

FILEDUnited States District Court
Albuquerque, New MexicoMitchell R. Elfers
Clerk of Court**UNITED STATES DISTRICT COURT**

for the

District of New Mexico

United States of America
v.
ZACARY CIPRIANO LUCERO,
Year of Birth: 1961

Case No. 24-MJ-1813

*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 September 16, 2024 in the county of Bernalillo in the
District of New Mexico, the defendant(s) violated:

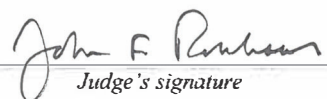
<i>Code Section</i>	<i>Offense Description</i>
21 U.S.C. §§ 841(a) and (b)(1)(B) (viii)	Possession with intent to distribute over 5 grams of Methamphetamine;
21 U.S.C. §§ 841(a) and (b)(1)(B) (viii)	Possession with intent to distribute 40 grams or more of a mixture and substance containing a detectible amount of Fentanyl (N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl] propanamide); and
21 U.S.C. §§ 841(a) and (b)(1)(C)	Possession with intent to manufacture, distribute, or dispense cocaine

This criminal complaint is based on these facts:
See attached affidavit.☒ Continued on the attached sheet.


Complainant's signature
BIA Special Agent Collin J. Pilcher
Printed name and title

Telephonically sworn and electronically signed.

Date: December 9, 2024City and state: Albuquerque, NM


Judge's signature
John F. Robbenhaar, U.S. Magistrate Judge
Printed name and title

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

UNITED STATES OF AMERICA,

vs.

ZACARY CIPRIANO LUCERO,
Year of Birth: 1961

Case No. _____

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT AND ARREST WARRANT

I, Collin Pilcher, being first duly sworn., hereby depose and state as follows:

INTRODUCTION AND AGENT BACKGROUND

1. I am a Criminal Investigator with the Bureau of Indian Affairs (BIA), Office of Justice Services (OJS), Division of Drug Enforcement (DDE) and has been employed by the BIA since January 2014. As such, I am a law enforcement officer of the United States, and I am empowered by law to conduct investigations and to make arrests for criminal offenses.
2. Since joining the BIA, I completed the Federal Law Enforcement Training Center Rural Police Officer Training Program Indian Police Academy in August 2014. Affiant completed Department of Interior Investigator Training Program in June 2021. Affiant is a graduate of the University of Phoenix with a bachelor's degree in criminal justice administration. Affiant's primary duty is to investigate violations of Section 21 of the United States Code occurring on the Pueblo of Sandia Reservation in Bernalillo County, New Mexico.
3. The information set forth in this affidavit has been derived from an investigation conducted by Affiant as well as members of the Sandia Pueblo Police Department as well as from information communicated to me by other law enforcement officers, as well as witnesses.

4. This affidavit is in support of criminal charges against subject, Zachery Lucero. This affidavit does not contain all items known to me but is merely used to establish sufficient probable cause for crimes occurring within Indian Country in the District of New Mexico.

RELEVANT STATUTES

5. This affidavit supports probable cause of the violation of the following statutes:
- a. 21 U.S.C. §§ 841(a) and (b)(1)(B)(viii) – the manufacture, distribution, or dispensing, or possession with intent to manufacture, distribute, or dispense over 5 grams of Methamphetamine;
 - b. 21 U.S.C. §§ 841(a) and (b)(1)(B)(viii) – the manufacture, distribution, or dispensing, or possession with intent to manufacture, distribute, or dispense 40 grams or more of a mixture and substance containing a detectible amount of Fentanyl (N-phenyl-N-[1-(2-phenylethyl)-4-piperidiny] propanamide); and
 - c. 21 U.S.C. §§ 841(a) and (b)(1)(C) – the manufacture, distribution, or dispensing, or possession with intent to manufacture, distribute, or dispense cocaine.

