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U.S. DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

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**SECOND SUPERSEDING INDICTMENT FOR CONSPIRACY AND ATTEMPTING TO
BRING ALIENS TO THE UNITED STATES AND VIOLATING
THE FEDERAL CONTROLLED SUBSTANCE ACT**

UNITED STATES OF AMERICA

* CRIMINAL NO. 22-77

v.

* SECTION: "L"

LINDOMAR DE LA ROSA

a/k/a "Omar"

a/k/a "Dr Diablo"

HENNESSY DEVON COOPER ZELAYA

a/k/a "Devon"

RUDY JACKSON HERNANDEZ

OLVIN JAVIER VELASQUEZ

MALDONADO

* VIOLATIONS: 8 U.S.C. § 1324(a)(1)(A)(v)(I)

8 U.S.C. § 1324(a)(1)(A)(i)

* 8 U.S.C. § 1324 (a)(1)(B)(i)

8 U.S.C. § 1324 (a)(2)(B)(ii)

* 18 U.S.C. § 2

21 U.S.C. § 841(a)(1)

* 21 U.S.C. § 841(b)(1)(A)

21 U.S.C. § 846

*

* * *

The Grand Jury charges that:

COUNT 1

**(Conspiracy to Bring Aliens to the United States for Commercial Advantage and
Private Financial Gain)**

A. AT ALL TIMES MATERIAL HEREIN:

1. Dynamic Capacity Group (DCG) is a corporate entity, based in Pennsylvania, owned and controlled in whole or in part by defendant CARL ALLISON (ALLISON). DCG's stated purpose is to "recruit and train employees." The company supplies laborers from Latin America for factory work in the United States.

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2. ALLISON and defendant **LINDOMAR DE LA ROSA, a/k/a “Omar,” a/k/a “Dr Diablo,” (DE LA ROSA)** are the president and recruiting manager of DCG, respectively.

3. Defendant JOSUE ALEXANDRE FLORES-VILLEDA (FLORES-VILLEDA) is an employee of DCG and lived in a rental house in Georgia owned by **DE LA ROSA**.

4. Defendant DARRELL MARTINEZ (MARTINEZ) is a Honduran sea captain who was hired by ALLISON. MARTINEZ served as the captain of the M/V Masita III and M/V Pop, vessels co-owned by ALLISON. MARTINEZ has the letters “DCG” tattooed on his wrist.

5. Defendants LENORD COOPER (COOPER), **HENNESSY DEVON COOPER ZELAYA, a/k/a “Devon,” (COOPER ZELAYA)**, and **RUDY JACKSON HERNANDEZ (JACKSON HERNANDEZ)** were crew members under MARTINEZ aboard the M/V Masita III and M/V Pop.

6. On or about February 13, 2022, the United States Coast Guard (USCG) received information that the M/V Pop, a 65’ Sportfish vessel co-owned by ALLISON was adrift, without fuel, in the Gulf of Mexico, approximately 91 miles off the coast of Grand Isle, Louisiana. MARTINEZ reported to the USCG that he and Honduran crewmen COOPER, **COOPER ZELAYA**, and **JACKSON HERNANDEZ** were aboard the vessel. While adrift, a massive storm occurred, nearly capsizing the vessel and endangering the lives of all those on board.

7. On or about February 14, 2022, the USCG Cutter *Tiger Shark* arrived on scene of the M/V Pop, and USCG officers learned that, in addition to the captain and three crew members, the inoperable vessel contained twenty-four (24) Honduran nationals (collectively, the aliens) and intended to complete their voyage at Coco Marina, which is located in Cocodrie, Louisiana.

8. Twenty-three (23) of the aliens aboard the M/V Pop intended to remain in the United States. One of the aliens, **OLVIN JAVIER VELASQUEZ MALDONADO (VELASQUEZ MALDONADO)**, was responsible for bringing cocaine on board the M/V Pop

and ensuring its safe delivery. **VELASQUEZ MALDONADO** intended to return to Honduras after the cocaine was delivered. Upon apprehension by the USCG, **VELASQUEZ MALDONADO** posed as an alien intending to remain in the United States so he could avoid prosecution and return to Honduras sooner.

