

UNITED STATES DISTRICT COURT

for the

Western District of Kentucky

United States of America

v.

JORGE SANTOS CABALLERO-MELGAR,
JONNY ALEXANDER RELLES-MARTINEZ,
JOSE ADAN MEJIA VARELA,
LILIAN DURON, and ESTRELLITA SOTO*Defendant(s)*

Case No.

1:17mj-59-HBB

SEALED**CRIMINAL COMPLAINT**

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of March 17, 2017 in the county of Warren in the
Western District of Kentucky, the defendant(s) violated:*Code Section**Offense Description*

18 U.S.C. § 1951

Interference with commerce by threats or violence

18 U.S.C. § 924(j)

Use of a firearm during a crime of violence, causing death

This criminal complaint is based on these facts:

See attached affidavit.

☒ Continued on the attached sheet.*Complainant's signature*

Special Agent William B. Kurtz

Printed name and title

Sworn to before me and signed in my presence.

Date: 10/18/2017City and state: Bowling Green, Kentucky*Judge's signature*

H. Brent Brennenstuhl, U.S. Magistrate Judge

Printed name and title

2017 OCT 18 AM 10:55
AFFIDAVIT IN SUPPORT OF A CRIMINAL COMPLAINT

INTRODUCTION AND AGENT BACKGROUND

1. I, William B. Kurtz being first duly sworn, hereby depose and state as follows:

2. I make this affidavit in support of a criminal complaint charging **JORGE**

SANTOS CABALLERO-MELGAR, JONNY ALEXANDER RELLES -MARTINEZ,

JOSE ADAN MEJIA VARELA, LILLIAN DURON, AND ESTRELLITA SOTO with one count each of violations of 18 U.S.C. § 1951 - Interference with commerce by threats or violence and 18 U.S.C. § 924(j) – Use of a firearm during a crime of violence, causing death.

3. I am a “federal law enforcement officer” within the meaning of Federal Rule of Criminal Procedure 41(a)(2)(C), that is, a government agent engaged in enforcing the criminal laws and duly authorized by the Attorney General to request search and arrest warrants. I have been a Special Agent with the FBI since June 2014. I investigated various drug trafficking and violent crime violations. I have been involved in the execution of search warrants. Through my training, education, and experience, I have become familiar with criminal activity and the criminal justice system. I am authorized to investigate violations of the laws of the United States and to execute warrants issued under the authority of the United States.

4. The facts in this affidavit come from my personal observations, my training and experience, and information obtained from other agents, law enforcement personnel and witnesses. This affidavit is intended to show merely that there is sufficient probable cause for the requested warrants and does not set forth all of my knowledge about this matter.

LA PLACITA ROBBERY / HOMICIDE

5. At approximately 2:58 p.m. on March 17, 2017, two armed men entered La Placita, a locally owned Hispanic market, checking cashing business, and an InterCambio

Express wire transfer location, located at 710 Morgantown Road, Bowling Green, Kentucky. The two men locked the door behind them, and demanded money from La Placita's employees. The first gunman wore a green sweatshirt and a black baseball cap. The green sweatshirt was a hoodie style sweatshirt with the picture of a sun on the back, and "H2L" was superimposed over the sun in green lettering. The black baseball cap had "Braves" written in red-lettering. The first gunman wore a camouflage coat.

6. Witnesses inside the store reported hearing another male talking to the two gunmen using "some sort of radio." A third male voice could be heard over what is believed to be a radio or telephone. That male voice told the gunmen they were taking too long.

7. During the robbery, Jose Cruz ("Cruz") arrived at the store to pick-up his minor children, who were locked inside during the robbery. The first gunman eventually unlocked the door and walked towards a waiting car. Cruz then walked into the now open store, realized the second gunman was robbing the store with the victim's children inside, and began fighting the second gunman.

8. The first gunman returned to the store after realizing the second gunman was fighting Mr. Cruz. The first gunman pulled out a gun and attempted to "pistol whip" Cruz. Video footage, 911 audio, and witnesses—including Jose Cruz's minor children, who were present during the shooting—confirm the second gunman shot Cruz during the fight. First responders transported Cruz to a local hospital where he subsequently died.

9. At approximately 3:04 p.m., the first and second gunman fled La Placita in a dark-colored, four door Nissan sedan believed to be bearing a Tennessee license plate and headed northwest in the direction of the William H. Natcher Parkway. Witnesses stated one of the gunmen spoke Spanish with a Honduran or Central American accent.