PROBABLE CAUSE

6. On September 16, 2024, Pueblo of Sandia Police dispatch received a 911 call, but the caller immediately hung up. It was determined that the call originated from room #540 of the Sandia Resort and Casino (hereinafter “Casino”). Pueblo of Sandia Police Captain Luis Hernandez and Pueblo of Sandia Police Detective Justine Griffin were then dispatched to that room at the Sandia Resort.
7. Upon arrival at the location, Detective Griffin made contact with Sergeant Clinton Weatherspoon of Casino Security. Sgt. Weatherspoon reported that he had made contact with three individuals in the room. A male identified as Zacary Lucero (hereinafter “LUCERO”) as

well as two females (hereinafter “Jane Doe 1” and “Jane Doe 2” or collectively “Jane Does”). LUCERO reported that the Jane Does had stolen approximately \$1,000 from him. The room was reserved in LUCERO’s name.

8. LUCERO shared with law enforcement that he had invited one of his friends to spend the night and that she brought one of her friends. LUCERO stated that he woke up and was missing money so he called 911.
9. Each of the Jane Does denied stealing any money from LUCERO and gave law enforcement consent to search their bags. At that time law enforcement officers searched the bags belonging to the Jane Does and neither contained the \$1,000 that LUCERO claimed had stolen from him.
10. Jane Doe 1 repeatedly told law enforcement officers that they needed to search the bags belonging to LUCERO as “the things that he makes us do are in those bags”. Additionally, Jane Doe 1 stated that LUCERO was trading fentanyl for sex.
11. Jane Doe 1 identified an Under Armor duffle bag and a pink in color backpack in the room as belonging to LUCERO. When LUCERO was asked by law enforcement if he would consent to those two bags being searched, he stated that he did not give consent to them being searched.
12. At that time LUCERO stated that he wanted to drop the charges against the women for stealing his money.
13. Detective Griffin read LUCERO his Miranda rights, he waived those rights and shared the following with Detective Griffin:
 - a. LUCERO stated that he was gambling in the casino when he saw Jane Doe 1, who he was previously acquainted with and her friend Jane Doe 2.

- b. LUCERO said that at that time he offered to buy the Jane Does food. He stated that he then obtained food for the three of them and took it to his room. He said that it was about 4 a.m. when they went back to the hotel room.
 - c. LUCERO shared that the Jane Does tried to bring their bags to the hotel room at that time and he (LUCERO) told them that they couldn't do that. LUCERO told law enforcement that he wasn't sure how they got their bags into the hotel room.
 - d. Lucero stated that he let Jane Doe 2 take a shower in the room, while he dozed off.
 - e. Lucero stated that when awakening he discovered that his cell phone and money were gone.
 - f. When asked if he had a vehicle at the casino, LUCERO stated that he did not as he had been dropped off by a friend that was going to pick him up when his stay ended.
14. At that time Detective Griffin told LUCERO that the room was going to be sealed and law enforcement would apply for a search warrant.
15. As LUCERO was being escorted off of the casino property, he stated that he had a set of vehicle keys but didn't know where they came from and that the vehicle, they belonged to was not his. As LUCERO was denying ownership of the car keys and any vehicle associated with those keys, law enforcement officers took possession of the keys until they could locate the registered owner of the vehicle. LUCERO then walked off of Casino property.
16. Casino security later reviewed video and determined that LUCERO had actually arrived at the casino property in a red Toyota Corolla. Law enforcement also determined that the Toyota Corolla was registered to LUCERO.

