

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF NEW MEXICO

FILED
U.S. DISTRICT COURT
DISTRICT OF NEW MEXICO

2018 AUG 22 PM 3:14

CLERK-LAS CRUCES

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JESUS SALVADOR OTERO-
MARTINEZ, a.k.a. "Salvador Otero,"
a.k.a. "Otero Otero,"
ALFRED SILVA,
a.k.a. "Porky," and
JOSEPH GONZALEZ,

Defendants.

CRIMINAL NO. 18CR2754RB

Count 1: 21 U.S.C. § 846: Conspiracy;

Count 2: 18 U.S.C. § 922(g)(1): Felon in
Possession of Ammunition.

INDICTMENT

The Grand Jury charges:

Count 1

From on or about October 31, 2017, and continuing to on or about to April 3, 2018, in Doña Ana County, in the District of New Mexico, and elsewhere, the defendants, **JESUS SALVADOR OTERO-MARTINEZ, a.k.a. "Salvador Otero," a.k.a. "Otero Otero," ALFRED SILVA, a.k.a. "Porky," and JOSEPH GONZALEZ**, unlawfully, knowingly and intentionally combined, conspired, confederated, agreed and acted interdependently with each other and with other persons whose names are known and unknown to the Grand Jury to commit an offense defined in 21 U.S.C. §§ 841(a)(1), (b)(1)(B), specifically, distribution of a controlled substance, 100 grams and more of a mixture and substance containing a detectable amount of heroin.

Overt Acts

In furtherance of the conspiracy, and to accomplish the objectives of the conspiracy, the following acts, among others, were committed:

Overt Act 1

On October 31, 2017, Jesus Salvador Otero-Martinez, through Facebook Messenger, arranged to sell six ounces of heroin to an undercover agent in New Mexico for \$575 per ounce.

Overt Act 2

On November 12, 2017, Jesus Salvador Otero-Martinez, via Facebook Messenger, informed an undercover agent in New Mexico that Jesus Salvador Otero-Martinez had found a courier to smuggle six ounces of heroin into the United States from Mexico.

Overt Act 3

On November 15, 2017, Jesus Salvador Otero-Martinez responded to the undercover agent's request for information about the courier by providing the telephone number 575-805-0264 and the name "Porky."

Overt Act 4

On November 15, 2017, Alfred Silva, a.k.a. "Porky," arranged with the undercover agent to obtain six ounces of heroin from Mexico.

Overt Act 5

On November 16, 2017, Alfred Silva, a.k.a. "Porky," called the undercover agent and informed the undercover agent that Alfred Silva, a.k.a. "Porky," had obtained transportation to El Paso, Texas, from Las Cruces, New Mexico, and that Alfred Silva, a.k.a. "Porky," would meet the undercover agent at the Carl's Jr. at 9701 Alameda Avenue in El Paso, Texas.

Overt Act 6

On November 16, 2017, Jesus Salvador Otero-Martinez, through Facebook Messenger, confirmed with the undercover agent that the amount of heroin Alfred Silva, a.k.a. "Porky," would obtain from Jesus Salvador Otero-Martinez would be six ounces.

Overt Act 7

On November 16, 2017, Joseph Gonzalez drove Alfred Silva, a.k.a. "Porky," to the Carl's Jr. at 9701 Alameda Avenue in El Paso, Texas.

Overt Act 8

On November 16, 2017, Alfred Silva, a.k.a. "Porky," met the undercover agent at the Carl's Jr. at 9701 Alameda Avenue in El Paso, Texas, where Alfred Silva, a.k.a. "Porky," obtained \$3,800 from the undercover agent to purchase the heroin from Jesus Salvador Otero-Martinez.

Overt Act 9

On November 16, 2017, while Alfred Silva, a.k.a. "Porky," was meeting with the undercover agent, Joseph Gonzalez provided Alfred Silva, a.k.a. "Porky," with condoms and lubricant for Alfred Silva, a.k.a. "Porky," to use to conceal the six ounces of heroin in the body cavity of Alfred Silva, a.k.a. "Porky."

Overt Act 10

On November 16, 2017, after meeting with the undercover agent, Alfred Silva, a.k.a. "Porky," entered Ciudad Juarez, Mexico through the Ysleta Port of Entry in El Paso, Texas, and obtained 149 grams of heroin from Jesus Salvador Otero-Martinez.

Overt Act 11

On November 16, 2017, Alfred Silva, a.k.a. "Porky," entered the United States from Mexico at the Ysleta Port of Entry in El Paso, Texas, with 149 grams of heroin concealed in his body cavity.

