

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

UNITED STATES OF AMERICA

v.

**CARLOS FAVIAN MARTINEZ,
a/k/a “Cuate” (Counts: 1-5),
RIGOBERTO BROWN (Counts: 1-2),
PEDRO ANTONIO CALVILLO
HERNANDEZ (Counts: 1-2, 3, 5),
ROBERTO GARCIA VILLARREAL,
a/k/a “Betin” (Counts: 1-3),
MIGUEL HIPOLITO CABALLERO
AUPART (Counts: 1-2),
MIREYA MIRANDA (Counts: 1-2),
DIEGO CEBALLOS-SOTO (Counts: 3-5),
CARLOS YZAGUIRRE (Counts: 3-5),
JUAN HECTOR RAMIREZ AVILA,
a/k/a “Juanito” (Count: 5), and
JOSE de JESUS TAPIA FERNANDEZ
(Count: 5),**

Defendants.

CRIMINAL NO. 4:22-cr-560-S

Count 1: 15 U.S.C. § 1
(price fixing and market allocation
conspiracy)

Count 2: 15 U.S.C. § 2
(monopolization conspiracy)

Count 3: 18 U.S.C. § 1951(a)
(extortion conspiracy)

Count 4: 18 U.S.C. §§ 1951(a) and 2
(extortion)

Count 5: 18 U.S.C. § 1956(h)
(money laundering conspiracy)

FIRST SUPERSEDING INDICTMENT

THE GRAND JURY CHARGES THAT:

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

COUNT ONE

**Conspiracy to Fix Prices and Allocate the Market
(15 U.S.C. § 1)**

Description of the Offense

1. Beginning in or about 2011 and continuing to at least as late as on or about November 9, 2022, the exact dates being unknown to the Grand Jury, in the Southern District of Texas and elsewhere, defendants

**CARLOS FAVIAN MARTINEZ, a/k/a “Cuate,”
RIGOBERTO BROWN,
PEDRO ANTONIO CALVILLO HERNANDEZ,
ROBERTO GARCIA VILLARREAL, a/k/a “Betin,”
MIGUEL HIPOLITO CABALLERO AUPART, and
MIREYA MIRANDA,**

and Co-Conspirator A, Co-Conspirator B, and other co-conspirators known and unknown to the Grand Jury, knowingly entered into and engaged in a conspiracy to suppress and eliminate competition by fixing prices and allocating the market for transmigrante forwarding agency services in and around the Los Indios, Texas Port of Entry and the Brownsville-Harlingen, Texas metropolitan area that includes, among other places, Cameron and Hidalgo Counties and the cities and towns of San Benito and Los Indios (the “Los Indios, Texas area”), in violation of Section 1 of the Sherman Act, 15 U.S.C. § 1.

2. The conspiracy engaged in by the defendants and co-conspirators was a *per se* unlawful, and thus unreasonable, restraint of interstate and foreign trade and commerce in violation of Section 1 of the Sherman Act, 15 U.S.C. § 1.

Defendants and Co-Conspirators

3. Defendant CARLOS FAVIAN MARTINEZ (“MARTINEZ”), a/k/a/ “Cuate,” was a U.S. citizen who resided in the Southern District of Texas in the city of Mission, Texas. MARTINEZ controlled AGENCY C, a transmigrante forwarding agency that operated in the Los

Indios, Texas area. MARTINEZ was the son-in-law of a former leader of the Gulf Cartel in Mexico. The Gulf Cartel is a violent criminal syndicate that operates at the U.S.-Mexico border and elsewhere.

4. Defendant RIGOBERTO BROWN (“BROWN”) was a dual citizen of Mexico and the United States. BROWN performed managerial roles on behalf of MARTINEZ.

5. Defendant PEDRO CALVILLO HERNANDEZ (“CALVILLO”) was a Mexican national. CALVILLO reported to MARTINEZ and Co-Conspirator A, and carried out instructions from MARTINEZ and Co-Conspirator A.

6. Defendant ROBERTO GARCIA VILLARREAL (“GARCIA”), a/k/a “Betin,” was a Mexican national who resided in Cameron County, Texas as a legal permanent resident. GARCIA operated AGENCY L, a transmigrante forwarding agency that operated in the Los Indios, Texas area.

7. Defendant MIGUEL HIPOLITO CABALLERO AUPART (“CABALLERO”) was a Mexican national who resided in the Southern District of Texas as a legal permanent resident. CABALLERO owned, operated, and controlled AGENCY A, a transmigrante forwarding agency that operated in the Los Indios, Texas area.

