

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

No. 16 mj 03431-JC

UNITED STATES OF AMERICA

vs.

HARRISON GARCIA,

Defendant.

_____ /

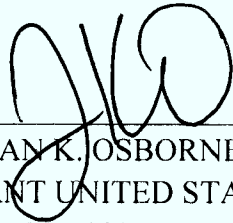
CRIMINAL COVER SHEET

1. Did this matter originate from a matter pending in the Northern Region of the United States Attorney's Office prior to October 14, 2003? ____ Yes X No
2. Did this matter originate from a matter pending in the Central Region of the United States Attorney's Office prior to September 1, 2007? ____ Yes X No

Respectfully submitted,

WIFREDO A. FERRER
UNITED STATES ATTORNEY

BY:



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UNITED STATES DISTRICT COURT

for the

Southern District of Florida

United States of America

v.

Harrison Garcia,

Defendant(s)

Case No.

16 m, 03431-JK

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of October 18, 2016 in the county of Miami-Dade in the
Southern District of Florida, the defendant(s) violated:

Code Section

Offense Description

Title 21, United States Code,
Section 841(a)(1)

Possession with intent to distribute a controlled substance

Title 18, United States Code,
Section 924(c)

Possession of a firearm in furtherance of a drug-trafficking crime

This criminal complaint is based on these facts:

Please see the attached Affidavit.

☒ Continued on the attached sheet.


Complainant's signature

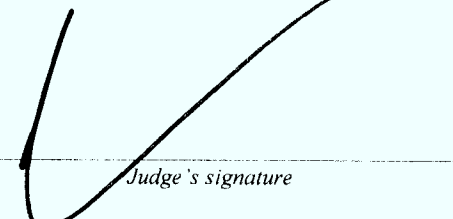
Kevin Selent, HSI Special Agent

Printed name and title

Sworn to before me and signed in my presence.

Date: 10/19/2016

City and state: Miami, Florida



Judge's signature

Hon. Jonathan Goodman, U.S. Magistrate Judge

Printed name and title

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

I, Kevin Selent, being duly sworn, attest and affirm the following:

1. I am a Special Agent with the Department of Homeland Security, Homeland Security Investigations in Miami, Florida. I am a law enforcement officer of the United States within the meaning of Title 18, United States Code, Section 2510(7). I am currently assigned to the Violent Gang Task Force. As part of my duties as a Special Agent, I am responsible for investigating violations of federal criminal laws, including violations of the federal controlled substances and firearms statutes.

2. This affidavit is submitted in support of a criminal complaint against defendant Harrison Garcia ("GARCIA"). As explained in detail below, I respectfully submit that there is probable cause to believe that, on or about October 18, 2016, in Miami-Dade County, in the Southern District of Florida, GARCIA did possess with intent to distribute a controlled substance, in violation of Title 21, United States Code, Section 841(a)(1), and did possess a firearm in furtherance of a drug trafficking crime, in violation of Title 18, United States Code, Section 924(c).

3. The information contained in this affidavit is based on my personal knowledge as well as information relayed to me by other law enforcement agents and officers involved in this investigation. The information set forth in this affidavit is provided solely for the purpose of establishing probable cause for the arrest of GARCIA. As such, it does not include all of the information known to me about this investigation.

4. In or around August 2015, law enforcement began an investigation involving controlled purchases of controlled substances, including promethazine with codeine (commonly

known as “lean”)¹ and marijuana from GARCIA. A criminal records check revealed that GARCIA previously pled guilty with adjudication withheld for two separate narcotics charges in Miami-Dade County. On or about June 6, 2013, GARCIA pled guilty to possession with intent to distribute cocaine, a 2nd degree felony, possession with intent to distribute cannabis, a 3rd degree felony, and possession with intent to distribute a controlled substance, a 2nd degree felony. On or about June 21, 2013, GARCIA pled guilty to possession of a controlled substance, a 3rd degree felony.

