

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN

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UNITED STATES OF AMERICA )  
 ) Case No. 11-mj-75  
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 v. ) COMPLAINT FOR VIOLATION OF  
 ) TITLE 21, UNITED STATES  
 JOSE ESQUEDA-GARCIA, ) CODE, SECTION 841(a)(1)  
 NORBERTO BURCIAGA, )  
 CESAR OMAR TINOCO, )  
 MOISES LOPEZ-ONTIVEROS, )  
 JORGE LOPEZ-ONTIVEROS, and )  
 ABRAHAM RAMIREZ, )  
 )  
 Defendants. )

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BEFORE United States Magistrate Judge  
Stephen L. Crocker

United States District Court  
120 North Henry Street  
Madison, Wisconsin 53703

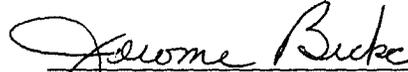
The undersigned complainant being duly sworn states that on or about August 10,  
2011, in the Western District of Wisconsin, the defendant,

NORBERTO BURCIAGA, CESAR OMAR TINOCO,  
MOISES LOPEZ-ONTIVEROS, JORGE LOPEZ-ONTIVEROS,  
and ABRAHAM RAMIREZ,

knowingly and intentionally manufactured marijuana, a Schedule I controlled substance.

(In violation Title 21, United States Code, Section 841(a)(1) and Title 18, United  
States Code, Section 2).

This complaint is based on the attached affidavit of Special Agent Jerome Becka.



JEROME BECKA, Special Agent  
United States Drug Enforcement Administration

Sworn to before me this 12<sup>th</sup> day of August 2011.



HONORABLE STEPHEN L. CROCKER  
United States Magistrate Judge



2. I have personally participated in the investigation set forth below. I am familiar with the facts and circumstances of the investigation through my personal participation; from discussions with other agents of the Drug Enforcement Administration and other state and local law enforcement; and from my review of records and reports relating to the investigation.

3. During November 2010, Ashland County Sheriff's Office and U.S. Forest Service officers located a harvested marijuana grow site in the Chequamegon National Forest. The grow sight consisted of campsites and multiple plots in the forest on both sides of CTH GG, about 6.5 miles south of Clam Lake, immediately adjacent to the south side of the Moose River. Based on past experience and information gained through other law enforcement agencies, I know that Mexican Drug Trafficking Organizations will plant numerous marijuana plants on U.S. Forest Service land. During the course of the marijuana growing period, these organizations will have members stay at the grow site until the marijuana is harvested and transported out of the area. These individuals at the grow site are responsible for soil preparation, the planting of the marijuana, maintaining the growth of the marijuana and protecting the marijuana from theft. In the past, the individuals in the field have been known to carry firearms to protect the grow site. It is also believed that they will re-use planting areas in the forest with which they are familiar and which have been successful in the past.

4. According to the officers who examined the site in November 2010, there were receipts from stores in St. Paul, Minnesota and discarded sleeping bags. This

garbage site was indicative of a number of people who lived in the area for an extended period of time.

5. On 06/28/2011 and 07/13/2011, aerial surveillance of the suspected grow area in the forest on both sides of CTH GG, south of the Moose River was conducted using thermal imaging by Deputy Michael Johansen and SA Michael Sasse, (both Certified Thermographers very experienced in detecting outdoor marijuana grows). In the suspected target area, where the marijuana had been grown the previous year, there were several large plots containing countless patterns of circular disturbed earth suspected to contain plants. These circular disturbed earth patterns are not naturally occurring.

6. On August 10, 2011, officers and investigators from multiple local, state and federal law enforcement agencies enveloped and searched the areas of the forest near the suspected marijuana grow where it was believed that persons tending to the marijuana were encamped. As police approached a campsite near the grow, an estimated five suspects fled into the forest. One of the subjects was apprehended a short time later. The hispanic male apprehended was identified as JOSE ESQUEDA-GARCIA.

7. An investigation of the camp site and the nearby marijuana grow plots within the forest resulted in the seizure of over 9,000 marijuana plants, tarps, plastic sheeting, water pipe, cords, plant starter trays, tools, growing paraphernalia, generators, water pumps, food containers, clothing, sleeping bags, etc. From past experience and information pertaining to other grows of similar type, these items are commonly used for a such marijuana grows, and have been found at previous grows sites.

8. Special Agents Scott Albrecht and Jeff Bangert, of the Drug Enforcement Administration, interviewed JOSE ESQUEDA-GARCIA with the assistance of a translator. GARCIA stated that he came to Wisconsin from California and was in the country illegally. He stated that a subject in California had offered him a job to cut leaves of marijuana plants for which he would be paid \$200 per day. GARCIA then met another hispanic male at a hotel in Modesto, California who drove him from Modesto directly to the grow location in the forest. GARCIA stated that he arrived there around July 20. At the location he met four other persons there who taught him how to cut the plants. Between July 20 and August 10, he and the other persons also tended to the plants in preparation for their harvesting which was planned for the next full moon, and anticipated to be finished by the end of month.