8. Defendant MIREYA MIRANDA (“MIRANDA”) was a Mexican national who resided in the Southern District of Texas as a legal permanent resident. MIRANDA owned, operated, and controlled AGENCY M, a transmigrante forwarding agency that operated in the Los Indios, Texas area.

9. Co-Conspirator A, who is not named as a defendant in this indictment, was a U.S. citizen who resided in the Southern District of Texas. Co-Conspirator A operated AGENCY C on behalf of MARTINEZ and reported to MARTINEZ.

10. Co-Conspirator B, who is not named as a defendant in this indictment, was a U.S.

citizen who resided in the Southern District of Texas. Co-Conspirator B owned, operated, and controlled AGENCY T, a transmigrante forwarding agency that operated in the Los Indios, Texas area.

11. Various companies and individuals, known and unknown to the Grand Jury, participated as unindicted co-conspirators in committing the offense charged in this count and performed acts and made statements in furtherance of it.

12. Whenever in this count reference is made to any act, deed, or transaction of any corporate entity, the allegation means that the corporate entity engaged in the act, deed, or transaction by or through its officers, directors, agents, employees, or other representatives while they were actively engaged in the management, direction, control, or transaction of its business or affairs.

Background

13. Transmigrantes are individuals who transport goods, often used vehicles, from the United States, through Mexico, for resale elsewhere in Central America.

14. The government of Mexico regulates transmigrante traffic: until in or about March 2021, transmigrantes had to use the Los Indios, Texas Port of Entry to cross from the U.S. to Mexico. The Los Indios Port of Entry includes a bridge (known as the “Los Indios Free Trade Bridge” or the “Free Trade International Bridge”) that spans the Rio Grande River and connects Los Indios, Texas with Matamoros, Tamaulipas in Mexico. Moreover, as required by Mexican regulations, transmigrantes must complete customs paperwork and obtain permits to travel through Mexico. “Patentes” are licensed, registered brokers who are bonded and authorized by the government of Mexico to process transmigrante paperwork.

15. A transmigrante forwarding agency provides services to transmigrantes. Transmigrante forwarding agencies, for example, assist transmigrantes in completing and

processing customs paperwork and paying required fees. Transmigrante forwarding agencies also charge transmigrantes fees for the services they provide. Typically, these agency fees are based on the type and number of used vehicles a transmigrante transports.

16. From in or about 2011 and continuing to at least as late as on or about November 9, 2022, the transmigrante forwarding agencies owned, operated, and controlled by defendants MARTINEZ, GARCIA, CABALLERO, MIRANDA, and Co-Conspirators A and B provided services in the Southern District of Texas to transmigrante clients. Moreover, these agencies held exclusive relationships with registered patentes. Other transmigrante agencies without the same patente relationships had to access broker services through these defendants' agencies.

Manner and Means of the Conspiracy

17. For the purpose of forming and carrying out the charged conspiracy, defendants MARTINEZ, BROWN, CALVILLO, GARCIA, CABALLERO, MIRANDA, Co-Conspirators A and B, and other co-conspirators did those things that they combined and conspired to do, including, among other things:

a. engaged in communications and discussions—including at in-person meetings in and around the Los Indios, Texas area and via telephones, text messages, social media, and online messaging platforms—regarding pricing of transmigrante agency services to be charged and paid in and around the Los Indios, Texas area, and the division of revenue from those services;

b. agreed during those communications and discussions to fix, maintain, stabilize, raise, and lower the prices of transmigrante agency services in and around the Los Indios, Texas area;

c. agreed during those communications and discussions to allocate the market for transmigrante agency services in and around the Los Indios, Texas area by

pooling together agencies' revenues and dividing those revenues among the agencies according to agreed-upon percentages—an arrangement known as “The Pool;”

d. issued price announcements and allocated the market for transmigrante agency services in and around the Los Indios, Texas area by dividing agency revenues in accordance with the agreements reached;

e. created charts and spreadsheets to document, monitor, and implement the agreement to allocate the market for transmigrante agency services in and around the Los Indios, Texas area by pooling and dividing revenues according to agreed-upon percentages;

f. marketed, provided, and accepted payments for transmigrante agency services in and around the Los Indios, Texas area at collusive and noncompetitive prices;

g. monitored, discussed, and punished co-conspirators who cheated on or were non-compliant with the agreement to fix prices and allocate the market for transmigrante agency services in and around the Los Indios, Texas area; and

h. deterred and at times excluded, through means including intimidation, threats, and acts of violence, new entrants and disruptive outsiders who posed a threat to the stability, operation, or continued existence of the price-fixing and market-allocation conspiracy.

