

UNITED STATES DISTRICT COURT

for the

Northern District of California

FILED
Dec 05 2024
Mark B. Busby
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO

United States of America

v.

Kevin Martinez-Cruz

Case No.3:24-mj-71727 MAG

Defendant(s)

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 8/3/2022; 3/17/23; and 12/31/2023 in the county of San Francisco in the Northern District of California, the defendant(s) violated:

Code Section

Offense Description

See attached.

See attached.

This criminal complaint is based on these facts:

See attached affidavit of DEA TFO Domenico Discenza.

Continued on the attached sheet.

/s/ Domenico Discenza

Complainant's signature

Approved as to form John Ullom
AUSA John Ullom (SAUSA)

Domenico Discenza, DEA TFO

Printed name and title

Sworn to before me and signed in my presence.

Date: 12/05/2024

Sallie Kim
Judge's signature

City and state: San Francisco, CA

Hon. Sallie Kim, U.S. Magistrate Judge

Printed name and title

**CRIMINAL COMPLAINT ATTACHMENT**

<i>Code Section</i>	<i>Offense Description</i>
21 U.S.C. §§ 841(a)(1), (b)(1)(C)	Possession with intent to distribute a mixture or substance containing a detectable amount of fentanyl  Penalties: <ul style="list-style-type: none"><li>• Imprisonment: 20 years (§ 841(b)(1)(C))</li><li>• Fine: \$1,000,000 (§ 841(b)(1)(C))</li><li>• Supervised Release: 3 years (min), life (max) (§ 841(b)(1)(C))</li><li>• Special Assessment: \$100 (§ 3013(a)(2)(A))</li><li>• Forfeiture, Deportation, Denial of Federal Benefits</li></ul>
21 U.S.C. §§ 841(a)(1), (b)(1)(C)	Possession with intent to distribute a mixture or substance containing a detectable amount of methamphetamine  Penalties: <ul style="list-style-type: none"><li>• Imprisonment: 20 years (§ 841(b)(1)(C))</li><li>• Fine: \$1,000,000 (§ 841(b)(1)(C))</li><li>• Supervised Release: 3 years (min), life (max) (§ 841(b)(1)(C))</li><li>• Special Assessment: \$100 (§ 3013(a)(2)(A))</li><li>• Forfeiture, Deportation, Denial of Federal Benefits</li></ul>
21 U.S.C. §§ 841(a)(1), (b)(1)(B)(vi)	Possession with intent to distribute forty grams or more of a mixture or substance containing a detectable amount of fentanyl  Penalties: <ul style="list-style-type: none"><li>• Imprisonment: 5 years (min), 40 years (max) (§ 841(b)(1)(B))</li><li>• Fine: \$5,000,000 (§ 841(b)(1)(B))</li><li>• Supervised Release: 4 years (min), life (max) (§ 841(b)(1)(B))</li><li>• Special Assessment: \$100 (§ 3013(a)(2)(A))</li><li>• Forfeiture, Deportation, Denial of Federal Benefits</li></ul>
21 U.S.C. §§ 841(a)(1), (b)(1)(C)	Possession with intent to distribute a mixture or substance containing a detectable amount of methamphetamine  Penalties: <ul style="list-style-type: none"><li>• Imprisonment: 20 years (§ 841(b)(1)(C))</li><li>• Fine: \$1,000,000 (§ 841(b)(1)(C))</li><li>• Supervised Release: 3 years (min), life (max) (§ 841(b)(1)(C))</li><li>• Special Assessment: \$100 (§ 3013(a)(2)(A))</li><li>• Forfeiture, Deportation, Denial of Federal Benefits</li></ul>

21 U.S.C. §§ 841(a)(1), Possession with intent to distribute forty grams or more of a mixture  
(b)(1)(B)(vi) or substance containing a detectable amount of fentanyl

Penalties:

- Imprisonment: 5 years (min), 40 years (max) (§ 841(b)(1)(B))
- Fine: \$5,000,000 (§ 841(b)(1)(B))
- Supervised Release: 4 years (min), life (max) (§ 841(b)(1)(B))
- Special Assessment: \$100 (§ 3013(a)(2)(A))
- Forfeiture, Deportation, Denial of Federal Benefits

