

Benjamin W. Schrier

Approved: _____
Alexander Li
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Assistant United States Attorneys

Before: HONORABLE JAMES L. COTT
United States Magistrate Judge
Southern District of New York

21 MAG 1432

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	:	
UNITED STATES OF AMERICA	:	<u>COMPLAINT</u>
	:	
- v. -	:	Violation of
	:	21 U.S.C. § 963
JOSE LORETO GASTELUM-TORRES, and	:	
FREDY ALEJANDRO GASTELUM-VEGA,	:	COUNTY OF OFFENSE:
	:	
Defendants.	:	NEW YORK
	:	
- - - - -	x	

SOUTHERN DISTRICT OF NEW YORK, ss.:

DANIELLE DREYER, being duly sworn, deposes and says that she is a Special Agent with the Drug Enforcement Administration ("DEA") and charges as follows:

COUNT ONE
(Methamphetamine and Fentanyl Importation Conspiracy)

1. In or about January 2021, in Mexico and elsewhere, and in an offense begun and committed out of the jurisdiction of any particular state or district of the United States, JOSE LORETO GASTELUM-TORRES and FREDY ALEJANDRO GASTELUM-VEGA, the defendants, and others known and unknown, at least one of whom is expected to be first brought to and arrested in the Southern District of New York, intentionally and knowingly combined, conspired, confederated, and agreed together and with each other to violate the narcotics laws of the United States.

2. It was a part and an object of the conspiracy that JOSE LORETO GASTELUM-TORRES and FREDY ALEJANDRO GASTELUM-VEGA, the defendants, and others known and unknown, would and did import into the United States and into the customs territory of the United States from a place outside thereof controlled substances, in

violation of Title 21, United States Code, Sections 952(a) and 960(a)(1).

3. It was further a part and an object of the conspiracy that JOSE LORETO GASTELUM-TORRES and FREDY ALEJANDRO GASTELUM-VEGA, the defendants, and others known and unknown, would and did manufacture, distribute, and possess with intent to distribute controlled substances, intending, knowing, and having reasonable cause to believe that such substances would be unlawfully imported into the United States and into waters within a distance of 12 miles of the coast of the United States, in violation of Title 21, United States Code, Sections 959(a) and 960(a)(3).

4. The controlled substances that JOSE LORETO GASTELUM-TORRES and FREDY ALEJANDRO GASTELUM-VEGA, the defendants, conspired to (a) import into the United States and into the customs territory of the United States from a place outside thereof, and (b) manufacture, distribute, and possess with intent to distribute, intending, knowing, and having reasonable cause to believe that such substances would be unlawfully imported into the United States and into waters within a distance of 12 miles of the coast of the United States, were (i) 500 grams and more of mixtures and substances containing a detectable amount of methamphetamine, its salts, isomers, and salts of its isomers, in violation of Title 21, United States Code, Section 960(b)(1)(H); and (ii) 400 grams and more of mixtures and substances containing a detectable amount of fentanyl, in violation of Title 21, United States Code, Section 960(b)(1)(F).

(Title 21, United States Code, Section 963; and
Title 18, United States Code, Section 3238.)

The bases for my knowledge and for the foregoing charge are, in part, as follows:

5. I am a Special Agent with the DEA and I have been personally involved in the investigation of this matter. This affidavit is based on my personal participation in the investigation of this matter, and my conversations with law enforcement officers and employees, as well as a review of documents and other records. Because this affidavit is being submitted for the limited purpose of establishing probable cause, it does not include all the facts that I have learned during the course of my investigation. Where the actions, statements, and conversations of others are reported herein, they are reported in substance and in part, except where otherwise indicated.