Trade and Commerce

18. The business activities of transmigrante forwarding agencies that are the subject of this Indictment were within the flow of, and substantially affected, interstate commerce, including but not limited to:

a. defendants and their co-conspirators sold and delivered transmigrante agency services in a continuous and uninterrupted flow of interstate commerce to

transmigrante customers transporting goods across state lines;

b. the goods that were the subject of transmigrante agency services often originated outside of Texas, in various states within the United States, and were transported to the Southern District of Texas to obtain agency services;

c. the equipment and supplies necessary to transport the goods that were the subject of transmigrante agency services traveled in interstate commerce;

d. the payments transmigrantes made to purchase equipment and supplies, as well as to purchase goods that were the subject of transmigrante agency services, traveled in interstate commerce; and

e. the payments transmigrantes made to defendants and their co-conspirators for transmigrante agency services traveled in interstate commerce.

ALL IN VIOLATION OF TITLE 15, UNITED STATES CODE, SECTION 1.

COUNT TWO

**Combination and Conspiracy to Monopolize
(15 U.S.C. § 2)**

19. The Grand Jury realleges and incorporates by reference Paragraphs 3 through 10 (describing defendants) and Paragraphs 13 through 16 of this Superseding Indictment as if fully set forth herein.

Description of the Offense

20. Beginning in or about 2013 and continuing to at least as late as in or about March 2021, in the Southern District of Texas and elsewhere, defendants

**CARLOS FAVIAN MARTINEZ, a/k/a “Cuate,”
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PEDRO ANTONIO CALVILLO HERNANDEZ,
ROBERTO GARCIA VILLARREAL, a/k/a “Betin,”
MIGUEL HIPOLITO CABALLERO AUPART, and
MIREYA MIRANDA,**

and Co-Conspirator A, Co-Conspirator B, and other co-conspirators known and unknown to the Grand Jury, knowingly entered into and engaged in a combination and conspiracy to monopolize, and specifically intended to monopolize, the market for transmigrante agency services in and around the Los Indios, Texas Port of Entry and the Brownsville-Harlingen, Texas metropolitan area that includes, among other places, Cameron and Hidalgo Counties and the cities and towns of San Benito and Los Indios (the “Los Indios, Texas area”), in violation of Section 2 of the Sherman Act, 15 U.S.C. § 2.

21. The charged combination and conspiracy consisted of a continuing agreement, understanding, and concert of action, the substantial terms of which were that the defendants’ transmigrante forwarding agencies:

- a. combined and conspired to acquire, maintain, and exercise monopoly power collectively; and
- b. operated as a single entity (at times called the “empresa” or company) to acquire, maintain, and exercise monopoly power;

in the market for transmigrante agency services in the Los Indios, Texas area. The combination and conspiracy engaged in by the defendants and their co-conspirators was carried out through various anticompetitive acts, including restraints that are *per se* unlawful under the Sherman Act, and threats and acts of violence. The threats and acts of violence were aimed at forcing transmigrante forwarding agencies to abide by the fixed prices and market allocations agreed to by the conspiring agencies, and otherwise deterring market participants, including new entrants and disruptive outsiders, from threatening the stability, operation, and continued existence of the conspiracy to monopolize.

Co-Conspirators

22. Various companies and individuals, known and unknown to the Grand Jury, participated as unindicted co-conspirators to commit the offense charged in this count and performed acts and made statements in furtherance of it.

23. Whenever in this Indictment reference is made to any act, deed, or transaction of any corporate entity, the allegation means that the corporate entity engaged in the act, deed, or transaction by or through its officers, directors, agents, employees, or other representatives while they were actively engaged in the management, direction, control, or transaction of its business or affairs.

Manner and Means of the Combination and Conspiracy

24. For the purpose of forming and carrying out the charged combination and conspiracy, defendants MARTINEZ, BROWN, GARCIA, CALVILLO, CABALLERO, MIRANDA, Co-Conspirators A and B, and other co-conspirators did those things that they combined and conspired to do, including, among other things:

a. participated in, led, coordinated, maintained, and monitored a price-fixing and market-allocation conspiracy among knowing co-conspirators, as described above in Count One;

b. exercised control over rival, non-conspiring transmigrante agencies in the Los Indios, Texas area by forcing them, through means including threats and acts of violence, to participate in “The Pool” where agency revenues were pooled together and divided pursuant to percentages agreed to by the conspiring agencies;

c. exercised control over rival, non-conspiring transmigrante agencies in the Los Indios, Texas area using exclusive patente relationships to force non-conspiring agencies to charge fixed prices agreed to by the conspiring agencies in order to access

patente broker services;

