

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 3:15
CLERK-LAS CRUCES

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JESUS SALVADOR OTERO-
MARTINEZ, a.k.a. "Salvador Otero,"
a.k.a. "Otero Otero,"
BRENDA ROMERO, a.k.a. "Charlie
Wambamboo,"
NATHAN GONZALES,
DESIREE M. VALLEJOS, a.k.a. "Desiree
Escalera,"
SAMANTHA M. YBARRA-OCHOA,
a.k.a. "Elsa,"
ELAINE ZUBIRAN, a.k.a. "Maria," and
MISTY A. BACA,

Defendants.

CRIMINAL NO. 18CR2756 RB

21 U.S.C. § 846: Conspiracy

INDICTMENT

The Grand Jury charges:

From on or about March 12, 2018, and continuing to on or about May 26, 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," BRENDA ROMERO, a.k.a. "Charlie Wambamboo," NATHAN GONZALES, DESIREE M. VALLEJOS, a.k.a. "Desiree Escalera," SAMANTHA M. YBARRA-OCHOA, a.k.a. "Elsa," ELAINE ZUBIRAN, a.k.a. "Maria," and MISTY A. BACA,** 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), specifically, distribution of a controlled substance, a mixture and substance containing a detectable amount of heroin.

Quantity of Heroin Involved in the Conspiracy

With respect to **JESUS SALVADOR OTERO-MARTINEZ, a.k.a. "Salvador Otero," a.k.a. "Otero Otero," BRENDA ROMERO, a.k.a. "Charlie Wambambo," NATHAN GONZALES, DESIREE M. VALLEJOS, a.k.a. "Desiree Escalera," SAMANTHA M. YBARRA-OCHOA, a.k.a. "Elsa," and ELAINE ZUBIRAN, a.k.a. "Maria,"** the amount involved in the conspiracy attributable to them as a result of their own conduct, and the conduct of other conspirators reasonably foreseeable to them, is 100 grams and more of a mixture and substance containing a detectable amount of heroin, contrary to 21 U.S.C. § 841(b)(1)(B).

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 March 12, 2018, over Facebook Messenger, Brenda Romero ordered approximately 25 grams of heroin for \$550 from Jesus Salvador Otero-Martinez and told Jesus Salvador Otero-Martinez, "I am going to send Elsa (Samantha Ybarra-Ochoa) and we are departing now."

Overt Act 2

On March 12, 2018, Brenda Romero and Samantha Ybarra-Ochoa traveled from Las Cruces, New Mexico to the Ysleta Port of Entry in El Paso, Texas, for the purpose of obtaining heroin from Jesus Salvador Otero-Martinez and, once there, Brenda Romero informed Jesus Salvador Otero-Martinez through Facebook Messenger that Samantha Ybarra-Ochoa had begun walking into Mexico.

Overt Act 3

On March 12, 2018, Samantha Ybarra-Ochoa obtained heroin from Jesus Salvador Otero-Martinez in Ciudad Juarez, Mexico, and smuggled the heroin into the United States through the Ysleta Port of Entry in El Paso, Texas.

Overt Act 4

On March 15, 2018, over Facebook Messenger, Brenda Romero ordered approximately 25 grams of heroin for \$550 from Jesus Salvador Otero-Martinez and informed Jesus Salvador Otero-Martinez that she was on her way.

Overt Act 5

On March 15, 2018, Brenda Romero and Samantha Ybarra-Ochoa traveled from Las Cruces, New Mexico, to the Ysleta Port of Entry in El Paso, Texas, for the purpose of obtaining heroin from Jesus Salvador Otero-Martinez and, once there, Brenda Romero informed Jesus Salvador Otero-Martinez through Facebook Messenger that Samantha Ybarra-Ochoa had begun walking into Mexico.

Overt Act 6

On March 15, 2018, Samantha Ybarra-Ochoa obtained heroin from Jesus Salvador Otero-Martinez in Ciudad Juarez, Mexico, and smuggled the heroin into the United States through the Ysleta Port of Entry in El Paso, Texas.

