

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA**

UNITED STATES OF AMERICA

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CRIMINAL NO: 10-089

v.

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SECTION: “C”

WILMER ANTONIO PUELLO-MORA

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FACTUAL BASIS

If this case were to proceed to trial the Government would prove the Defendant guilty beyond a reasonable doubt of count eighteen of the nineteen-count Second Superseding Indictment pending against him. In count eighteen, the Defendant, **WILMER ANTONIO PUELLO-MORA** (“**PUELLO**”), is charged with knowingly and intentionally combining, conspiring, confederating, and agreeing with co-defendants Alexis Lake (Lake), Erik Ayala Rosas (Rosas), and others, to possess with the intent to distribute five hundred (500) grams or more of a mixture or substance containing a detectable amount of cocaine hydrochloride. The Government would establish the following through reliable and competent evidence:

On March 11, 2010, Immigration and Customs Enforcement (“ICE”) agents, including ICE Special Agent Matthew Reidell, were conducting surveillance on **PUELLO’S** co-defendant, Erik

Ayala Rosas (Rosas), as part of an investigation into illegal possession and dealing of firearms in the Eastern District of Louisiana and elsewhere. On that date, an undercover agent (UC) met with Rosas in Jefferson Parish, LA to discuss a future transaction whereby the UC would provide cocaine to Rosas in exchange for firearms and legitimate Puerto Rican birth certificates. The UC and Rosas negotiated that the UC would provide a kilogram of cocaine hydrochloride for 20 firearms and 10 sets of genuine Puerto Rican birth certificates with matching genuine Social Security cards.

The UC then led Rosas to the back of the UC's vehicle and opened the trunk. The UC opened a speaker box located inside and showed Rosas seven kilograms of sham cocaine. The UC told Rosas he would transport the cocaine to him once Rosas acquired the firearms and documents to complete the transaction on a future date.

A witness would testify that on an unknown date in March 2010, Rosas and Lake agreed that upon Rosas negotiating the transaction for the cocaine with the UC, Lake would attempt to acquire authentic identification documents from a source in Puerto Rico. **PUELLO**, introduced to Rosas by Lake, would procure firearms for the transaction. Lake would line up a potential out-of-state buyer for the cocaine, once it was procured. Once the cocaine was procured, Lake would give Rosas \$3000 for negotiating the transaction, then Lake would transport the cocaine to the buyer.

On March 24, 2010, the UC contacted Rosas by telephone. Arrangements were made for Rosas and the UC to conduct a transaction whereby Rosas would exchange firearms and identity documents for cocaine provided by the UC on March 31, 2010.

On March 25, 2010, the UC contacted Rosas by telephone. Rosas told the UC that he had some 7mm long guns, and inquired whether the UC was interested in those. The UC told Rosas that he was interested in purchasing those firearms and to bring the firearms to the March 31, 2010 meeting. Rosas and the UC arranged to meet on March 31, 2010 at a predetermined location in the

Eastern District of Louisiana where they would swap vehicles temporarily. Upon swapping vehicles, the UC would load Rosas's vehicle with one kilogram of cocaine, and Rosas would load the UC's vehicle with firearms and identity documents.

On March 29, 2010, the UC contacted Rosas by telephone. Rosas told the UC that he did not have the Puerto Rican birth certificates and Social Security cards yet, but he expected them to arrive soon by mail. Rosas stated that he had half of the firearms that he had agreed to provide to the UC. Rosas claimed that he had been unable to get more firearms because his source of weapons had been murdered the prior weekend.

A witness would testify that also on March 29, 2010, Rosas, Lake, and **PUELLO** met at a restaurant in Jefferson Parish, Louisiana to discuss the future transaction for cocaine. At this meeting, Lake asked **PUELLO** if he had received the weapons that they had previously discussed, and **PUELLO** responded that he would received them in two to three days.

On March 30, 2010, the UC contacted Rosas by telephone. Rosas told the UC that he would give him the firearms and identity documents that were in his possession at that time and complete the transaction at a later date after returning to the New Orleans area from out of town.

On March 31, 2010 at approximately 8:45 A.M., Rosas contacted the UC and stated that he did not have any of the Puerto Rican birth certificates or Social Security cards in his possession but he expected ten sets of those identification documents to arrive on April 1, 2010. Rosas said that he had four long guns and five handguns in his possession and was trying to obtain more prior to the transaction. The UC informed Rosas that he would need the firearms that day for shipment to Mexico. Rosas and the UC arranged to meet at noon the same day and agreed that the UC would exchange the kilogram of cocaine for as many firearms as Rosas could obtain that day.

A witness would testify that Lake borrowed a 2002 Black Honda Accord and brought it to Puello's residence at 1924 Newton Street in Gretna, Louisiana on the morning of March 31, 2010. At approximately 12:05 P.M on March 31, 2010, Rosas and the UC met in Jefferson Parish, LA. Rosas informed the UC that the death of his weapons supplier had made it difficult to obtain the amount of firearms he claimed he would have. Rosas also stated that he would receive the 10 sets of identity documents later in the day. The UC agreed to go ahead with cocaine exchange for the firearms Rosas could procure on that date and to receive the remaining firearms and identity documents at a later time.