d. exercised control over the transmigrante agency services market in the Los Indios, Texas area by charging an extortion tax—referred to as a “piso” or “cuota”—for transactions processed by transmigrante forwarding agencies in the Los Indios, Texas area;

e. deterred, with intimidation, threats, and acts of violence, new entrants and disruptive outsiders that operated outside of or refused to participate in “The Pool,” or otherwise posed a threat to the stability, success, or continued existence of the combination and conspiracy to monopolize, for example, by seeking to access patente services without authorization from the defendants and their co-conspirators;

f. engaged in communications and discussions—including at in-person meetings and via telephones, text messages, social media, and online messaging platforms—to monitor and further the combination and conspiracy to monopolize; and

g. used extortion, threats, and acts of violence and intimidation to promote a climate of fear throughout the market for transmigrante agency services in the Los Indios, Texas area and to prevent market participants, including transmigrante agencies and their clients, from operating freely and competitively or resisting the operations of the conspiracy to monopolize.

Trade and Commerce

25. The Grand Jury realleges and incorporates by reference Paragraph 18 (Count One “Trade and Commerce”), and all sub-parts thereof, of this Indictment as if fully set forth herein.

26. The market for transmigrante agency services in the Los Indios, Texas area constituted a substantial and appreciable part of commerce among the several states and with foreign nations. The market involved millions of dollars of transmigrante agency revenues per

year and thousands of vehicles transported by transmigrantes across state lines in the United States and across the U.S.-Mexico border each year.

ALL IN VIOLATION OF TITLE 15, UNITED STATES CODE, SECTION 2.

COUNT THREE

**Conspiracy to Interfere with Commerce by Extortion
(18 U.S.C. § 1951(a))**

27. The Grand Jury realleges and incorporates by reference Paragraphs 3, 5, 6, and 9 (describing defendants) and Paragraphs 13 through 16 (providing background), and all sub-parts thereof, of this Superseding Indictment as if fully set forth herein.

28. Defendant DIEGO CEBALLOS-SOTO (“CEBALLOS-SOTO”) was a Mexican national who worked in the Southern District of Texas and held an immigrant visa.

29. Defendant CARLOS YZAGUIRRE (“YZAGUIRRE”) was a U.S. citizen who resided in the Southern District of Texas.

30. Beginning in or about 2015 and continuing to at least as late as on or about November 9, 2022, in the Southern District of Texas and elsewhere, defendants

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PEDRO ANTONIO CALVILLO HERNANDEZ,
ROBERTO GARCIA VILLARREAL a/k/a “BETIN,”
DIEGO CEBALLOS-SOTO, and
CARLOS YZAGUIRRE,**

and Co-conspirator A and other co-conspirators known and unknown to the Grand Jury, did conspire to obstruct, delay, and affect commerce and the movement of articles and commodities in commerce by means of extortion, as those terms are defined in Title 18, United States Code, Section 1951, that is, the defendants conspired to take and obtain the property of transmigrantes, transmigrante agencies, and other transmigrante market participants, namely (1) U.S. currency and (2) goodwill and customer revenues, with the transmigrante agencies’ and market

participants' consent induced by the wrongful use of actual and threatened force, violence, and fear, including fear of economic loss.

Manner and Means of the Conspiracy

31. It was part of the conspiracy that the defendants and others known and unknown to the Grand Jury did the following:

- a. forced rival, non-conspiring transmigrante agencies and transmigrante market participants to charge prices fixed and agreed upon by the conspirators;
- b. forced rival, non-conspiring transmigrante agencies and transmigrante market participants to participate in "The Pool," where revenues were collected, pooled together, and divided pursuant to percentages agreed to by the conspirators;
- c. forced rival, non-conspiring transmigrante agencies and transmigrante market participants to access patente services through defendants' exclusive patente relationships; and
- d. forced rival, non-conspiring transmigrante agencies and transmigrante market participants to pay a "piso" or "cuota" extortion fee of \$40 per transaction in or about 2015, which was later raised in or about 2017 or 2018 to \$65 per transaction and again, by 2019, to \$80 per transaction.