Overt Act 7

On March 17, 2018, over Facebook Messenger, Brenda Romero ordered approximately 25 grams of heroin for \$550 from Jesus Salvador Otero-Martinez and informed Jesus Salvador Otero-Martinez that she would arrive around 4:00 p.m.

Overt Act 8

On March 17, 2018, Brenda Romero and Samantha Ybarra-Ochoa traveled from Las Cruces, New Mexico, to the Ysleta Port of Entry in El Paso, Texas, for the purpose of obtaining heroin from Jesus Salvador Otero-Martinez and, once there, Brenda Romero informed Jesus Salvador Otero-Martinez through Facebook Messenger that Samantha Ybarra-Ochoa had begun walking into Mexico.

Overt Act 9

On March 17, 2018, Samantha Ybarra-Ochoa obtained heroin from Jesus Salvador Otero-Martinez in Ciudad Juarez, Mexico, and smuggled the heroin into the United States through the Ysleta Port of Entry in El Paso, Texas.

Overt Act 10

On March 20, 2018, over Facebook Messenger, Brenda Romero ordered approximately 36 grams of heroin for \$825 from Jesus Salvador Otero-Martinez and informed Jesus Salvador Otero-Martinez that she was departing and that she would be sending Samantha Ybarra-Ochoa to Mexico to obtain the heroin.

Overt Act 11

On March 20, 2018, Brenda Romero and Samantha Ybarra-Ochoa traveled from Las Cruces, New Mexico, to the Ysleta Port of Entry in El Paso, Texas, for the purpose of obtaining heroin from Jesus Salvador Otero-Martinez and, once there, Brenda Romero informed Jesus Salvador Otero-Martinez through Facebook Messenger that Samantha Ybarra-Ochoa had begun walking into Mexico.

Overt Act 12

On March 20, 2018, Samantha Ybarra-Ochoa obtained heroin from Jesus Salvador Otero-Martinez in Ciudad Juarez, Mexico, and smuggled the heroin into the United States through the Ysleta Port of Entry in El Paso, Texas.

Overt Act 13

On March 24, 2018, over Facebook Messenger, Brenda Romero ordered approximately 36 grams of heroin for \$825 from Jesus Salvador Otero-Martinez.

Overt Act 14

On March 24, 2018, Brenda Romero and Samantha Ybarra-Ochoa traveled from Las Cruces, New Mexico, to the Ysleta Port of Entry in El Paso, Texas, for the purpose of obtaining heroin from Jesus Salvador Otero-Martinez and, once there, Brenda Romero informed Jesus Salvador Otero-Martinez through Facebook Messenger that Samantha Ybarra-Ochoa had begun walking into Mexico.

Overt Act 15

On March 24, 2018, Samantha Ybarra-Ochoa obtained heroin from Jesus Salvador Otero-Martinez in Ciudad Juarez, Mexico, and smuggled the heroin into the United States through the Ysleta Port of Entry in El Paso, Texas.

Overt Act 16

On March 26, 2018, at Brenda Romero's residence in Las Cruces, New Mexico, Brenda Romero sold approximately 15.5 grams of heroin to an individual who, unbeknownst to Brenda Romero, was cooperating with law enforcement.

Overt Act 17

On March 26, 2018, during the sale of the 15.5 grams of heroin to an individual cooperating with law enforcement, Brenda Romero told that individual that the individual could sell heroin "per point" meaning \$10 for one-tenth of gram, for "80 bucks a gram," or in "balls" for \$200, meaning one-eighth of an ounce or approximately 3.1 grams for \$200.

Overt Act 18

On March 28, 2018, over Facebook Messenger, Brenda Romero ordered approximately 36 grams of heroin for \$825 from Jesus Salvador Otero-Martinez and told Jesus Salvador Otero-Martinez, "I am going to send Nate (Nathan Gonzales) to you he has 825 that are mine they are on their way he is going to call you."

