

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

FILED
U.S. DISTRICT COURT
DISTRICT OF NEW MEXICO

2009 MAY 21 AM 11:26

CLERK-LAS CRUCES

UNITED STATES OF AMERICA,

Plaintiff,

vs.

MANUEL MENDIAS-MEDINA,
a/k/a Andres Nunez,
a/k/a Manny,
AMADOR MARTINEZ,
a/k/a Mickey,
DANIEL BAEZ,
a/k/a "Pelon",
DERRICK OTHOLE,
JOSE RAMON FELIX-DUARTE,
a/k/a Efren Armando Duarte-Torres,
a/k/a "Mon",
DONNELL JAMES,
a/k/a "DJ,"
a/k/a "Pelon",
OSMAN EMILIANO GARCIA,
a/k/a Luis Alberto Martinez-Cruz,
FRANCISCO JAVIER PORTILLO,
a/k/a "Chapneco",
BARNEY JESUS PEREZ,
CARLOS RAFAEL CARO-LUJAN,
EMMANUELL MARTINEZ
a/k/a "Caralampio",
CRYSTAL LIRA and
MICHAEL LIRA,

Defendants.

CRIMINAL NO. 08-2960 MV

Count 1: 21 U.S.C. § 846: Conspiracy;

Counts 2, 3 and 5: 21 U.S.C. §§ 841(a)(1) and (b)(1)(B): Possession With Intent to Distribute 100 Kilograms and More of Marijuana; 18 U.S.C. § 2: Aiding and Abetting;

Counts 4 and 6: 21 U.S.C. §§ 841(a)(1) and (b)(1)(C): Possession With Intent to Distribute 50 Kilograms and More of Marijuana; 18 U.S.C. § 2: Aiding and Abetting;

Counts 7 and 8: 21 U.S.C. § 856(a)(2): Managing and Controlling a Place for Storing and Distributing Marijuana; 18 U.S.C. § 2: Aiding and Abetting;

Count 9: 18 U.S.C. § 924(c)(1)(A)(i): Using a Firearm During and in Relation to a Drug Trafficking Crime;

Count 10: 18 U.S.C. § 924(c)(1)(A)(i): Possession of a Firearm in Furtherance of a Drug Trafficking Crime;

Counts 11 and 12: 18 U.S.C. § 1956(a)(1)(A)(i): Money Laundering; 18 U.S.C. § 2: Aiding and Abetting.

SECOND SUPERSEDING INDICTMENT

The Grand Jury charges:

Count 1

From in or about January 2007, and continuing to on or about December 19, 2008, in Doña Ana County, in the District of New Mexico and elsewhere, the defendants, **MANUEL MENDIAS-MEDINA, a/k/a Andres Nunez, a/k/a Manny, AMADOR MARTINEZ, a/k/a Mickey, DANIEL BAEZ, a/k/a "Pelon", DERRICK OTHOLE, JOSE RAMON FELIX-DUARTE, a/k/a Efren Armando Duarte-Torres, a/k/a "Mon", DONNELL JAMES, a/k/a "DJ," a/k/a "Pelon", OSMAN EMILIANO GARCIA, a/k/a Luis Alberto Martinez-Cruz, FRANCISCO JAVIER PORTILLO, a/k/a "Chapneco", BARNEY JESUS PEREZ, CARLOS RAFAEL CARO-LUJAN, EMMANUELL MARTINEZ a/k/a "Caralampio," CRYSTAL LIRA and MICHAEL LIRA**, did unlawfully, knowingly and intentionally combine, conspire, confederate and agree 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, to wit: possession with intent to distribute 1000 kilograms and more of a mixture and substance containing a detectable amount of marijuana, contrary to 21 U.S.C. §§ 841(a)(1) and (b)(1)(A).

Overt Acts

In furtherance of the aforesaid conspiracy and to accomplish the objectives thereof, the following overt acts were committed:

Overt Act 1

Between approximately January 2007 and March 2007, **DONNELL JAMES, a/k/a "DJ," a/k/a "Pelon,"** lived in a residence on Sanderling Trail in Santa Teresa, New Mexico and was recruited and paid by **AMADOR MARTINEZ, a/k/a Mickey,** and **CRYSTAL LIRA**

to use the residence to store marijuana until it was transported to Albuquerque, New Mexico and beyond.

