

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF PUERTO RICO

RECEIVED & FILED  
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NOV 12 2014

UNITED STATES OF AMERICA,  
Plaintiff,

v.

SEALED,  
Defendants.

CRIMINAL NO. 14-677(CC)

US DISTRICT COURT  
SAN JUAN, PR

MOTION TO SEAL INDICTMENT

TO THE HONORABLE COURT:

COMES NOW, the United States of America, by the undersigned attorneys, and very respectfully states and prays as follows:


1. That attached to this motion is a sealed envelope containing an Indictment.
2. That after due consideration by this Honorable Court, the United States of America respectfully requests that the pleading be kept under seal until the arrest of any defendant in the instant case.

WHEREFORE, the United States of America respectfully prays the Court to grant this request.

RESPECTFULLY SUBMITTED.

In San Juan, Puerto Rico, this 12<sup>th</sup> day of November, 2014.

ROSA EMILIA RODRIGUEZ-VÉLEZ  
United States Attorney

  
 \_\_\_\_\_  
 Teresa S. Zapata - U.S.D.C.# 224804  
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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF PUERTO RICO

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NOV 13 2014  
US DISTRICT COURT  
SAN JUAN, PR

UNITED STATES OF AMERICA,

Plaintiff,

v.

- [1] Henry Diaz Texidor  
a.k.a. "Canto"  
(Counts One through Five)
- [2] Enrique Osorio Giron  
a.k.a. "Yun Yun"  
(Counts One through Five)
- [3] Frederick Torres Merced  
a.k.a. "Sombel", a.k.a. "Sombay"  
(Counts One through Five)
- [4] Miguel A. Pagan Catala  
a.k.a. "Guelo"  
(Counts One through Five)
- [5] Luis Javier Rios Catala  
a.k.a. "Javi"  
(Counts One through Five)
- [6] Saul O. Rodriguez Rodriguez  
(Counts One through Five)
- [7] Jose Verdejo Santiago  
a.k.a. "Colo", a.k.a. "Colito"  
(Counts One through Five)
- [8] Edgariel Medina Rolon  
a.k.a. "Precio", a.k.a. "Precioso"  
(Counts One through Five)
- [9] Tomas Benitez Gonzalez  
a.k.a. "Tommy"  
(Counts One through Five)
- [10] Giovanni Burgos Arroyo  
a.k.a. "Gino"  
(Counts One through Five)
- [11] Larry Liboy Lopez-Cepero  
a.k.a. "Gordo"  
(Counts One through Five)

INDICTMENT

CRIMINAL NO. 14-677 (CC)

Violations:

**(COUNT ONE)**

Title 21, United States Code, §§ 841(a)(1), 846, and 860

**(COUNT TWO)**

Title 21, United States Code, §§ 841(a)(1) and 860 and Title 18, United States Code, § 2

**(COUNT THREE)**

Title 21, United States Code, §§ 841(a)(1) and 860 and Title 18, United States Code, § 2

**(COUNT FOUR)**

Title 21, United States Code, §§ 841(a)(1) and 860 and Title 18, United States Code, § 2

**(COUNT FIVE)**

Title 21, United States Code, §§ 841(a)(1) and 860 and Title 18, United States Code, § 2

**Narcotics Forfeiture Allegation**

Title 21, United States Code, § 853 and Rule 32.2(a) F.R.C.P.

**(FIVE COUNTS)**

[12] Josue Machado de Jesus  
a.k.a "Indio"

(Counts One through Five)

[13] Jesus M. Marquez Rosario  
a.k.a. "Pacquiao", a.k.a. "Montepark", a.k.a.  
"Tazmania"

(Counts One through Five)

[14] Alexander Rosado Ruiz  
a.k.a. "Cachito"

(Counts One through Five)

[15] Jose Abel Rosado Ruiz  
a.k.a. "Puchito"

(Counts One through Five)

[16] Joshua Rosario Cruz  
(Counts One through Five)

[17] Danny Tejada Rosado  
a.k.a "Pocheche", a.k.a. "Poche"

(Counts One through Five)

[18] Roberto Garcia Sanchez  
a.k.a. "Robert"

(Counts One through Five)

THE GRAND JURY CHARGES:

**COUNT ONE**

**(Conspiracy to Possess with Intent to Distribute Controlled Substances)**

Beginning on a date unknown, but no later than in or about the year 2005, and continuing up to and until in or about November 2014, in the Municipality of San Juan, District of Puerto Rico and elsewhere within the jurisdiction of this Court,

