

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Criminal Case No. _____

UNITED STATES OF AMERICA,

Plaintiff,

v.

1. OSCAR CUEVA;

**2. MIGUEL VAZQUEZ PIMENTEL,
d/b/a FAUNA PIELES;**

**3. MARTIN VILLEGAS TERRONES,
d/b/a CLASSIC OLD WEST STYLES, INC. and EL CHANGARRO;**

**4. ESTEBAN LOPEZ ESTRADA,
d/b/a BOTAS EXOTICAS CANADA GRANDE;**

Defendants.

INDICTMENT

18 U.S.C. § 371; 18 U.S.C. § 545; 18 U.S.C. § 1956(a)(2)(A); 18 U.S.C. § 2

The Grand Jury charges:

INTRODUCTORY ALLEGATIONS

The following statements were true at all times pertinent to this Indictment:

1. OSCAR CUEVA is a United States citizen who lives in McAllen, Texas, but regularly crosses into Mexico where he had a work address in the border town of Reynosa, Mexico. In November of 2006, CUEVA quit working in Reynosa, Mexico and

started a small appliance business in Texas.

2. MIGUEL VAZQUEZ PIMENTEL is a citizen of Mexico d/b/a FAUNA PIELES in Leon, Guanajuato, Mexico.

3. MARTIN VILLEGAS TERRONES is a Mexican resident d/b/a CLASSIC OLD WEST STYLES, INC. and EL CHANGARRO in Leon, Guanajuato, Mexico.

4. ESTEBAN LOPEZ ESTRADA, is a Mexican resident d/b/a BOTAS EXOTICAS CANADA GRANDE in Leon, Guanajuato, Mexico.

5. The United States, Mexico and approximately 170 other countries are signatories to a multilateral treaty called the Convention on International Trade in Endangered Species of Wild Fauna and Flora, 27 U.S.T. 1087, T.I.A.S. 8249 (commonly referred to as “the CITES treaty” or “the Convention”). The CITES treaty requires its members to regulate the international trade in species considered at risk of over-exploitation due to trade. Such species are listed on “appendices,” based on the level of protection needed. International trade in species listed on these appendices (and their body parts or products made therefrom) is monitored and regulated by permits and quotas. The permit restrictions apply to live and dead specimens, as well as the skins, parts and products made in whole or in part from a listed species.

6. Wildlife species in danger of extinction and which are, or may be, affected by trade (tigers, pandas, elephants and all species of sea turtles, for example) are listed on Appendix I of CITES. CITES allows very limited trade in Appendix I species for

scientific and research purposes, and only if a valid "foreign export permit" issued by the specimen's country of origin (or a valid "foreign re-export certificate" issued by the country of re-export), as well as a valid "import permit" from the destination country, are obtained prior to shipping any such wildlife from one country to another. International trade in Appendix I species for "primarily commercial purposes" is prohibited.

7. Species considered by the CITES parties to be at lesser risk due to trade are listed in Appendix II. Trade in these species (or skins or products made from them) for commercial purposes is allowed, but only if a valid "foreign export permit" issued by the specimen's country of origin (or a valid "foreign re-export certificate" issued by the country of re-export) is obtained prior to the shipment.

8. The CITES treaty is implemented in the United States by the Endangered Species Act of 1973 (the "ESA"), which directs the U.S. Fish and Wildlife Service ("USFWS") to administer the treaty. 16 U.S.C. 1537a, 1540(f). The ESA makes it unlawful to knowingly "trade in any specimen contrary to the provisions of [CITES], or possess any specimen traded contrary to the provisions of [CITES]." 16 U.S.C. §§ 1538(c)(1), 1540(b). "Trade," in this context, includes importation into the United States. The USFWS has promulgated extensive regulations incorporating the specific permit requirements and provisions of CITES and listing the species contained on the CITES appendices. 50 C.F.R. Part 23.