6. Based on my participation in this investigation, my review of documents and other records, and my conversations with other law enforcement officers and employees, I have learned the following, in substance and in part:

a. On or about January 29, 2021, officers from the Secretaría de Marina ("SEMAR" or the "Mexican Navy") began attempting to locate and track an outboard-powered vessel ("Boat-1") that had recently departed from in or around Las Arenitas, Sinaloa, Mexico. Shortly thereafter, SEMAR officers located Boat-1 off the coast of Mexico through aerial reconnaissance. Boat-1 was traveling approximately northwest through the Gulf of California, in the general direction of Baja California, Mexico. At or around the time that SEMAR officers located Boat-1, SEMAR officers observed Boat-1 engage in what the officers believed, based on their training and experience, to be evasive maneuvers.

b. Approximately several hours later, the Mexican Navy seized Boat-1 in or around Topolobampo, Sinaloa, Mexico, where Boat-1 had beached. SEMAR officers then searched Boat-1 and located approximately 960 plastic containers (the "Containers") onboard. SEMAR officers subsequently searched the Containers, inside of which they found what they believed, based on their training and experience, to be a large quantity of methamphetamine (the "Methamphetamine") and fake 30-milligram oxycodone pills ("M30s") that in fact contained fentanyl (the "Fentanyl Pills"). Based on my training and experience, I have learned that individuals engaged in narcotics trafficking in Mexico often use fake M30s to import fentanyl into the United States.

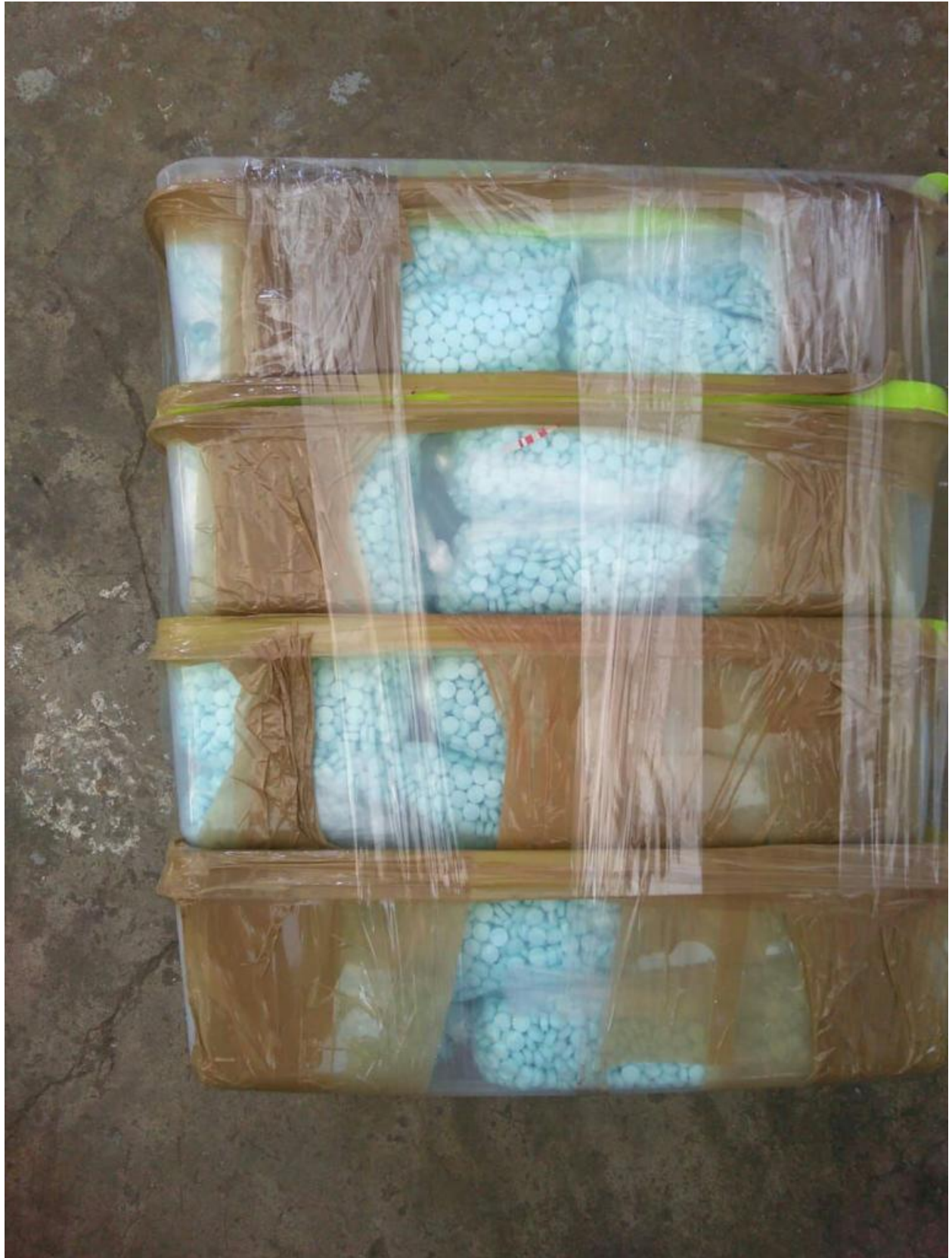
c. Shortly after the seizure of Boat-1, SEMAR officers exposed some of the Methamphetamine and Fentanyl Pills to a narcotics-detection canine (the "Canine") for inspection. The Canine has been trained to detect the odors of narcotics, including methamphetamine and fentanyl, and to give a positive indication, or "alert," if the Canine detects narcotics odors. When exposed to the Methamphetamine and Fentanyl Pills, the Canine alerted.