[1] Henry Diaz Texidor a.k.a. "Canto"

[2] Enrique Osorio Giron a.k.a. "Yun Yun"

[3] Frederick Torres Merced a.k.a. "Sombel", a.k.a. "Sombay"

[4] Miguel A. Pagan Catala a.k.a. "Guelo"

[5] Luis Javier Rios Catala a.k.a. "Javi"

- [6] **Saul O. Rodriguez Rodriguez**
- [7] **Jose Verdejo Santiago a.k.a. "Colo", a.k.a. "Colito"**
- [8] **Edgariel Medina Rolon a.k.a. "Precio", a.k.a. "Precioso"**
- [9] **Tomas Benitez Gonzalez a.k.a. "Tommy"**
- [10] **Giovanni Burgos Arroyo a.k.a. "Gino"**
- [11] **Larry Liboy Lopez-Cepero a.k.a. "Gordo"**
- [12] **Josue Machado de Jesus a.k.a. "Indio"**
- [13] **Jesus M. Marquez Rosario a.k.a "PacQUIAO", a.k.a. "Montepark", a.k.a. "Tazmania"**
- [14] **Alexander Rosado Ruiz a.k.a. "Cachito"**
- [15] **Jose Abel Rosado Ruiz a.k.a. "Puchito"**
- [16] **Joshua Rosario Cruz**
- [17] **Danny Tejada Rosado a.k.a. "Pocheche", a.k.a. "Poche"**
- [18] **Roberto Garcia Sanchez a.k.a. "Robert"**

the defendants herein, did knowingly and intentionally combine, conspire, confederate, and agree with each other and with other persons known and unknown to the Grand Jury, to commit an offense against the United States, that is, to knowingly and intentionally possess with intent to distribute and/or to distribute controlled substances, to wit: in excess of five (5) kilograms of a mixture or substance containing a detectable amount of cocaine, a Schedule II, Narcotic Drug Controlled Substance; one (1) kilogram or more of a mixture or substance containing a detectable amount of heroin, a Schedule I, Narcotic Drug Controlled Substance; 280 grams or more of a mixture or substance containing a detectable amount of cocaine base (crack), a Schedule II Narcotic Drug Controlled Substance; and 100 kilograms or more of a mixture or substance containing a detectable amount of marijuana, a Schedule I, Controlled Substance within one thousand (1,000) feet of a real property comprising housing facility owned by a public housing authority. All in violation of Title 21, United States Code Sections 841(a)(1), 846 and 860.

### **I. OBJECT OF THE CONSPIRACY**

The object of the conspiracy was the large scale distribution of controlled substances at the El Trebol Public Housing Project (hereinafter "El Trebol") located within the Municipality of San Juan, Puerto Rico, all for significant financial gain and profit.

## **II. MANNER AND MEANS OF THE CONSPIRACY**

The manner and means by which the defendants and co-conspirators would accomplish and further the object of the conspiracy, among others, included the following:

1. It was part of the manner and means of the conspiracy that the defendants and their co-conspirators would purchase wholesale quantities of heroin, cocaine, marijuana and prescription pills in order to distribute the same in street quantity amounts at their drug distribution points located at the El Trebol Public Housing Project, located within the Municipality of San Juan, Puerto Rico.

2. It was a further part of the manner and means of the conspiracy that some of the cocaine purchased at wholesale quantities would be converted "cooked" into crack cocaine for subsequent sale and distribution at their drug distribution points.

3. It was further part of the manner and means of the conspiracy that the defendants and their co-conspirators had significant ties to the drug trafficking organization and would act in different roles in order to further the goals of the conspiracy, to wit: Leaders and drug owners directly controlled and supervised the drug trafficking activities at the drug points located within the El Trebol Public Housing Project in San Juan, Puerto Rico. Leaders would also at times, delegate the administration and day to day operations of the drug point to other co-conspirators. The runners were responsible for providing sufficient narcotics to the sellers for further distribution at the drug point and collecting the proceeds of drug sales. Sellers would distribute street quantity amounts of heroin, crack cocaine, cocaine, and marijuana. Facilitators would act as lookouts, would allow the use of their residences by the drug trafficking organization, and served as messengers and intermediaries in drug transactions for other members of the conspiracy. Some leaders, runners, sellers and facilitators would at times act as enforcers, possessing, carrying, brandishing, using and discharging firearms to protect the members of the drug trafficking organization, the narcotics, the proceeds derived from their sales, and to further accomplish the goals of the conspiracy.