Overt Act 19

On March 28, 2018, Nathan Gonzales and a courier traveled from Las Cruces, New Mexico, to the Ysleta Port of Entry in El Paso, Texas, for the purpose of obtaining heroin from Jesus Salvador Otero-Martinez

Overt Act 20

On March 28, 2018, over Facebook Messenger, Nathan Gonzales informed Jesus Salvador Otero-Martinez that he was purchasing a total of approximately 38 grams of heroin for \$895 and that the courier had begun walking into Mexico.

Overt Act 21

On March 28, 2018, the courier obtained heroin from an associate of Jesus Salvador Otero-Martinez in Ciudad Juarez, Mexico, and Jesus Salvador Otero-Martinez informed Nathan Gonzales when the courier began traveling back to the United States.

Overt Act 22

On March 30, 2018, Nathan Gonzales met with an individual, who, unbeknownst to Nathan Gonzales, was cooperating with law enforcement, at Nathan Gonzales's residence in Las Cruces, New Mexico, and later sold approximately 1.2 grams of heroin to the individual cooperating with law enforcement.

Overt Act 23

On April 1, 2018, over Facebook Messenger, Brenda Romero ordered a total of approximately 58 grams of heroin for \$1,300 from Jesus Salvador Otero-Martinez and informed Jesus Salvador Otero-Martinez that \$550 were from Brenda Romero and \$750 were from "Dez" (Desiree M. Vallejos).

Overt Act 24

On April 1, 2018, Brenda Romero and Desiree M. Vallejos traveled from Las Cruces, New Mexico, to the Ysleta Port of Entry in El Paso, Texas, for the purpose of obtaining heroin from Jesus Salvador Otero-Martinez and, once there, Brenda Romero informed Jesus Salvador Otero-Martinez through Facebook Messenger that Desiree M. Vallejos had begun walking into Mexico.

Overt Act 25

On April 1, 2018, Desiree M. Vallejos obtained heroin from Jesus Salvador Otero-Martinez in Ciudad Juarez, Mexico, and smuggled the heroin into the United States through the Ysleta Port of Entry in El Paso, Texas.

Overt Act 26

On April 5, 2018, over Facebook Messenger, Brenda Romero ordered a total of approximately 35 grams of heroin for \$800 and informed Jesus Salvador Otero-Martinez that \$550 were from Brenda Romero and \$250 were from Desiree M. Vallejos.

Overt Act 27

On April 5, 2018, Brenda Romero and Desiree M. Vallejos traveled from Las Cruces, New Mexico, to the Ysleta Port of Entry in El Paso, Texas, for the purpose of obtaining heroin from Jesus Salvador Otero-Martinez and, once there, Brenda Romero informed Jesus Salvador Otero-Martinez through Facebook Messenger that Desiree M. Vallejos had begun walking into Mexico.

Overt Act 28

On April 5, 2018, Desiree M. Vallejos obtained heroin from Jesus Salvador Otero-Martinez in Ciudad Juarez, Mexico, and smuggled the heroin into the United States through the Ysleta Port of Entry in El Paso, Texas.

Overt Act 29

On April 8, 2018, over Facebook Messenger, Nathan Gonzales ordered a total of approximately 37.5 grams of heroin for \$815 from Jesus Salvador Otero-Martinez, told Jesus Salvador Otero-Martinez that \$550 were from Brenda Romero and \$265 were from Nathan Gonzales, and Jesus Salvador Otero-Martinez informed Nathan Gonzales that he could purchase half an ounce of heroin for \$265.

Overt Act 30

On April 8, 2018, Nathan Gonzales and a courier traveled to a Port of Entry in El Paso, Texas, for the purpose of obtaining heroin from Jesus Salvador Otero-Martinez

Overt Act 31

On April 8, 2018, the courier obtained heroin from Jesus Salvador Otero-Martinez in Ciudad Juarez, Mexico, and Jesus Salvador Otero-Martinez informed Nathan Gonzales through Facebook Messenger when the courier began traveling back to the United States.

