

MLM:CP:AG
F. No. 2009RO1080/OCDETF # NYNYE-613

FILED
IN CLERK'S OFFICE
U.S. DISTRICT COURT E.D.N.Y
★ JUN 19 2009 ★

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

BROOKLYN OFFICE

-----X

UNITED STATES OF AMERICA

I N D I C T M E N T

- against -

CR 09 407
Crt No.

MIGUEL ANGEL TREVINO MORALES,
also known as "Z-40,"
"L-40" and "Tono,"

(T. 21, U.S.C., §§ 848(a),
848(b), 848(c), 853(p),
959(a), 959(c), 960(a)(3),
960(b)(1)(B)(ii) and 963;
T. 18, U.S.C., §§
924(c)(1)(A)(i),
924(c)(1)(A)(ii),
924(c)(1)(A)(iii), 2 and
3551 et seq.)

Defendant.

-----X

THE GRAND JURY CHARGES:

GLASSER, J.

MANN, M.J.

INTRODUCTION

At all times relevant to this Indictment, unless otherwise indicated:

1. The Gulf Cartel, otherwise known as the "Cartel del Golfo," was the dominant force in the trade of illegal narcotics along the Gulf of Mexico.

2. The Gulf Cartel was responsible for transporting multi-ton quantities of cocaine, on a monthly basis, from Mexico to Texas. The Gulf Cartel obtained cocaine from sources of supply in Guatemala, Colombia, Venezuela and elsewhere. The Gulf Cartel also facilitated the collection, transportation and delivery of narcotics proceeds, in bulk quantity, from the United States to Mexico.

3. In the 1990s, the leader of the Gulf Cartel at that time hired a small group of deserters from the Mexican military, who called themselves "Los Zetas," to staff his personal security force and ensure his position as leader of the Gulf Cartel. Over time, Los Zetas evolved into the security force for the entire Gulf Cartel. On behalf of the Gulf Cartel, Los Zetas carried out numerous acts of violence, including murders, kidnappings, tortures and collections of drug debts. Los Zetas also assumed responsibility for the safe passage of the Gulf Cartel's cocaine and other drugs moving through Mexico into the United States. In addition, Los Zetas collected a tax, or "piso," from other drug trafficking organizations seeking to transport drugs through areas under the Gulf Cartel's control.

4. The defendant MIGUEL ANGEL TREVINO MORALES, also known as "Z-40," "L-40" and "Tono," was a principal leader of Los Zetas.

COUNT ONE

(Continuing Criminal Enterprise)

5. The allegations contained in paragraphs one through four are realleged and incorporated as if fully set forth in this paragraph.

6. On or about and between September 1, 2004 and June 19, 2009, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendant MIGUEL ANGEL TREVINO MORALES, also known as "Z-40," "L-40" and "Tono,"

together with others, did knowingly and intentionally engage in a continuing criminal enterprise, in that the defendant MIGUEL ANGEL TREVINO MORALES, committed violations of Title 21, United States Code, Sections 952(a), 959(a), 960 and 963, including Violations One through Four set forth below, which violations were part of a continuing series of violations of those statutes undertaken by the defendant MIGUEL ANGEL TREVINO MORALES, in concert with five or more other persons, with respect to whom the defendant MIGUEL ANGEL TREVINO MORALES occupied a supervisory and management position, and was the principal administrator, organizer and leader of the continuing criminal enterprise, and from which continuing series of violations the defendant MIGUEL ANGEL TREVINO MORALES obtained substantial income and resources, in excess of \$10 million in gross receipts in a twelve month period for the manufacture, importation and distribution of cocaine. Each violation involved at least 300 times the quantity of a substance described in Section 841(b)(1)(B) of Title 21, United States Code, to wit: 150 kilograms or more of a substance containing cocaine. The continuing series of violations, as defined by Title 21, United States Code, Section 848(c), included Violations One through Four set forth below:

Violation One
(International Cocaine Distribution)

7. On or about and between July 1, 2005 and July 31, 2005, both dates being approximate and inclusive, within the

Eastern District of New York and elsewhere, the defendant MIGUEL ANGEL TREVINO MORALES, together with others, did knowingly and intentionally distribute a controlled substance, intending and knowing that such substance would be unlawfully imported into the United States from a place outside thereof, which offense involved five kilograms or more of a substance containing cocaine, a Schedule II controlled substance, in violation of Title 21, United States Code, Sections 959(a), 959(c), 960(a)(3) and 960(b)(1)(B)(ii), and Title 18, United States Code, Section 2.