4. It was further a part of the manner and means of the conspiracy that members of the organization would perform more than one role in furtherance of accomplishing the goals of the conspiracy.

5. It was further part of the manner and means of the conspiracy that members of the drug distribution organization allowed multiple "brands" of controlled substances to be sold at the El Trebol Public Housing Project drug distribution point simultaneously. Those "brands" of substances would have different prices and were owned by different members of the organization during the span of the conspiracy.

6. It was further a part of the manner and means of the conspiracy that at times during the span of the conspiracy, the narcotics being sold at the drug point in the El Trebol Public Housing Project were identified by color and with stickers.

7. It was further part of the manner and means of the conspiracy that some of the defendants and their co-conspirators would use residences located within El Trebol as stash locations needed to further the objective of the conspiracy.

8. It was further part of the manner and means of the conspiracy that some of the defendants and their co-conspirators would routinely possess, carry, brandish, and use firearms to protect themselves and their drug trafficking organization.

9. It was further part of the manner and means of the conspiracy that members of the drug trafficking organization would use force, violence, threats and intimidation in order to intimidate rival drug trafficking organizations, and in order to discipline members of their own drug trafficking organization.

10. It was further part of the manner and means of the conspiracy that the defendants and their co-conspirators would undertake different activities and/or tasks required to administer the daily activities of the aforementioned drug distribution points.

11. It was further part of the manner and means of the conspiracy that sellers would obtain their earnings from the proceeds of the narcotics that they sold.

12. It was further a part of the manner and means of the conspiracy that sellers, runners and drug owners would use written tally sheets in order to keep track of the amounts of narcotics being sold during a shift.

13. It was further part of the manner and means of the conspiracy that some of the defendants and their co-conspirators, after decking the narcotics into "baggies", would place the baggies into individual, larger, "bundles" or "packages". Each bundle or package would contain numerous "baggies" or decks of a specific type of narcotic that was subsequently sold at the various drug points.

14. It was further a manner and means of the conspiracy that lookouts would be posted with two way radios (walkie-talkies) in specific areas of the El Trebol Public Housing Project in order to alert other DTO members of police presence and/or the presence of rival gangs. Sellers, runners, drug owners and leaders would also possess two-way radios in order to communicate with each other as part of the drug trafficking activities.

15. It was further a part of the manner and means of the conspiracy that locks would be placed by members of the organization on gates located in the common areas of the El Trebol PHP buildings in order to protect the sellers from law enforcement.

16. It was further a part of the conspiracy that members of the organization would possess and distribute different types of controlled substances at the same time.

**(Intentionally Blank)**

**COUNT TWO**

**(Aiding and Abetting in the Possession/Distribution of Cocaine)**

Beginning on a date unknown, but no later than in or about the year 2005, and continuing up to and until in or about November 2014, in the Municipality of San Juan, District of Puerto Rico and elsewhere within the jurisdiction of this Court,

- [1] Henry Diaz Texidor a.k.a. "Canto"
- [2] Enrique Osorio Giron a.k.a. "Yun Yun"
- [3] Frederick Torres Merced a.k.a. "Sombel", a.k.a. "Sombay"
- [4] Miguel A. Pagan Catala a.k.a. "Guelo"
- [5] Luis Javier Rios Catala a.k.a. "Javi"
- [6] Saul O. Rodriguez Rodriguez
- [7] Jose Verdejo Santiago a.k.a. "Colo", a.k.a. "Colito"
- [8] Edgariel Medina Rolon a.k.a. "Precio", a.k.a. "Precioso"
- [9] Tomas Benitez Gonzalez a.k.a. "Tommy"
- [10] Giovanni Burgos Arroyo a.k.a. "Gino"
- [11] Larry Liboy Lopez-Cepero a.k.a. "Gordo"
- [12] Josue Machado de Jesus a.k.a. "Indio"
- [13] Jesus M. Marquez Rosario a.k.a. "PacQUIAO", a.k.a. "Montepark", a.k.a. "Tazmania"
- [14] Alexander Rosado Ruiz a.k.a. "Cachito"
- [15] Jose Abel Rosado Ruiz a.k.a. "Puchito"
- [16] Joshua Rosario Cruz
- [17] Danny Tejada Rosado a.k.a. "Pocheche", a.k.a. "Poche"
- [18] Roberto Garcia Sanchez a.k.a. "Robert"

the defendants herein, aiding and abetting each other, did knowingly and intentionally possess with intent to distribute five (5) kilograms or more of a mixture or substance containing a detectable amount of cocaine, a Schedule II Narcotic Drug Controlled Substance, within one thousand (1,000) feet of a real property comprising housing facility owned by a public housing authority. All in violation of Title 21, United States Code, §§ 841(a)(1), 860; and Title 18, United States Code, § 2.