Overt Acts

32. In furtherance of the conspiracy and to achieve its objects, the defendants, Co-Conspirator A, and others known and unknown to the Grand Jury, committed or caused to be committed the following overt acts, among others, in the Southern District of Texas and elsewhere:

- a. During the time period of the conspiracy, defendant MARTINEZ and others acting at his direction forced transmigrante forwarding agencies and other

transmigrante market participants, using intimidation, threats, and acts of violence, to pay the “piso” or “cuota” extortion fee to individuals working on behalf of defendant MARTINEZ.

b. During the time period of the conspiracy, conspirators working on behalf of defendant MARTINEZ tracked how much “piso” or “cuota” transmigrante forwarding agencies and transmigrante market participants had to pay to individuals working on behalf of defendant MARTINEZ.

c. During the time period of the conspiracy, defendant MARTINEZ and others acting at his direction forced transmigrante forwarding agencies and other transmigrante market participants, using intimidation, threats, and acts of violence, to pay into the Pool according to the percentages agreed upon by co-conspirators.

d. During the time period of the conspiracy, defendant CALVILLO, working on behalf of defendant MARTINEZ, tracked how much money transmigrante forwarding agencies owed to the Pool.

e. During the time period of the conspiracy, defendant CALVILLO collected Pool money on behalf of defendant MARTINEZ.

f. During the time period of the conspiracy, defendant GARCIA collected Pool money on behalf of defendant MARTINEZ.

g. In or about July and August 2018, defendant MARTINEZ and Co-Conspirator A exchanged WhatsApp messages that C.R., who managed a transmigrante customs business and was refusing to pay the piso fee and pay revenues into the Pool, needed to be given a beating because of C.R.’s refusal to pay. MARTINEZ and Co-Conspirator A also complained about C.R. charging low prices, undermining the Pool, and disrupting agreed-upon Pool percentages because she took away a large number of

transactions.

h. On or about July 29, 2018, a known conspirator and Pool member sent a WhatsApp message to another conspirator and Pool member, defendant GARCIA a/k/a “Betin,” stating that “Matamoros” was waiting for “El Guero” (a reference to defendant MARTINEZ) to give the order to punish C.R.

i. In or about August 2018, Co-Conspirator A and defendant CALVILLO exchanged WhatsApp messages complaining that C.R., to whom they referred using vulgar and derogatory terms, was not cooperating with the Pool and refused to pay. CALVILLO suggested to Co-Conspirator A that Co-Conspirator A should take action to make her pay, and CALVILLO reported to Co-Conspirator A about his own actions to pressure C.R. to pay.

j. On or about September 20, 2018, conspirators unknown to the Grand Jury texted C.R. to give orders for C.R. to back off from the bridge and to stop doing business in the transmigrante industry. The conspirators identified themselves as being from the Plaza of Matamoros and warned C.R. that C.R.’s family members had already been located.

k. On or about September 27, 2018, E.O., an employee and business associate of C.R., was assaulted in Mexico by conspirators unknown to the Grand Jury while E.O. was escorting transmigrante clients. The assailants told E.O. that they worked for Cuate (a reference to defendant MARTINEZ) and that this is what happens when you do not cooperate.

l. On or about February 22, 2019, A.A. and her boyfriend F.C. were kidnapped in Mexico by conspirators unknown to the Grand Jury. A.A.’s father had a special Mexican certification that allowed him to verify customs documents to ensure

their compliance with Mexican customs rules. A.A.'s father was one of C.R.'s employees. The kidnappers said that the kidnapping was because of A.A.'s father's work.

m. In or about February and March 2019, defendant MARTINEZ and Co-Conspirator A, as well as other conspirators, complained about C.R.'s refusal to pay and C.R.'s low prices in the market. They discussed these issues in-person and through WhatsApp messages.

n. On or about March 5, 2019, Co-Conspirator A warned C.R. in an in-person meeting to comply with the price-fixing and piso fee requirements.

o. On or about March 7, 2019, C.R. and her transmigrante agency client Rocio Alderete ("Alderete") were shot by conspirators unknown to the Grand Jury just across the border in Mexico while helping to organize transmigrante drivers into a caravan for safe passage. Alderete died on the scene. C.R. survived. After the shooting, C.R. left the transmigrante industry.

p. On or about March 7, 2019, Co-Conspirator A and other transmigrante agency owners and employees met at a Holiday Inn in Harlingen, Texas, within the Southern District of Texas, to agree on prices for transmigrante agency services and to discuss the reallocation of Pool revenue. Approximately \$44,000 cash in Pool money was brought to this meeting for Pool collection.

q. On or about October 24, 2019, conspirators unknown to the Grand Jury burned vehicles belonging to a client of a transmigrante agency that was accessing patente services through L.G.'s relationship with J.H., a patente unaffiliated with defendants' transmigrante agencies. L.G. was a transmigrante owner who refused to participate in the Pool or pay the piso fee, and who on the previous day had begun working with J.H.

r. On or about November 5, 2019, three of L.G.'s employees, one of whom was her nephew, were shot in Mexico near the Los Indios port of entry by conspirators unknown to the Grand Jury. One victim, Abelardo Flores Mora, died at the scene. A second, Rodrigo Martin del Campo, died after being transported to a hospital located in the Southern District of Texas. And the third, L.G.'s nephew Oscar Guerrero, died months later in the U.S.

