

1 MCGREGOR W. SCOTT  
United States Attorney  
2 AMY SCHULLER HITCHCOCK  
Assistant United States Attorney  
3 501 I Street, Suite 10-100  
Sacramento, CA 95814  
4 Telephone: (916) 554-2700  
Facsimile: (916) 554-2900  
5

6 ERIC DREIBAND  
Assistant Attorney General  
7 AVNER SHAPIRO  
Trial Attorney  
8 United States Department of Justice  
Criminal Section, Civil Rights Division  
9 950 Pennsylvania Avenue, NW  
Washington, DC 20530  
10

11 Attorneys for Plaintiff  
United States of America  
12

**FILED**

**JUN 20 2019**

CLERK, U.S. DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA  
BY \_\_\_\_\_  
DEPUTY CLERK

13 IN THE UNITED STATES DISTRICT COURT  
14 EASTERN DISTRICT OF CALIFORNIA  
15

16 UNITED STATES OF AMERICA,  
17  
Plaintiff,  
18  
v.  
19 NERY A. MARTINEZ VASQUEZ AND  
20 MAURA N. MARTINEZ,  
21 Defendants.  
22

CASE NO. **2:19-CR-0112 WBS**

18 U.S.C. § 1594(b) – Conspiracy to Commit Forced Labor; 18 U.S.C. §§ 1589(a) – Forced Labor (3 Counts); 8 U.S.C. §§ 1324(a)(1)(A)(v)(I) and 1324(a)(1)(B)(i) – Conspiracy to Harbor an Alien for Financial Gain; 8 U.S.C. §§ 1324(a)(1)(A)(iii), 1324(a)(1)(A)(v)(II) and 1324(a)(1)(B)(i) – Harboring an Alien for Financial Gain (3 Counts); 18 U.S.C. § 1594(d), 8 U.S.C. § 1324 (b)(1), 18 U.S.C. § 982(a)(6) and 28 U.S.C. § 2461– Criminal Forfeiture

23  
24 INDICTMENT

25 COUNT ONE: [18 U.S.C. § 1594(b) – Conspiracy to Commit Forced Labor]

26 The Grand Jury charges:

27 NERY A. MARTINEZ VASQUEZ and  
28 MAURA N. MARTINEZ,

1 defendants herein, as follows:

2 **I. INTRODUCTION**

3 At all times relevant to this Indictment:

4 1. Defendants NERY MARTINEZ VASQUEZ and MAURA MARTINEZ were married to  
5 one another and were naturalized United States citizens, originally from Guatemala. The defendants  
6 resided in Shasta Lake, California.

7 2. The defendants owned and operated Latino's, a restaurant located in Shasta Lake, and  
8 Redding Carpet Cleaning & Janitorial Services, a cleaning company that serviced various businesses,  
9 including multiple car dealerships, in the Shasta Lake area.

10 3. PERSON ONE, PERSON TWO, and PERSON THREE, whose identities are known to  
11 the Grand Jury, were citizens of Guatemala. PERSON TWO and PERSON THREE were minors born  
12 in 2001 and 2008, respectively. PERSON ONE is their biological mother.

13 **II. THE CONSPIRACY**

14 4. Beginning in or about August 2016 and continuing through in or about February 2018, in  
15 the Eastern District of California, and elsewhere, defendants NERY MARTINEZ VASQUEZ and  
16 MAURA MARTINEZ did knowingly conspire and agree to provide and obtain the labor and services of  
17 at least one person by means of force and threats of force; serious harm and threats of serious harm;  
18 abuse and threatened abuse of law and legal process; and a scheme, plan, and pattern intended to cause  
19 the person to believe that if the person did not perform such labor and services, that the person would  
20 suffer serious harm, in violation of Title 18, United States Code, Section 1589(a).