21 U.S.C. §§ 841(a)(1), Possession with intent to distribute five grams or more of  
(b)(1)(B)(viii) methamphetamine

Penalties:

- Imprisonment: 5 years (min), 40 years (max) (§ 841(b)(1)(B))
- Fine: \$5,000,000 (§ 841(b)(1)(B))
- Supervised Release: 4 years (min), life (max) (§ 841(b)(1)(B))
- Special Assessment: \$100 (§ 3013(a)(2)(A))
- Forfeiture, Deportation, Denial of Federal Benefits

**AFFIDAVIT IN SUPPORT OF AN APPLICATION FOR AN  
ARREST WARRANT AND CRIMINAL COMPLAINT**

I, Domenico Discenza, a Task Force Officer with the Drug Enforcement Administration, having been duly sworn, hereby depose and state as follows:

**INTRODUCTION**

1. I make this affidavit in support of an application for an arrest warrant and criminal complaint charging **KEVIN MARTINEZ-CRUZ** (“MARTINEZ-CRUZ”) with six violations of 21 U.S.C. §§ 841(a)(1), (b)(1)(B)(vi), (b)(1)(B)(viii), and (b)(1)(C), based on his possession with the intent to distribute the following controlled substances, all in San Francisco, California, in the Northern District of California, at the following times:

- COUNT ONE, a mixture or substance containing a detectable amount of N-phenyl-N- [ 1- ( 2-phenylethyl ) -4-piperidiny1 ] propenamide (“fentanyl”), in violation of 21 U.S.C. §§ 841(a)(1), (b)(1)(C), and COUNT TWO, a mixture or substance containing a detectable amount of methamphetamine, in violation of 21 U.S.C. §§ 841(a)(1), (b)(1)(C), on or about August 3, 2022;
- COUNT THREE, forty grams or more of a mixture or substance containing a detectable amount of fentanyl, in violation of 21 U.S.C. §§ 841(a)(1), (b)(1)(B)(vi), and COUNT FOUR, a mixture or substance containing a detectable amount of methamphetamine, in violation of 21 U.S.C. § 841(a)(1), (b)(1)(C), on or about March 17, 2023; and
- COUNT FIVE, forty grams or more of a mixture or substance containing a detectable amount of fentanyl, in violation of 21 U.S.C. §§ 841(a)(1), (b)(1)(B)(vi), and COUNT SIX, five grams or more of methamphetamine, in violation of 21 U.S.C. §§ 841(a)(1), (b)(1)(B)(viii), on or about December 31, 2023.

2. Between 2018 and December 2023, MARTINEZ-CRUZ has been arrested no fewer than 12 times for drug trafficking activities, violations of court ordered stay-aways or supervision, and numerous bench warrants for fleeing state prosecution have issued. Some of these arrests have resulted in convictions. Some of these arrests are pending. But none of these arrests or prior court interventions have deterred MARTINEZ-CRUZ from selling drugs, including fentanyl and methamphetamine, in San Francisco's Tenderloin District. As detailed below, MARTINEZ-CRUZ is a drug dealer who has on multiple occasions violated the federal controlled substances laws and for whom I seek an arrest warrant and criminal complaint.

### **SOURCES OF INFORMATION**

3. The facts in this affidavit come from my personal observations, my training and experience, information from records and databases, and information obtained from other agents, officers, and witnesses. Where statements made by other individuals (including other Special Agents and law enforcement officers) are referenced in this Affidavit, such statements are described in sum and substance and in relevant part. Similarly, where information contained in reports and other documents or records is referenced in this Affidavit, such information is also described in sum and substance and in relevant part.

4. Because this Affidavit is submitted for the limited purpose of establishing probable cause for a criminal complaint and arrest warrant, I have not included each and every fact known to me about this case. Rather, I have set forth only the facts that I believe are necessary to support probable cause for a criminal complaint and arrest warrant. My understanding of the facts and circumstances of the case may evolve as the investigation continues.