s. On or about November 12, 2019, K.F., one of L.G.'s transmigrante clients, was kidnapped and robbed in Mexico by conspirators unknown to the grand jury.

t. On or about November 27, 2019, L.G.'s brother, O.G., was shot at by conspirators unknown to the grand jury in his vehicle while driving in Mexico near the Los Indios port of entry.

u. In or about October, November, and December 2019, J.H., the patente who was working with L.G., received threatening phone calls from conspirators unknown to the Grand Jury. The callers told J.H. that he was not authorized to work in the transmigrante industry and told him to stop working. The callers said they knew where J.H.'s offices were located and who his family was.

v. In or about late December 2019 and early January 2020, defendant CEBALLOS-SOTO sent J.H. WhatsApp messages that J.H. understood to be threats and warnings regarding potential violence.

w. On or about December 12, 2019, L.G. met in-person with defendant CEBALLOS-SOTO at a Wendy's restaurant in Harlingen, TX. At that meeting, CEBALLOS-SOTO communicated to L.G. that he had met with Cuate (a reference to defendant MARTINEZ) and that as directed by Cuate, she owed a \$50,000 fine for, among other reasons, working with an unauthorized patente, and that she owed additional

money for unpaid piso fees on prior transmigrante transactions she had processed. On or about December 16, 2019, defendants CEBALLOS-SOTO and YZAGUIRRE collected approximately \$47,000 from L.G. as partial payment of the fine and prior unpaid piso fees.

x. On or about December 20, 2019, defendants CEBALLOS-SOTO and YZAGUIRRE collected approximately \$42,000 from L.G., again as partial payment of the fine and prior unpaid piso fees.

y. On or about December 17, 2019, defendant CEBALLOS-SOTO texted to a co-conspirator a picture of the calculation of the fines and fees L.G. owed.

z. On or about December 17, 2019, a co-conspirator texted to defendant MARTINEZ a picture of the calculation of the fines and fees L.G. owed. This photo was saved in or about December 2019 in the iCloud account of defendant MARTINEZ.

aa. On or about December 23, 2019, defendant YZAGUIRRE met in-person with L.G. and other transmigrante agency owners who were accessing patente services through L.G.'s relationship with J.H., the unauthorized patente. At this meeting, YZAGUIRRE communicated that the agencies were to stop working with the unauthorized patente, and he warned the agencies that those associated with L.G. were at risk.

bb. During the course of the conspiracy, specifically between on or about January 1, 2015 through on or about November 9, 2022, transmigrante agency transactions resulted in the payment of more than \$9,500,000 in extortion fees.

ALL IN VIOLATION OF TITLE 18, UNITED STATES CODE, SECTION 1951(a).

COUNT FOUR

**Interference with Commerce by Extortion
(18 U.S.C. §§ 1951(a) and 2)**

33. The Grand Jury realleges and incorporates by reference Paragraphs 3, 28, and 29 (describing defendants) and Paragraphs 13 through 16 (providing background) and Paragraph 31, and all sub-parts thereof, of this Superseding Indictment as if fully set forth herein.

34. From in or about October 2019 to in or about January 2020, in the Southern District of Texas and elsewhere, defendants

**CARLOS FAVIAN MARTINEZ, a/k/a “CUATE,”
DIEGO CEBALLOS-SOTO, and
CARLOS YZAGUIRRE,**

aided and abetted by one another, did obstruct, delay, and affect commerce and the movement of articles and commodities in commerce by means of extortion, as those terms are defined in Title 18, United States Code, Section 1951, that is, the defendants did take and obtain the property of L.G., namely U.S. currency, with L.G.’s consent induced by the wrongful use of actual and threatened force, violence, and fear, including fear of economic loss.

ALL IN VIOLATION OF TITLE 18, UNITED STATES CODE, SECTIONS 1951(a) and 2.

COUNT FIVE

**Money Laundering Conspiracy
(18 U.S.C. § 1956(h))**

35. The Grand Jury realleges and incorporates by reference Paragraphs 3, 5, 28, and 29 (describing defendants) and Paragraphs 13 through 16 (providing background) and 31, and all sub-parts thereof, of this Superseding Indictment as if fully set forth herein.

36. Defendant JOSE de JESUS TAPIA FERNANDEZ (“TAPIA”) was a Mexican national who worked in the Southern District of Texas and held an immigrant visa.