Overt Act 32

On April 12, 2018, while Nathan Gonzales and Brenda Romero were discussing arranging a heroin transaction with Jesus Salvador Otero-Martinez, Brenda Romero told Nathan Gonzales over Facebook Messenger, "I talked to Sammy (Samantha Ybarra-Ochoa) but she don't want to go tell [sic] tomorrow ugh," and Brenda Romero and Nathan Gonzales decided to conduct the transaction the following day.

Overt Act 33

On April 13, 2018, over Facebook Messenger, Brenda Romero ordered \$825 worth of heroin for herself and \$595 worth of heroin for Nathan Gonzales, and informed Jesus Salvador Otero-Martinez that she would be sending Nathan Gonzales, who would be in contact with Jesus Salvador Otero-Martinez.

Overt Act 34

On April 13, 2018, over Facebook Messenger, Nathan Gonzales confirmed that Jesus Salvador Otero-Martinez had talked to Brenda Romero and informed Jesus Salvador Otero-Martinez that Nathan Gonzales would be arriving in one hour.

Overt Act 35

On April 13, 2018, Nathan Gonzales and Samantha Ybarra-Ochoa traveled from Las Cruces, New Mexico, to the Ysleta Port of Entry in El Paso, Texas, for the purpose of obtaining heroin from Jesus Salvador Otero-Martinez and, once there, Nathan Gonzales informed Jesus

Salvador Otero-Martinez through Facebook Messenger when Samantha Ybarra-Ochoa began walking into Mexico.

Overt Act 36

On April 13, 2018, Samantha Ybarra-Ochoa obtained approximately 52 grams of heroin from Jesus Salvador Otero-Martinez in Ciudad Juarez, Mexico, and attempted to smuggle it into the United States through the Ysleta Port of Entry in El Paso, Texas.

Overt Act 37

On April 13, 2018, after Samantha Ybarra-Ochoa was stopped by law enforcement at the Ysleta Port of Entry with 52 grams of heroin, Brenda Romero informed Nathan Gonzales over Facebook Messenger that Samantha Ybarra-Ochoa was "not in jail," and Brenda Romero and Nathan Gonzales discussed Nathan Gonzales going to pick up Samantha Ybarra-Ochoa.

Overt Act 38

On April 30, 2018, over Facebook Messenger, Brenda Romero ordered approximately 25 grams of heroin for \$550 from Jesus Salvador Otero-Martinez and informed Jesus Salvador Otero-Martinez that Nathan Gonzales would contact Jesus Salvador Otero-Martinez.

Overt Act 39

On April 30, 2018, over Facebook Messenger, Nathan Gonzales ordered approximately 27 grams of heroin for \$615 from Jesus Salvador Otero-Martinez and told Jesus Salvador Otero-Martinez that \$550 were from Brenda Romero and \$65 were from Nathan Gonzales.

Overt Act 40

On April 30, 2018, Nathan Gonzales and Elaine Zubiran traveled from Las Cruces, New Mexico, to the Ysleta Port of Entry in El Paso, Texas, for the purpose of obtaining heroin from Jesus Salvador Otero-Martinez and, once there, Nathan Gonzales informed Jesus Salvador

Otero-Martinez through Facebook Messenger that Elaine Zubiran had begun walking into Mexico.

Overt Act 41

On April 30, 2018, Elaine Zubiran obtained heroin from Jesus Salvador Otero-Martinez in Ciudad Juarez, Mexico, and smuggled the heroin into the United States through the Ysleta Port of Entry in El Paso, Texas.

Overt Act 42

On May 7, 2018, over Facebook Messenger, Brenda Romero ordered approximately 25 grams of heroin for \$550 from Jesus Salvador Otero-Martinez and informed Jesus Salvador Otero-Martinez that she would be sending Nathan Gonzales and Elaine Zubiran to conduct the transaction.

Overt Act 43

On May 7, 2018, Nathan Gonzales and Elaine Zubiran traveled from Las Cruces, New Mexico, to the Ysleta Port of Entry in El Paso, Texas, for the purpose of obtaining heroin from Jesus Salvador Otero-Martinez and, once there, Nathan Gonzales informed Jesus Salvador Otero-Martinez through Facebook Messenger that Elaine Zubiran had begun walking into Mexico.