21 **III. MANNER AND MEANS**

22 In furtherance of the conspiracy, the defendants employed the following manner and means,  
23 among others:

24 1. The defendants used false pretenses to recruit and entice PERSON ONE to come to the  
25 United States with her daughters (PERSON TWO and PERSON THREE) to work for the defendants,  
26 promising her a more comfortable life for her family, including a livable wage and educational  
27 opportunities for her daughters.

28 2. The defendants arranged for PERSON ONE and her daughters to travel to and enter the

1 United States using temporary visitor visas, and then caused them to violate the terms of their visas and  
2 remain illegally in the United States.

3 3. The defendants unlawfully employed PERSON ONE and her older daughter, PERSON  
4 TWO, at their restaurant and cleaning service and required them to work upwards of 12 hours a day,  
5 seven days a week, for meager pay, far below minimum wage. The defendants further required  
6 PERSON THREE, PERSON ONE's younger daughter, to work several hours a day, seven days a week,  
7 at the restaurant for no pay.

8 4. The defendants exploited the vulnerabilities of PERSON ONE and her daughters,  
9 including their immigration status, lack of education, and inability to speak English.

10 5. The defendants created a system of dependency, causing PERSON ONE and her  
11 daughters to rely entirely on the defendants for any necessities, such as food and shelter.

12 6. The defendants isolated PERSON ONE and her daughters by, for example, telling them  
13 that they would be arrested if they went outside unaccompanied, limiting their contact with family and  
14 friends, and preventing PERSON TWO AND PERSON THREE from attending school.

15 7. The defendants imposed an inflated debt on PERSON ONE after she and her daughters  
16 arrived in the United States, and then threatened PERSON ONE with arrest if she failed to work for  
17 them to repay the purported debt.

18 8. The defendants subjected PERSON ONE, PERSON TWO, and PERSON THREE to  
19 verbal and emotional abuse, degraded and humiliated PERSON ONE in front of her daughters, and  
20 sought to separate PERSON ONE from her daughters to solidify their control over the daughters.

21 9. The defendants used and threatened violence and otherwise placed PERSON ONE,  
22 PERSON TWO, and PERSON THREE in fear.

23 **IV. OVERT ACTS**

24 In furtherance of the conspiracy, and to accomplish the object of the conspiracy, at least one of  
25 the defendants committed or caused to be committed at least one of the following overt acts, among  
26 others, in the Eastern District of California, and elsewhere:

27 10. In or about August 2016, defendant NERY MARTINEZ VASQUEZ transferred money  
28 to PERSON ONE's mother to enable PERSON ONE to purchase Mexican passports and U.S. visitor

1 visas that expired in May 2017 for herself and her daughters (PERSON 2 and PERSON 3) for a total  
2 cost of approximately \$2,780.

3 11. On or about September 6, 2016, defendant NERY MARTINEZ VASQUEZ purchased  
4 round trip plane tickets between Guatemala and the United States for PERSON ONE, PERSON TWO,  
5 PERSON THREE, and PERSON ONE's mother for a total cost of approximately \$2,359.

6 12. On or about September 12, 2016, defendant NERY MARTINEZ VASQUEZ picked up  
7 PERSON ONE, PERSON TWO, and PERSON THREE from San Francisco International Airport and  
8 drove them to the defendants' residence in Shasta Lake.

9 13. In or about September 2016, defendant MAURA MARTINEZ discouraged PERSON  
10 ONE from obtaining a cellular telephone by falsely telling PERSON ONE that doing so would result in  
11 immigration authorities locating and arresting her for overstaying her visa.

12 14. In or about September 2016, defendant MAURA MARTINEZ told PERSON ONE that  
13 her daughters could not attend school in Shasta Lake because immigration authorities were visiting area  
14 schools to look for undocumented children to arrest and deport.

15 15. In or about January 2017, when PERSON ONE expressed that she wanted to return to  
16 Guatemala with her daughters, defendant NERY MARTINEZ VASQUEZ told her that she owed him  
17 more than \$12,000 for bringing her and her daughters to the United States, and that she had to continue  
18 working for the defendants for another sixteen months to repay the debt.

