

**FILED**

April 27, 2022

CLERK, U.S. DISTRICT COURT  
WESTERN DISTRICT OF TEXAS

By: SAJ Deputy

**SEALED**

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS**

**MIDLAND/ODESSA DIVISION Cause No.: 7:22-CR-00109**

**UNITED STATES OF AMERICA**

Plaintiff

v

**(1) FELIPE DIEGO ALONZO, AKA  
SIETE, AKA EL PATRON, AKA EL  
JEFE  
(2) NESLY NORBERTO MARTINEZ  
GOMEZ, AKA CANCHE, AKA GUERO  
(3) LOPEZ MATEO MATEO, AKA  
BUD LIGHT, AKA BAT LAY, AKA  
MATEO LOPEZ  
(4) JUAN GUTIERREZ CASTRO, AKA  
ANDRES, AKA JOSE DE LA CRUZ**

Defendants

**INDICTMENT**

**COUNT 1: 8 U.S.C. § 1324**  
Conspiracy to Bring an Alien to the US  
Resulting in Death, Bringing an Alien to the  
US Resulting in Death, Conspiracy to Bring  
an Alien to the US for Financial Gain, and  
Conspiracy to Encourage and Induce an  
Alien to Come to the US for Financial Gain

**THE GRAND JURY CHARGES:**

**Introduction**

1. Between in or about August 2019 through April 27, 2022, the Defendants, FELIPE DIEGO ALONZO, NESLY NORBERTO MARTINEZ GOMEZ, LOPEZ MATEO MATEO, and JUAN GUTIERREZ CASTRO together with others, participated in a human smuggling operation by which individuals from Guatemala and elsewhere (collectively “Aliens”), were illegally brought to the United States. The Aliens were not United States citizens and did not have prior official authorization from the United States government to come to, enter, and reside in the United States. The Aliens or their families and friends paid money, generally around \$10,000-\$12,000, to individuals in Guatemala, Mexico, the United States, and elsewhere, to be smuggled to the United States.

2. The defendants, FELIPE DIEGO ALONZO, NESLY NORBERTO MARTINEZ GOMEZ, LOPEZ MATEO MATEO, and JUAN GUTIERREZ CASTRO conspired with other smugglers facilitating the travel of Aliens from Guatemala, through Mexico, and into the United States.

3. In return for smuggling the Aliens to the United States, the defendants, FELIPE DIEGO ALONZO, NESLY NORBERTO MARTINEZ GOMEZ, LOPEZ MATEO MATEO, and JUAN GUTIERREZ CASTRO along with their co-conspirators, arranged to be paid in Guatemala, Mexico, the United States, and elsewhere.

4. In or about February 2021, the defendants, FELIPE DIEGO ALONZO, NESLY NORBERTO MARTINEZ GOMEZ, LOPEZ MATEO MATEO, and JUAN GUTIERREZ CASTRO along with their co-conspirators, agreed to smuggled Alien M.A.R.C. from Quiche, Guatemala, to the United States in exchange for almost \$10,000.

5. In early April 2021, the defendants, FELIPE DIEGO ALONZO, NESLY NORBERTO MARTINEZ GOMEZ, LOPEZ MATEO MATEO, and JUAN GUTIERREZ CASTRO along with their co-conspirators, directed M.A.R.C. on a journey on foot through the desert which took several days. M.A.R.C. died as a result of the journey.

6. Subsequently, FELIPE DIEGO ALONZO, NESLY NORBERTO MARTINEZ GOMEZ, LOPEZ MATEO MATEO, and JUAN GUTIERREZ CASTRO along with their co-conspirators, arranged for the body of M.A.R.C. to be moved from an alien stash house and dumped on the side of a roadway.

7. After disposing of the body of M.A.R.C., defendants, FELIPE DIEGO ALONZO, NESLY NORBERTO MARTINEZ GOMEZ, LOPEZ MATEO MATEO, and JUAN GUTIERREZ CASTRO, along with their co-conspirators, paid the family of M.A.R.C. money in Guatemala.

