

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

UNITED STATES OF AMERICA * CRIMINAL DOCKET NO. 19-38

v. * SECTION: "F"

GUSTAVO BALDERAS

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FACTUAL BASIS

The above-named defendant, **GUSTAVO BALDERAS**, has agreed to plead guilty as charged to Count One of the Superseding Bill of Information now pending against him. Should this matter have proceeded to trial, the United States of America would have proven beyond a reasonable doubt, through the introduction of relevant, competent, and admissible testimonial, physical and demonstrative evidence, the following facts to support the allegation against the defendant, **GUSTAVO BALDERAS** ("**BALDERAS**"):

Unless stated otherwise, all of the facts set forth herein occurred within the Eastern District of Louisiana.

In October 2017, the Drug Enforcement Administration ("DEA") initiated an investigation into the drug trafficking activities of a Thibodaux, Louisiana-based drug trafficking organization ("DTO") based on information gathered from several investigations being conducted independently by the DEA in Louisiana and Texas, Homeland Security Investigations (HSI), and several local law enforcement agencies in Louisiana, including the Lafourche Parish Sheriff's Office, the Terrebonne Parish Sheriff's Office, the Thibodaux Police Department, and the Houma Police Department. Through their investigation, DEA identified Rafael Molina as a high level drug trafficker who sold kilogram quantities of cocaine hydrochloride and methamphetamine in

AUSA
Defendant
Defense Counsel

the Thibodaux, Louisiana area. DEA's investigation also identified an individual, herein referred to as "C," as a large-scale distributor in Thibodaux who was supplied by Molina.

On February 9, 2019, agents learned that Molina was attempting to arrange a delivery of several kilograms of cocaine to C the following day. On February 10, 2019, Agents conducted surveillance at the warehouse on Goff Lane where Molina and C previously conducted drug transactions. Agents observed a Black GMC pick-up truck and a black Chrysler 300, registered to Michael Garza and bearing Texas license plate [REDACTED], at the warehouse. Agents observed the black GMC pick-up truck and black Chrysler depart the location. The black Chrysler parked at a truck stop located at 1813 Hwy 3185 in Thibodaux. The black GMC pick-up truck went to a truck stop across the street at 1818 Hwy 3185. Molina exited the GMC pick-up and entered a white Dodge pick-up. The black GMC pick-up then traveled to the parking lot of the Jungle Casino where the black Chrysler was parked.

Agents observed two Hispanic males, one of whom was later identified as Michael Garza, exit the Black Chrysler and enter the black GMC pick-up truck. The GMC pick-up truck then departed the location and traveled to a motel in Thibodaux. Agents then observed Molina arrive at the motel in the white Dodge pick-up truck. Agents observed Garza and an individual later identified as BALDERAS enter the white Dodge pick-up driven by Molina. Agents conducted a traffic stop on the vehicle as it departed the motel. During the course of the traffic stop on the vehicle driven by Molina, agents utilized a K-9 that gave a positive alert for the odor of narcotics. Agents conducted a search of the vehicle but did not locate any illegal narcotics. In the area of the vehicle where Garza was seated, agents located the key for the Chrysler car that Garza and BALDERAS had parked. Agents asked Garza about the black Chrysler 300 parked at the Truck

Stop and Garza denied any knowledge of the car despite him being the registered owner. Agents utilized a K-9 to conduct a sniff around the exterior of the abandoned black Chrysler and the K-9 gave a positive alert on vehicle.

Agents obtained a search warrant for the Chrysler 300. Agents searched the car and located two suspected Xanax pills in the center console. Law enforcement towed the vehicle to the Lafourche Parish Drug Task Force office at 5200 Hwy 1, Raceland, due to the ongoing investigation.

After being Mirandized, Molina agreed to answer questions. Molina told the agents that the drugs were concealed in an ice chest in the trunk of the Chrysler 300. Agents did observe a Yeti ice chest in the truck. Agents obtained an additional search warrant from the Honorable Judge Christopher Boudreaux of the 17th Judicial District Parish of Lafourche to further search the black Chrysler.

Agents removed the ice chest from the vehicle and ran a certified drug sniffing K-9 on the ice chest, which gave a positive alert for the presence of narcotics. Agents then opened and examined the ice chest and located a false compartment with approximately two kilograms of cocaine hydrochloride. Agents then arrested Molina, BALDERAS, and Garza.


Continued investigation, including but not limited to a review of phone text messages between Molina and BALDERAS confirmed that BALDERAS and Garza conspired to deliver the two kilograms of cocaine to Molina in Thibodeaux, Louisiana on February 10, 2019. In the days leading up to the delivery, Molina contacted BALDERAS and asked if he could supply five kilograms of cocaine hydrochloride. BALDERAS initially refused Molina's requests. However, BALDERAS told Garza, an old high school friend who was supplying BALDERAS with user

amounts of cocaine, that Molina was looking to purchase kilogram quantities of cocaine. Eventually, Garza contacted BALDERAS and instructed him to inform Molina that he had cocaine for sale.


On February 10, 2019, Garza drove his Chrysler 300 from Texas to Thibodaux, Louisiana. Inside the trunk of the Chrysler 300 was a Yeti ice chest containing the 2 kilograms of cocaine. On his way to Thibodaux, Garza requested that BALDERAS accompany him to Thibodaux because he (Garza) did not know Molina. Garza met BALDERAS, who was driving a GMC pickup truck, at a gas station in Lafayette, Louisiana. Garza attempted to have BALDERAS place the Yeti ice chest containing the cocaine in his vehicle but BALDERAS refused. Garza kept the drugs in his vehicle and he and BALDERAS drove their respective vehicles to Thibodaux where they met Molina.

BALDERAS, via text, advised Molina that they were on their way to Thibodaux. Later that morning, BALDERAS texted Molina and asked for an address. Molina responded with the address for the Cash Wagon Truck Stop (Ultimately, BALDERAS and Garza met Molina directly across the street from the truck stop at the Jungle Casino). BALDERAS then sent a text to Molina reading, "2," referring to the number of kilograms of cocaine he and Garza were bringing to Molina. BALDERAS then texted that if Molina liked the product Garza could deliver cocaine two to three times a week.


For purposes of sentencing, the Government and BALDERAS agree and stipulate that BALDERAS' conduct, including the reasonably foreseeable conduct of his co-conspirators involves at least 3.5 kilograms but less than 5 kilograms of cocaine hydrochloride that he conspired to distribute and possess with intent to distribute during the course of the conspiracy.



ANDRÉ JONES (Date) 6/30/2021
Assistant United States Attorney



CRAIG MORDOCK (Date) 6-30-21
Attorney for Defendant



GUSTAVO BALDERAS (Date) 6-30-21
Defendant