**COUNT THREE**

**(Aiding and Abetting in the Possession/Distribution of Heroin)**

Beginning on a date unknown, but no later than in or about the year 2005, and continuing up to and until in or about November 2014, in the Municipality of San Juan, District of Puerto Rico and elsewhere within the jurisdiction of this Court,

- [1] Henry Diaz Texidor a.k.a. "Canto"
- [2] Enrique Osorio Giron a.k.a. "Yun Yun"
- [3] Frederick Torres Merced a.k.a. "Sombel", a.k.a. "Sombay"
- [4] Miguel A. Pagan Catala a.k.a. "Guelo"
- [5] Luis Javier Rios Catala a.k.a. "Javi"
- [6] Saul O. Rodriguez Rodriguez
- [7] Jose Verdejo Santiago a.k.a. "Colo", a.k.a. "Colito"
- [8] Edgariel Medina Rolon a.k.a. "Precio", a.k.a. "Precioso"
- [9] Tomas Benitez Gonzalez a.k.a. "Tommy"
- [10] Giovanni Burgos Arroyo a.k.a. "Gino"
- [11] Larry Liboy Lopez-Cepero a.k.a. "Gordo"
- [12] Josue Machado de Jesus a.k.a. "Indio"
- [13] Jesus M. Marquez Rosario a.k.a "PacQUIAO", a.k.a. "Montepark", a.k.a. "Tazmania"
- [14] Alexander Rosado Ruiz a.k.a. "Cachito"
- [15] Jose Abel Rosado Ruiz a.k.a. "Puchito"
- [16] Joshua Rosario Cruz
- [17] Danny Tejada Rosado a.k.a. "Pocheche", a.k.a. "Poche"
- [18] Roberto Garcia Sanchez a.k.a. "Robert"

the defendants herein, aiding and abetting each other, did knowingly and intentionally possess with intent to distribute one (1) kilogram or more of a mixture or substance containing a detectable amount of cocaine, a Schedule I Narcotic Drug Controlled Substance, within one thousand (1,000) feet of a real property comprising a housing facility owned by a public housing authority. All in violation of Title 21, United States Code, §§ 841(a)(1), 860; and Title 18, United States Code, § 2.

**COUNT FOUR**

**(Aiding and Abetting in the Possession/Distribution of Cocaine Base "Crack")**

Beginning on a date unknown, but no later than in or about the year 2005, and continuing up to and until in or about November 2014, in the Municipality of San Juan, District of Puerto Rico and elsewhere within the jurisdiction of this Court,

- [1] Henry Diaz Texidor a.k.a. "Canto"
- [2] Enrique Osorio Giron a.k.a. "Yun Yun"
- [3] Frederick Torres Merced a.k.a. "Sombel", a.k.a. "Sombay"
- [4] Miguel A. Pagan Catala a.k.a. "Guelo"
- [5] Luis Javier Rios Catala a.k.a. "Javi"
- [6] Saul O. Rodriguez Rodriguez
- [7] Jose Verdejo Santiago a.k.a. "Colo", a.k.a. "Colito"
- [8] Edgariel Medina Rolon a.k.a. "Precio", a.k.a. "Precioso"
- [9] Tomas Benitez Gonzalez a.k.a. "Tommy"
- [10] Giovanni Burgos Arroyo a.k.a. "Gino"
- [11] Larry Liboy Lopez-Cepero a.k.a. "Gordo"
- [12] Josue Machado de Jesus a.k.a. "Indio"
- [13] Jesus M. Marquez Rosario a.k.a "PacQUIAO", a.k.a. "Montepark", a.k.a. "Tazmania"
- [14] Alexander Rosado Ruiz a.k.a. "Cachito"
- [15] Jose Abel Rosado Ruiz a.k.a. "Puchito"
- [16] Joshua Rosario Cruz
- [17] Danny Tejada Rosado a.k.a. "Pocheche", a.k.a. "Poche"
- [18] Roberto Garcia Sanchez a.k.a. "Robert"

the defendants herein, aiding and abetting each other, did knowingly and intentionally possess with intent to distribute (280) grams or more of a mixture or substance containing a detectable amount of cocaine base "Crack", a Schedule II Narcotic Drug Controlled Substance, within one thousand (1,000) feet of a real property comprising a housing facility owned by a public housing authority. All in violation of Title 21, United States Code, §§ 841(a)(1), 860; and Title 18, United States Code, § 2.