Overt Act 12

On November 16, 2017, after returning from Mexico, Alfred Silva, a.k.a. "Porky," entered the undercover vehicle, which was parked near the Ysleta Port of Entry in El Paso, Texas, and the undercover agent drove Alfred Silva, a.k.a. "Porky," to the Carl's Jr. at 9701 Alameda Avenue in El Paso, Texas, where Alfred Silva, a.k.a. "Porky," removed 149 grams of heroin from his body cavity in the restroom and then gave the 149 grams of heroin to the undercover agent.

Overt Act 13

On November 16, 2017, after Alfred Silva, a.k.a. "Porky," gave the 149 grams of heroin to the undercover agent, Alfred Silva, a.k.a. "Porky," entered the vehicle driven by Joseph Gonzalez, and Alfred Silva, a.k.a. "Porky," and Joseph Gonzalez returned to Las Cruces, New Mexico.

Overt Act 14

On March 14, 2018, Alfred Silva, a.k.a. "Porky," obtained 299 grams of heroin from Jesus Salvador Otero-Martinez in Ciudad Juarez, Mexico.

Overt Act 15

On March 14, 2018, Alfred Silva, a.k.a. "Porky," had 299 grams of heroin he had obtained from Jesus Salvador Otero-Martinez concealed in his body cavity, which Alfred Silva, a.k.a. "Porky," had planned to deliver to Las Cruces, New Mexico, when Alfred Silva, a.k.a.

“Porky,” was detained at the Ysleta Port of Entry in El Paso, Texas, by United States Customs and Border Protection officers.

Overt Act 16

On April 3, 2018, Alfred Silva, a.k.a. “Porky,” possessed \$3,850 in drug proceeds in Las Cruces, New Mexico.

In violation of 21 U.S.C. § 846.

Count 2

On or about June 1, 2018, in Doña Ana County, in the District of New Mexico, the defendant, **ALFRED SILVA, a.k.a. “Porky,”** having been convicted of the following felony crime punishable by imprisonment for a term exceeding one year: trafficking a controlled substance by distribution, knowingly possessed, in and affecting commerce, ammunition.

In violation of 18 U.S.C. § 922(g)(1).

FORFEITURE ALLEGATIONS

The allegations contained in Count 1 of this Indictment are hereby realleged and incorporated by reference for the purpose of alleging forfeitures pursuant to 21 U.S.C. § 853.

Upon conviction of an offense in violation of 21 U.S.C. § 846, the defendants, **JESUS SALVADOR OTERO-MARTINEZ, a.k.a. “Salvador Otero,” a.k.a. “Otero Otero,”** **ALFRED SILVA, a.k.a. “Porky,”** and **JOSEPH GONZALEZ** shall forfeit to the United States of America pursuant to 21 U.S.C. § 853 any property constituting, or derived from, any proceeds obtained, directly or indirectly, as the result of each offense for which the defendants are convicted and any property used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of, the offense(s) of conviction.

The property to be forfeited includes, but is not limited to, the following:

1. MONEY JUDGMENT

A sum of money equal to at least \$7,650 in U.S. currency, representing the proceeds obtained, directly or indirectly, as a result of the offenses set forth in Count 1.

2. SUBSTITUTE ASSETS

If any of the property described above, as a result of any act or omission of the defendant:

- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third party;
- 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 divided without difficulty,

it is the intent of the United States, pursuant to 21 U.S.C. § 853(p), 18 U.S.C. § 982(b), and 28 U.S.C. § 2461(c), to seek forfeiture of any other property of the defendant up to the value of the forfeitable property described above.

Count 2 of this Indictment is incorporated as part of this section as if fully re-alleged herein for the purpose of alleging forfeiture to the United States pursuant to 18 U.S.C. § 924(d) and 28 U.S.C. § 2461(c).

Upon conviction of any offense in violation of 18 U.S.C. § 922(g)(1), the defendant, **ALFRED SILVA, a.k.a. "Porky,"** shall forfeit to the United States pursuant to 18 U.S.C. § 924(d)(1) and 28 U.S.C. § 2461(c) any interest he may have in the ammunition involved in the commission of the offense.

The property to be forfeited includes, but is not limited to, the following:

- a. 34 cartridges of 9 mm Luger ammunition;
- b. 91 cartridges of .38 special ammunition;

- c. 77 cartridges of .22 caliber ammunition; and
- d. 263 cartridges of .22 caliber long rifle ammunition.

A TRUE BILL:



Assistant United States Attorney



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/s/
FOREPERSON OF THE GRAND JURY