d. Subsequently, SEMAR officers weighed the Methamphetamine and counted the Fentanyl Pills. The Methamphetamine weighed approximately 2.5 metric tons, and the Fentanyl Pills numbered approximately 100,000.

e. Photographs of Boat-1 and some of the Containers, the Methamphetamine, and the Fentanyl Pills appear below:







f. During the search of Boat-1, SEMAR officers located and arrested two individuals carrying Mexican identification documents that identified them as JOSE LORETO GASTELUM-TORRES and FREDY ALEJANDRO GASTELUM-VEGA, the defendants. GASTELUM-TORRES and GASTELUM-VEGA were located in the vicinity of the beached Boat-1 when they were arrested, and were wearing waterproof overalls.

7. Based on my training and experience, I have learned that the majority of the methamphetamine and fentanyl that is loaded onto boats in Sinaloa, Mexico is imported into the United States. Additionally, I have learned that Las Arenitas, Mexico is approximately 480 miles from the border with the United States, while Topolobampo, Mexico is approximately 400 miles from the border with the United States. Thus, by transporting the Methamphetamine and Fentanyl Pills from Las Arenitas to Topolobampo, JOSE LORETO GASTELUM-TORRES and FREDY ALEJANDRO GASTELUM-VEGA, the defendants, caused the Methamphetamine and Fentanyl Pills to move approximately 80 miles closer to the United States.

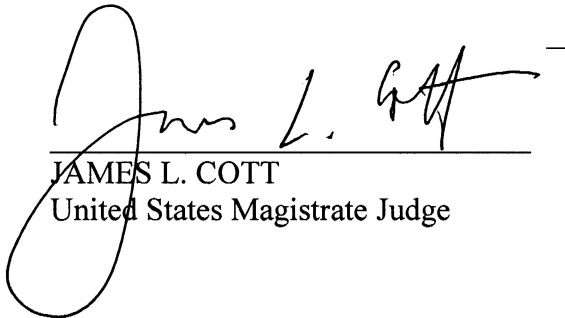
8. Additionally, based on my training and experience, I have learned that Sinaloa, Mexico is a major transshipment point for methamphetamine and fentanyl that is being imported into the United States from Mexico. I have also learned that methamphetamine and fentanyl that is imported into the United States from Mexico is often first transported by boat from Sinaloa, across the Gulf of California, to Baja California, Mexico.

WHEREFORE, deponent respectfully requests that warrants be issued for the arrests of JOSE LORETO GASTELUM-TORRES and FREDY ALEJANDRO GASTELUM-VEGA, the defendants, and that they be arrested and imprisoned or bailed, as the case may be.

/s/Danielle Dreyer by the Court, with permission

DANIELLE DREYER
Special Agent
Drug Enforcement Administration

Sworn to me through the transmission of this Complaint by reliable electronic means, pursuant to Federal Rule of Criminal Procedure 4.1, this 5th day of February, 2021


JAMES L. COTT
United States Magistrate Judge