9. On or about February 15, 2022, the M/V Pop was towed by USCG Cutter *Tiger Shark* to the USCG base located in Grand Isle, Louisiana, for further investigation. Subsequently all individuals onboard disembarked the vessel into the custody of various federal agencies. Upon a search of the M/V Pop, approximately 24 kilograms of cocaine were found on board.

B. THE CONSPIRACY:

Beginning in or about March 2021 and continuing until on or about February 14, 2022, within the Eastern District of Louisiana and elsewhere, the defendants, **LINDOMAR DEL LA ROSA, a/k/a “Omar,” a/k/a “Dr Diablo,” HENNESSY DEVON COOPER ZELAYA, a/k/a “Devon,” RUDY JACKSON HERNANDEZ, CARL ALLISON, a/k/a “Car,” DARREL MARTINEZ, JOSUE ALEXANDER FLORES-VILLEDA, and LENORD COOPER,** did knowingly and willfully combine, conspire, confederate, and agree with each other and others known and unknown to the Grand Jury to commit an offense against the United States, that is: to bring aliens to the United States at a place other than a designated port of entry as designated by the commissioner, knowing that such persons are aliens, for the purpose of commercial advantage and private financial gain, regardless of any official action which might be taken later with respect to such alien, in violation of Title 8, United States Code, Sections 1324(a)(1)(A)(i) and (a)(1)(B)(i).

C. ACTS IN FURTHERANCE OF THE SMUGGLING:

1. In furtherance of and to conceal the conspiracy and accomplish its purposes, the defendants and others known and unknown to the Grand Jury, committed at least one of the following acts, among others, in the Eastern District of Louisiana and elsewhere:

2. In or about April 2021, ALLISON facilitated the purchase and registration of the M/V Masita III. In or about July 2021, ALLISON facilitated the purchase and registration of the M/V Pop. On or about July 28, 2021, MARTINEZ, **COOPER ZELAYA**, and **JACKSON HERNANDEZ** flew from Honduras to New York. In or around August 2021, MARTINEZ, **COOPER ZELAYA**, and **JACKSON HERNANDEZ** prepared the M/V Pop to sail from New York to Honduras and in fact sailed the M/V Pop from the United States to Honduras.

3. MARTINEZ conducted several international voyages on the M/V Masita III and M/V Pop from Honduras to the United States on behalf of ALLISON and others. LENORD COOPER, **COOPER ZELAYA**, and **JACKSON HERNANDEZ** served under MARTINEZ as crew members on more than one international voyage on behalf of ALLISON and others. Many of the aliens that were smuggled into the United States on these voyages were employed or recruited for work placement by corporate entities controlled by ALLISON in the United States.

4. Payments in furtherance of the human smuggling conspiracy were made in a variety of methods to entities controlled by DCG, ALLISON, and **DE LA ROSA** in Honduras and the United States. These payments included, but were not limited to, cash payments made by families of aliens to employees of DCG and domestic and international electronic money transfers.

6. During the February 2022 voyage, MARTINEZ concealed the presence of both the twenty-four (24) aliens and the cocaine on board the M/V Pop when contacted by the USCG.

7. During the February 2022 voyage, when the M/V Pop ran out of fuel off the coast of Grand Isle, Louisiana, MARTINEZ attempted several times to make arrangements for a fuel drop to complete the voyage to Cocodrie, Louisiana, through **DE LA ROSA**, ALLISON, FLORES-VILLEDA, and others.

8. MARTINEZ contacted **DE LA ROSA** by satellite device and advised him of the vessel's problems. **DE LA ROSA** informed MARTINEZ that someone, later identified as FLORES-VILLEDA, would bring fuel.

9. Pursuant to instructions by **DE LA ROSA**, FLORES-VILLEDA drove a 1999 Dodge Passenger Van bearing Pennsylvania license plate "LVY 8727," registered to ALLISON, from Atlanta, Georgia, to the Coco Marina in Cocodrie, Louisiana. The van was intended to be used to pick up and transport the aliens.

10. **DE LA ROSA** told FLORES-VILLEDA to follow him to Coco Marina in ALLISON's van, find a charter boat, and get the 600 gallons of fuel needed for the M/V Pop.

