AO 91 (Rev. 11/11) Criminal Complaint (Rev. by USAO on 3/12/20) ☐ Original ☐ Duplicate Original

# UNITED STATES DISTRICT COURT

LODGED
CLERK, U.S. DISTRICT COURT
1/24/2023
CENTRAL DISTRICT OF CALIFORNIA
BY: VAV DEPUTY

for the

Central District of California

FILED
CLERK, U.S. DISTRICT COURT
January 24, 2023
CENTRAL DISTRICT OF CALIFORNIA
BY: CLD DEPUTY

United States of America

v.

RAYMOND HERNANDEZ,
aka "Silent,"

Defendant

Case No. 2:23-mj-00293-DUTY

## CRIMINAL COMPLAINT BY TELEPHONE OR OTHER RELIABLE ELECTRONIC MEANS

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 December 16, 2022, in the county of Los Angeles in the Central District of California, the defendant(s) violated:

| *Code Section* | *Offense Description* |
|---|---|
| 18 U.S.C. § 922(g)(1) | Felon in Possession of a Firearm |

This criminal complaint is based on these facts:

*Please see attached affidavit.*

☒ Continued on the attached sheet.

*/s/*
*Complainant's signature*

Ulysses Guevara Hugo, Special Agent
*Printed name and title*

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by telephone.

Date: January 24, 2023

*Judge's signature*

City and state: Los Angeles, California

Hon. Alka Sagar, U.S. Magistrate Judge
*Printed name and title*

AUSA: Jena MacCabe x5046

# AFFIDAVIT

I, Ulysses Guevara Hugo, being duly sworn, declare and state as follows:

## I. PURPOSE OF AFFIDAVIT

1. This affidavit is made in support of a criminal complaint and arrest warrant against Raymond Hernandez, aka "Silent," ("HERNANDEZ") for a violation of 18 U.S.C. § 922(g)(1): Felon in Possession of a Firearm.

2. The facts set forth in this affidavit are based upon my personal observations, my training and experience, and information obtained from various law enforcement personnel and witnesses. This affidavit is intended to show merely that there is sufficient probable cause for the requested complaint and arrest warrant and does not purport to set forth all of my knowledge of or investigation into this matter. Unless specifically indicated otherwise, all conversations and statements described in this affidavit are related in substance and part only.

## II. BACKGROUND OF AFFIANT

3. I am presently assigned as a special agent of Homeland Security Investigations where I have worked since September 13, 2020. In that capacity, my duties include investigating federal criminal offenses primarily in the Central District of California. I am currently assigned to the Special Agent in Charge Los Angeles Violent Gang Task Force, which investigates criminal gang activity.

4. During my tenure as a special agent, I have successfully completed approximately 472 hours of instruction of the Criminal Investigators Training Program, and 536 hours of instruction of the Homeland Security Investigations Special Agent Training at the Federal Law Enforcement Training Center in Glynco, Georgia.

5. Prior to my tenure as a special agent, I was a Customs and Border Protection officer with U.S. Customs and Border Protection for eight years. I successfully completed 712 hours of instruction of the Customs and Border Protection Officer Basic Training Program at the Federal Law Enforcement Training Center and have had extensive experience and training in the investigation of violations of criminal law, such as drug-trafficking, firearms offenses, transnational criminal organizations, and financial fraud. I have participated in many aspects of criminal investigations including the issuance of subpoenas, reviewing evidence, conducting electronic and physical surveillance, working with informants, and the execution of search and arrest warrants. Additionally, I have interviewed and/or debriefed informants and other witnesses who had personal knowledge regarding the subject matters of the investigations in which I have been involved, including drug and firearms offenses.

## III. SUMMARY OF PROBABLE CAUSE

6. On or about December 16, 2022, at approximately 9:40 p.m., Los Angeles Police Department ("LAPD") Hollenbeck Division

Gang Enforcement Detail officers were patrolling the area of 1st Street and Gless Street in Los Angeles, California, an area that they knew to be frequented by The Mob Crew ("TMC"), a criminal street gang. The officers saw a male vandalizing the walls of a recreation center with spray paint and another male (later identified as HERNANDEZ) standing nearby as a lookout.

7. As the officers approached the men, HERNANDEZ turned and ran away from police clutching his waistband. As HERNANDEZ approached the end of the park, the officers saw HERNANDEZ retrieve a blue steel semi-automatic handgun from his waistband and with his right hand throw the handgun over the fence of the park and onto the southside of 3rd Street. HERNANDEZ then fell to the ground and was taken into custody without incident.

8. LAPD officers canvassed the area where HERNANDEZ threw the firearm and located the firearm in the gutter. The firearm had a 15-round magazine with 14 rounds of 9mm ammunition and one round of 9mm ammunition in the chamber. During a pat down search of HERNANDEZ, officers recovered a 30-round magazine with 29 rounds of 9mm ammunition from his front left pants pocket.