Overt Act 44

On May 7, 2018, over Facebook Messenger, Jesus Salvador Otero-Martinez confirmed to Nathan Gonzales that he had received from Elaine Zubiran \$550 for Brenda Romero and \$100 for Nathan Gonzales.

Overt Act 45

On May 7, 2018, Elaine Zubiran obtained heroin from Jesus Salvador Otero-Martinez in Ciudad Juarez, Mexico, and smuggled the heroin into the United States through the Ysleta Port of Entry in El Paso, Texas.

Overt Act 46

On May 8, 2018, Desiree M. Vallejos ordered approximately 25 grams of heroin from Jesus Salvador Otero-Martinez and, over Facebook Messenger, informed Jesus Salvador Otero-Martinez that she would be sending Misty A. Baca to conduct the transaction.

Overt Act 47

On May 8, 2018, Desiree M. Vallejos and Misty A. Baca traveled from Las Cruces, New Mexico, to the Ysleta Port of Entry in El Paso, Texas, for the purpose of obtaining heroin from Jesus Salvador Otero-Martinez and, over Facebook Messenger, Desiree M. Vallejos informed Jesus Salvador Otero-Martinez when they would be arriving.

Overt Act 48

On May 8, 2018, over Facebook Messenger, Jesus Salvador Otero-Martinez told Desiree M. Vallejos that he had sent her one less gram of heroin because her money was short \$30, and Desiree M. Vallejos confirmed she would be receiving 24 grams of heroin by responding, "Ok so it's just 24."

Overt Act 49

On May 8, 2018, Misty A. Baca obtained heroin from Jesus Salvador Otero-Martinez in Ciudad Juarez, Mexico, and smuggled the heroin into the United States through the Ysleta Port of Entry in El Paso, Texas.

Overt Act 50

On May 11, 2018, over Facebook Messenger, Desiree M. Vallejos ordered approximately 50 grams of heroin from Jesus Salvador Otero-Martinez and told Jesus Salvador Otero-Martinez, “. . . it’s going to be for me and Brenda (Brenda Romero) ok.”

Overt Act 51

On May 11, 2018, Desiree M. Vallejos and Elaine Zubiran traveled from Las Cruces, New Mexico, to the Ysleta Port of Entry in El Paso, Texas, for the purpose of obtaining heroin from Jesus Salvador Otero-Martinez and, once there, Desiree M. Vallejos informed Jesus Salvador Otero-Martinez through Facebook Messenger that “Elaine” (Elaine Zubiran) had begun walking into Mexico.

Overt Act 52

On or about May 12, 2018, Elaine Zubiran obtained heroin from Jesus Salvador Otero-Martinez in Ciudad Juarez, Mexico, and smuggled the heroin into the United States through the Ysleta Port of Entry in El Paso, Texas.

Overt Act 53

On May 18, 2018, over Facebook Messenger, Nathan Gonzales ordered approximately 25 grams of heroin for \$550 from Jesus Salvador Otero-Martinez and told Jesus Salvador Otero-Martinez that “Maria” (Elaine Zubiran) would be obtaining the heroin.

Overt Act 54

On May 18, 2018, Nathan Gonzales and Elaine Zubiran traveled from Las Cruces, New Mexico, to the Ysleta Port of Entry in El Paso, Texas, for the purpose of obtaining heroin from Jesus Salvador Otero-Martinez and, once there, Nathan Gonzales informed Jesus Salvador

Otero-Martinez through Facebook Messenger that Elaine Zubiran had begun walking into Mexico.

Overt Act 55

On or about May 19, 2018, Elaine Zubiran obtained heroin from Jesus Salvador Otero-Martinez in Ciudad Juarez, Mexico, and smuggled the heroin into the United States through the Ysleta Port of Entry in El Paso, Texas.

