

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA**

UNITED STATES OF AMERICA,  
  
Plaintiff,  
  
v.  
  
ROGELIO FLORES GUZMAN,  
  
Defendant.

Case No.: **20MJ1367**

**COMPLAINT FOR VIOLATION OF:**

Title 21, U.S.C., Secs. 841(a)(1) and 846  
- Conspiracy to Distribute Controlled  
Substances

The undersigned complainant being duly sworn states:

**CONSPIRACY TO DISTRIBUTE CONTROLLED SUBSTANCES**

Beginning on a date unknown and continuing up to and including April 9, 2020, within the Southern District of California, and elsewhere, defendant ROGELIO FLORES GUZMAN did knowingly and intentionally conspire together with others, known and unknown, to distribute 400 grams and more of a mixture and substance containing N-phenyl-N- [1- (2-phenylethyl) -4- piperidinyl] propenamide (commonly known as fentanyl), a Schedule II controlled substance; 500 grams and more of a mixture and substance containing methamphetamine, a Schedule II controlled substance; 1 kilogram and more of a mixture and substance containing heroin, a Schedule I controlled substance; 5 kilograms

1 and more of a mixture and substance containing cocaine, a Schedule II controlled substance;  
2 and 1,000 kilograms and more of marijuana, a Schedule I controlled substance; all in  
3 violation of Title 21, United States Code, Sections 841(a)(1) and 846.

4 And the complainant states this complaint is based on the attached Statement of Facts,  
5 which is incorporated herein by reference.

6 *Edward Wyner*  
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8 EDWARD WYNER

9 Special Agent

10 Homeland Security Investigations

11 Sworn and attested to under oath by telephone, in accordance with Federal Rule of Criminal  
12 Procedure 4.1 on April <sup>10</sup>, 2020.

13 *Barbara L Major*  
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15 HON. BARBARA L. MAJOR

16 UNITED STATES MAGISTRATE JUDGE  
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**PROBABLE CAUSE STATEMENT**

**A. INTRODUCTION**

1. During the course of my duties, I have learned the following information from having read the reports prepared by other law enforcement officers. The following does not contain all of the information known to myself or other federal agents and state and local officers regarding this investigation, but it does contain those facts believed to be necessary to establish probable cause.

**B. PROBABLE CAUSE**

***Discovery of Transnational Tunnel***

2. On March 20, 2020, pursuant to the service a federal search warrant (20MJ1167) issued by the Honorable Mitchel D. Dembin, United States Magistrate for the Southern District of California, federal agents discovered an exit-point for a subterranean transnational tunnel within a commercial warehouse located at 2587 Otay Center Drive, San Diego 92154, occupied Big Brands Warehouse Sales Corporation (“Otay Warehouse”).

3. Based upon having traveled the span of this particular tunnel, agents learned that this tunnel’s entry-point was located within the Republic of Mexico. From the entry-point, the tunnel continues northbound, crossing the international border, with its exit-point located within the Otay Warehouse.

4. Within this tunnel, agents located approximately 575 packages. Based upon field-tests, these packages tested presumptively positive to contain controlled substances in the following approximate gross amounts:

- a. 394 packages containing 585 kilograms of cocaine;
- b. 133 packages containing 1355 kilograms of marijuana;
- c. 40 packages of containing 39.12 kilograms of methamphetamine;
- d. 7 packages containing 7.74 kilograms of heroin; and
- e. 1 package containing 1.1 kilograms of fentanyl.

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***Identification of Defendant***

5. During May 2019, surveillance agents observed Rogelio Flores Guzman (“Defendant”) frequently come and go from the Otay Warehouse. On March 18, 2020, surveillance agents observed Defendant leave the Otay Warehouse as the driver and sole visible occupant of a medium sized box-truck (a truck that had a separate cargo area that was only accessible from the back of the truck) (“Box Truck”). As surveillance agents proceeded to follow, Defendant started to drive in a way that made agents believe Defendant was aware that he was being followed. Specifically, at one point, Defendant pulled over, parked in a no parking zone, and briskly walked away from the Box Truck. Agents approached the parked Box Truck and, through a gap in the back door of the truck’s cargo compartment, agents were able to see human fingers, indicating that there were several people located in the Box Truck’s cargo compartment. Within the cargo area, agents located ten individuals who later self-identified as Mexican nationals; individuals who did not legally enter the United States. Defendant was released pending further investigation.

***Interview with Defendant on April 9, 2020***

6. On April 9, 2020, agents contacted Defendant at the Los Angeles International Airport. Defendant was waiting to board a flight to Guadalajara, Mexico. During this contact, agents verbally advised Defendant of his *Miranda* rights. Thereafter, Defendant agreed to speak with agents. During the course of two separate interviews, Defendant admitted: 1) to knowing of the tunnel located within the Otay Warehouse, 2) to having assisted in the completion of the tunnel’s construction, 3) to controlling access to the tunnel’s exit-point by possessing the key to the room wherein the exit-point was contained, 4) to knowing that the tunnel was used to import controlled substances, 5) to having personally transported controlled substances that were previously imported via the tunnel (on approximately 10-20 separate occasions); and 6) to transporting controlled substances from the tunnel to unidentified co-conspirators.