19 16. In or about January 2017, defendant NERY MARTINEZ VASQUEZ told PERSON ONE  
20 that if she did not agree to continue working for the defendants until she had fully repaid the purported  
21 debt, he would have the police arrest her for overstaying her visa and not repaying her debt.

22 17. In or about May 2017, defendant MAURA MARTINEZ required PERSON ONE to live  
23 in a dilapidated, unheated trailer, with no air conditioning or running water, parked in the backyard of  
24 the defendants' residence.

25 18. At various times during the course of the conspiracy, defendants degraded PERSON  
26 ONE by disparaging and humiliating her in front of her daughters and by forcing her to eat left-over  
27 scraps of food.

28 19. In or about July 2017, defendant NERY MARTINEZ VASQUEZ coerced PERSON

1 ONE into signing a document authorizing the defendants to assume power of attorney over PERSON  
2 ONE's daughters by threatening to have PERSON ONE arrested for overstaying her visa and not  
3 repaying the purported debt.

4 20. In or about February 2017, defendant MAURA MARTINEZ intimidated PERSON ONE  
5 by telling PERSON ONE that she, MAURA MARTINEZ, had used a vacuum cord to whip PERSON  
6 FOUR, whose identity is known to the Grand Jury, who also worked for the defendants at their  
7 restaurant.

8 21. In or about May or June 2017, defendant NERY MARTINEZ VASQUEZ intimidated  
9 PERSON ONE by striking PERSON FOUR with a large cooking spoon, causing injury, and then  
10 touching a hot pan to PERSON FOUR's arm because he was angry at PERSON FOUR for discarding  
11 some broth.

12 22. At various times during the course of the conspiracy, sometimes in front of defendant  
13 MAURA MARTINEZ and at her instigation, defendant NERY MARTINEZ VASQUEZ repeatedly  
14 struck PERSON TWO with a stick inscribed with PERSON TWO's first name and PERSON THREE's  
15 nickname, as well as the phrase, "What goes up, must go down."

16 23. At various times during the course of the conspiracy, sometimes in front of defendant  
17 MAURA MARTINEZ and at her instigation, defendant NERY MARTINEZ VASQUEZ repeatedly  
18 struck PERSON THREE with the same stick.

19 All in violation of Title 18, United States Code, Section 1594(b).

20 COUNT TWO: [18 U.S.C. §§ 1589(a) – Forced Labor]

21 The Grand Jury further charges: T H A T

22 NERY A. MARTINEZ VASQUEZ and  
23 MAURA N. MARTINEZ,

24 defendants herein, beginning in or about September 2016 and continuing through in or about July 2017,  
25 in the Eastern District of California, and elsewhere, did knowingly provide and obtain the labor and  
26 services of PERSON ONE by means of force and threats of force; serious harm and threats of serious  
27 harm to PERSON ONE and at least one other person; abuse and threatened abuse of law and legal  
28 process; and a scheme, plan, and pattern intended to cause PERSON ONE to believe that if she did not



1 perform such labor and services, that she and at least one other person would suffer serious harm, all in  
2 violation of Title 18, United States Code, Section 1589(a).

3 COUNT THREE: [18 U.S.C. §§ 1589(a) – Forced Labor]

4 The Grand Jury further charges: T H A T

5 NERY A. MARTINEZ VASQUEZ and  
6 MAURA N. MARTINEZ,

7 defendants herein, beginning in or about September 2016 and continuing through in or about February  
8 2018, in the Eastern District of California, and elsewhere, did knowingly provide and obtain the labor  
9 and services of PERSON TWO by means of force and threats of force; serious harm and threats of  
10 serious harm to PERSON TWO and at least one other person; abuse and threatened abuse of law and  
11 legal process; and a scheme, plan, and pattern intended to cause PERSON TWO to believe that if she did  
12 not perform such labor and services, that she and at least one other person would suffer serious harm, all  
13 in violation of Title 18, United States Code, Section 1589(a).