Overt Act 2

Between approximately March 2007 and July 2007, **DONNELL JAMES, a/k/a "DJ," a/k/a "Pelon"** lived in a residence in El Paso, Texas and were paid by **AMADOR MARTINEZ, a/k/a Mickey**, to use the residence to store marijuana until it was transported to Albuquerque, New Mexico and beyond.

Overt Act 3

Between approximately July 2007 and December 19, 2008, **DANIEL BAEZ, a/k/a "Pelon"**, lived in a residence on Hilda Road, in Mesquite, New Mexico and was paid by **AMADOR MARTINEZ, a/k/a Mickey**, to use the residence to store marijuana until it was transported to Albuquerque, New Mexico and beyond.

Overt Act 4

Between approximately November 2007 and April 2008, **MANUEL MENDIAS-MEDINA, a/k/a Andres Nunez, a/k/a Manny** and **AMADOR MARTINEZ, a/k/a Mickey**, arranged for Confidential Sources to transport approximately eight loads of marijuana totaling over 3,600 kilograms from the Las Cruces, New Mexico area to Albuquerque, New Mexico.

Overt Act 5

On four different occasions between 2007 and April 2008, a Confidential Source received drug proceeds from **JOSE RAMON FELIX-DUARTE, a/k/a Efren Armando Duarte-Torres, a/k/a "Mon"**, in Denver, Colorado or Albuquerque, New Mexico and

delivered the proceeds to **AMADOR MARTINEZ, a/k/a Mickey**, or **CRYSTAL LIRA**, in El Paso, Texas.

Overt Act 6

On at least four different occasions between 2007 and April 2008, a Confidential Source received drug proceeds from **FRANCISCO JAVIER PORTILLO, a/k/a "Chapneco"**, in Denver, Colorado and delivered the proceeds to **AMADOR MARTINEZ, a/k/a Mickey**, in El Paso, Texas or to Tony LNU in Mexico.

Overt Act 7

In approximately February 2008, a Confidential Source received \$25,000 of drug proceeds from Tony LNU in Albuquerque and delivered the proceeds to **AMADOR MARTINEZ, a/k/a Mickey**, in Mesquite, New Mexico.

Overt Act 8

On May 20, 2008, **DANIEL BAEZ, a/k/a "Pelon"**, stored approximately 500 kilograms of marijuana at his residence on Hilda Road in Mesquite, New Mexico prior to the marijuana being loaded into a semi tractor to be transported to Albuquerque, New Mexico.

Overt Act 9

On June 17, 2008, **MANUEL MENDIAS-MEDINA, a/k/a Andres Nunez, a/k/a Manny**, asked a Confidential Source to pick up a semi tractor in Denver, Colorado and to drive it to Albuquerque, New Mexico so that it would be ready to pick up approximately 300 pounds of marijuana in Mesquite, New Mexico as soon as the marijuana was ready to be transported.

Overt Act 10

On June 18, 2008, **FRANCISCO JAVIER PORTILLO, a/k/a "Chapneco"**, provided a Confidential Source with \$50,020.00 in drug proceeds which the Confidential Source was supposed to transport to Tony LNU in Mexico.

Overt Act 11

On June 24, 2008, **MANUEL MENDIAS-MEDINA, a/k/a Andres Nunez, a/k/a Manny**, called a Confidential Source and instructed the Confidential Source to have another Confidential Source drive a semi tractor from Albuquerque to Mesquite, New Mexico, to pick up a load of marijuana.

Overt Act 12

On June 25, 2008, **DANIEL BAEZ, a/k/a "Pelon"**, stored approximately 142 kilograms of marijuana at his residence on Hilda Road in Mesquite, New Mexico prior to the marijuana being loaded into a semi tractor to be transported to Albuquerque, New Mexico and then to Aurora, Colorado.

Overt Act 13

On June 25, 2008, **JOSE RAMON FELIX-DUARTE, a/k/a Efren Armando Duarte-Torres, a/k/a "Mon"**, and three Confidential Sources accompanied a load of approximately 142 kilograms of marijuana from Albuquerque, New Mexico to Aurora, Colorado, where the keys to the load vehicle were picked up by **FRANCISCO JAVIER PORTILLO, a/k/a "Chapneco"**.

Overt Act 14

On July 10, 2008, **MANUEL MENDIAS-MEDINA, a/k/a Andres Nunez, a/k/a Manny**, called a Confidential Source and asked the Confidential Source to find a driver to deliver approximately 650 pounds of marijuana to Albuquerque, New Mexico.