**COUNT ONE**

**(Conspiracy to Bring an Alien to the United States Resulting in Death)  
[8 U.S.C. §§ 1324(a)(1)(A)(i) and 1324(a)(1)(B)(iv)]**

8. Paragraphs 1 through 7 of this Indictment are realleged and incorporated as though fully set forth herein.

9. From in or about August 2019 through April 27, 2022, in the Western District of Texas and elsewhere, the Defendants,

**(1) FELIPE DIEGO ALONZO, AKA SIETE, AKA EL PATRON, AKA EL JEFE**

**(2) NESLY NORBERTO MARTINEZ GOMEZ, AKA CANCHE, AKA GUERO**

**(3) LOPEZ MATEO MATEO, AKA BUD LIGHT, AKA BAT LAY, AKA MATEO  
LOPEZ, and**

**(4) JUAN GUTIERREZ CASTRO, AKA ANDRES, AKA JOSE DE LA CRUZ,**

did knowingly and intentionally combine, conspire, confederate and agree with others known and unknown to the Grand Jury, knowing that a person is an alien, to bring and attempt to bring to the United States in any manner whatsoever such person at a place other than a designated port of entry or place other than as designated by the Commissioner, regardless of whether such alien had received prior official authorization to come to, enter, and reside in the United States and regardless of any future official action which may be taken in respect to such alien, resulting in the death of M.A.R.C., in violation of Title 8, United States Code, Sections 1324(a)(1)(A)(i) and 1324(a)(1)(B)(iv).

All in violation of Title 8, United States Code, Section 1324(a)(1)(A)(v)(I).

**COUNT TWO**

**(Bringing an Alien to the United States Resulting in Death)  
[8 U.S.C. §§ 1324(a)(2)(B)(i), 1324(a)(1)(B)(iv) and 18 U.S.C. § 2]**

10. Paragraphs 1 through 7 of this indictment are realleged and incorporated as though fully set forth herein.

11. In or about April 2021, in the Western District of Texas and elsewhere, the Defendants,

**(1) FELIPE DIEGO ALONZO, AKA SIETE, AKA EL PATRON, AKA EL JEFE**

**(2) NESLY NORBERTO MARTINEZ GOMEZ, AKA CANCHE, AKA GUERO**

**(3) LOPEZ MATEO MATEO, AKA BUD LIGHT, AKA BAT LAY, AKA MATEO**

**LOPEZ, and**

**(4) JUAN GUTIERREZ CASTRO, AKA ANDRES, AKA JOSE DE LA CRUZ,**

and others known and unknown to the Grand Jury, aiding and abetting each other, did knowingly bring, and attempt to bring, in any manner whatsoever, an alien, M.A.R.C. to the United States, knowing and in reckless disregard of the fact that said alien had not received prior official authorization to come to, enter, and reside in the United States, regardless of any official action which may later be taken with respect to said alien, resulting in the death of M.A.R.C.

All in violation of Title 8, United States Code, Section 1324(a)(2)(B)(i), 1324(a)(1)(B)(iv), and Title 18, United States Code, Section 2.

**COUNT THREE**

**(Conspiracy to Bring an Alien to the United States for Financial Gain)  
[8 U.S.C. §§ 1324(a)(1)(A)(i) and 1324(a)(1)(B)(i)]**

12. Paragraphs 1 through 7 of this Indictment are realleged and incorporated as though fully set forth herein.

13. From in or about August 2019 through April 27, 2022, in the Western District of Texas and elsewhere, the Defendants,

**(1) FELIPE DIEGO ALONZO, AKA SIETE, AKA EL PATRON, AKA EL JEFE**

**(2) NESLY NORBERTO MARTINEZ GOMEZ, AKA CANCHE, AKA GUERO**

**(3) LOPEZ MATEO MATEO, AKA BUD LIGHT, AKA BAT LAY, AKA MATEO  
LOPEZ, and**

**(4) JUAN GUTIERREZ CASTRO, AKA ANDRES, AKA JOSE DE LA CRUZ,**

and others known and unknown to the Grand Jury, for the purpose of commercial advantage or private financial gain, did knowingly and intentionally combine, conspire, confederate and agree with others known and unknown to the Grand Jury, knowing that a person is an alien, to bring and attempt to bring to the United States in any manner whatsoever such person at a place other than a designated port of entry or place other than as designated by the Commissioner, regardless of whether such alien had received prior official authorization to come to, enter, and reside in the United States and regardless of any future official action which may be taken in respect to such alien, in violation of Title 8, United States Code, Sections 1324(a)(1)(A)(i) and 1324(a)(1)(B)(i).

