problem here is that is not okay with his people. I mean they can pretty much just call the cops on him if they want and you know everyone's in trouble so he doesn't want that.

BACA: We're not going to call, most of them don't have papers. We're not going to call.

PERSON 2: *He says that they won't call, they don't have papers.*

PERSON 1: *Son, son, tell him that although the people here don't have papers, they will snitch. They recently took a guy, they took all of them to jail, about forty people.*

50. Based on my training, experience, and knowledge of the investigation, I believe PERSON 1 was concerned that if BACA did not deliver cash on time for the narcotics, PERSON 1's workers would report PERSON 1, and everyone would be in trouble, specifically with law enforcement. I believe BACA was not concerned because the workers were undocumented immigrants and BACA believed that the workers understood that if they called law enforcement about PERSON 1, they would risk being deported. Later in the conversation, the following exchange took place:

PERSON 1: *Son, tell him, why did they bring me one kilo two kilos of coke, they brought it and they took it away in two days, why didn't they give me a chance to work.*

PERSON 2: He said why don't you guys let him work. He said you guys brought one key, two keys, and you know, took like two to three days--

BACA: No, no-no-no!

PERSON 1: *Why, Why, I also have the right! Juan, you know.*

BACA: Alright, I don't want to talk on the phone.

51. Based on my training, experience, and knowledge of the investigation, PERSON 2 saying "you brought one keys two keys" is referring to BACA bringing PERSON 1 one or two kilograms of cocaine to sell and, it sounds like BACA then took back the cocaine from PERSON 1. It appears that PERSON 1 was upset because BACA did not give PERSON 1 enough time to sell the cocaine. This portion of the call shows that BACA and PERSON 1 are also involved in narcotics transactions that include large quantities of cocaine. I believe it is significant as soon as

PERSON 1 brought up "kilos" and "coca," BACA stated, "I don't want to talk on the phone," again indicating his reluctance to discuss illegal activities on the phone. As a law enforcement officer, BACA has knowledge of law enforcement tools for intercepting phone calls, and has consistently demonstrated the use of counter-measures to avoid law enforcement detection.

52. During the intercepted call, there were also numerous references to GUERO directly. For example:

PERSON 1: He said that pretty much, that all, that you and GUERO, the agreement was that he grows it you guys sell it and now that, that, uh, that, uh pretty much all his stuff is broken now that he has all the work now you guys want to kind of come back now and he doesn't like that, pretty much that all, uh, his stuff is broken and you guys left everything like never helped him pretty much.

BACA: That's not true, GUERO was down here helping him every day so he got mad and kicked him out and he-

53. Based on my training, experience, and knowledge of this investigation, it appears that BACA and PERSON 1 were having a disagreement about BACA and GUERO (EKONOMO) not following through on their agreement to help PERSON 1 with the marijuana grow operation. BACA confirmed that EKONOMO was "down here" helping PERSON 1. Later in the conversation, there were additional references to GUERO. For example:

PERSON 2: Those pounds that el GUERO took.

PERSON 1: *He had to come back with the money quickly to pay the people.*

PERSON 2: GUERO was supposed to bring that money back quick so he could pay.

BACA: Well, here's the problem, the problem with that.

PERSON 1: *El GUERO knows, el GUERO knows the business.*

BACA: Hold on, hold on.

PERSON 2: He said GUERO [unintelligible].

BACA: I saw it, I saw it all, it was really dry, we have to moisten it up.

PERSON 1: *No, no, no, no, no, tell him son.*

BACA: Yes, I was there I saw it.

54. Based on my training, experience, and knowledge of this investigation, it appears that PERSON 1 was upset with BACA and GUERO (EKONOMO), because EKONOMO picked up marijuana from PERSON 1 but failed to return with the money for it quickly. This corroborates the fact that BACA and EKONOMO are working together in drug related business.

E. October 21, 2021 BACA's Arrest and Interview

55. On October 21, 2021, at approximately 10:20 AM, FBI Special Agents executed a federal arrest warrant, arresting BACA on the indictment charging BACA with two counts of cocaine distribution. I was present at the scene of BACA's arrest, which took place at a coffee shop in Marina Del Rey, California. Based on my conversations with other agents present at the scene, at approximately 10:23 AM, two FBI Special Agents read BACA his Miranda rights.

56. Thereafter, BACA was placed in a law enforcement vehicle and transported to an interview room at the FBI office in Westwood. I participated in the transport of BACA to the FBI office and in the subsequent interview of BACA. FBI Special

Agent Paulette Taggart and Assistant United States Attorney Veronica Dragalin were also present in the interview of BACA.