Overt Act 15

On July 21, 2008, **AMADOR MARTINEZ, a/k/a Mickey**, spoke with a Confidential Source and confirmed that the Drug Trafficking Organization still had approximately 600 pounds of marijuana that needed to be transported to Albuquerque, New Mexico.

Overt Act 16

On July 24, 2008, **OSMAN EMILIANO GARCIA, a/k/a Luis Alberto Martinez-Cruz**, and **CARLOS RAFAEL CARO-LUJAN** met with a Confidential Source to arrange for **OSMAN EMILIANO GARCIA, a/k/a Luis Alberto Martinez-Cruz**, to drive a semi tractor from Albuquerque, New Mexico to Mesquite, New Mexico to pick up a load of marijuana.

Overt Act 17

On July 24, 2008, at the direction of **MANUEL MENDIAS-MEDINA, a/k/a Andres Nunez, a/k/a Manny**, **EMMANUELL MARTINEZ, a/k/a "Caralampio"**, provided \$600.00 to a Confidential Source to pay for gas for the semi tractor to be driven to Mesquite, New Mexico to pick up a load of marijuana.

Overt Act 18

On July 24, 2008, **EMMANUELL MARTINEZ, a/k/a "Caralampio"** provided a Confidential Informant with a SKS Rifle and a Cobra 380 Caliber handgun to be

transported to **AMADOR MARTINEZ, a/k/a Mickey**, in El Paso, Texas in exchange for marijuana.

Overt Act 19

On July 24, 2008, **OSMAN EMILIANO GARCIA, a/k/a Luis Alberto Martinez-Cruz**, followed by **CARLOS RAFAEL CARO-LUJAN** in another vehicle, drove a semi tractor from Albuquerque, New Mexico to Doña Ana County, New Mexico, where the semi tractor was seized by law enforcement agents.

Overt Act 20

On July 25, 2008, **BARNEY JESUS PEREZ** picked up **OSMAN EMILIANO GARCIA, a/k/a Luis Alberto Martinez-Cruz**, after the semi tractor that he was driving was seized by law enforcement agents.

Overt Act 21

On July 25, 2008, a Confidential Source met with **OSMAN EMILIANO GARCIA, a/k/a Luis Alberto Martinez-Cruz, CARLOS RAFAEL CARO-LUJAN** and **BARNEY JESUS PEREZ** to discuss how to recover the semi tractor that had been seized by law enforcement agents earlier that day.

Overt Act 22

On August 5, 2008, a Confidential Source met with **OSMAN EMILIANO GARCIA, a/k/a Luis Alberto Martinez-Cruz** and **CARLOS RAFAEL CARO-LUJAN** in Horizon City, Texas to pick up a semi tractor which **CARLOS RAFAEL CARO-LUJAN** had purchased to transport marijuana.

Overt Act 23

On August 5, 2008, **EMMANUELL MARTINEZ, a/k/a "Caralampio"**, provided \$1,000.00 to a Confidential Source to pay for gas for the Confidential Source to drive a flatbed trailer to Las Cruces, New Mexico to be used in transporting a load of marijuana to Albuquerque, New Mexico.

Overt Act 24

On August 5, 2008, **OSMAN EMILIANO GARCIA, a/k/a Luis Alberto Martinez-Cruz, CARLOS RAFAEL CARO-LUJAN and BARNEY JESUS PEREZ** met with a Confidential Source in Las Cruces, New Mexico after the Confidential Source had brought the flatbed trailer to Las Cruces.

Overt Act 25

On August 6, 2008, a semi tractor was loaded with marijuana at the residence of **DANIEL BAEZ, a/k/a "Pelon"** in Mesquite, New Mexico and then driven to the residence of **EMMANUELL MARTINEZ, a/k/a "Caralampio"**, in Albuquerque, New Mexico.

Overt Act 26

On August 7, 2008, Orlando Cruz-Perez was stopped and arrested in possession of approximately 80 kilograms of marijuana after having been observed meeting with **CARLOS RAFAEL CARO-LUJAN and BARNEY JESUS PEREZ** in Albuquerque, New Mexico the previous day.

Overt Act 27

On August 20, 2008, a Confidential Source received \$20,940.00 of drug proceeds from **JOSE RAMON FELIX-DUARTE, a/k/a Efren Armando Duarte-Torres, a/k/a "Mon"**,

in Albuquerque, New Mexico and delivered the proceeds to **AMADOR MARTINEZ, a/k/a Mickey**, and **MICHAEL LIRA** in El Paso, Texas.