14 COUNT FOUR: [18 U.S.C. §§ 1589(a) – Forced Labor]

15 The Grand Jury further charges: T H A T

16 NERY A. MARTINEZ VASQUEZ and  
17 MAURA N. MARTINEZ,

18 defendants herein, beginning in or about September 2016 and continuing through in or about February  
19 2018, in the Eastern District of California, and elsewhere, did knowingly provide and obtain the labor  
20 and services of PERSON THREE by means of force and threats of force; serious harm and threats of  
21 serious harm to PERSON THREE and at least one other person; abuse and threatened abuse of law and  
22 legal process; and a scheme, plan, and pattern intended to cause PERSON THREE to believe that if she  
23 did not perform such labor and services, that she and at least one other person would suffer serious  
24 harm, all in violation of Title 18, United States Code, Section 1589(a).

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1 COUNT FIVE: [8 U.S.C. §§ 1324(a)(1)(A)(v)(I) and 1324(a)(1)(B)(i) – Conspiracy to Harbor an Alien  
2 for Financial Gain]

3 The Grand Jury further charges: T H A T

4 NERY A. MARTINEZ VASQUEZ and  
5 MAURA N. MARTINEZ,

6 defendants herein, beginning in or about August 2016 and continuing through in or about February  
7 2018, in the Eastern District of California and elsewhere, did knowingly and willfully conspire and  
8 agree to conceal, harbor, and shield from detection at least one alien in the defendants' residence, in a  
9 trailer on their property, and elsewhere, for the purpose of commercial advantage and private financial  
10 gain, knowing and in reckless disregard of the fact that such alien had come to, entered, and remained in  
11 the United States in violation of law, all in violation of Title 8, United States Code, Sections  
12 1324(a)(1)(A)(v)(I) and 1324(a)(1)(B)(i).

13 COUNT SIX: [8 U.S.C. §§ 1324(a)(1)(A)(iii), 1324(a)(1)(A)(v)(II), and 1324(a)(1)(B)(i) – Harboring an  
14 Alien for Financial Gain]

15 The Grand Jury further charges: T H A T

16 NERY A. MARTINEZ VASQUEZ and  
17 MAURA N. MARTINEZ,

18 defendants herein, beginning in or about September 2016 and continuing through in or about July 2017,  
19 in the Eastern District of California and elsewhere, did conceal, harbor, and shield from detection an  
20 alien, PERSON ONE, in their residence, in a trailer on their property, and elsewhere for the purpose of  
21 commercial advantage and private financial gain, knowing and in reckless disregard of the fact that  
22 PERSON ONE had come to, entered, and remained in the United States in violation of law, all in  
23 violation of Title 8 United States Code, Sections 1324(a)(1)(A)(iii), 1324(a)(1)(A)(v)(II), and  
24 1324(a)(1)(B)(i)..

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1 COUNT SEVEN: [8 U.S.C. §§ 1324(a)(1)(A)(iii), 1324(a)(1)(A)(v)(II), and 1324(a)(1)(B)(i) –  
2 Harboring an Alien for Financial Gain]

3 The Grand Jury further charges: T H A T

4 NERY A. MARTINEZ VASQUEZ and  
5 MAURA N. MARTINEZ,

6 defendants herein, beginning in or about September 2016 and continuing through in or about February  
7 2018, all dates being approximate and inclusive, in the Eastern District of California and elsewhere,  
8 aiding and abetting each other, did conceal, harbor, and shield from detection an alien, PERSON TWO,  
9 in their residence, in a trailer next to their residence, and elsewhere for the purpose of commercial  
10 advantage and private financial gain, knowing and in reckless disregard of the fact that PERSON TWO  
11 had come to, entered, and remained in the United States in violation of law, all in violation of Title 8  
12 United States Code, Sections 1324(a)(1)(A)(iii), 1324(a)(1)(A)(v)(II), and 1324(a)(1)(B)(i)..