Overt Act 56

On May 21, 2018, over Facebook Messenger, Nathan Gonzales ordered approximately 29 grams of heroin for \$660 from Jesus Salvador Otero-Martinez and told Jesus Salvador Otero-Martinez that "Maria" (Elaine Zubiran) would be obtaining the heroin.

Overt Act 57

On May 21, 2018, Nathan Gonzales and Elaine Zubiran traveled from Las Cruces, New Mexico, to the Ysleta Port of Entry in El Paso, Texas, for the purpose of obtaining heroin from Jesus Salvador Otero-Martinez and, once there, Nathan Gonzales informed Jesus Salvador Otero-Martinez through Facebook Messenger that Elaine Zubiran had begun walking into Mexico.

Overt Act 58

On or about May 22, 2018, Elaine Zubiran obtained heroin from Jesus Salvador Otero-Martinez in Ciudad Juarez, Mexico, and smuggled the heroin into the United States through the Ysleta Port of Entry in El Paso, Texas.

Overt Act 59

On May 24, 2018, over Facebook Messenger, Brenda Romero ordered approximately 37 grams of heroin for \$770 from Jesus Salvador Otero-Martinez and told Jesus Salvador Otero-Martinez she would be sending "Nate (Nathan Gonzales) and Maria (Elaine Zubiran)."

Overt Act 60

On May 24, 2018, over Facebook Messenger, Nathan Gonzales informed Jesus Salvador Otero-Martinez that he had \$750 to purchase heroin and that he would be arriving in "40 minutes."

Overt Act 61

On May 24, 2018, Nathan Gonzales and Elaine Zubiran traveled from Las Cruces, New Mexico, to the Ysleta Port of Entry in El Paso, Texas, for the purpose of obtaining heroin from Jesus Salvador Otero-Martinez, and, once there, Nathan Gonzales informed Jesus Salvador Otero-Martinez through Facebook Messenger that Elaine Zubiran had begun walking into Mexico.

Overt Act 62

On May 24, 2018, over Facebook Messenger, after Jesus Salvador Otero-Martinez told Nathan Gonzales, "You had told me that it was 750 and she's sending me 729 missing 21," Nathan Gonzales apologized and explained that they had used some of the money for gas, but Jesus Salvador Otero-Martinez responded, "That is not my problem . . . You owe me 21."

Overt Act 63

On May 24, 2018, Elaine Zubiran obtained approximately 31 grams of heroin from Jesus Salvador Otero-Martinez in Ciudad Juarez, Mexico, and attempted to smuggle the heroin into the United States through the Ysleta Port of Entry in El Paso, Texas.

Overt Act 64

On May 25, 2018, over Facebook Messenger, after Jesus Salvador Otero-Martinez rejected an offer from Desiree M. Vallejos to buy two ounces of heroin for \$1,000, Desiree M. Vallejos asked, "If we get 3 can you lower the prices a little," and Jesus Salvador Otero-Martinez responded, "1650 for 3," meaning Jesus Salvador Otero-Martinez was willing to sell three ounces of heroin for \$1,650.

Overt Act 65

On or about May 25, 2018, over Facebook Messenger, Desiree M. Vallejos ordered heroin from Jesus Salvador Otero-Martinez and informed Jesus Salvador Otero-Martinez that Desiree M. Vallejos would be sending "Misty" (Misty A. Baca) to obtain the heroin.

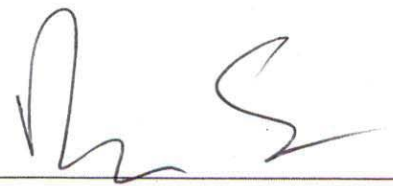
Overt Act 66


On or about May 26, 2018, Misty A. Baca obtained approximately 21 grams of heroin from Jesus Salvador Otero-Martinez in Ciudad Juarez, Mexico, and attempted to smuggle the heroin into the United States through the Ysleta Port of Entry in El Paso, Texas.

In violation of 21 U.S.C. § 846.

A TRUE BILL:

/s/
FOREPERSON OF THE GRAND JURY


Assistant United States Attorney


8/20/2018 4:34 PM