Overt Act 28

On November 14, 2008, **MANUEL MENDIAS-MEDINA, a/k/a Andres Nunez, a/k/a Manny**, met with a Confidential Source and told the Source that he was looking for **AMADOR MARTINEZ, a/k/a Mickey** so that **AMADOR MARTINEZ, a/k/a Mickey** could arrange to transport approximately 500 pounds of marijuana to Albuquerque, New Mexico.

Overt Act 29

On December 10-11, 2008, **MANUEL MENDIAS-MEDINA, a/k/a Andres Nunez, a/k/a Manny** and **DERRICK OTHOLE** traveled from Albuquerque, New Mexico to Mesquite, New Mexico to pick up a load of marijuana.

Overt Act 30

On December 11, 2008, **DANIEL BAEZ, a/k/a "Pelon"**, allowed marijuana to be stored at his residence before it was loaded into a semi tractor and transported to Albuquerque, New Mexico.

Overt Act 31

On December 11, 2008, **MANUEL MENDIAS-MEDINA, a/k/a Andres Nunez, a/k/a Manny** and **DERRICK OTHOLE** accompanied a semi tractor containing over 100 kilograms of marijuana as it was driven to Albuquerque, New Mexico.

Overt Act 32

On December 11, 2008, **JOSE RAMON FELIX-DUARTE, a/k/a Efren Armando Duarte-Torres, a/k/a "Mon"**, had approximately 97 kilograms of marijuana in a red Dodge Dually truck in Albuquerque, New Mexico.

Overt Act 33

On December 19, 2008, **DANIEL BAEZ, a/k/a "Pelon"** had approximately 51 kilograms of marijuana, a loaded 7.62x39 caliber AK47 Rifle, and a loaded Charles Daly .45 caliber pistol at his residence in Mesquite, New Mexico.

In violation of 21 U.S.C. § 846.

Count 2

On or about May 20, 2008, in Doña Ana County, in the District of New Mexico, the defendant, **DANIEL BAEZ, a/k/a "Pelon"**, did unlawfully, knowingly and intentionally possess with intent to distribute 100 kilograms and more of a mixture and substance containing a detectable amount of marijuana.

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

Count 3

On or about June 26, 2008, in Doña Ana County, in the District of New Mexico, the defendants, **MANUEL MENDIAS-MEDINA, a/k/a Andres Nunez, a/k/a Manny, AMADOR MARTINEZ, a/k/a Mickey, DANIEL BAEZ, a/k/a "Pelon", JOSE RAMON FELIX-DUARTE, a/k/a Efren Armando Duarte-Torres, a/k/a "Mon" and FRANCISCO JAVIER PORTILLO, a/k/a "Chapneco"**, did unlawfully, knowingly and intentionally possess with intent to

distribute 100 kilograms and more of a mixture and substance containing a detectable amount of marijuana.

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 August 7, 2008, in Doña Ana County and elsewhere, in the District of New Mexico, the defendants, **AMADOR MARTINEZ, a/k/a Mickey, DANIEL BAEZ, a/k/a "Pelon", OSMAN EMILIANO GARCIA, a/k/a Luis Alberto Martinez-Cruz, BARNEY JESUS PEREZ, CARLOS RAFAEL CARO-LUJAN and EMMANUELL MARTINEZ a/k/a "Caralampio"**, did unlawfully, knowingly and intentionally possess with intent to distribute 50 kilograms and more of a mixture and substance containing a detectable amount of marijuana.

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

Count 5

On or about December 11, 2008, in Doña Ana and Bernalillo Counties and elsewhere, in the District of New Mexico, the defendants, **MANUEL MENDIAS-MEDINA, a/k/a Andres Nunez, a/k/a Manny, DANIEL BAEZ, a/k/a "Pelon", DERRICK OTHOLE and JOSE RAMON FELIX-DUARTE, a/k/a Efren Armando Duarte-Torres, a/k/a "Mon"**, did unlawfully, knowingly and intentionally possess with intent to distribute 100 kilograms and more of a mixture and substance containing a detectable amount of marijuana.

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 December 19, 2008, in Doña Ana County, in the District of New Mexico, the defendants, **AMADOR MARTINEZ, a/k/a Mickey and DANIEL BAEZ, a/k/a "Pelon"**,

did unlawfully, knowingly and intentionally possess with intent to distribute 50 kilograms and more of a mixture and substance containing a detectable amount of marijuana.

