

**FILED**

UNITED STATES DISTRICT COURT  
ALBUQUERQUE, NEW MEXICO

MAY 07 2014

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

**MATTHEW J. DYKMAN**  
CLERK

UNITED STATES OF AMERICA,

Plaintiff,

vs.

**LEROY CASTILLO,**  
**RUBEN ESTRADA,**  
**JOE PADILLA, a.k.a. "Joe Montano,"**  
**a.k.a. "Jo Jo,"**  
**SERGIO GARZA, a.k.a "Sapo,"**  
**RICHARD ARMIJO-ROMERO,**  
**and CHARLIE GUTIERREZ,**

Defendants.

CRIMINAL NO. 14-1528RB

Count 1: 21 U.S.C. § 846: Conspiracy;

Count 2: 21 U.S.C. §§ 841(a)(1)  
and (b)(1)(A): Possession With Intent  
To Distribute 5 Kilograms and More of  
a Mixture and Substance Containing  
Cocaine; 18 U.S.C. § 2: Aiding and  
Abetting;

Counts 3 and 5: 1 U.S.C. §§ 841(a)(1)  
and (b)(1)(B): Possession With Intent To  
Distribute 500 Grams and More of a  
Mixture and Substance Containing  
Cocaine; 18 U.S.C. § 2: Aiding and  
Abetting;

Count 4: 1 U.S.C. §§ 841(a)(1)  
and (b)(1)(A): Possession With Intent  
To Distribute 1 Kilogram and More of a  
Mixture and Substance Containing  
Heroin; 18 U.S.C. § 2: Aiding and  
Abetting;

Count 6: 1 U.S.C. §§ 841(a)(1)  
and (b)(1)(B): Possession With Intent To  
Distribute 100 Grams and More of a  
Mixture and Substance Containing  
Heroin; 18 U.S.C. § 2: Aiding and  
Abetting;

Count 7: 18 U.S.C. § 924(c): Using,  
Carrying, and Possessing a Firearm  
During and in Relation to and in  
Furtherance of a Drug Trafficking  
Crime.

INDICTMENT

The Grand Jury charges:

Count 1

From on or about April 28, 2014, and continuing to on or about May 1, 2014, in Lea County in the District of New Mexico, and elsewhere, the defendants, **LEROY CASTILLO, RUBEN ESTRADA, JOE PADILLA, a.k.a. "Joe Montano," a.k.a. "Jo Jo," SERGIO GARZA, a.k.a. "Sapo," RICHARD ARMIJO-ROMERO and CHARLIE GUTIERREZ**, unlawfully, knowingly and intentionally combined, conspired, confederated, agreed, and acted interdependently with each other and with other persons whose names are known and unknown to the Grand Jury to commit the following offense against the United States, possession with intent to distribute a controlled substance, 5 kilograms and more of a mixture and substance containing a detectable amount of cocaine, contrary to 21 U.S.C. §§ 841(a)(1) and (b)(1)(A).

Overt Acts

In furtherance of the conspiracy, and to accomplish the objectives of the conspiracy, the following acts, among others, were committed:

Overt Act 1

On April 28, 2014, Leroy Castillo and Ruben Estrada discussed pooling their money to purchase narcotics from a source of supply in Phoenix, Arizona.

Overt Act 2

On April 29, 2014, Leroy Castillo and Ruben Estrada agreed to each pay half for the narcotics they were planning to purchase from a source of supply in Phoenix, Arizona.

Overt Act 3

On April 29, 2014, at approximately 2:39 p.m., Leroy Castillo called Sergio Garza, a.k.a. "Sapo," and told Garza that Garza should plan on going to Albuquerque, New Mexico, later that day.

Overt Act 4

On April 29, 2014, at approximately 5:47 p.m., Leroy Castillo arrived at his residence at 1226 N. Tasker in Hobbs, New Mexico.

Overt Act 5

On April 29, 2014, at approximately 6:10 p.m., Leroy Castillo called Ruben Estrada and told Estrada that Castillo was going to send someone to Albuquerque, New Mexico.

Overt Act 6

On April 29, 2014, at approximately 6:14 p.m., Leroy Castillo called Sergio Garza, a.k.a. "Sapo," and told Garza that "Jo Jo" was going to go with Garza to Albuquerque.

Overt Act 7

On April 29, 2014, at approximately 6:22 p.m., Joe Padilla, a.k.a. "Jo Jo," called Leroy Castillo to tell Castillo he was waiting on a ride to Castillo's house, and Castillo instructed Padilla to pick up "Sapo" before coming to Castillo's house.