9. Seven species of sea turtles are known to exist: Hawksbill, Green, Loggerhead,

Olive Ridley, Kemp's Ridley, Leatherback and Flatback. All seven species of sea turtles are listed in Appendix I of CITES, prohibiting the commercial importation to the U.S. of their skins or products made from them. No export or import permits authorizing the cross-border shipment of the sea turtle parts described herein were sought, and would not have been issued in any case due to the commercial nature of the transactions. Skins and products from some Appendix II species were also traded in this case, including caiman, tegu lizard, and python.

10. In addition to implementing the CITES treaty, the ESA also designates and protects species considered by the U.S. government to be "endangered" or "threatened." The ESA prohibits the knowing importation of specimens or parts of such listed species without a permit. 16 U.S.C. §§1538(a), 1540(b). At all times relevant to this Indictment, the Hawksbill, Leatherback, Kemp's Ridley, Olive Ridley, and Green Sea Turtles were listed pursuant to the ESA as "endangered" throughout all or part of their ranges. 50 C.F.R. § 17.11. The Loggerhead Sea Turtle was listed as "threatened" throughout its range. *Id.* Certain species of caiman, ostrich, and python are also listed as endangered or threatened.

11. In addition to the requirements of CITES and the ESA, federal law generally requires that all wildlife, including sea turtles, caiman, tegu lizard, ostrich, and python, or parts thereof, must be declared to the United States Customs Service at the port of first arrival in the United States. 19 C.F.R. § 148.11. When importing any wildlife, importers

or their agents must file with the USFWS a completed Declaration for Importation or Exportation of Fish and Wildlife. 50 C.F.R. § 14.61. A USFWS or United States Customs Service officer must clear (or refuse) wildlife being imported into the United States, and the importer or his agent must make available to the officer the wildlife being imported, as well as all required permits, licenses or other documents. 50 C.F.R. § 14.52.

12. The Grand Jury incorporates and re-alleges by reference the preceding introductory allegations set forth in paragraphs 1 through 11 in each and every Count of this Indictment.

COUNT ONE
(18 U.S.C. § 371, Conspiracy)

Beginning on or about January 5, 2005, and continuing until approximately September 26, 2005, in the State and District of Colorado and elsewhere, including Texas and Mexico,

MIGUEL VAZQUEZ PIMENTEL and OSCAR CUEVA

defendants herein, did knowingly, willfully and unlawfully combine, conspire, confederate, and agree together and with others known and unknown to the Grand Jury, to commit acts in violation of the laws of the United States, namely:

Objective Number One (Smuggling): To fraudulently and knowingly import and bring into the United States merchandise, that is: caiman skins, tegu lizard skins, ostrich skins, and python skins and other products made from the skins, contrary to law, in violation of Title 18, United States Code, Sections 545 and 2.

Objective Number Two (Money Laundering): To knowingly transport, transmit, and transfer monetary instruments and funds from a place within the United States to a place outside the United States, with the intent to promote the carrying on of specified unlawful activity, that is, smuggling, an offense under Title 18, United States Code, Section 545, in violation of Title 18, United States Code, Section 1956(a)(2)(A).

**I. THE MEANS AND METHODS USED BY DEFENDANTS
TO ACHIEVE THE OBJECTIVES OF THE CONSPIRACY**

1. In order to achieve the objectives of the conspiracy, **MIGUEL VAZQUEZ PIMENTEL** (hereinafter “PIMENTEL”) operated a commercial business called FAUNA PIELES, S.A. de C.V., in Leon, Guanajuato, Mexico. Through this business, PIMENTEL would buy and sell exotic leather skins like caiman, python, tegu lizard and manufacture boots and belts out of the exotic leather products. PIMENTEL would negotiate the sale of these skins and products to a buyer in the United States via telephone, facsimile and e-mail. Once a sale to the U.S. buyer was arranged, PIMENTEL would ship the exotic skins and products to co-conspirator OSCAR CUEVA in Reynosa, Mexico, intending that CUEVA would smuggle the wildlife merchandise across the border to McAllen, Texas and ship or deliver it to the U.S. customer. PIMENTEL would receive payment for the smuggled wildlife merchandise by directing his customer to overnight cashier’s checks via UPS to his business in Mexico.