### **AFFIANT BACKGROUND**

5. I am a Sergeant at the San Francisco Police Department ("SFPD") and have worked as a sworn officer for the SFPD for approximately 25 years. I have been assigned as a

Sergeant at the SFPD Narcotics Unit since March 2023, and prior to that was a Sergeant at the Strategic Investigations/Homicide Detail for approximately nine years. I am a sworn Task Force Officer (“TFO”) for the Drug Enforcement Administration (“DEA”). I am an “investigative or law enforcement officer of the United States” within the meaning of 18 U.S.C. § 2510(7). I am empowered by law to conduct investigations, to execute search warrants, and to make arrests for offenses of Federal law, including drug offenses.

6. In the police academy and at SFPD Detective School, I received narcotics-related and narcotics investigations training, covering all aspects of drug investigations, including identification of controlled substances, physical surveillance, utilization of confidential sources, interview techniques, interview techniques, undercover operations, and the general operation of drug trafficking organizations. During my career, I have received hundreds of hours of continuing education training in law enforcement investigations, including training on drug trafficking investigations and specifically, fentanyl investigations.

7. During my employment at SFPD, I have participated in many controlled substance investigations. I have discussed the methods and practices used by drug traffickers with other law enforcement officers. I have also had conversations with drug users and sellers over the course of my career. I have also participated in many aspects of drug investigations including, but not limited to, undercover operations, records research, physical surveillance, and the execution of federal and state search warrants and arrest warrants that resulted in the arrest of suspects and seizure of controlled substances. I have reviewed numerous reports related to drug investigations and arrests. I have also prepared search warrants and arrest warrants related to various crimes against persons investigations.

8. Based on my training and experience, as well as conversations I have had with drug dealers, informants, and experienced law enforcement officers, I have become familiar with the practices of narcotics traffickers. Specifically, I am familiar with methods that traffickers use to smuggle, safeguard, transport, and distribute narcotics, and to collect and launder the proceeds of drug trafficking.

9. I have also had discussions with other law enforcement officers and confidential informants about the packaging and preparation of narcotics, the methods of operation, and security measures that are often employed by narcotics traffickers. I have examined documentation of various methods in which fentanyl and methamphetamine and other illicit drugs are smuggled, transported, possessed with intent to distribute, and distributed. I am familiar with the appearance of marijuana, heroin, cocaine, methamphetamine, fentanyl, and other controlled substances.

10. I am familiar with the facts and circumstances of the investigation through my participation in it based on several investigative techniques, including discussions with agents and officers from other law enforcement agencies, and review of records and reports relating to the investigation. Unless otherwise noted, wherever in this affidavit I assert that a statement was made, the statement is not being recounted verbatim but instead only in substance and in part. Facts not set forth herein, or in any attached exhibits, are not being relied on in reaching my conclusion that the requested order should be issued. Nor do I request that this Court rely on any facts not set forth herein in reviewing this application.

#### **APPLICABLE STATUTE**

11. **Possession of Controlled Substance with Intent to Distribute.** Under Title 21, United States Code, Section 841(a)(1), (b)(1)(C), it is unlawful for any person to knowingly possess with intent to distribute a federally controlled substance. Under 21 C.F.R. § 1308.12, methamphetamine and fentanyl are both Schedule II controlled substances. In addition, under 21 U.S.C. §§ 841(a)(1), (b)(1)(B)(vi), it is unlawful for any person to knowingly possess with intent to distribute 40 grams or more of a mixture or substance containing a detectable amount of fentanyl, and, under 21 U.S.C. §§ 841(a)(1), (b)(1)(B)(viii), it is unlawful for any person to knowingly possess with intent to distribute 5 grams or more of methamphetamine.

**STATEMENT OF PROBABLE CAUSE**

**A. Arrest on August 3, 2022**

12. On August 3, 2022, SFPD officers were conducting a narcotics surveillance operation. At approximately 5:53 p.m., one of the officers spotted an unknown male approach another male, later identified as MARTINEZ-CRUZ. The two began talking and walking southbound along the western sidewalk of 8th Street between Minna Street and Mission Street and stopped mid-block. This area is known for a high-volume of narcotics usage and sales, based on my training and experience.