57. BACA arrived at the FBI interview room at approximately 10:50 AM. After informing BACA of the charges against him, we explained that we were seeking BACA's cooperation, including in confirming whether other officers were involved in or aware of any of BACA's drug trafficking activities. We explained that BACA had the option of cooperating and answering questions or exercising his right to remain silent and proceeding to the next steps in the process. BACA proceeded to answer some questions that were posed to him, while exercising his right not to answer other questions. As relevant to this affidavit, BACA stated the following:

a. BACA was shown an excerpt of the intercepted wire call that occurred on July 13, 2021 (described above). After reviewing the excerpt, BACA stated that he recalled this call, which was between BACA and a person who was one of BACA's purported confidential sources. BACA stated that he did not recall the source's full name but knew his nickname (which is a nickname for Person 1's first name). BACA explained that this was a three-way call between BACA, Person 1, and Person 1's son who acted as a translator between BACA and Person 1, because Person 1 did not speak English. BACA denied ever bringing cash to Person 1, ever providing cocaine to Person 1, or ever providing any other type of drugs to Person 1.

b. I explained to BACA that we knew there was another person with BACA at the time he made the intercepted

call on July 13, 2021. I asked BACA the name of the person that was with BACA during the call. BACA stated that he did not know the person's full name, but only recalled his nickname. BACA stated that he knew the person as "GUERO."⁹ BACA explained that GUERO worked as a confidential source a long time ago, but that he was no longer a source. BACA stated that he kept in contact with GUERO and saw GUERO sometimes.

F. October 28, 2021 Drugs at EKONOMO's RESIDENCE

58. On October 27, 2021, the Honorable Jean P. Rosenbluth, United States Magistrate Judge, signed three warrants, including a warrant for EKONOMO's RESIDENCE and EKONOMO's person, in case numbers 2:21-MJ-4924 and 2:21-MJ-4925, respectively.

59. On October 28, 2021, FBI agents executed the search warrant at EKONOMO's RESIDENCE. At the time of the search warrant, EKONOMO's wife and three minor children were present at the residence. EKONOMO was not present at the residence at the time of execution. Based on my conversations with agents who participated in the execution of the search warrant, during the execution of the search warrant, FBI agents discovered the following evidence relevant to this application:

a. During the search, agents observed a small area of dirt in the back corner of the property, which otherwise was largely covered in concrete. FBI Special Agent Andrew Harris

⁹ Based on my conversations with Spanish-speaking agents, I understand that "guero" means "blonde" and is a slang term that refers to a light-skinned person. Based on my review of EKONOMO's DMV photo, EKONOMO appears to be a light-skinned Hispanic person with light green eyes.

noted a piece of wood similar to a log in the dirt area. After moving it out of the way, SA Harris noticed that the dirt underneath was loose. SA Harris used his foot to move the loose dirt and observed a tightly wrapped black package approximately two inches below the surface. After taking photographs and removing the package from the dirt, agents asked for assistance from an Los Angeles Police Department K-9 officer trained in the detection of narcotics, including heroin, cocaine, and methamphetamine. The K-9 officer alerted distinctly at the package. Below is a photograph of the tightly wrapped black package that was excavated from the small dirt area described above:



b. Agents then unwrapped the black plastic and found additional layers of packaging underneath the top layer. Ultimately, the package revealed what appeared to be four individually-wrapped packages containing different types of narcotics. Based on my conversations with other trained

narcotics law enforcement officers on the scene, the substances in the individually-wrapped packages are consistent with cocaine and heroin. The four packages are pictured below:



c. The substances were processed and booked into FBI evidence. The individually wrapped packages were weighed at the FBI office. Their approximate gross weights (including the packaging) were as follows:

Item #	Weight	Description & Packaging
1	516.1 grams	White substance contained in a vacuum-sealed heat-seal bag that was in an open heat-seal bag.

2	533.7 grams	Brown brick substance with two ring emblems in an open heat-seal bag.
3	283.4 grams	Brown rock hard substance in an open heat-seal bag.
4	501.6 grams	Brown rock hard substance in a vacuum-sealed heat-seal bag.

d. In the attached garage of the residence, agents found a large green package addressed to "GERARDO E." at EKONOMO's RESIDENCE. Inside the package, agents found approximately 50-75 heat-seal bags that looked like the vacuum-sealed heat-seal bags pictured above. In the garage, agents also found an industrial roll of black plastic wrap, similar to the black plastic wrap of the package found buried in the yard, as pictured above.

e. Inside the residence, on the ground of a closet in the master bedroom, agents found an unloaded firearm in a blue shopping bag, along with ammunition, under a pile of clothes. The firearm was a Hawkins and Allen .38 caliber revolver. The ammunition found along with the revolver included: one baggie of loose .38 Special ammunition; 3 boxes of 25 rounds of hollow point 9mm ammunition; 3.5 boxes of 50 rounds of training 9mm ammunition; and one loaded Glock 9mm magazine. Agents did not recover a 9mm firearm from the residence.

f. Agents also recovered several documents from the residence with EKONOMO's name (in addition to the package addressed to EKONOMO in the garage), including documents for a construction company and Money Gram records.