**COUNT FIVE**

**(Aiding and Abetting in the Possession/Distribution of Marijuana)**

Beginning on a date unknown, but no later than in or about the year 2005, and continuing up to and until in or about November 2014, in the Municipality of San Juan, District of Puerto Rico and elsewhere within the jurisdiction of this Court,

- [1] Henry Diaz Texidor a.k.a. "Canto"
- [2] Enrique Osorio Giron a.k.a. "Yun Yun"
- [3] Frederick Torres Merced a.k.a. "Sombel", a.k.a. "Sombay"
- [4] Miguel A. Pagan Catala a.k.a. "Guelo"
- [5] Luis Javier Rios Catala a.k.a. "Javi"
- [6] Saul O. Rodriguez Rodriguez
- [7] Jose Verdejo Santiago a.k.a. "Colo", a.k.a. "Colito"
- [8] Edgariel Medina Rolon a.k.a. "Precio", a.k.a. "Precioso"
- [9] Tomas Benitez Gonzalez a.k.a. "Tommy"
- [10] Giovanni Burgos Arroyo a.k.a. "Gino"
- [11] Larry Liboy Lopez-Cepero a.k.a. "Gordo"
- [12] Josue Machado de Jesus a.k.a. "Indio"
- [13] Jesus M. Marquez Rosario a.k.a "Pacquiao", a.k.a. "Montepark", a.k.a. "Tazmania"
- [14] Alexander Rosado Ruiz a.k.a. "Cachito"
- [15] Jose Abel Rosado Ruiz a.k.a. "Puchito"
- [16] Joshua Rosario Cruz
- [17] Danny Tejada Rosado a.k.a. "Pocheche", a.k.a. "Poche"
- [18] Roberto Garcia Sanchez a.k.a. "Robert"

the defendants herein, aiding and abetting each other, did knowingly and intentionally possess with intent to distribute one hundred (100) kilograms or more of a mixture or substance containing a detectable amount of marijuana, a Schedule I Narcotic Drug Controlled Substance, within one thousand (1,000) feet of a real property comprising a housing facility owned by a public housing authority. All in violation of Title 21, United States Code, §§ 841(a)(1), 860; and Title 18, United States Code, § 2.

**NARCOTICS FORFEITURE ALLEGATION**

1. Upon conviction of one or more of the offenses alleged in Counts One through Five of this Indictment, pursuant to Title 21, United States Code, Section 853, each defendant shall forfeit to the United States of America any property constituting, or derived from, any proceeds obtained, directly or indirectly, as the result of such offenses and any property used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of, the offenses, including but not limited to a sum of money equal to the total amount of money involved in each offense, or conspiracy to commit such offense, for which the defendant is convicted. If more than one defendant is convicted of an offense, the defendants so convicted are jointly and severally liable for the amount involved in such offense.

2. If any of the property described above, as a result of any act or omission of the defendants: cannot be located upon the exercise of due diligence; has been transferred or sold to, or deposited with, a third party; has been placed beyond the jurisdiction of the court; has been substantially diminished in value; or has been commingled with other property which cannot be divided without difficulty, the United States of America shall be entitled to forfeiture of substitute property pursuant to Title 21, United States Code, Section 853(p).

TRUE BILL

FOREPERSON<sup>5</sup>


Date: 11/12/2014

**ROSA EMILIA RODRIGUEZ-VELEZ**

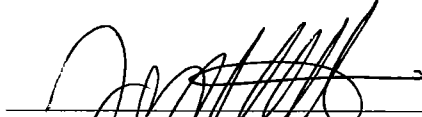
United States Attorney

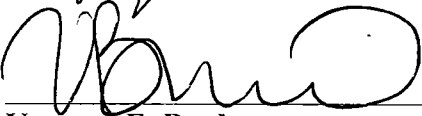
  
\_\_\_\_\_  
**José Ruiz-Santiago**

Assistant United States Attorney  
Chief Criminal Division

  
\_\_\_\_\_  
**Jenifer Y. Hernandez-Vega**

Assistant United States Attorney  
Deputy Chief, Narcotics Unit

  
\_\_\_\_\_  
**Teresa S. Zapata-Valladares**

Assistant United States Attorney  
  
\_\_\_\_\_  
**Vanessa E. Bonhomme**  
Assistant United States Attorney