13. The officer then observed what he recognized, based on his training and experience, to be a suspected hand-to-hand exchange of narcotics. Although it was unclear what was exchanged, the unknown male walked away from the exchange while placing an unknown item in his pants pocket, and MARTINEZ-CRUZ walked away while counting U.S. currency dollar bills.

14. SFPD continued to watch MARTINEZ-CRUZ and observed him conduct a second suspected hand-to-hand exchange of narcotics. In this exchange, an unidentified female approached MARTINEZ-CRUZ on the northwest corner of the intersection at 8th Street and Mission Street. MARTINEZ-CRUZ removed a golf-ball sized item from a black Adidas satchel that he had been wearing across his chest, ripping pieces of clear plastic off the item. He then waved to the female to walk westbound with him, and the two walked out of the SFPD's line of sight.

15. SFPD continued to watch MARTINEZ-CRUZ and observed a third suspected hand-to-hand exchange of narcotics. Another unidentified male approached MARTINEZ-CRUZ on the northwest corner of the intersection at 8th Street and Mission Street, handing MARTINEZ-CRUZ some U.S. currency. MARTINEZ-CRUZ took the currency, manipulated a clear plastic bag containing a golf-ball sized item, and handed the male a portion of it.

16. Based on the above, law enforcement believed they had observed MARTINEZ-CRUZ dealing narcotics and concealing additional suspected narcotics in the black Adidas satchel across his chest.

17. SFPD officers arrested MARTINEZ-CRUZ shortly after the abovementioned observations near the northwest corner of the intersection at 8th Street and Mission Street. The officer who had made the above observations confirmed that the person arrested, MARTINEZ-CRUZ, was the same person he had been observing.

18. Law enforcement searched MARTINEZ-CRUZ incident to arrest, and officers located and seized the black Adidas satchel. The black Adidas satchel contained individually wrapped multi-colored suspected narcotics. Officers also seized a total of \$710 in U.S. currency from MARTINEZ-CRUZ's pants pocket and black Adidas satchel.

19. Law enforcement weighed the suspected narcotics and utilized the TruNarc device to test the suspected narcotics seized from MARTINEZ-CRUZ, yielding the following results:

- A chalky substance of suspected fentanyl tested presumptive positive for fentanyl, weighing 10.3 gross grams;
- A white chalky substance and multi-colored individually wrapped chalky substances of suspected fentanyl tested presumptive positive for clear/mannitol, weighing 166.5 gross grams; and
- A white crystalline substance of suspected methamphetamine tested presumptive positive for methamphetamine, weighing 6.9 gross grams.

20. The Alameda County Sheriff's Office laboratory conducted confirmatory testing on a sample of the seized narcotics, yielding the following results:

- One knotted plastic bag of loose purple chalky material was confirmed to contain fentanyl, with a net weight of 9.41 grams; and
- One knotted plastic bag of white crystalline material was confirmed to contain methamphetamine, with a net weight of 6.11 grams.

21. Based on my training and experience, the amount of controlled substances that MARTINEZ-CRUZ had on his person and black Adidas satchel when arrested on August 3, 2022, was consistent with an amount possessed for distribution as opposed to mere personal use. MARTINEZ-CRUZ was also found with \$710 in U.S. currency and was observed conducting three suspected hand-to-hand transactions. The amount of controlled substances, the amount of U.S. currency, and the facts and circumstances set forth above establish probable cause that MARTINEZ-CRUZ intended to distribute or sell the fentanyl and methamphetamine that he possessed at the time of his arrest.

**B. Arrest on March 17, 2023**

22. On March 17, 2023, SFPD officers were conducting a narcotics surveillance operation. At approximately 2:09 p.m., one of the officers spotted an unknown female approach a male, later identified as MARTINEZ-CRUZ, on the north side of Eddy Street in front of 650 Eddy Street. This area is known for a high-volume of narcotics usage and sales, based on my training and experience.