17. LUCERO then called the Pueblo of Sandia Police Department and stated that he was coming to the police department and wanted his keys. LUCERO was advised that as the vehicle was registered to him that he would be given the keys back.
18. Once LUCERO arrived at the Sandia Police Department he was given the keys to his vehicle, and he was asked if he would consent to officer's conducting a search of his vehicle. LUCERO agreed to allow a search and signed a form memorializing his consent. LUCERO was transported by law enforcement to the Casino parking garage.
19. Detective Griffin photographed LUCERO's vehicle prior to commencing the search. During the search, several W-2's from the Casino were located as well as several vehicle keys, an empty bag of caramel apple suckers in the glove box, and documents showing that the vehicle belonged to LUCERO.
20. LUCERO was permitted to obtain property from the vehicle, but was advised that as he had a suspended driver's license, he would not be permitted to drive the vehicle off of the property.
21. Detective Griffin applied for and received a search warrant from the State of New Mexico to search hotel room #540 at the Casino. On September 17, 2024, at approximately 9:30 a.m. Detective Griffin and Officer Romero executed said warrant.
22. While searching the room, Detective Griffin observed a burnt piece of foil and inside the foil there were two blue pills that based on training and experience the Detective recognized to be fentanyl. In a crumbled-up tissue, where Jane Doe 1 had been sitting in the hotel room Officers located approximately 28 blue pills recognized to be fentanyl.
23. Inside a pink backpack that Jane Doe 1 and LUCERO had each claimed belonged to LUCERO the following items were located:

- a. multiple bags containing blue pills that based upon law enforcement officer's training and experience they believed to be fentanyl;
 - b. multiple bags of a white crystal-like substance believed to be methamphetamine; and
 - c. a white powdery substance recognized to be cocaine.
 - d. Additionally, various denominations of US currency were discovered in the bag as well as an apple caramel sucker bag identical to the one found in the glovebox of LUCERO's vehicle. The sucker bag contained several small bundles of presumed fentanyl pills that appeared as though they had been packaged for individual sale.
24. Detective Griffin then searched an Under Armor duffel bag that was located in the room which had also been previously identified by Jane Doe 1 as belonging to LUCERO. Inside of that bag the following items were located:
- a. a crumbled-up tissue containing blue pills that based upon the Detective's training and experience were believed to be fentanyl pills;
 - b. a sock containing additional blue pills also believed to be fentanyl and Casino player club cards, gift cards, and EBT cards.
25. Approximately 238 grams gross weight of fentanyl, 16 grams gross weight of cocaine, 50 grams of methamphetamine, and approximately \$3,190 dollars was seized from the two bags which belonged to LUCERO.
26. At the conclusion of the search, items which were of no evidentiary value were provided to Casino security so that they could be returned to their owners.
27. On September 19, 2024, LUCERO contacted Sandia Police station. LUCERO stated that he had retrieved his property from Casino security and that there was money missing from his pink backpack.

28. On September 19, SA Pilcher met with officials at Sandia Police Station to discuss the case and retrieve evidence such as narcotics seized to send to the DEA laboratory for further analysis in the ongoing investigation. The analysis conducted by the DEA determined that the narcotics found in LUCERO's bags consisted of:

- a. Approximately 209 grams of a mixture and substance containing a detectable amount of N-Phenyl-N-[1-(2-phenylethyl)-4-piperidinyl] propanamide (Fentanyl);
- b. Approximately 15.3 grams of Cocaine; and
- c. Approximately 43.8 grams of Methamphetamine.

29. Based upon the above information, Affiant respectfully submits that there is probable cause to believe that **ZACARY LUCERO** violated 21 U.S.C. §§ 841(a) and (b)(1)(B)(viii), that being the manufacture, distribution, or dispensing, or possession with intent to manufacture, distribute, or dispense over 5 grams of Methamphetamine, 21 U.S.C. §§ 841(a) and (b)(1)(B)(viii), that being the manufacture, distribution, or dispensing, or possession with intent to manufacture, distribute, or dispense 40 grams or more of a mixture and substance containing a detectable amount of Fentanyl (N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl] propanamide), and 21 U.S.C. §§ 841(a) and (b)(1)(C), that being the manufacture, distribution, or dispensing, or possession with intent to manufacture, distribute, or dispense cocaine.

30. This criminal complaint was approved by Assistant United States Attorney Robert James Booth II.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Collin J. Pilcher', is written over a horizontal line.

Collin J. Pilcher, Special Agent

Bureau of Indian Affairs

Subscribed and sworn before me this 9th day of December 2024

A handwritten signature in cursive script, reading "John F. Robbenhaar", positioned above a horizontal line.

The Honorable John F. Robbenhaar

United States Magistrate Judge