9. As law enforcement continued their investigation at the grow site, they also continued the search <sup>for</sup> four subjects who had eluded apprehension. As a result of the earlier stages of the investigation, I had the number of a cell phone that was believed to be used by one of the subjects at the grow site. On August 11, information obtained from the cell service provider regarding the use of the cell phone and the cell towers receiving the phone signals after the subjects fled the campsite indicated that the subjects were still in the area, approximately 11 miles south of Clam Lake on County GG. Local and state law enforcement then monitored the area for vehicles that may have been arriving to assist the suspects in their flight. On the afternoon of August 11, a suspicious vehicle was seen near Loretta, in Sawyer County, on lower highway GG with Minnesota plates that

came back to a name possibly associated with the investigation. State investigators trailed the vehicle and stopped it on Highway 27 in Sawyer County. Investigators found five hispanic men in the vehicle, four of whom appeared to have been in the woods for an extended period without proper clothing or equipment. The men were identified as NORBERTO BURCIAGA, the driver of the vehicle; CESAR OMAR TINOCO; MOISES LOPEZ ONTIVEROS; JORGE LOPEZ ONTIVEROS; and ABRAHAM RAMIREZ. These individuals were transported to the Sawyer County jail and interviewed.

10. <sup>gb</sup> ~~I have~~ <sup>se</sup> spoken with Deputy Nathan Delegan of the Ashland County Sheriff's Department who interviewed CESAR OMAR TINOCO. Deputy Delegan reported that TINOCO stated that he had been at the grow site on GG for one week. He explained that he was hired by an individual from Minnesota at \$200 per day to cut (trim) the plants. TINOCO admitted that he knew the plants were marijuana plants. TINOCO explained that the person who had hired him, brought him to the site in Wisconsin and dropped him off. TINOCO acknowledged that there were four other persons at the site, and one of them whom he knew as "Chomena" (later identified as JORGE LOPEZ-ONTIVEROS), gave directions to TINOCO concerning daily tasks concerning the grow. Chemona also showed him how to trim the plants. Chemona's job was to water the plants, and tend to the crop. TINOCO also stated that they were all armed. TINOCO said he was given a 9 mm pistol to use for "animals and anyone who would try to rob the grow."

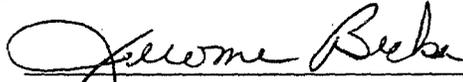
11. I have also spoken with Special Agent Jay Smith of the Wisconsin Department of Justice, Criminal Investigation Division, who interviewed two other subjects, NOBERTO BURCIAGA and JORGE LOPEZ-ONTIVEROS. SA Smith advised me that BURCIAGA stated that he was paid \$500 per trip to bring groceries and supplies to the men in the forest. June 10 was the first time he brought a load of groceries. He stated that he was hired by MOISES, who was in charge of the operation. He used different vehicles, including his white Chevrolet and his son's Charger to make these trips. BURCIAGA acknowledged that he knew it was an illegal operation. He stated that when he delivered the supplies, he never brought any marijuana back, but would bring back empty gas cans and other items. BURCIAGA stated that MOISES would call and tell him when to deliver groceries. BURCIAGA indicated that on August 11, he received call from a female around 9:00 a.m. and was instructed to "go pick 'em up;" go to the "third bridge" on County GG and honk the horn. BURCIAGA stated that he then drove from Minnesota to the bridge, at which time the men came from the woods and got into the truck, shortly before he was stopped by police.

12. SA Smith also interviewed JORGE LOPEZ-ONTIVEROS, who indicated that he was the brother of MOISES LOPEZ-ONTIVEROS. JORGE indicated that his (JORGE'S) nickname is "chomena." JORGE stated that he was brought in from Modesto, California, in May or June. Initially, he had been brought to Minnesota and stayed with his brother MOISES for one week, after which he was transported to the grow location. When he arrived, he realized that it was an illegal marijuana grow operation. JORGE

stated that he was to be paid \$5,000 for the summer, to water and fertilize the plants. He and his brother, MOISES, shared a "hooch." The other three men shared another "hooch." He was sleeping when the police arrived, but awoke and ran. JORGE stated that they had rifles for "problems with thieves." JORGE indicated that, after the police raid, they met at the bridge.

13. Based on my training and experience in conducting marijuana investigations, I am familiar with the appearance and smell of marijuana plants and based on this experience and the admissions of the defendants interviewed, I believe the plants growing at this grow site were marijuana.

Dated this 12th day of August 2011.



JEROME BECKA, Special Agent  
United States Drug Enforcement Administration

Sworn to before me this 12<sup>th</sup> day of August 2011.



HONORABLE STEPHEN L. CROCKER  
United States Magistrate Judge