23. The officer observed a suspected hand-to-hand exchange of narcotics. The unknown female and MARTINEZ-CRUZ conversed for a bit and then walked westbound together on Eddy Street. MARTINEZ-CRUZ removed his backpack from his back and then squatted down next to a parked vehicle. The unknown female squatted with him for several seconds and then stood up. She continued to walk westbound by herself, while MARTINEZ-CRUZ stood up and put his backpack on and stayed in front of 650 Eddy Street.

24. The officer observed a second suspected hand-to-hand exchange of narcotics. Another unknown female with U.S. currency in hand approached MARTINEZ-CRUZ. They also conversed and walked westbound together. MARTINEZ-CRUZ removed his backpack from his back and squatted next to the same parked vehicle. The female handed him U.S. currency, and MARTINEZ-CRUZ handed her a small white substance.

25. Based on the above, law enforcement believed they had observed MARTINEZ-CRUZ dealing narcotics and concealing suspected narcotics in his backpack.

26. SFPD officers arrested MARTINEZ-CRUZ shortly after the abovementioned observations. The same officer who had made the above observations saw SFPD officers arrest MARTINEZ-CRUZ and confirmed he was the individual observed as described above.

27. Law enforcement searched MARTINEZ-CRUZ incident to arrest, and officers located and seized his backpack. The backpack contained a Morton salt container that was cut so that the bottom could be removed. After removing the bottom, officers found a plastic container that had inside: one plastic baggie with suspected cocaine base, two plastic baggies containing smaller individual zip-lock baggies with suspected fentanyl, and two other separate baggies with suspected fentanyl. Officers also seized a plastic baggie of suspected methamphetamine and a total of \$50 in U.S. currency from the backpack.

28. Law enforcement weighed the suspected narcotics and utilized the TruNarc device to test the suspected narcotics seized from MARTINEZ-CRUZ, yielding the following results:

- the suspected fentanyl tested presumptive positive for fentanyl, weighing 88.8 gross grams;
- the suspected methamphetamine tested presumptive positive for methamphetamine, weighing 15.3 gross grams; and
- the suspected cocaine base tested presumptive positive for cocaine base, weighing 2.8 gross grams.

29. The Alameda County Sheriff's Office laboratory conducted confirmatory testing on a sample of the seized narcotics, which confirmed the following results:

- One knotted plastic bag of chalky material was confirmed to contain fentanyl, with a net weight of 25.26 grams;
- One knotted plastic bag of white crystalline material was confirmed to contain methamphetamine, with a net weight of 14.13 grams; and
- One knotted plastic bag containing off-white chunky material was confirmed to contain cocaine base, with a net weight of 1.65 grams.

30. The substances seized from MARTINEZ-CRUZ were also sent to Western Regional laboratory for further testing, which confirmed the following results:

- 37 plastic bags of powder tested positive for fentanyl with a net weight of 79.1 grams  $\pm$  0.9 grams;
- One plastic bag of powder tested positive for fentanyl with a net weight of 9.4 grams  $\pm$  0.2 grams; and
- One plastic bag of powder tested positive for cocaine with a net weight of 1.622 grams  $\pm$  0.002 grams.

31. Based on my training and experience, the amount of controlled substances that MARTINEZ-CRUZ had in his backpack when arrested on March 17, 2023, was consistent with the amount possessed for distribution as opposed to mere personal use. MARTINEZ-CRUZ was also found with \$50 in U.S. currency and was observed conducting two suspected hand-to-hand transactions. The amount of controlled substances, as well as the facts and circumstances set forth above, establish probable cause that MARTINEZ-CRUZ intended to distribute or sell the fentanyl and methamphetamine that he possessed at the time of his arrest.

**C. Arrest on December 31, 2023**

32. On December 31, 2023, an SFPD officer was patrolling in the area of Charles J. Brenham Plaza and Market Street. This area is known for having a high volume of narcotics activity and stolen property fencing, based on my training and experience.