CASE BACKGROUND

10. The La Placita homicide is one of a string of at least twelve violent robberies occurring at Hispanic stores across Kentucky, Tennessee, and North Carolina. The twelve robberies are believed to have been committed between January 13, 2017 and September 2, 2017 and have been investigated by the FBI and Bowling Green Police Department (hereafter "Investigators"). Throughout the course of the investigation, the Investigators suspected these robberies were likely committed by an organized group consisting of approximately eleven individuals, though not each individual participated in every robbery.

11. Several members of this group have also been charged with forgery of checks by the Northampton County, Virginia Sheriff's Office (NCSO) stemming from the passing of dozens of forged checks in Northampton County, Virginia. The NCSO reported the case involved a group of approximately 20 men and women who passed approximately \$70,000 worth of forged employment checks at three separate Hispanic owned markets/check cashing stores on or about July 28, 2017. The subjects would enter a store, cash a forged check, leave, change clothes, and later return and repeat the criminal conduct.

12. As a result of numerous interviews, analysis of records obtained through multiple court orders, search warrants, law enforcement reports, and publicly available social media sites, Investigators identified **JORGE SANTOS CABALLERO-MELGAR (MELGAR)**, **JONNY ALEXANDER RELLES –MARTINEZ (MARTINEZ)**, **JOSE ADAN MEJIA VARELA (VARELA)**, **LILLIAN DURON (DURON)**, and **ESTRELLITA SOTO (SOTO)** as the perpetrators of the La Placita robbery/homicide.

JORGE SANTOS CABALLERO-MELGAR

13. On September 7, 2017 investigators, with the assistance of numerous law enforcement agencies, executed Federal search warrants issued in the Middle District of Tennessee on four (4) separate residences and vehicles in and around Nashville, Tennessee. During the execution of a search warrant at **MELGAR**'s residence, 220 East Palestine Avenue, Madison, Tennessee, **MELGAR** was encountered by law enforcement and taken into custody on outstanding arrest warrants issued by the NCSO related to the fraudulent check ring discussed in paragraph 11. Following his arrest, **MELGAR** was transported to the FBI office in Nashville, Tennessee where he agreed to speak with law enforcement personnel.

14. **MELGAR** said he, **MARTINEZ**, and another man named Antonio a/k/a "Tonio" participated in the five robberies. **MELGAR** explained **MARTINEZ** or Tonio would call **MELGAR** on his cell phone and tell him it was time to go to "work." **MARTINEZ** or Antonio would describe the car they would be driving and instruct him to meet at a particular location, such as an exit off the highway. The three men would then drive two separate cars to the robbery location. **MARTINEZ** and Antonio always drove a black Nissan; **MELGAR** always drove his Chevrolet Tahoe. **MARTINEZ** and Antonio would leave **MELGAR** at a nearby gas station or similar location and tell him they would return shortly. **MELGAR** initially stated the first robbery occurred in Nashville, but he could not remember the store name.

15. **MELGAR** later stated the first robbery occurred in North Carolina. **MARTINEZ** asked **MELGAR** to go to North Carolina because **MARTINEZ**'s vehicle, a black Nissan, was unreliable. **MARTINEZ** and Antonio met **MELGAR** at an exit on Interstate 40 in Nashville. **MARTINEZ** and Antonio were parked on the side of the road. The three men then caravanned to North Carolina. Once there, **MARTINEZ** and Antonio left **MELGAR** at an exit 15-20

minutes away from the robbery location and told him to wait for them to return. **MELGAR** waited for approximately 20-30 minutes then received a phone call from **MARTINEZ** and Antonio telling him to leave the gas station. They told **MELGAR** they would meet up on the return trip to Tennessee.

16. **MELGAR** earned \$500 for the robbery in North Carolina. **MELGAR** said he received around \$300-\$400 for each robbery in Nashville.

17. **MELGAR** said he remembered going to a robbery in Kentucky with **MARTINEZ**, Antonio, and a fourth man unknown to **MELGAR**. **MELGAR** remembered he could not see the robbery location from where he waited. Following the robbery **MELGAR** overheard **MARTINEZ** talking on the phone and telling someone that **MARTINEZ** “went to a job” and killed someone. **MELGAR** questioned **MARTINEZ** about the conversation and **MARTINEZ** told **MELGAR** that he (**MARTINEZ**) shot someone during a robbery that **MARTINEZ** and **MELGAR** conducted “down 65.” **MARTINEZ** told **MELGAR** the others involved in the shooting decided not to tell **MELGAR** because they thought he would get scared.