Violation Two
(International Cocaine Distribution)

8. On or about and between June 1, 2006 and June 30, 2006, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendant MIGUEL ANGEL TREVINO MORALES, together with others, did knowingly and intentionally distribute a controlled substance, intending and knowing that such substance would be unlawfully imported into the United States from a place outside thereof, which offense involved five kilograms or more of a substance containing cocaine, a Schedule II controlled substance, in violation of Title 21, United States Code, Sections 959(a), 959(c), 960(a)(3) and 960(b)(1)(B)(ii), and Title 18, United States Code, Section 2.

Violation Three
(International Cocaine Distribution)

9. On or about and between April 1, 2007 and April 30, 2007, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendant MIGUEL ANGEL TREVINO MORALES, together with others, did knowingly and intentionally distribute a controlled substance, intending and knowing that such substance would be unlawfully imported into the United States from a place outside thereof, which offense involved five kilograms or more of a substance containing cocaine, a Schedule II controlled substance, in violation of Title 21, United States Code, Sections 959(a), 959(c), 960(a)(3) and 960(b)(1)(B)(ii), and Title 18, United States Code, Section 2.

Violation Four
(International Cocaine Distribution)

10. On or about and between August 1, 2007 and August 31, 2007, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendant MIGUEL ANGEL TREVINO MORALES, together with others, did knowingly and intentionally distribute a controlled substance, intending and knowing that such substance would be unlawfully imported into the United States from a place outside thereof, which offense involved five kilograms or more of a substance containing cocaine, a Schedule II controlled substance, in violation of

Title 21, United States Code, Sections 959(a), 959(c), 960(a)(3) and 960(b)(1)(B)(ii), and Title 18, United States Code, Section 2.

(Title 21, United States Code, Sections 848(a), 848(b) and 848(c); Title 18, United States Code, Sections 3551 et seq.)

COUNT TWO

(International Cocaine Distribution Conspiracy)

11. The allegations contained in paragraphs one through four are realleged and incorporated as if fully set forth in this paragraph.

12. On or about and between September 1, 2004 and June 19, 2009, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendant MIGUEL ANGEL TREVINO MORALES, also known as "Z-40," "L-40" and "Tono," together with others, did knowingly and intentionally conspire to distribute a controlled substance, intending and knowing that such substance would be unlawfully imported into the United States from a place outside thereof, which offense involved five kilograms or more of a substance containing cocaine, a Schedule II controlled substance, in violation of Title 21, United States Code, Section 959(a).

(Title 21, United States Code, Sections 959(c), 960(a)(3), 960(b)(1)(B)(ii) and 963; Title 18, United States Code, Sections 3551 et seq.)

COUNT THREE
(Use of a Firearm)

13. The allegations contained in paragraphs one through four are realleged and incorporated as if fully set forth in this paragraph.

14. On or about and between September 1, 2004 and June 19, 2009, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendant MIGUEL ANGEL TREVINO MORALES, also known as "Z-40," "L-40" and "Tono," together with others, did knowingly and intentionally use and carry a firearm during and in relation to one or more drug trafficking crimes, to wit: the crimes charged in Counts One and Two, and did knowingly and intentionally possess a firearm in furtherance of such drug trafficking crimes.

(Title 18, United States Code, Sections 924(c)(1)(A)(i), 924(c)(1)(A)(ii), 924(c)(1)(A)(iii), 2 and 3551 et seq.)

COUNT FOUR
(International Distribution of Cocaine)

15. The allegations contained in paragraphs one through four are realleged and incorporated as if fully set forth in this paragraph.

16. On or about and between July 1, 2005 and July 31, 2005, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendant MIGUEL

ANGEL TREVINO MORALES, also known as "Z-40," "L-40" and "Tono," together with others, did knowingly and intentionally distribute a controlled substance, intending and knowing that such substance would be unlawfully imported into the United States from a place outside thereof, which offense involved five kilograms or more of a substance containing cocaine, a Schedule II controlled substance.

(Title 21, United States Code, Sections 959(a), 959(c), 960(a) (3) and 960(b) (1) (B) (ii); Title 18, United States Code, Sections 2 and 3551 et seq.)

COUNT FIVE
(Use of a Firearm)

17. The allegations contained in paragraphs one through four are realleged and incorporated as if fully set forth in this paragraph.