33. The officer spotted MARTINEZ-CRUZ and recognized MARTINEZ-CRUZ from law enforcement's prior contacts with him. The officer was also aware that MARTINEZ-CRUZ had outstanding arrest warrants for his arrest for possessing narcotics for sale.

34. Law enforcement arrested MARTINEZ-CRUZ. At the time of his arrest, MARTINEZ-CRUZ was in violation of a stay-away order directing him to stay 300 yards away from 7th Street and Stevenson Street until November 22, 2025 (San Francisco Superior Court No. 22014015).

35. Law enforcement searched MARTINEZ-CRUZ incident to arrest and located \$519 in US currency, a digital scale, empty clear plastic baggies, a cell phone, and a clear plastic bag containing individually wrapped pieces of suspected fentanyl and suspected methamphetamine.

36. Law enforcement weighed the suspected narcotics and utilized the TruNarc device to test the suspected narcotics seized from MARTINEZ-CRUZ, yielding the following results:

- the suspected fentanyl tested presumptive positive for fentanyl, weighing 68.5 gross grams; and
- the suspected methamphetamine tested presumptive positive for methamphetamine, weighing 21.0 gross grams.

37. The Alameda County Sheriff's Office laboratory conducted confirmatory testing on a sample of the seized narcotics, which confirmed the following results:

- One knotted plastic bag containing blue chalky material contained fentanyl, with a net weight of 10.82 grams; and
- One knotted plastic bag containing white crystalline material was confirmed to contain methamphetamine, with a net weight of 5.57 grams.

38. The substances seized from MARTINEZ-CRUZ were also sent to Western Regional laboratory for further testing, which confirmed the following results:

- 54 plastic bags of powder tested positive for fentanyl with a net weight of 61.4 grams  $\pm$  0.9 grams; and
- 27 plastic bags of a crystalline substance tested positive for methamphetamine that was 100% pure  $\pm$  7% with a net weight of 17.9 grams  $\pm$  1.2 grams.

39. Based on my training and experience, the amount of controlled substances that MARTINEZ-CRUZ had on his person when arrested on December 31, 2023, was consistent with the amount possessed for distribution as opposed to mere personal use. MARTINEZ-CRUZ was also found with \$519 in U.S. currency, a digital scale, and empty clear plastic baggies that could

be used as narcotics packaging material. The amount of controlled substances, as well as the facts and circumstances set forth above, establish probable cause that MARTINEZ-CRUZ intended to distribute or sell the fentanyl and methamphetamine that he possessed at the time of his arrest.

40. A records check conducted after this arrest confirmed that MARTINEZ-CRUZ had six outstanding warrants for his arrest, all for possession narcotics for sale.

**D. MARTINEZ-CRUZ Flees from State Supervision**

41. As detailed further below, MARTINEZ-CRUZ has been arrested for other narcotics-related incidents as well. On August 9, 2023, while on pretrial release on state drug charges, MARTINEZ-CRUZ cut off, tampered with, or removed a court-ordered GPS device from his ankle, leading the San Francisco Sheriff's Office to issue a warrant for his arrest given his failure to comply with its pre-trial monitoring program in the three state cases pending against him at the time (San Francisco Superior Court Nos. 22014015, 23002526, and 23004041).

42. On April 12, 2024, he again cut off, tampered with, or removed a court-ordered GPS device from his ankle, leading the San Francisco Sheriff's Office to issue a warrant for his arrest given his failure to comply with its pre-trial monitoring program in the multiple state cases pending against him at the time.

43. MARTINEZ-CRUZ was most recently arrested again on August 29, 2024, on the issued warrant.

**E. Summary of MARTINEZ-CRUZ's Arrests**

44. MARTINEZ-CRUZ has had a near continual history of contact with law enforcement in San Francisco's Tenderloin for drug dealing and related offenses since January 2018.