All in violation of Title 8, United States Code, Section 1324(a)(1)(A)(v)(I).

**COUNT FOUR**

**(Conspiracy to Encourage and Induce an Alien to Enter  
the United States for Financial Gain)**

**[8 U.S.C. §§ 1324(a)(1)(A)(iv) and (v)(I), and 1324(a)(1)(B)(i)]**

14. Paragraphs 1 through 7 of this Indictment are realleged and incorporated as though fully set forth herein.

15. From in or about August 2019 through April 27, 2022, in the Western District of Texas and elsewhere, the Defendants,

**(1) FELIPE DIEGO ALONZO, AKA SIETE, AKA EL PATRON, AKA EL JEFE**

**(2) NESLY NORBERTO MARTINEZ GOMEZ, AKA CANCHE, AKA GUERO**

**(3) LOPEZ MATEO MATEO, AKA BUD LIGHT, AKA BAT LAY, AKA MATEO  
LOPEZ, and**

**(4) JUAN GUTIERREZ CASTRO, AKA ANDRES, AKA JOSE DE LA CRUZ,**

and others known and unknown to the Grand Jury, for the purpose of commercial advantage and private financial gain, did knowingly and intentionally conspire to encourage and induce an alien to come to and enter the United States, knowing and in reckless disregard of the fact that such coming to and entry was and would be in violation of law, in violation of Title 8, United States Code, Sections 1324(a)(1)(A)(iv) and (v)(I), and 1324(a)(1)(B)(i).

FORFEITURE ALLEGATION

16. Upon conviction of any of the offenses alleged in Count One through Count Four of this Indictment, the defendants shall forfeit to the United States:

- a. any conveyance, including any vessel, vehicle, or aircraft, used in the commission of the offenses, pursuant to Title 18, United States Code, Section 982(a)(6)(A)(i);
- b. any property, real or personal, that constitutes, or is derived from or is traceable to the proceeds obtained directly or indirectly from the commission of the offenses, and any property, real or personal, that was used to facilitate, or was intended to be used to facilitate, the commission of the offenses, pursuant to Title 18, United States Code, Section 982(a)(6)(A)(ii); and
- c. any conveyance, including any vessel, vehicle, or aircraft, that has been or is being used in the commission of the offenses, the gross proceeds of such violations, and any property traceable to such conveyances or proceeds, pursuant to Title 8, United States Code, Section 1324(b) and Title 28, United States Code, Section 2461(c).

The United States will also seek a forfeiture money judgment against the defendants in the amount equal to the value of any property, real or personal, that constitutes, or is derived from or is traceable to the proceeds obtained directly or indirectly from these offenses, and the gross proceeds of these offenses, and any property traceable to such proceeds.

**SUBSTITUTE ASSET PROVISION**

If any of the property described above as being subject to forfeiture, as a result of any act or omission of the defendants:

- 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 that cannot be divided without difficulty;

the defendants shall forfeit to the United States any other property of the defendant, up to the value of the property described above, pursuant to Title 21, United States Code, Section 853(p).

(Criminal Forfeiture, pursuant to Title 18, United States Code, Section 982(a)(6),

Title 8, United States Code, Section 1324(b), Title 28, United States Code,

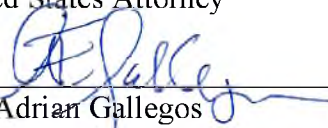
Section 2461(c), and Title 21, United States Code, Section 853(p))

A TRUE BILL



FOREPERSON

ASHLEY C. HOFF  
United States Attorney

By:   
Adrian Gallegos  
John A. Fedock  
Assistant United States Attorney

KENNETH A. POLITE, JR.  
Assistant Attorney General  
Department of Justice  
Criminal Division



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JAMES HEPBURN  
Trial Attorney  
Criminal Division  
Human Rights and Special Prosecutions Section