18. On or about and between July 1, 2005 and July 31, 2005, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendant MIGUEL ANGEL TREVINO MORALES, also known as "Z-40," "L-40" and "Tono," together with others, did knowingly and intentionally use and carry a firearm during and in relation to a drug trafficking crime, to wit: the crime charged in Count Four, and did knowingly

and intentionally possess a firearm in furtherance of such drug trafficking crime.

(Title 18, United States Code, Sections 924(c)(1)(A)(i), 924(c)(1)(A)(ii), 2 and 3551 et seq.)

COUNT SIX
(International Distribution of Cocaine)

19. The allegations contained in paragraphs one through four are realleged and incorporated as if fully set forth in this paragraph.

20. On or about and between June 1, 2006 and June 30, 2006, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendant MIGUEL ANGEL TREVINO MORALES, also known as "Z-40," "L-40" and "Tono," together with others, did knowingly and intentionally distribute a controlled substance, intending and knowing that such substance would be unlawfully imported into the United States from a place outside thereof, which offense involved five kilograms or more of a substance containing cocaine, a Schedule II controlled substance.

(Title 21, United States Code, Sections 959(a), 959(c), 960(a)(3) and 960(b)(1)(B)(ii); Title 18, United States Code, Sections 2 and 3551 et seq.)

COUNT SEVEN

(Use of a Firearm)

21. The allegations contained in paragraphs one through four are realleged and incorporated as if fully set forth in this paragraph.

22. On or about and between June 1, 2006 and June 30, 2006, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendant MIGUEL ANGEL TREVINO MORALES, also known as "Z-40," "L-40" and "Tono," together with others, did knowingly and intentionally use and carry a firearm during and in relation to a drug trafficking crime, to wit: the crime charged in Count Six, and did knowingly and intentionally possess a firearm in furtherance of such drug trafficking crime.

(Title 18, United States Code, Sections
924(c)(1)(A)(i), 924(c)(1)(A)(ii), 2 and 3551 et seq.)

COUNT EIGHT

(International Distribution of Cocaine)

23. The allegations contained in paragraphs one through four are realleged and incorporated as if fully set forth in this paragraph.

24. On or about and between April 1, 2007 and April 30, 2007, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendant MIGUEL ANGEL TREVINO MORALES, also known as "Z-40," "L-40" and "Tono," together with others, did knowingly and intentionally distribute

a controlled substance, intending and knowing that such substance would be unlawfully imported into the United States from a place outside thereof, which offense involved five kilograms or more of a substance containing cocaine, a Schedule II controlled substance.

(Title 21, United States Code, Sections 959(a), 959(c), 960(a)(3) and 960(b)(1)(B)(ii); Title 18, United States Code, Sections 2 and 3551 et seq.)

COUNT NINE
(Use of a Firearm)

25. The allegations contained in paragraphs one through four are realleged and incorporated as if fully set forth in this paragraph.

26. On or about and between April 1, 2007 and April 30, 2007, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendant MIGUEL ANGEL TREVINO MORALES, also known as "Z-40," "L-40" and "Tono," together with others, did knowingly and intentionally use and carry a firearm during and in relation to a drug trafficking crime, to wit: the crime charged in Count Eight, and did knowingly and intentionally possess a firearm in furtherance of such drug trafficking crime.

(Title 18, United States Code, Sections 924(c)(1)(A)(i), 924(c)(1)(A)(ii), 2 and 3551 et seq.)

COUNT TEN

(International Distribution of Cocaine)

27. The allegations contained in paragraphs one through four are realleged and incorporated as if fully set forth in this paragraph.

28. On or about and between August 1, 2007 and August 31, 2007, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendant MIGUEL ANGEL TREVINO MORALES, also known as "Z-40," "L-40" and "Tono," together with others, did knowingly and intentionally distribute a controlled substance, intending and knowing that such substance would be unlawfully imported into the United States from a place outside thereof, which offense involved five kilograms or more of a substance containing cocaine, a Schedule II controlled substance.

(Title 21, United States Code, Sections 959(a), 959(c), 960(a)(3) and 960(b)(1)(B)(ii); Title 18, United States Code, Sections 2 and 3551 et seq.)

COUNT ELEVEN

(Use of a Firearm)

29. The allegations contained in paragraphs one through four are realleged and incorporated as if fully set forth in this paragraph.