45. With the abovementioned arrests denoted by the blue boxes, the below chart summarizes MARTINEZ-CRUZ's arrests, all in San Francisco:

Date	Seized Suspected Drugs	Offense(s) Cited	San Francisco Superior Court Outcome
1/23/2018	Report not available	11351 HS: unlawful possession, sale, or purchase of a controlled substance 11351.5 HS: possession or sale of cocaine base 148(a)(1) PC: resisting, obstructing, or delaying a peace officer	Case No.: 18001297 4/5/2018: guilty plea to other charges in Case No. 18002432
1/30/2018	N/A	166(a)(4) PC: contempt of court order 11532(a) HS: loitering to commit controlled substance offenses	Case No.: 18001670 4/5/2018: guilty plea to other charges in Case No. 18002432
2/12/2018	4.1 gross grams (“gg”) cocaine base 2.1 gg heroin	653f(d) PC: solicitation of specific health and safety acts [ <b>convicted, misdemeanor</b> ] 11351 HS: unlawful possession, sale, or purchase of a controlled substance 166(a)(4) PC: contempt of court order 12022.1 PC: offense while on bail 11351.5 HS: possession or sale of cocaine base 11532(a) HS: loitering to commit controlled substance offenses	Case No.: 18002432 4/5/2018: 60 days in jail and 2 years of probation
11/27/2018	~1.44 grams heroin ~1.61 grams of cocaine base	11351 HS: unlawful possession, sale, or purchase of a controlled substance 11351.5 HS: possession or sale of cocaine base 32 PC: accessory [ <b>convicted, misdemeanor</b> ]	Case No.: 18018571 10/24/2019: 2 days in jail and 2 years of probation
12/26/2018	N/A	166(a)(4) PC: contempt of court order	Case No.: 18020172 10/24/2019: guilty plea to other charges in Case No. 18018571
1/4/2019	N/A	166(a)(4) PC: contempt of court order	Case No.: 19000223 10/24/2019: guilty plea to other charges in Case No. 18018571

Date	Seized Suspected Drugs	Offense(s) Cited	San Francisco Superior Court Outcome
7/22/2019	7 gg cocaine base 2.2 gg heroin	11351 HS: unlawful possession, sale, or purchase of a controlled substance 11351.5 HS: possession or sale of cocaine base 148(a)(1) PC: resisting, obstructing, or delaying a peace officer 11532(a) HS: loitering to commit controlled substance offenses	Case No.: 19011351 7/23/2019: San Francisco District Attorney's Office ("SFDA") declined to file charges
8/3/2022	176.8 gg fentanyl 6.9 gg meth	11378 HS: possession for sale of a controlled substance 11351 HS: unlawful possession, sale, or purchase of a controlled substance	Case No.: 22008240 10/4/2022: SFDA dismissed all charges in the interest of justice
8/30/2022	202.3 gg fentanyl 13.4 gg heroin 5.7 gg cocaine base 2.8 gg cocaine HCL	11352(a) HS: transportation, sale, or giving of a controlled substance 11351.5 HS: possession or sale of cocaine base 11351 HS: unlawful possession, sale, or purchase of a controlled substance	Case No.: 22009771 10/28/2022: SFDA dismissed all charges in the interest of justice
11/19/2022 <sup>1</sup>	208 gg fentanyl 57 gg meth	11378 HS: possession for sale of a controlled substance 11351 HS: unlawful possession, sale, or purchase of a controlled substance 182(a)(1) PC: conspiracy to commit a crime 166(a)(4) PC: contempt of court order	Case No.: 22014015 <i>Pending</i>
2/3/2023	58.4 gg fentanyl 14.5 gg meth 14.3 gg cocaine base	N/A	Detention only
2/6/2023	57.1 gg fentanyl 13.3 gg meth 7.9 gg cocaine base 0.3 gg heroin	N/A	Detention only

<sup>1</sup> These amounts reflect only the suspected narcotics seized from L.L.'s person and black satchel that MARTINEZ-CRUZ had dominion and control over.