11. On Monday, February 14, 2022, a private charter boat was hired in Louisiana to deliver fuel to the M/V Pop by FLORES-VILLEDA under orders from **DE LA ROSA** and ALLISON.

12. This private charter boat arrived at Coco Marina, loaded the fuel, and picked up FLORES-VILLEDA. The charter and fuel were paid for with **DE LA ROSA's** DCG corporate American Express card.

13. **DE LA ROSA** instructed FLORES-VILLEDA to navigate the private charter to the coordinates of the M/V Pop and make sure the private charter did not steal the fuel onboard. As the private charter approached the M/V Pop, it was interdicted by the U.S. authorities.

14. While U.S. authorities were investigating the private charter's involvement, on board the M/V Pop, MARTINEZ held a meeting with **COOPER ZELAYA, JACKSON**

HERNANDEZ, VELASQUEZ MALDONADO, LENORD COOPER, and the other twenty-three (23) aliens to instruct them on a fraudulent story to tell U.S. authorities. The aliens were told that the co-conspirators would “hurt their families” if they did not stick to the fraudulent story.

All in violation of Title 8, United States Code, Sections 1324(a)(1)(A)(v)(I), (a)(1)(A)(i), and (a)(1)(B)(i).

COUNTS 2 – 5
**(Attempt to Bring an Alien to the United States for
Commercial Advantage and Private Financial Gain)**

1. Paragraphs A 1-9 and C 1-14 of Count 1 of this second superseding indictment are realleged and incorporated as though fully set forth herein.

2. In or about February 2022, within the Eastern District of Louisiana and elsewhere, the defendants, **LINDOMAR DEL LA ROSA, a/k/a “Omar,” a/k/a “Dr Diablo,” HENNESSY DEVON COOPER ZELAYA, a/k/a “Devon,” RUDY JACKSON HERNANDEZ, CARL ALLISON, a/k/a “Car,” DARREL MARTINEZ, JOSUE ALEXANDER FLORES-VILLEDA, LENORD COOPER**, and others known and unknown to the Grand Jury, did knowingly attempt to bring, and did aid and abet the attempt to bring, an alien, as set forth in Counts 2 through 5 below, to the United States for the purpose of commercial advantage and private financial gain, knowing and in reckless disregard of the fact that such alien had not received prior official authorization to come to, enter, and reside in the United States, regardless of any action which might later be taken with respect to such alien:

<u>Count</u>	<u>Alien</u>
2	O.F.S.
3	G.M.B.
4	M.M.N.
5	E.R.P.

All in violation of Title 8, United States Code, Section 1324(a)(2)(B)(ii), and Title 18, United States Code, Section 2.

COUNT 6
(Conspiracy to Distribute and Possess with Intent to Distribute Cocaine)

Beginning by at least December 2021 and continuing until on or about February 15, 2022, in the Eastern District of Louisiana and elsewhere, the defendants, **LINDOMAR DE LA ROSA, a/k/a “Omar,” a/k/a “Dr Diablo,” HENNESSY DEVON COOPER ZELAYA, a/k/a “Devon,” RUDY JACKSON HERNANDEZ, OLVIN JAVIER VELASQUEZ MALDONADO, CARL ALLISON, a/k/a “Car,” DARRELL MARTINEZ, and JOSUE ALEXANDER FLORES-VILLEDA**, did knowingly and intentionally combine, conspire, confederate and agree with other persons known and unknown to the Grand Jury, to distribute and to possess with intent to distribute five (5) kilograms or more of a mixture and substance containing a detectable amount of cocaine, a Schedule II controlled substance, in violation of Title 21, United States Code, Sections 841(a)(1), (b)(1)(A), and 846.

NOTICE OF FORFEITURE

1. The allegations of Counts 1 through 6 of this Second Superseding Indictment are incorporated by reference as though set forth fully herein for the purpose of alleging forfeiture to the United States.