30. On or about and between August 1, 2007 and August 31, 2007, both dates being approximate and inclusive, within the

Eastern District of New York and elsewhere, the defendant MIGUEL ANGEL TREVINO MORALES, also known as "Z-40," "L-40" and "Tono," together with others, did knowingly and intentionally use and carry a firearm during and in relation to a drug trafficking crime, to wit: the crime charged in Count Ten, and did knowingly and intentionally possess a firearm in furtherance of such drug trafficking crime.

(Title 18, United States Code, Sections 924(c) (1) (A) (i), 924(c) (1) (A) (ii), 2 and 3551 et seq.)

CRIMINAL FORFEITURE ALLEGATION AS TO COUNT ONE
(Continuing Criminal Enterprise)

31. The United States hereby gives notice to the defendant that, upon his conviction of the offense charged in Count One, the government will seek forfeiture in accordance with Title 21, United States Code, Section 853, which requires any person convicted of such offense to forfeit any property constituting, or derived from, proceeds obtained, directly or indirectly, and any property used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of, such offense, and any of his interest in, claims against and property or contractual rights affording a source of control over, the continuing criminal enterprise, including but not limited to the following:

Money Judgment

(a) A sum of money equal to \$1 billion in United States currency.

32. If any of the above-described forfeitable property, as a result of any act or omission of the defendant:

(a) cannot be located upon the exercise of due diligence;

(b) has been transferred or sold to, or deposited with, a third party;

(c) has been placed beyond the jurisdiction of the court;

(d) has been substantially diminished in value; or

(e) has been commingled with other property which cannot be divided without difficulty;

it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p), to seek forfeiture of any other property of the defendant up to the value of the forfeitable property described in this forfeiture allegation.

(Title 21, United States Code, Section 853(p))

CRIMINAL FORFEITURE ALLEGATION AS TO
COUNTS TWO, FOUR, SIX, EIGHT AND TEN
(International Cocaine Trafficking)

33. The United States hereby gives notice to the defendant that, upon his conviction of any one of the offenses

charged in Counts Two, Four, Six, Eight and Ten, the government will seek forfeiture in accordance with Title 21, United States Code, Section 853, which requires any person convicted of such offenses to forfeit any property constituting, or derived from, proceeds obtained, directly or indirectly, and any property used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of, such offenses including but not limited to, the following:

Money Judgment

(a) A sum of money equal to \$1 billion in United States currency.

34. If any of the above-described forfeitable property, as a result of any act or omission of the defendant:

(a) cannot be located upon the exercise of due diligence;

(b) has been transferred or sold to, or deposited with, a third party;

(c) has been placed beyond the jurisdiction of the court;

(d) has been substantially diminished in value;

or

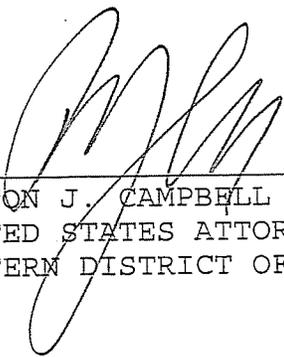
(e) has been commingled with other property which cannot be divided without difficulty;

it is the intent of the United States, pursuant to Title 21,
United States Code, Section 853(p), to seek forfeiture of any
other property of the defendant up to the value of the
forfeitable property described in this forfeiture allegation.

(Title 21, United States Code, Section 853(p))

A TRUE BILL


FOREPERSON


BENTON J. CAMPBELL
UNITED STATES ATTORNEY
EASTERN DISTRICT OF NEW YORK

UNITED STATES DISTRICT COURT
EASTERN District of NEW YORK

THE UNITED STATES OF AMERICA

vs.

MIGUEL ANGEL TREVINO MORALES,
also known as "Z-40,"
"L-40" and "Tono,"

Defendant.

INDICTMENT

Cr. No. (T. 21, U.S.C., §§ 848(a), 848(b), 848(c), 853(p), 959(a), 959(c), 960(a)(3), 960(b)(1)(B)(ii) and 963; T. 18, U.S.C., §§ 924(c)(1)(A)(i), 924(c)(1)(A)(ii), 924(c)(1)(A)(iii), 2 and 3551 et seq.)

A true bill.

Renee Middleton Vargas
Foreman

Filed in open court this _____ day.

Of _____ A.D. 19 _____

Clerk

Bail, \$ _____

ANDREA GOLDBARGE, AUSA (718) 254-7578