

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,"
MICHAEL CRESPIAN,
GABRIEL SOLTERO, and
GERARDO ZAMARRIPA,**

Defendants.

CRIMINAL NO. 18CR2757RB

Count 1: 21 U.S.C. § 846: Conspiracy;

Counts 2 and 3: 21 U.S.C. §§ 841(a)(1),
(b)(1)(C): Possession With Intent to
Distribute Heroin; 18 U.S.C. § 2: Aiding
and Abetting.

INDICTMENT

The Grand Jury charges:

Count 1

From on or about September 28, 2017, and continuing to on or about to June 4, 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," MICHAEL CRESPIAN, GABRIEL SOLTERO, and GERARDO ZAMARRIPA**, 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," MICHAEL CRESPIN, and GABRIEL SOLTERO**, 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 September 28, 2017, Michael Crespin drove to pick up Gabriel Soltero so that Gabriel Soltero could travel to Ciudad Juarez, Mexico, to obtain heroin from Jesus Salvador Otero-Martinez using \$4,642 in drug proceeds that Michael Crespin had in his possession.

Overt Act 2

On February 7, 2018, Michael Crespin met with an individual, who, unbeknownst to him was cooperating with law enforcement, at Michael Crespin's residence in Las Cruces, New Mexico, where Michael Crespin sold approximately 8.51 grams of heroin to the individual cooperating with law enforcement.

Overt Act 3

On February 14, 2018, Michael Crespin met with an individual, who, unbeknownst to him was cooperating with law enforcement, at Michael Crespin's residence in Las Cruces, New Mexico, where Michael Crespin sold approximately 7.08 grams of heroin to the individual cooperating with law enforcement.

Overt Act 4

On March 14, 2018, Michael Crespin met with an individual, who, unbeknownst to him was cooperating with law enforcement, at Michael Crespin's residence in Las Cruces, New Mexico, where he sold approximately 7.9 grams of heroin to the individual cooperating with law enforcement.

Overt Act 5

On March 16, 2018, over Facebook Messenger, Michael Crespin ordered four and a half ounces of heroin from Jesus Salvador Otero-Martinez and told Jesus Salvador Otero-Martinez "I'm on my way ok."

Overt Act 6

On March 16, 2018, Michael Crespin and Gabriel Soltero 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, Michael Crespin informed Jesus Salvador Otero-Martinez through Facebook Messenger that "Gabe" (Gabriel Soltero) had begun walking into Mexico.

Overt Act 7

On March 16, 2018, over Facebook Messenger, Gabriel Soltero told Jesus Salvador Otero-Martinez that he had arrived in Mexico.

Overt Act 8

On March 16, 2018, Gabriel Soltero obtained heroin from an associate of 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 9

On April 20, 2018, over Facebook Messenger, Michael Crespín made arrangements to obtain heroin from Jesus Salvador Otero-Martínez.

Overt Act 10

On April 20, 2018, Michael Crespín and Gabriel Soltero traveled from Las Cruces, New Mexico, to the Bridge of the Americas Port of Entry in El Paso, Texas, for the purpose of obtaining heroin from Jesus Salvador Otero-Martínez, and, once there, Michael Crespín informed Jesus Salvador Otero-Martínez through Facebook Messenger that they would be using the “free bridge,” meaning the Bridge of the Americas, to enter into Mexico.

Overt Act 11

On April 20, 2018, over Facebook Messenger, Gabriel Soltero told Jesus Salvador Otero-Martínez that he had arrived in Mexico.

Overt Act 12

On April 20, 2018, Gabriel Soltero obtained heroin from an associate of Jesus Salvador Otero-Martínez in Ciudad Juárez, Mexico, and smuggled the heroin into the United States through the Bridge of the Americas Port of Entry in El Paso, Texas.

Overt Act 13

On April 20, 2018, Gabriel Soltero provided 95.9 grams of heroin that had been obtained from an associate of Jesus Salvador Otero-Martínez in Ciudad Juárez, Mexico, to Michael Crespín, and Michael Crespín and Gabriel Soltero traveled back to Las Cruces, New Mexico, where they were stopped by law enforcement.

Overt Act 14

On or about June 4, 2018, over Facebook Messenger, Michael Crespín made arrangements to obtain heroin from Jesus Salvador Otero-Martínez.

Overt Act 15

On June 4, 2018, Michael Crespin and Gerardo Zamarripa 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 16

On June 4, 2018, Gerardo Zamarripa obtained 48.94 grams of 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 17

On June 4, 2018, after Gerardo Zamarripa had smuggled the heroin into the United States, Michael Crespin and Gerardo Zamarripa traveled back to Las Cruces, New Mexico, where they were stopped by law enforcement.

In violation of 21 U.S.C. § 846.

Count 2

On or about April 20, 2018, in Doña Ana County, in the District of New Mexico, the defendants, **GABRIEL SOLTERO** and **MICHAEL CRESPIN**, unlawfully, knowingly and intentionally possessed with intent to distribute a controlled substance, a mixture and substance containing a detectable amount of heroin.

In violation of 21 U.S.C. §§ 841(a)(1) and (b)(1)(C), and 18 U.S.C. § 2.

Count 3

On or about June 4, 2018, in Doña Ana County, in the District of New Mexico, the defendants, **MICHAEL CRESPIN** and **GERARDO ZAMARRIPA**, unlawfully, knowingly and intentionally possessed with intent to distribute a controlled substance, a mixture and substance containing a detectable amount of heroin.

In violation of 21 U.S.C. §§ 841(a)(1) and (b)(1)(C), and 18 U.S.C. § 2.

FORFEITURE ALLEGATIONS

The allegations contained in Counts 1 and 2 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. §§ 841 or 846, the defendant, **MICHAEL CRESPIN**, 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 \$8,142 in U.S. currency, representing the proceeds obtained, directly or indirectly, as a result of the offenses set forth in Counts 1 and 2.

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.

A TRUE BILL:



Assistant United States Attorney



8/22/2018 4:31 PM

/s/

FOREPERSON OF THE GRAND JURY