18. During the interview, **MELGAR** positively identified a picture of **MARTINEZ**. **MELGAR** said **MARTINEZ** was currently in jail in Kansas City and knew this because **MARTINEZ** called him on his cell phone from a jail phone number. **MELGAR**’s cell phone number was 615-509-8414.

19. Investigators contacted Securus, a company that provides phone access to incarcerated inmates at facilities across the United States. Securus determined several phone calls were made to telephone 615-509-8414 from the Leavenworth Detention Center which is a privately run prison operated by Correction Corporation of America in Leavenworth, Kansas.

Investigators determined the phone calls made to telephone 615-509-8414 were made by **MARTINEZ**, who is lodged in the Leavenworth Detention Center.

JONNY ALEXANDER RELLES-MARTINEZ

20. On September 27, 2017 investigators interviewed **MARTINEZ** at the Leavenworth Detention Center in Leavenworth, Kansas. **MARTINEZ** told investigators **MELGAR** assisted him in illegally entering the United States. As a result of this assistance he (**MARTINEZ**) had to repay **MELGAR** for the money **MELGAR** spent getting **MARTINEZ** into the United States. **MELGAR** told **MARTINEZ** he needed to start earning money and could commit robberies in order to earn money to repay his debit. According to **MARTINEZ**, when he arrived in the United States, **MELGAR** provided him with an identification card in the name of “Agustin Flores” and **MARTINEZ** used this name as an alias while in the United States. Additionally, **MARTINEZ** stated that people sometimes called him “Miranac” (sp) which was a nickname.

21. During the interview **MARTINEZ** admitted he, **VARELA**, and **MELGAR** committed a robbery in Kentucky in which he (**MARTINEZ**) shot someone. **MARTINEZ** stated **VARELA** and **MELGAR** called him the morning of the robbery to ask him to participate and they provided **MARTINEZ** with the address of a Wal-Mart in Kentucky where they met before the robbery. Analysis of text messages contained in the “Suspect Phone”, (discussed further in paragraphs 23 and 25), showed that on March 17, 2017 **MELGAR** sent **MARTINEZ** the address of a Wal-Mart in Bowling Green, Kentucky.

22. According to **MARTINEZ** either **MELGAR** or **VARELA** provided him with the gun to use in the robbery while they were in the Wal-Mart parking lot. **MARTINEZ** believed **MELGAR** and **VARELA** had already been to the robbery location to check it out before he

arrived. **MARTINEZ** recalled **MELGAR** was driving a white Chevrolet Tahoe. **MELGAR** drove separately and did not enter the store during the robbery. However, **MARTINEZ** recalled **MELGAR** was on the phone with either he or **VARELA** during the robbery and served as a lookout.

23. **MARTINEZ** further admitted that he and **VARELA** were the two suspects inside the store during the robbery/homicide. According to **MARTINEZ**, while he and **VARELA** were inside the store committing the robbery, a man (now known to investigators as the victim, Jose Cruz), walked in and began fighting with **MARTINEZ**. As **MARTINEZ** was fighting with Cruz, **VARELA** attempted to help **MARTINEZ** by attempting to strike Cruz. During the fight, **MARTINEZ** stated he fired his gun one time. The bullet nicked **VARELA** in the elbow, and then struck Cruz, who later died. According to **MARTINEZ**, he and **VARELA** fled the scene in his (**MARTINEZ**'s) vehicle, a black Nissan Altima which is the same vehicle **MARTINEZ** was driving at the time of his arrest in Kansas on May 31, 2017. The vehicle was registered to Agustin Flores. Additionally, **MARTINEZ** stated he dropped his cell phone during the fight with Cruz. **MARTINEZ** indicated that following the robbery, **VARELA** gave the two (2) guns used in the robbery to **MELGAR** who later claimed to **MARTINEZ** that he (**MELGAR**) sent the guns to Honduras. The above statements are consistent with witness statements and available video surveillance footage and ballistic evidence obtained during the course of the La Placita investigation.