During this meeting, Rosas and the UC exchanged vehicles in order to load each other's vehicles with the items to be exchanged. Rosas arrived at the meeting in the 2002 Black Honda Accord loaned to Lake. The two departed the location and ICE agents established surveillance on Rosas. The UC had possession of Rosas's vehicle and a kilogram of sham cocaine was placed under the spare tire in the vehicle's trunk.

At 12:15 P.M, ICE agents observed Rosas arrive at a residence on Villemar Place in Gretna, LA, and meet with an individual known as "Pelengo". Rosas departed that residence and arrived at 1924 Newton Street in Gretna and entered the residence at approximately 12:25 P.M. An ICE agent observed Rosas come out of that residence and place a package in the trunk of the UC vehicle and then leave the 1924 Newton Street residence in the vehicle with Lake and **PUELLO**.

Rosas, Lake, and **PUELLO** arrived at 421 Derbigny Street in Gretna at approximately 12:40 P.M., and then went inside the residence. The three co-defendants left from that residence about five minutes after arriving, and the ICE agents did not observe Rosas, Lake, or Puello carrying anything. The three co-defendants arrived back at 1924 Newton Street at approximately 12:55 P.M. and went inside. Approximately five minutes later, an ICE agent observed **PUELLO**, Rosas and Lake exit

the residence. Rosas and Lake were carrying a bed comforter, which they placed in the trunk of the UC vehicle. At approximately 2:10 P.M., Rosas departed 1924 Newton Street alone in the UC vehicle. Lake was also observed by ICE agents exiting the 1924 Newton Street residence and departed in a separate vehicle. Video surveillance of **PUELLO**, Rosas, and Lake would be offered into evidence.

Rosas met with the UC at a parking lot in Gretna, Louisiana at approximately 2:15 P.M. Rosas and the UC exchanged vehicles to conclude the transaction. Following the meeting, nine firearms consisting of five rifles, three pistols, and one shotgun, wrapped in a bed comforter, were discovered by ICE agents inside the trunk of the UC vehicle. Minutes after Rosas exchanged vehicles with the UC and departed the meeting location, a vehicle stop was performed on Rosas's vehicle and Rosas was arrested by ICE. The one kilogram of sham cocaine was found in the trunk of Rosas's vehicle. Lake had been observed by ICE agents following Rosas in his vehicle and appeared to have been conducting counter-surveillance. Lake's vehicle was also stopped and he was arrested by ICE.

The UC would testify that the firearms he received from Rosas that day were a Norinco Model SKS, 7.62x39 caliber rifle, bearing serial number 1821460; a Walther Model PPS, .380 caliber pistol, bearing serial number AD9867; a Hi-Point Model C9, 9mm pistol, bearing serial number P1343244; a Lorcin Model L32, .32 caliber pistol, bearing serial number 013246; a Remington Model 700, .270 caliber rifle, bearing serial number G6365281; a Beretta Model Tikka T3, 7mm rifle, bearing serial number 776236; a Marlin Model 681, .22 caliber rifle, bearing serial number 0Z004348; and a Winchester Model 1300, 20 gauge shotgun, bearing serial number L3432036; a Marlin Model 75C, .22 caliber rifle, bearing serial number 24322376.

After this meeting, the UC turned over the firearms he received from Rosas to Alcohol, Tobacco, Firearms and Explosives (“ATF”) Special Agent Mike Hutton. The nine firearms were logged on a form known as the ATF EF 3120.2.

Also on March 31, 2010, after Rosas and Lake were arrested, a search warrant was applied for and executed by ICE agents on 1924 Newton Street in Gretna. Three individuals were encountered at the residence: **PUELLO**, Jose Geovanny Garcia-Moscoso, and Roberta Pichardo. ICE agents seized four cell phones, a camera, memory stick, and miscellaneous documents from Puello. Pichardo notified the agents that her bed comforter was missing from her bed at the residence. Pichardo’s description of her missing bed comforter was consistent with the description of the bed comforter found wrapped around the firearms found in the UC’s car after Rosas returned it to the UC. A review of the photographs contained on the camera and memory stick seized from Puello revealed several photographs of Puello holding a firearm. An ATF agent positively identified one of the firearms as the Norinco Model SKS, 7.62x39 caliber rifle, bearing serial number 1821460, which was exchanged by Rosas for the sham cocaine.

An ICE agent would offer testimony describing the sham cocaine procured by Rosas on March 31, 2010. The one kilogram of sham cocaine would be introduced into evidence.

ROBERT WEIR
Special Assistant United States Attorney

DATE

WILMER ANTONIO PUELLO-MORA
Defendant

DATE

CLAUDE KELLY
Attorney for Defendant

DATE