9. Before he possessed the handgun, magazine, and ammunition, HERNANDEZ had sustained six convictions for felony crimes. On December 29, 2022, a certified Bureau of Alcohol, Tobacco, Firearms and Explosives ("ATF") interstate nexus expert determined that the firearm and ammunition traveled in and affected interstate commerce.

## IV. STATEMENT OF PROBABLE CAUSE

10. Based on my review of law enforcement reports, conversations with other law enforcement agents, and my own knowledge of the investigation, I am aware of the following:

### A. LAPD Officers Observed HERNANDEZ in the Middle of Criminal Activity

11. According to a police report, on or about December 16, 2022, at approximately 9:40 p.m., LAPD officers assigned to the Hollenbeck Division Gang Enforcement Detail were patrolling the area of 1st Street and Gless Street in Los Angeles, California, an area that they knew to be frequented by TMC, a criminal street gang.

12. According to a police report, while driving northbound on Gless Street approaching 1st Street, LAPD officers observed a male vandalizing the walls of Pecan Park Recreation Center with spray paint. They also observed another male (later identified as HERNANDEZ) standing nearby as a lookout.

13. According to a police report, Pecan Park Recreation Center is a known hangout for TMC gang members. The park is vandalized daily with graffiti that reads "TMC" or "The Mob Crew."

### B. LAPD Officers Observed HERNANDEZ Throw a Blue Steel Semi-Automatic Handgun Over the Park Fence onto 3rd Street

14. According to a police report, as the LAPD officers approached, HERNANDEZ alerted to their presence and called out to the suspect vandalizing the walls. When LAPD officers exited their vehicle to detain HERNANDEZ and the male vandalizing the

walls, HERNANDEZ turned and ran away from police clutching his waistband southbound through the park while the suspect vandalizing the walls ran northbound through the park. LAPD officers chased HERNANDEZ on foot and repeatedly gave verbal commands to stop; however, HERNANDEZ continued to run southbound through the park. HERNANDEZ continued to run away until he reached the end of the park where LAPD officers observed HERNANDEZ retrieve a blue steel semi-automatic handgun from his waistband and with his right hand, throw the handgun over the fence of the park onto 3rd Street. HERNANDEZ then fell to the ground and was taken into custody without incident. LAPD officers canvassed the area where the gun was thrown and found it in the gutter in front of 1632 E. 3rd Street. The handgun had a 15-round magazine with 14 rounds of ammunition and one round of ammunition in the chamber.

**C. A Pat Down Search Incident to Arrest of HERNANDEZ Revealed a 30-Round Magazine with 29 Rounds of Live Ammunition**

15. According to a police report, once HERNANDEZ was taken into custody, LAPD officers conducted a pat down search of HERNANDEZ. During the search, LAPD officers recovered a 30-round magazine that contained 29 rounds of ammunition in HERNANDEZ's front left pants pocket.

**D. HERNANDEZ's Criminal History**

16. On January 6, 2023, I reviewed certified conviction records for HERNANDEZ and learned that HERNANDEZ has previously

been convicted of the following felony crimes punishable by a term of imprisonment exceeding one year:

a. On or about March 8, 2015, a violation of California Penal Code § 646.9(A): Stalking, in the Superior Court for the State of California, County of Los Angeles, Case Number PASGA09594001;

b. On or about August 7, 2012, a violation of California Health and Safety Code § 11377(a): Possession of a Controlled Substance, in the Superior Court for the State of California, County of Los Angeles, Case Number ALHGA08709301;

c. On or about January 15, 2009, a violation of California Penal Code § 236: False Imprisonment, Penal Code 245(A)(1): Assault with a Deadly Weapon-Not Firearm, Penal Code 422: Terrorist Threats, in the Superior Court for the State of California, County of Los Angeles, Case Number XEAKA08574801;

d. On or about November 3, 2008, a violation of California Health and Safety Code § 11377(a): Possession of a Controlled Substance, in the Superior Court for the State of California, County of Los Angeles, Case Number PASGA07499101;

e. On or about May 24, 2007, a violation of California Penal Code § 12021(a)(1): Possession of Firearm by Felon, in the Superior Court for the State of California, County of Los Angeles, Case Number XEAKA07927301; and

f. On or about November 14, 2007, a violation of California Penal Code § 236: False Imprisonment, in the Superior Court for the State of California, County of San Bernadino, Case Number FVA700576.

**E. Interstate Nexus**

16. On December 29, 2022, an ATF interstate nexus expert examined the handgun and ammunition seized on December 16, 2022, and confirmed that the handgun and ammunition were manufactured outside of the State of California. Because the handgun and ammunition were found in California, I believe that it has traveled in and affected interstate commerce.

## V. CONCLUSION

17. For all of the reasons described above, there is probable cause to believe that HERNANDEZ has committed a violation of 18 U.S.C. § 922(g)(1): Felon in Possession of a Firearm.

/s/ Ulysses Guevara Hugo
Ulysses Guevara Hugo
HSI Special Agent

Subscribed to and sworn before me
this 24th day of January, 2023.

THE HONORABLE ALKA SAGAR
UNITED STATES MAGISTRATE JUDGE