60. Agents at the scene interviewed EKONOMO's wife, who confirmed that the only people who resided at the residence were EKONOMO, EKONOMO's wife, and their three minor children.

61. On October 29, 2021, FBI Special Agents Andrew Harris and Cameron Schroeck performed a presumptive field test on Item 2 described above using a Nark II Narcotics Analysis Reagent Kit, which had the capability of testing for the presence of heroin and morphine. SA Schroek confirmed that Item 2, the brick-shaped package containing a brown substance with two ring emblems, tested presumptively positive for the presence of heroin. SA Schroek explained that agents did not open the vacuum-sealed heat-seal bag to conduct additional field tests due to concerns for officer safety because of the possible presence of fentanyl in the substances.

G. EKONOMO's Statements

62. On October 28, 2021, FBI Special Agents called EKONOMO's PHONE number and informed him that agents were executing a search warrant at his residence and explained that agents wanted to speak to EKONOMO. EKONOMO stated that he was in Hesperia, California but agreed to drive to his residence to meet with the agents. After arriving at his residence, EKONOMO agreed to answer agents' questions. After being advised that the interview was voluntary and that lying to FBI agents was a crime, EKONOMO made the following statements relevant to this application:

a. EKONOMO confirmed that he lived at the residence with his wife and children. EKONOMO stated that his brother

also used to live at the residence and had moved out approximately two to three months before. EKONOMO stated that he never stored drugs at his residence and had no knowledge about drugs at his residence.

b. EKONOMO stated that he knew JOHN BACA from the Inglewood Police Department, and that he worked as an informant for BACA. However, when pressed for more details, EKONOMO admitted that he had never been paid by the Inglewood Police Department or any other police department for any work or information as an informant - despite this being EKONOMO's stated motivation for acting in this role. Specifically, EKONOMO claimed that he agreed to "work" with BACA because IPD paid more to informants than other police departments.

c. EKONOMO stated that BACA came to his residence on occasion to but only stayed outside of the residence. Specially, EKONOMO claimed that BACA never went inside his residence or inside his garage.

d. EKONOMO denied ever engaging in drug trafficking, ever engaging in drug trafficking with BACA, and ever receiving drugs or money from BACA, providing drugs or money to BACA, or storing drugs or money at EKONOMO's RESIDENCE.

e. EKONOMO stated that in June 2021, he was pulled over in Las Vegas with drugs in his car. EKONOMO claimed that he got authorization from BACA to transport a sample of drugs for an unknown subject to Las Vegas as part of a law enforcement operation. EKONOMO claimed that BACA authorized the trip and told EKONOMO to note the license plates of individuals he came

in contact with. Upon EKONOMO's arrest, EKONOMO told the arresting officer that he "worked" for IPD officer BACA. After EKONOMO's arrest, EKONOMO spoke to BACA about the arrest. BACA assured EKONOMO that he would take care of the case.

f. When confronted with the drug packages agents found at EKONOMO's RESIDENCE during the search, EKONOMO claimed that he had no idea the drugs were there.

H. Preliminary Review of EKONOMO's Phone

63. On October 29, 2021, I spoke to FBI Special Agent Andrew Civetti and FBI support staff regarding a preliminary review of the phone seized from EKONOMO on October 28, 2021 pursuant to a federal search warrant. Among other things, EKONOMO's phone contained the following relevant information:

a. A WhatsApp conversation with an unidentified individual, including text messages, exchanged photographs and voice messages. The communications were consistent with coded language discussing drug trafficking, including reference to picking up items and moving items. In addition, in response to an inquiry from the unidentified individual, EKONOMO stated that he was just getting back from Russia, indicating that he had traveled recently to Russia.

b. Photographs of plane tickets to Honduras and Ecuador.

c. Photographs in WhatsApp messages depicting what appear to be controlled substances, including two specific photographs displaying white bricks resembling cocaine with imprints on the brick.

64. Based on my training, experience, and knowledge of this investigation as summarized above, I believe that there is probable cause that EKONOMO possessed a total of approximately 1,318.7 gross grams of heroin at his residence with the intent to distribute it. The largest of the four packages tested presumptively positive for heroin, two additional packages were also brown in color and are consistent with heroin, the items were buried in EKONOMO's yard, look similar to three bags of heroin seized from EKONOMO's car during his arrest on June 16, 2021 in Las Vegas, and were packaged in way that is consistent with how narcotics generally are packaged for distribution.

CONCLUSION

65. For all of the reasons described above, there is probable cause to believe that GERARDO EKONOMO has committed a violation of 21 U.S.C. §§ 841(a)(1), (b)(1)(A)(i): Possession with Intent to Distribute Heroin.

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by telephone on this 29 day of October, 2021.



THE HONORABLE MICHAEL R. WILNER
UNITED STATES MAGISTRATE JUDGE