13 COUNT EIGHT: [8 U.S.C. §§ 1324(a)(1)(A)(iii), 1324(a)(1)(A)(v)(II), and 1324(a)(1)(B)(i)  
14 – Harboring an Alien for Financial Gain]

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16 The Grand Jury further charges: T H A T

17 NERY A. MARTINEZ VASQUEZ and  
18 MAURA N. MARTINEZ,

19 defendants herein, beginning in or about September 2016 and continuing through in or about February  
20 2018, all dates being approximate and inclusive, in the Eastern District of California and elsewhere, did  
21 conceal, harbor, and shield from detection an alien, PERSON THREE, in their residence, in a trailer  
22 next to their residence, and elsewhere for the purpose of commercial advantage and private financial  
23 gain, knowing and in reckless disregard of the fact that PERSON THREE had come to, entered, and  
24 remained in the United States in violation of law, all in violation of Title 8 United States Code, Sections  
25 1324(a)(1)(A)(iii), 1324(a)(1)(A)(v)(II), and 1324(a)(1)(B)(i).

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1 FORFEITURE ALLEGATION: [18 U.S.C. § 1594(d), 8 U.S.C. § 1324 (b)(1), 18 U.S.C. § 982(a)(6)  
2 and 28 U.S.C. § 2461—Criminal Forfeiture]

3 1. Upon conviction of one or more of the offenses alleged in Counts One through Four of  
4 this Indictment, defendants NERY A. MARTINEZ VASQUEZ and MAURA N. MARTINEZ shall  
5 forfeit to the United States, pursuant to Title 18, United States Code, Section 1594(d), all property, real  
6 or personal, that was used, or intended to be used to commit or facilitate the commission of such  
7 violations, and any property traceable to such property; and any property, real or personal, constituting  
8 or derived from, any proceeds obtained directly or indirectly, as a result of such violations, and any  
9 property traceable to such property, including but not limited to

- 10 a) a). Real property located at 1957 Montana Avenue, Shasta Lake, CA 96019  
11 b). Real property located at 1987 Cabello Street, Shasta Lake, CA 96019

12 2. Upon conviction of one or more of the offenses alleged in Counts Five through Eight of  
13 this Indictment, defendants NERY A. MARTINEZ VASQUEZ and MAURA N. MARTINEZ  
14 shall forfeit to the United States, pursuant to Title 8, United States Code, Section 1324(b)(1),  
15 Title 18, United States Code, Sections 982(a)(6) and Title 28, United States Code, Section 2461,  
16 any conveyance, including any vehicle, that has been and is being used in the commission of  
17 such violations; any property, real or personal, that constitutes the gross proceeds of such  
18 violations, and any property traceable to such conveyance or proceeds; and any property that is  
19 used to facilitate, and is intended to be used to facilitate such violations, including but not limited  
20 to a). Real property located at 1957 Montana Avenue, Shasta Lake, CA 96019

21 b). Real property located at 1987 Cabello Street, Shasta Lake, CA 9603. If any property  
22 subject to forfeiture as a result of the offenses alleged in Counts One through Eight of this Indictment for  
23 which the defendants are convicted:

24 cannot be located upon the exercise of due diligence;

- 25 b) has been transferred or sold to, or deposited with, a third party;  
26 c) has been placed beyond the jurisdiction of the Court;  
27 d) has been substantially diminished in value; or  
28 e) has been commingled with other property which cannot be divided without

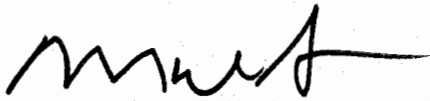
1 difficulty;

2 It is the intent of the United States, pursuant to 28 U.S.C. § 2461(c), incorporating 21 U.S.C. § 853(p), to  
3 seek forfeiture of any other property of said defendant, up to the value of property subject to forfeiture.  
4

5 A TRUE BILL.

6  
7 **/s/ Signature on file w/AUSA**

8 FOREPERSON

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10 McGREGOR W. SCOTT  
11 United States Attorney  
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2:19-CR-0112 WBS

No. \_\_\_\_\_

**UNITED STATES DISTRICT COURT**

*Eastern District of California*

*Criminal Division*

**THE UNITED STATES OF AMERICA**

vs.