Overt Act 8

On April 29, 2014, at approximately 6:55 p.m., Sergio Garza, a.k.a. "Sapo," and another male arrived at Leroy Castillo's residence at 1226 N. Tasker in Hobbs, New Mexico.

Overt Act 9

On April 29, 2014, at approximately 9:45 p.m., Leroy Castillo sent Sergio Garza's telephone number to Ruben Estrada via text message.

Overt Act 10

On April 30, 2014, at approximately 3:04 a.m., Sergio Garza called Leroy Castillo and told him "it's done."

Overt Act 11

On April 30, 2014, at approximately 3:30 a.m., Ruben Estrada left Albuquerque and traveled to Phoenix, Arizona, arriving in Phoenix at approximately 10:00 a.m.

Overt Act 12

On May 1, 2014, Ruben Estrada, Richard Armijo-Romero and Charlie Gutierrez left Phoenix, Arizona en route to Albuquerque, New Mexico.

Overt Act 13

On May 1, 2014, at approximately 9:24 a.m., Ruben Estrada, Richard Armijo-Romero and Charlie Gutierrez were stopped by law enforcement on I-40 west of Albuquerque, New Mexico with approximately eight kilograms of cocaine.

Overt Act 14

On May 1, 2014, at approximately 9:26 a.m., Estrada sent the following text to Castillo:  
"Got puuled over now bro."

In violation of 21 U.S.C. § 846.

Count 2

On or about May 1, 2014, in Bernalillo County, in the District of New Mexico, the defendants, **LEROY CASTILLO, RUBEN ESTRADA, JOE PADILLA, a.k.a. "Joe Montano," a.k.a. "Jo Jo," SERGIO GARZA, a.k.a. "Sapo," RICHARD ARMIJO-ROMERO** and **CHARLIE GUTIERREZ**, unlawfully, knowingly and intentionally possessed

with intent to distribute a controlled substance, 5 kilograms and more of a mixture and substance containing a detectable amount of cocaine.

In violation of 21 U.S.C. §§ 841(a)(1) and (b)(1)(A), and 18 U.S.C. § 2.

Count 3

On or about May 1, 2014, in Lea County, in the District of New Mexico, the defendant, **LEROY CASTILLO**, unlawfully, knowingly and intentionally possessed with intent to distribute a controlled substance, 500 grams and more of a mixture and substance containing a detectable amount of cocaine.

In violation of 21 U.S.C. §§ 841(a)(1) and (b)(1)(B), and 18 U.S.C. § 2.

Count 4

On or about May 1, 2014, in Lea County, in the District of New Mexico, the defendant, **LEROY CASTILLO**, unlawfully, knowingly and intentionally possessed with intent to distribute a controlled substance, 1 kilogram and more of a mixture and substance containing a detectable amount of heroin.

In violation of 21 U.S.C. §§ 841(a)(1) and (b)(1)(A), and 18 U.S.C. § 2.

Count 5

On or about May 1, 2014, in Lea County, in the District of New Mexico, the defendant, **SERGIO GARZA, a.k.a. "Sapo,"** unlawfully, knowingly and intentionally possessed with intent to distribute a controlled substance, 500 grams or more of a mixture and substance containing a detectable amount of cocaine.

In violation of 21 U.S.C. §§ 841(a)(1) and (b)(1)(B), and 18 U.S.C. § 2.

Count 6

On or about May 1, 2014, in Lea County, in the District of New Mexico, the defendant, **SERGIO GARZA, a.k.a. "Sapo,"** unlawfully, knowingly and intentionally possessed with intent to distribute a controlled substance, 100 grams or more of a mixture and substance containing a detectable amount of heroin.

In violation of 21 U.S.C. §§ 841(a)(1) and (b)(1)(B), and 18 U.S.C. § 2.

Count 7


On or about May 1, 2014, in Lea County, in the District of New Mexico, the defendant, **SERGIO GARZA, a.k.a. "Sapo,"** during and in relation to a drug trafficking crime for which the defendant may be prosecuted in a court of the United States, specifically, possession with intent to distribute a controlled substance, 500 grams and more of a mixture and substance containing a detectable amount of cocaine, as charged in Count 5 of this Indictment, and possession with intent to distribute a controlled substance, 100 grams and more of a mixture and substance containing a detectable amount of heroin, as charged in Count 6 of this Indictment; knowingly used and carried a firearm, a .45 caliber Springfield Model 1911 pistol, and in furtherance of such crime, possessed said firearm.

In violation of 18 U.S.C. § 924(c).

A TRUE BILL:

/s/  
FOREPERSON OF THE GRAND JURY

  
Assistant United States Attorney

  
5/7/2014 10:54 AM