5. Over the course of the investigation, law enforcement monitored GARCIA’s use of his Instagram page to traffic illegal controlled substances and obtained a federal search warrant for GARCIA’s Instagram account, “muhammad_a_lean” (Case No. 16-mj-3318-PAW). Records provided by Instagram pursuant to the search warrant revealed direct messages sent and received by GARCIA in which GARCIA negotiated with customers for the sale of promethazine with codeine, marijuana, and other controlled substances, and agreed to provide the requested narcotics.

6. Furthermore, in August and September 2016, law enforcement conducted two (2) controlled narcotics purchases from GARCIA wherein GARCIA left his residence located at 7751 SW 29th Street, Miami, Florida, 33155 (the “TARGET RESIDENCE”), and sold promethazine with codeine and marijuana to a documented confidential informant for a total of \$2,630 and \$1,900, respectively.

7. On or about October 14, 2016, law enforcement obtained a Federal search warrant (Case No. 16-mj-03411-AOR) for the TARGET RESIDENCE, and agents executed the warrant on October 18, 2016.

8. The search of the TARGET RESIDENCE revealed:

¹ Promethazine with codeine is a Schedule V controlled substance that can only be lawfully issued through a physician’s prescription.

- a. a bedroom wherein agents located one (1) loaded F.N. 5.7 semi-automatic pistol, in plain view on a table; one (1) Glock 19 semi-automatic pistol; marijuana packaged in various quantities, including one (1) bag containing approximately two (2) pounds of marijuana (estimated street value exceeding \$7,000); jars containing high-potency marijuana, commonly referred to as “moonrocks”; a digital scale; and packaging equipment along with empty baggies;
- b. one (1) bottle of promethazine with codeine (estimated street value of \$1,000); and
- c. high-end vehicles, namely a Porsche Panamera and a Polaris Slingshot.

9. Furthermore, the search of a Chevrolet Suburban operated by GARCIA on October 18, 2016, revealed a backpack containing GARCIA’s wallet and Florida Driver License, jewelry, over \$800 in United States currency, two bags of marijuana (estimated street value exceeding \$500), a loaded Glock 42 semi-automatic pistol, and other plastic bottles containing “moonrocks” and drug paraphernalia.

10. Post-*Miranda*, GARCIA admitted that he maintained the TARGET RESIDENCE for the purpose of illegal drug distribution. Furthermore, GARCIA admitted that the backpack containing the marijuana and firearm taken from the Chevrolet Suburban belonged to him. GARCIA further agreed to take agents to an apartment that he controls on Kendall Drive, in Miami-Dade County, where law enforcement recovered:

- a. One (1) loaded I.O. Inc, 7.62 and 39 mm, AK-47 rifle;
- b. One (1) loaded IWI UZI 9 mm semi-automatic pistol;
- c. multiple firearm magazines and hundreds of rounds of ammunition, including 9 mm, 7.62 x 39 mm, and 5.7 x 28 mm rounds;

- d. more than three-thousand (3,000) alprazolam (Xanax) pills;² and
- e. photographs of GARCIA and receipts in GARCIA's name.

11. Based on the above facts, I submit there is probable cause to believe that, on or about October 18, 2016, in Miami-Dade County, in the Southern District of Florida, defendant Harrison GARCIA, did possess with intent to distribute a controlled substance, in violation of Title 21, United States Code, Section 841(a)(1); and did possess a firearm in furtherance of a drug trafficking crime, in violation of Title 18, United States Code, Section 924(c).

FURTHER YOUR AFFIANT SAYETH NAUGHT.



KEVIN SELENT, SPECIAL AGENT
HOMELAND SECURITY INVESTIGATIONS

Subscribed and sworn to before
me this 19th day of October, 2016.



HON. JONATHAN GOODMAN
UNITED STATES MAGISTRATE JUDGE

² Alprazolam is a Schedule IV controlled substance.