2. As a result of the offenses alleged in Counts 1 through 5, the defendants, **LINDOMAR DEL LA ROSA, a/k/a “Omar,” “Dr Diablo,” HENNESSY COOPER ZELAYA, a/k/a “Devon,” and RUDY JACKSON HERNANDEZ**, shall forfeit to the United States pursuant to Title 18, United States Code, Section 982(a)(6)(A), any property, real or personal, involved in said offenses, and any property traceable to such property, and any property

that was used or intended to be used to commit or facilitate the commission of said offenses, including but not limited to the following:

65' Sportfish Vessel, CG doc# DO944320;

Furuno GPS, model GP35, bearing serial number 34212657;

Furuno GPS, model GP1850D, bearing serial number 34180576;

Garmin GPS, model 8612SV, bearing serial number 5T1007894;

Raymarine GPS, model E140W, bearing serial number NA241001250073; and

Motorola Iridium Satellite Phone, IMEI #300215061003050.

3. As a result of the offense alleged in Count 6, the defendants, **LINDOMAR DE LA ROSA, a/k/a “Omar,” a/k/a “Dr Diablo,” HENNESSY DEVON COOPER ZELAYA, a/k/a “Devon,” RUDY JACKSON HERNANDEZ, and OLVIN JAVIER VELASQUEZ MALDONADO**, shall forfeit to the United States pursuant to Title 21, United States Code, Section 853(a), any property, constituting or derived from, any proceeds obtained, directly or indirectly, as the result of said offense, and any property used or intended to be used, in any manner or part, to commit or to facilitate the commission of said offense.

4. If any of the above-described property, as a result of any act or omission of the defendants:

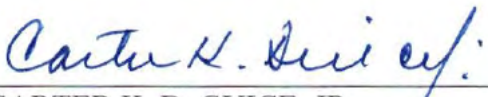
- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third person;
- c. has been placed beyond the jurisdiction of the Court;
- d. has been substantially diminished in value; or
- e. has been commingled with other property which cannot be subdivided without difficulty;

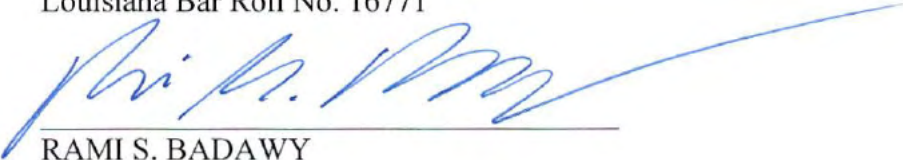
the United States shall seek a money judgment and, pursuant to Title 21, United States Code, Section 853(p), forfeiture of any other property of the defendants up to the value of said property.


A TRUE BILL:



DUANE A. EVANS
UNITED STATES ATTORNEY


CARTER K. D. GUICE, JR.
Assistant United States Attorney
Louisiana Bar Roll No. 16771


RAMI S. BADAWY
Deputy Chief
United States Department of Justice
Human Rights and Special Prosecutions Section


KATHARINE A. WAGNER
Trial Attorney
United States Department of Justice
Human Rights and Special Prosecutions Section

New Orleans, Louisiana
May 17, 2024

No. 22-77 "L"**UNITED STATES DISTRICT COURT**Eastern District of Louisiana
Criminal Division**THE UNITED STATES OF AMERICA**

vs.


**LINDOMAR DE LA ROSA, a/k/a "OMAR" "DR DIABLO"
HENNESSY DEVON COOPER ZELAYA, a/k/a "DEVON"
RUDY JACKSON HERNANDEZ
OLVIN JAVIER VELASQUEZ MALDONADO****SECOND SUPERSEDING INDICTMENT FOR CONSPIRACY
AND ATTEMPTING TO BRING ALIENS TO
THE UNITED STATES AND VIOLATING
THE FEDERAL CONTROLLED SUBSTANCE ACT****VIOLATIONS: 8 U.S.C. § 1324(a)(1)(A)(v)(I),
8 U.S.C. § 1324(a)(1)(A)(i), 8 U.S.C. § 1324 (a)(1)(B)(i),
8 U.S.C. § 1324 (a)(2)(B)(ii), 18 U.S.C. § 2, 21 U.S.C. § 841(a)(1)
21 U.S.C. § 841(b)(1)(A), 21 U.S.C. § 846**

A true

Filed in open court this _____ day of _____
2024. A.D.

Clerk

Bail, \$ _____


Carter K. D. Guice, Jr.
Assistant United States Attorney