Date	Seized Suspected Drugs	Offense(s) Cited	San Francisco Superior Court Outcome
2/17/2023 <sup>2</sup>	97.88 fentanyl 21.2 gg meth	11351 HS: unlawful possession, sale, or purchase of a controlled substance 11378 HS: possession for sale of a controlled substance 182(a)(1) PC: conspiracy to commit a crime	Case No.: 23002526 <i>Pending</i>
3/17/2023	88.8 gg fentanyl 15.3 gg meth 2.8 gg cocaine base	12022.1 PC: offense while on bail 11378 HS: possession for sale of a controlled substance 11351.5 HS: possession or sale of cocaine base	Case No.: 23004041 <i>Pending</i>
12/31/2023	68.5 gg fentanyl 21.0 gg meth	11351 HS: unlawful possession, sale, or purchase of a controlled substance 11378 HS: possession for sale of a controlled substance	Case No.: 24000005 Dismissed – Witness unavailable. Awaiting refile.

46. As noted above, there are multiple stay-away orders entered against MARTINEZ-CRUZ. A record check as of November 13, 2024, reflects the following active stay-away orders against MARTINEZ-CRUZ, directing him to stay away from particular areas within the Tenderloin neighborhood of San Francisco:

- 150 yards away from the intersection of 8th Street and Mission Street until August 5, 2025 (San Francisco Superior Court No. 22008240);
- 300 yards away from 7th Street and Stevenson Street until November 22, 2025 (San Francisco Superior Court No. 22014015);
- 150 yards away from 200 Larkin Street (San Francisco Superior Court No. 23002526); and
- 150 yards away from the 600 block of Eddy Street until March 21, 2026 (San Francisco Superior Court No. 23004041).

<sup>2</sup> These amounts reflect only the suspected narcotics in the bag held by a suspected bag holder for MARTINEZ-CRUZ.

**F. Review of MARTINEZ-CRUZ's Phones**

47. On January 29, 2024, San Francisco Superior Court Judge Richard C. Darwin issued a search warrant allowing law enforcement to search three phones seized from MARTINEZ-CRUZ from prior arrests. I performed a review of the phones, as did an analyst.

48. The review uncovered numerous photos and videos of MARTINEZ-CRUZ posing with large sums of cash, such as the following:



49. In addition, the review uncovered multiple electronic messages with unidentified individuals setting up street-level narcotics sales.

50. There are also videos of police getting into unmarked cars, suggesting that MARTINEZ-CRUZ was monitoring law enforcement to evade arrest.

**CONCLUSION**

51. Based on the information above, there is probable cause to believe that MARTINEZ-CRUZ possessed with intent to distribute:

- COUNT ONE, a mixture or substance containing a detectable amount of N-phenyl-N-[ 1- ( 2-phenylethyl ) -4-piperidinyl ] propenamide (“fentanyl”), in violation of 21 U.S.C. §§ 841(a)(1), (b)(1)(C), and COUNT TWO, a mixture or substance

containing a detectable amount of methamphetamine, in violation of 21 U.S.C. §§ 841(a)(1), (b)(1)(C), on or about August 3, 2022;

- COUNT THREE, forty grams or more of a mixture or substance containing a detectable amount of fentanyl, in violation of 21 U.S.C. §§ 841(a)(1), (b)(1)(B)(vi), and COUNT FOUR, a mixture or substance containing a detectable amount of methamphetamine, in violation of 21 U.S.C. §§ 841(a)(1), (b)(1)(C), on or about March 17, 2023; and
- COUNT FIVE, forty grams or more of a mixture or substance containing a detectable amount of fentanyl, in violation of 21 U.S.C. §§ 841(a)(1), (b)(1)(B)(vi), and COUNT SIX, five grams or more of methamphetamine, in violation of 21 U.S.C. §§ 841(a)(1), (b)(1)(B)(viii), on or about December 31, 2023.

52. Accordingly, I respectfully request that the Court issue a criminal complaint and a warrant for his arrest.

*/s/ Domenico Discenza*

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Domenico Discenza  
Task Force Officer  
Drug Enforcement Administration

Sworn to before me over the telephone and signed by me pursuant to Fed. R. Crim. P. 4.1 and 4(d) on December 5, 2024.



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HONORABLE SALLIE KIM  
United States Magistrate Judge