**NERY A. MARTINEZ VASQUEZ AND  
MAURA N. MARTINEZ**

INDICTMENT

**VIOLATION(S):** 18 U.S.C. § 1594(b) – Conspiracy to Commit Forced Labor;  
18 U.S.C. §§ 1589(a) – Forced Labor (Three Counts) ;  
8 U.S.C. §§ 1324(a)(1)(A)(v)(I) and 1324(a)(1)(B)(i) – Conspiracy to Harbor an Alien for Financial Gain;  
8 U.S.C. §§ 1324(a)(1)(A)(iii), 1324(a)(1)(A)(v)(II) and 1324(a)(1)(B)(i) – Harboring an Alien for  
Financial Gain (Three Counts);  
18 U.S.C. § 1594(d), 8 U.S.C. § 1324(b)(1), 18 U.S.C. § 982(a)(6) and 28 U.S.C. § 2461– Criminal Forfeiture

*A true bill,*

**/s/ Signature on file w/AUSA**

\_\_\_\_\_  
*Foreman.*

Filed in open court this 20<sup>th</sup> day

of June, A.D. 2019

**NO BAIL WARRANT PENDING HEARING**  
*as to both defendants*

\_\_\_\_\_  
*Clerk.*

Bail, \$ \_\_\_\_\_

\_\_\_\_\_  
*m. Chris*

**2:19-CR-0112 WBS**

**United States v. Martinez Vasquez, et. al**  
**Penalties for Indictment**

**Defendants**

**NERY A. MARTINEZ VASQUEZ**  
**MAURA N. MARTINEZ**

**COUNT 1: ALL DEFENDANTS**

**VIOLATION:** 18 U.S.C. § 1594(b) – Conspiracy to Commit Forced Labor

**PENALTIES:** Maximum of 20 years in prison;  
Fine of up to \$250,000; or both fine and imprisonment  
Supervised release of up to 2 years  
Mandatory restitution [18 U.S.C. § 1593]

**SPECIAL ASSESSMENT:** \$5,100 [18 U.S.C. § 3014(a)(1)]

**COUNTS 2-4: ALL DEFENDANTS**

**VIOLATION:** 18 U.S.C. § 1589(a) – Forced Labor

**PENALTIES:** Maximum of 20 years in prison;  
Fine of up to \$250,000; or both fine and imprisonment  
Supervised release of up to 2 years  
Mandatory restitution [18 U.S.C. § 1593]

**SPECIAL ASSESSMENT:** \$5,100 (mandatory on each count) [18 U.S.C. § 3014(a)(1)]

**COUNT 5: ALL DEFENDANTS**

**VIOLATION:** 8 U.S.C. §§ 1324(a)(1)(A)(v)(I) and 1324(a)(1)(B)(i) – Conspiracy to Harbor an Alien for Financial Gain

**PENALTIES:** Maximum of 10 years in prison;  
Fine of up to \$250,000; or both fine and imprisonment  
Supervised release of up to 2 years

**SPECIAL ASSESSMENT:** \$100

**COUNTS 6-8: ALL DEFENDANTS**

**VIOLATION:** 8 U.S.C. §§ 1324(a)(1)(A)(iii), 1324(a)(1)(A)(v)(II) and 1324(a)(1)(B)(i) – Harboring an Alien for Financial Gain

**PENALTIES:** Maximum of 10 years in prison;  
Fine of up to \$250,000; or both fine and imprisonment  
Supervised release of up to 2 years

**SPECIAL ASSESSMENT:** \$100 (mandatory on each count)

**FORFEITURE ALLEGATION: ALL DEFENDANTS**

**VIOLATION:** 18 U.S.C. § 1594(d) – Criminal Forfeiture

**PENALTIES:** As stated in the charging document