37. Defendant JUAN HECTOR RAMIREZ AVILA (“RAMIREZ”) was a Mexican national who worked in the Southern District of Texas and held an immigrant visa.

38. Beginning in or about 2015 and continuing to at least as late as on or about November 9, 2022, in the Southern District of Texas and elsewhere, defendants

**CARLOS FAVIAN MARTINEZ, a/k/a “Cuate,”
PEDRO ANTONIO CALVILLO HERNANDEZ,
JUAN HECTOR RAMIREZ AVILA, a/k/a “Juanito,”
DIEGO CEBALLOS-SOTO,
CARLOS YZAGUIRRE, and
JOSE de JESUS TAPIA FERNANDEZ,**

did knowingly conspire and agree with one another, with Co-Conspirator A, and with others known and unknown to the Grand Jury to commit offenses against the United States in violation of Title 18, United States Code, Section 1956, namely:

(a) to transport, transmit, and transfer and attempt to transport, transmit, and transfer monetary instruments, that is U.S. currency, from a place in the United States, that is in the Southern District of Texas, to a place outside the United States, that is Mexico, and from a place outside the United States, that is Mexico, to a place in the United States, that is in the Southern District of Texas, (i) with the intent to promote the carrying on of specified unlawful activity, that is extortion, in violation of Title 18, United States Code, Section 1956(a)(2)(A); and (ii) knowing that the monetary instrument or funds involved in the transportation, transmission, or transfer represent the proceeds of some form of unlawful activity and knowing that such transportation, transmission, or transfer is designed in whole or in part to conceal and disguise the nature, location, source, ownership, and control of the proceeds of specified unlawful activity, in violation of Title 18 United States Code, Section 1956(a)(2)(B)(i); and

(b) to conduct and attempt to conduct financial transactions involving the proceeds of specified unlawful activity, that is extortion, while knowing that the property involved in the

financial transaction represented the proceeds of some form of unlawful activity, and (i) knowing that such transaction was designed in whole or in part to conceal and disguise the nature, location, source, ownership, and control of the proceeds of specified unlawful activity, or to avoid a transaction reporting requirement under State or Federal law, in violation of Title 18, United States Code, Section 1956(a)(1)(B), and (ii) with the intent to promote the carrying on of specified unlawful activity, that is extortion, in violation of Title 18 United States Code, Section 1956(a)(1)(A)(i).

Manner and Means of the Conspiracy

39. It was a part of the conspiracy that the defendants and their co-conspirators would and did:

- a. Pool and store cash extortion proceeds collected from victim transmigrante forwarding agencies;
- b. Transport cash extortion proceeds from the Southern District of Texas to Mexico, where portions of the cash proceeds were spent and distributed;
- c. Transport, transmit, and transfer extortion proceeds from Mexico to defendants and their co-conspirators in the Southern District of Texas;
- d. Conduct financial transactions involving extortion proceeds, including by depositing funds into bank accounts owned or controlled by the defendants and their co-conspirators; and
- e. Destroy and dispose of financial records to conceal evidence of the conspiracy.

Acts in Furtherance of the Conspiracy

40. The allegations contained in Paragraph 32 (Count Three overt acts), and all sub-parts thereof, are realleged and incorporated by reference as though fully set forth herein.

41. In furtherance of the conspiracy and to achieve its objectives, the defendants and others, known and unknown to the Grand Jury, committed or caused to be committed the following acts in furtherance of the conspiracy, among others, in the Southern District of Texas and elsewhere:

a. On or about January 9, 2018, defendant MARTINEZ instructed Co-Conspirator A to make a cash deposit into a Wells Fargo account owned by N.G. in the amount of \$5,060.00, which involved the proceeds of specified unlawful activity, that is extortion.

b. On or about June 25, 2018, defendant MARTINEZ instructed defendant RAMIREZ and Co-Conspirator A to make a cash deposit into a Bank of America account owned by defendant MARTINEZ in the amount of \$4,500.00, which involved the proceeds of specified unlawful activity, that is extortion.

c. On or about June 25, 2018, defendant MARTINEZ instructed defendant RAMIREZ and Co-Conspirator A to make a cash deposit into a Bank of America account owned by defendant MARTINEZ in the amount of \$4,350.00, which involved the proceeds of specified unlawful activity, that is extortion.

d. On or about February 6, 2019, defendant TAPIA wired funds to facilitate the acquisition of a property (2700 Solera Drive, Mission, Texas 78572) in defendant TAPIA's name on behalf of defendant MARTINEZ.

e. On or about March 12, 2019, defendant TAPIA wired funds to facilitate the acquisition of a property (2700 Solera Drive, Mission, Texas 78572) in defendant TAPIA's name on behalf of defendant MARTINEZ.