24. Following the robbery **MARTINEZ** stated all three (**MARTINEZ**, **VARELA**, and **MELGAR**) traveled from Kentucky to a Home Depot parking lot in Madison, Tennessee where they divided up the approximately \$12,000 they had stolen from La Placita. In addition to money, **MARTINEZ** stated **MELGAR** had asked they steal at least one check from inside the

store. **MARTINEZ** was not sure why **MELGAR** wanted the check but Investigators believe it was to aid with creating forgeries of the checks.

25. Following the robbery/homicide the BGPD collected a cellular telephone ("Suspect Phone") from the La Placita scene on March 17, 2017. The phone did not belong to La Placita employees or the victim. Investigators believe one of the robbery subjects dropped the Suspect Phone during the altercation with the victim, Jose Cruz. The BGPD obtained a search warrant for, and subsequently examined, the Suspect Phone. The examination determined the Suspect Phone was assigned telephone number 919-450-5415. The examination also revealed that email address agustinfloresmanzanayes@gmail.com was associated with the phone. Records obtained pursuant to a grand jury subpoena identified the subscriber of telephone 919-450-5415 as "Agustin Flores" at the time of the La Placita robbery/homicide. As noted in paragraph 20, "Agustin Flores" was an alias used by **MARTINEZ** while he was in the United States and **MARTINEZ** reported dropping his cell phone at La Plactia. Therefore, the Suspect Phone is believed to be the phone dropped by **MARTINEZ**.

JOSE ADAN MEJIA VARELA

26. During the course of the NCSO investigation into the forged check ring discussed in paragraph 11, the NCSO investigator identified a Ford Explorer bearing Tennessee license plate 2D93L0 which was involved in the illegal activity. The Ford Explorer was registered to **VARELA** at 329B Cedarcreek Drive, Nashville, Tennessee was involved in the illegal activity. The NSCO investigation continued and subsequently led to the issuance of an arrest warrant for **VARELA**, who was later arrested in Indiana and extradited to Northampton County, Virginia.

27. After learning of **VARELA**'s connection to **MELGAR** and the illegal Virginia activity, Investigators re-analyzed previously obtained call records and cell tower records. That

analysis indicated **VARELA** was in contact with **MELGAR** approximately 176 times between January 1, 2017 and May 25, 2017 and in contact with **MARTINEZ** approximately five times between January 1, 2017 and March 7, 2017. Investigators then reviewed previously obtained cell tower information, which showed **VARELA**'s cell phone was pinging at or near the La Placita robbery, a tower serving I-65 South shortly after the La Placita robbery, and two other robbery locations all at the approximately date and time the robberies occurred.

28. On September 14, 2017, Investigators interviewed **VARELA** at the Eastern Shore Regional Jail, in Eastville, Virginia. During the interview **VARELA** admitted to being involved in the La Placita robbery. **VARELA** identified himself in the video surveillance footage as the suspect inside La Placita wearing the "H2L" sweatshirt. However, **VARELA** claimed he was kidnapped prior to the robbery and forced to participate. **VARELA** claimed to have had a bag put over his head after being kidnapped, likely in Nashville, Tennessee and was then driven a long distance. The kidnapper threatened to hurt **VARELA** and his family if **VARELA** did not to go into a store and carry out an "assault." **VARELA** also said he did not hear or witness a gunshot despite video surveillance showing him in the store fighting with the victim when he was shot and **MARTINEZ**'s and other witness statements indicating **VARELA** was wounded by the bullet.

29. **VARELA** initially claimed not to know the identity of the second suspect inside La Placita but knew him by the name/nickname "Miranac". However during the interview **VARELA** identified a picture of **MARTINEZ** as "seeming to be like" "Miranac" who was the second suspect inside La Plactia with **VARELA**. **VARELA** admitted to participating in a second robbery. The second robbery he described was similar in that **VARELA** was kidnapped again by "Miranac" and told to do a robbery. **VARELA** initially said he was given a gun to use in this

robbery as well. However, when asked about the gun a moment later, **VARELA** said he did not have a gun in the second robbery.

