

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA**

UNITED STATES OF AMERICA

v.

**ERNESTO RAMON ALI VALLES
AURA HERODIA MARTINEZ**

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CRIMINAL DOCKET NO. 11-90

SECTION: "F" (1)

FACTUAL BASIS

The above-named defendant, **AURA HERODIA MARTINEZ** , has agreed to plead guilty as charged to Counts One through Three of the Indictment now pending against her. Should this matter have proceeded to trial, the United States of America would have proven beyond a reasonable doubt, through the introduction of relevant, competent, and admissible testimonial, physical and demonstrative evidence, the following facts to support the allegation against the defendant, **AURA HERODIA MARTINEZ ("MARTINEZ")**:

Unless stated otherwise, all of the facts set forth herein occurred within the Eastern District of Louisiana.

On April 1, 2011, the Homeland Security Investigations (HSI) Gulf Coast Border Enforcement Security Task Force received information that vessels arriving from Colombia were

using crewmembers to smuggle drugs from the vessels into the United States. Agents learned that the Motor Vessel (M/V) Sea Wave was arriving at a port in Reserve, Louisiana from Barranquilla, Colombia and conducted surveillance at ADM Reserve, the port in Reserve, Louisiana. On April 7, the M/V Sea Wave arrived at ADM Reserve. Soon after the vessel arrived, a taxi carrying a female passenger, later identified as Aura Herodia MARTINEZ parked in a lot near the vessel. A short time later, two crewmembers, one of whom was later identified as Valles disembarked the vessel and entered the taxi. Valles was wearing loose fitting pants with a jacket, which was unusual given the warm temperatures at the time. A St. John Parish deputy assisted the HSI agents and followed the taxi to Laplace, Louisiana, maintaining constant surveillance, and conducted a traffic stop and extended border search of Valles. The deputy interviewed the passengers and noticed that Valles appeared to be extremely nervous. A pat down of Valles revealed tube like bulges under his pants. A pat down search of MARTINEZ revealed that she was carrying over \$8,000 cash. Because HSI agents previously provided to the deputy information regarding the manner in which crewmembers smuggle drugs, the deputy believed that the bulges in Valles' pants may have been secreted drugs and he notified the HSI agents. The HSI agents arrived on the scene and brought all the passengers to their office for additional interviews and processing.

Once at the HSI office, agents found sewn inside Valles' shorts 16 packets of drugs that field tested positive for heroin. Agents read Valles his *Miranda* rights and attempted to interview him but Valles refused to give a statement.

Agents also read MARTINEZ her *Miranda* rights and interviewed her. She told agents that she was a resident of New York and that a man named "Jose" also in New York gave her \$9000 to go from New York to New Orleans and give \$8000 to a crewmember on the M/V Sea Wave named

Ernesto Ali Valles. As payment, she was to keep \$1000 for herself. She also told the agents that she was aware that the money was for a narcotics transaction. She flew to New Orleans on April 4, 2011 via JetBlue with a ticket purchased by Jose and was to remain in New Orleans until Saturday, April 9, 2011. Jose also gave her a cell phone that she used to communicate with Valles twice daily.

Pursuant to the search of MARTINEZ, agents seized two cellular telephones from her possession. One of the phones was a Motorola Idenil bearing telephone number (347)472-7060. The other phone was a Motorola WX400 bearing telephone number (347)780-8318. Agents obtained from Valles an LG ME970d Shine cellular phone bearing phone number (323)532-9009. MARTINEZ told the agents that Jose gave her the Motorola wx400 phone and instructed her to use that phone to communicate with the crewmember (Valles) upon her arrival to the New Orleans area.

Records obtained from Sprint/Nextel confirm that the cellular phone account bearing telephone number (347)780-8318 was established on or about March 26, 2011, approximately ten days prior to MARTINEZ's arrival to the New Orleans area. Toll information obtained from Sprint/Nextel revealed that between April 3, 2011 and April 7, 2011, a total of sixty (60) phone calls and/or text messages were logged between MARTINEZ's Motorola phone bearing phone number (347)780-8318 and Valles' phone bearing phone number (323)532-9009. Further inspection of Valles' phone revealed that MARTINEZ's phone number (347-780-8318) was stored in his phone under the name "Alonso." Also stored in his phone was the phone number 505-861-45532, a Nicaraguan telephone number under the name "Julio." A further search of Valles' phone revealed a number of text messages between Valles and "Julio" as well as between Valles and "Alonso", or MARTINEZ. One message from Julio to Valles that took place on or about April 6, 2011 read as follows:

“Brother, let me know what time you are getting off so I can call the woman I told her it changed dock Let me know so I can call Pay attention to the dock situation See if there are any police”

A subsequent message from Valles to MARTINEZ read as follows:

“Cousin can’t get off today Immigration says there is bad weather in the river Are you here”

On April 7, 2011 at approximately 11:00 a.m., Julio sent the following message:

“Brother count its 16 sheets don’t spend much time with her receive and say bye the same one will call and will take you don’t take out much set it apart or put it in your shoe”

Agents also obtained the vessel’s documents, including the entrance statement, ship’s stores declaration and crew list. The documents confirm that the vessel departed from Barranquilla, Columbia headed to the ADM Reserve on March 28, 2011 and that Valles was a crewmember on the vessel at the time of its departure from Colombia through the time of its arrival at ADM Reserve.

The suspected heroin in the 16 tube like packets found in Valles’ shorts was analyzed at the Drug Enforcement Administration laboratory by forensic chemist Karen Hall. The drugs tested positive for heroin hydrochloride and had a net weight of 3054 grams, or 3.054 kilograms.

The defendant currently disputes Ms. Hall’s findings that the drugs weigh in excess of 3.0 kilograms. For purposes of the plea, however, the defendant does acknowledge that the drugs in the

16 tube like packages found in his shorts were in fact heroin hydrochloride and that the weight of the heroin was in excess of one kilogram.

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AURA HERODIA MARTINEZ (Date)
Defendant