f. On or about December 16, 2019, defendant YZAGUIRRE smuggled extortion proceeds from the United States into Mexico. The collection of the extortion fees was arranged by defendant CEBALLOS-SOTO on behalf of defendant MARTINEZ.

g. On or about December 20, 2019, defendant YZAGUIRRE smuggled extortion proceeds from the United States into Mexico. The collection of the extortion fees was arranged by defendant CEBALLOS-SOTO on behalf of defendant MARTINEZ.

h. In or around September 2020, defendant TAPIA was observed on recorded video disposing of trash from property located at 1031 Wild Olive Court, Brownsville, Texas, 78520. Upon review of the disposed trash, law enforcement found destroyed financial documents.

ALL IN VIOLATION OF TITLE 18, UNITED STATES CODE, SECTION 1956(h).

NOTICE OF CRIMINAL FORFEITURE
(15 U.S.C. § 6)

42. Pursuant to Title 15, United States Code, Section 6, the United States gives notice to the defendants

CARLOS FAVIAN MARTINEZ, a/k/a “CUATE,”
RIGOBERTO BROWN,
PEDRO ANTONIO CALVILLO HERNANDEZ,
ROBERTO GARCIA VILLARREAL a/k/a “Betin,”
MIGUEL HIPOLITO CABALLERO AUPART, and
MIREYA MIRANDA,

that upon conviction of a violation of Title 15, United States Code, Section 1, all property owned under any contract or by any combination, or pursuant to any conspiracy (and being the subject thereof) mentioned in Section 1, and being in the course of transportation from one state to another or to a foreign country, is subject to forfeiture.

NOTICE OF CRIMINAL FORFEITURE
(18 U.S.C. § 982(a)(1) and 981(a)(1)(C); 28 U.S.C. § 2461(c))

43. Pursuant to Title 18, United States Code, Sections 982(a)(1) and 981(a)(1)(C), and Title 28, United States Code, Section 2461(c), the United States gives notice to the defendants

**CARLOS FAVIAN MARTINEZ, a/k/a “Cuate,”
PEDRO ANTONIO CALVILLO HERNANDEZ,
ROBERTO GARCIA VILLARREAL a/k/a “Betin,”
DIEGO CEBALLOS-SOTO,
CARLOS YZAGUIRRE,
JUAN HECTOR RAMIREZ AVILA, a/k/a “Juanito,” and
JOSE de JESUS TAPIA FERNANDEZ,**

that upon conviction of the commission of a violation of Title 18, United States Code, Section 1956, all property, real or personal, involved in the money laundering offenses or traceable to such property is subject to forfeiture; and upon conviction of the commission of a violation of Title 18, United States Code, Section 1951, any property, real or personal, which constitutes or is derived from proceeds traceable to such violation, is subject to forfeiture.

PROPERTY SUBJECT TO FORFEITURE

44. The property subject to forfeiture includes, but is not limited to, the following:
- a. Building and property located at 21370 Military Highway, San Benito, Texas 78586 - SOUTH 281 SUBDIVISION LOTS 7 & 8 BLK 1 (CAB 1 SLOT 2118-B 2119-AB 2120-A) - Property IDs: 186460 & 186461;
 - b. Residence and property located at 1011 Travis Street, Mission, Texas 78572 - MALMAISON LUXE AT TRINITY LOT 20 - Property ID: 715969;
 - c. Residence and property located at 2700 Solera Drive, Mission, Texas 78572 - SHARYLAND PLANTATION VILLAGE SOLERA PH 1 LOT 6 - Property ID: 593189;
 - d. Building and property located at FM 2520, San Benito, Texas 78586 – SAN PEDRO DE CARRISITOS GRANT SHARE 24 TR 1 & 2 9.95 OUT OF 19.95

ACRES OF 127.75 ACRES CIPRESS RANCH OF THE LANDRUM RESERVE -
Property ID: 192566; and

e. \$375,000 in United States currency, seized inside a Louis Vuitton Keepall Bandouliere bag that was located in a 2023 Land Rover Range Rover P530, seized on November 16, 2022, in Hidalgo County, Texas.

MONEY JUDGMENT AND SUBSTITUTE ASSETS

45. The United States may seek the imposition of a money judgment against the defendants. Defendants are notified that in the event that one or more conditions listed in Title 21, United States Code, Section 853(p) exists, the United States will seek to forfeit any other property of the defendants up to the total value of the property subject to forfeiture.

TRUE BILL

Original Signature on File

FOREPERSON OF THE GRAND JURY

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United States Attorney
Southern District of Texas

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