LILIAN DURON

30. As noted in paragraph 13 several search warrants were executed in Nashville, Tennessee on September 7, 2017. One such search warrant was executed on 329-B Cedarcreek Drive, Nashville, Tennessee, the residence of **VARELA** and his girlfriend/wife **DURON**. During the search a receipt was located from La Placita for a wire transfer. The receipt was dated March 17, 2017 at 1:37pmCDT, the same date as the La Placita robbery/homicide, and showed a transfer of \$1,500. The receipt **LILIAN DURON**, 329 Cedarcreek Drive, Bowling Green, KY as the sender with a recipient of Deysi Marilu Martinez Jiron. The expected payout location was Honduras. Investigators then reviewed previously obtained surveillance footage from inside La Placita around the time of the wire transfer. The surveillance footage showed **DURON** and **SOTO** inside and in the parking lot of La Placita from approximately 1:11pm – 2:09pm. As noted previously the robbery/homicide occurred at approximately 2:58pm

31. On September 25, 2017, Investigators interviewed **DURON**, the girlfriend of **VARELA**. **DURON** admitted to going into La Placita with **SOTO** prior to the robbery to wire money at the direction of **MELGAR**, **VARELA**, and a person she called “Miranac”¹. The morning of the robbery, **DURON** learned the plan was for her and **SOTO** to go to the store and make a wire transfer that **VARELA**, **MELGAR** and “Miranac” were going to steal back later that day after the wire transfers went through. **DURON** stated her boyfriend, **VARELA**, had planned the robbery along with **MELGAR** and “Miranac”. **DURON** said “Miranac” was from Honduras and had previously lived with **MELGAR** which is consistent with **MARTINEZ**’s history. While she was at the store, **SOTO** was in telephonic contact with **MELGAR** and was

¹ This is the same nickname Varela provided for **MARTINEZ** and that **MARTINEZ** provided to investigators.

telling **MELGAR** where the money was inside the store. Additionally, **SOTO** told **MELGAR** when all the customers left the store and only two female clerks were left inside. This statement is consistent with the telephone records which show approximately 14 calls between **SOTO** and **MELGAR** from approximately 1:00pm – 2:08pm on March 17, 2017. **DURON** believed **MELGAR** served as the driver of the vehicle used in the robbery. This is a discrepancy from **MARTINEZ's** statement which indicated **MELGAR** was in a separate vehicle.

32. After the robbery/homicide **VARELA** told **DURON** told he and "Miranac" both went in to the store to carry out the robbery. **VARELA** left the store and noticed that "Miranac" was taking a little longer to exit the store and **VARELA** also noticed that that a man had gone in the store after **VARELA** left. **VARELA** went back inside the store and noticed "Miranac" was fighting with the man, **VARELA** tried to separate the two and "Miranac" shot the man and hit **VARELA** in the process. This description of the robbery is consistent with other witness statements and video surveillance from inside La Placita.


ESTRELLITA SOTO

33. On September 25, 2017, Investigators interviewed **SOTO** at her residence in Nashville, Tennessee. During the interview **SOTO** said she sometimes travels to Bowling Green, Kentucky to sell items from her Facebook page. **SOTO** said she, **DURON** and two children had gone to Bowling Green, Kentucky in March 2017 in order for her to sell some items. According to **SOTO** the sale occurred in the parking lot of Wal-Mart. Following the sale, she went to La Placita to wire money to her parents in Mexico. This statement is consistent with **DURON's** statements that she and **SOTO's** role was to wire money prior to the robbery. **SOTO** stated **MELGAR** had given the money to her the night before and she was not sure what **MELGAR** was doing the day she was in Bowling Green, Kentucky.

34. Telephone records indicated **MELGAR** and **SOTO** called each other approximately 14 times from approximately 1:00pm – 2:08pm on March 17, 2017. These calls are consistent with **DURON**'s statements regarding **SOTO** being in contact with **MELGAR** to provide reports on the activity at La Placita prior to the robbery. Surveillance photos also show **SOTO** entering La Placita two times between 1:11pm – 2:09pm and her vehicle sitting in the La Placita parking lot during this period as well.

REQUEST FOR ARREST WARRANTS

35. Based on the above, the affiant believes there is probable cause to believe, **JORGE SANTOS CABALLERO-MELGAR, JONNY ALEXANDER RELLES - MARTINEZ, JOSE ADAN MEJIA VARELA, LILLIAN DURON, and ESTRELLITA SOTO** engaged in conduct which is in violation of 18 U.S.C. § 1951 - Interference with commerce by threats or violence and 18 U.S.C. § 924(j) – Use of a firearm during a crime of violence, causing death.



William Kurtz
Special Agent
Federal Bureau of Investigation

Subscribed and sworn to me on this 18 day of October 2017.



Honorable H. Brent Brennenstuhl
United States Magistrate Judge