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

Count 7

From on or about January 1, 2007 to March 15, 2007, in Doña Ana County, in the District of New Mexico, the defendants, **AMADOR MARTINEZ, a/k/a Mickey, CRYSTAL LIRA** and **DONNELL JAMES, a/k/a "DJ," a/k/a "Pelon"**, did unlawfully, knowingly and intentionally manage and control a place, to wit: a residence located on Sanderling Trail, Santa Teresa, New Mexico, for the purpose of storing and distributing marijuana.

In violation of 21 U.S.C. § 856(a)(2), and 18 U.S.C. § 2.

Count 8

From on or about April 1, 2008 to on or about December 19, 2008, in Doña Ana County, in the District of New Mexico, the defendants, **AMADOR MARTINEZ, a/k/a Mickey** and **DANIEL BAEZ, a/k/a "Pelon"**, did unlawfully, knowingly and intentionally manage and control a place, to wit: a residence located at 54 Hilda Road, Mesquite, New Mexico, for the purpose of storing and distributing marijuana.

In violation of 21 U.S.C. § 856(a)(2), and 18 U.S.C. § 2.

Count 9

On or about July 24, 2008, in Bernalillo County, in the District of New Mexico, the defendant, **EMMANUELL MARTINEZ, a/k/a "Caralampio"**, knowingly used firearms, to wit: a SKS Rifle, bearing serial number 1729708, and a Cobra 380 Caliber handgun, bearing serial number CP033931, during and in relation to a drug trafficking offense for which the defendant may be prosecuted in a court of the United States, as alleged in Count

1 of the Indictment, to wit: conspiracy to possess with intent to distribute 1000 kilograms and more of a mixture and substance containing a detectable amount of marijuana, contrary to 21 U.S.C. §§ 841(a)(1) and (b)(1)(A), in violation of 21 U.S.C. § 846.

In violation of 18 U.S.C. § 924(c)(1)(A)(i).

Count 10

On or about December 19, 2008, in Doña Ana County, in the District of New Mexico, the defendant, **DANIEL BAEZ, a/k/a "Pelon"**, knowingly possessed firearms, to wit: a Prochine 7.62x39 caliber AK47 Rifle, bearing serial number 8706519, and a Charles Daly .45 caliber pistol, bearing serial number CD800546, in furtherance of a drug trafficking offense for which the defendant may be prosecuted in a court of the United States, as alleged in Count 1 of the Indictment, to wit: conspiracy to possess with intent to distribute 1000 kilograms and more of a mixture and substance containing a detectable amount of marijuana, contrary to 21 U.S.C. §§ 841(a)(1) and (b)(1)(A), in violation of 21 U.S.C. § 846.

In violation of 18 U.S.C. § 924(c)(1)(A)(i).

Count 11

On or about June 26, 2008, in Doña Ana County, in the District of New Mexico and elsewhere, the defendant, **FRANCISCO JAVIER PORTILLO, a/k/a "Chapneco"**, did knowingly and willfully conduct and attempt to conduct a financial transaction affecting interstate and foreign commerce, to wit: the transfer of currency which was the proceeds of a specified unlawful activity, that is, possession with intent to distribute marijuana, with the intent to promote the carrying on of such specified unlawful activity, and that while conducting and attempting to conduct the financial transaction, knew that the currency

involved in the financial transaction represented the proceeds of some form of unlawful activity.

In violation of 18 U.S.C. §§ 1956(a)(1)(A)(i) and (2).

Count 12

On or about August 20, 2008, in Bernalillo County, in the District of New Mexico and elsewhere, the defendants, **MANUEL MENDIAS-MEDINA, a/k/a Andres Nunez, a/k/a Manny, AMADORMARTINEZ, a/k/a Mickey, JOSE RAMON FELIX-DUARTE, a/k/a Efren Armando Duarte-Torres, a/k/a "Mon" and MICHAEL LIRA** did knowingly and willfully conduct and attempt to conduct a financial transaction affecting interstate and foreign commerce, to wit: the transfer of currency which was the proceeds of a specified unlawful activity, that is, possession with intent to distribute marijuana, with the intent to promote the carrying on of such specified unlawful activity, and that while conducting and attempting to conduct the financial transaction, knew that the currency involved in the financial transaction represented the proceeds of some form of unlawful activity.

In violation of 18 U.S.C. §§ 1956(a)(1)(A)(i) and (2).

A TRUE BILL:

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FOREPERSON OF THE GRAND JURY

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Assistant United States Attorney

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