2. In order to achieve the objectives of the conspiracy, **OSCAR CUEVA** (hereinafter “CUEVA”) operated a smuggling business from an office space in Reynosa,

Mexico, and from his home in McAllen, Texas. CUEVA arranged to illegally import or “cross” wildlife parts and products from Mexico into the United States in violation of the CITES treaty and United States federal wildlife law. CUEVA would cross the U.S.-Mexico border from McAllen, Texas, into Reynosa, Mexico, where he would receive shipments of wildlife merchandise shipped there by PIMENTEL from Leon, Mexico. CUEVA would then illegally bring PIMENTEL’S wildlife merchandise into the United States by concealing the wildlife merchandise from customs and law enforcement agents at the border. When bringing the wildlife merchandise into the United States, CUEVA would not declare them to customs or other agents at the border, nor would he prepare or obtain any of the required paperwork for bringing the wildlife merchandise into the United States. Once the wildlife merchandise for a particular shipment had been “crossed” into the United States, CUEVA would deliver the goods from McAllen, Texas, to the District of Colorado by various methods, including shipping the merchandise in UPS packages or arranging to have PIMENTEL’S clients personally receive the illegal product in McAllen, Texas. CUEVA would charge a “crossing fee” for items he or an associate smuggled from Mexico into the United States.

3. In order to achieve the objectives of the conspiracy, from on or about January 5, 2005, to on or about September 26, 2005, PIMENTEL and various business associates of his in Mexico, and CUEVA, exchanged emails, faxes, and made telephone calls with a USFWS Special Agent, acting in an undercover capacity (hereinafter “the first agent”),

who was in Colorado, operating an undercover business, regarding the ordering, shipment and payment for wildlife merchandise such as caiman, tegu, python and other types of skins.

II. OVERT ACTS

In furtherance of the conspiracy and in order to achieve the objectives thereof, **MIGUEL VAZQUEZ PIMENTEL** and **OSCAR CUEVA**, and their co-conspirators, known and unknown to the Grand Jury, committed, or caused to be committed, the following overt acts in the District of Colorado and elsewhere, including Texas and Mexico:

1. On or about March 8, 2005, PIMENTEL's company, FAUNA PIELES received, by email, an order from the first agent for exotic leather and leather products: 5 caiman belly (25-27 cm), 5 caiman belly (28-29 cm), 5 caiman horn back (30-45 cm), 10 tegu lizard (20-25 cm), 10 tegu lizard (26 cm and up), 6 pieces of ostrich leg, 1 caiman belt, 1 python belt, and 1 lizard wallet.
2. On or about March 11, 2005, PIMENTEL offered to send the order to the first agent "without documents." PIMENTEL said the items would be sent across the border and then shipped to the first agent by UPS and the first agent would have to incur that cost. PIMENTEL explained that if and when the first agent made larger orders then it would be worthwhile to obtain the CITES permit. PIMENTEL stated he would check his inventory and respond to the first agent with the total

price.

3. On or about March 28, 2005, PIMENTEL faxed to the first agent an invoice indicating the price would be \$1,526.60 for the order.
4. On or about March 31, 2005, an employee of FAUNA PIELES called the first agent and said the order would be sent to a person from McAllen, Texas, who would receive the order in Reynosa, Mexico, and then send it to the first agent by UPS. This employee requested payment by money order or cashier's check. On this same date, PIMENTEL caused a fax to be sent to the first agent containing two invoices - one which quoted a price of \$1,526.60 for the order and another instructing payment by cashier's check.
5. Between on or about April 4, 2005, and on or about April 18, 2005, PIMENTEL received a cashier's check from the first agent in Colorado, in the amount of \$1,586.60 sent by UPS to FAUNA PIELES in Leon, Mexico.
6. On or about April 10, 2005, PIMENTEL shipped, or caused to be shipped, 15 caiman skins, 20 tegu skins, 6 ostrich leg skins, 1 reticulated python skin, 1 caiman skin belt, 1 reticulated python skin belt, and 1 lizard skin wallet from Leon, Mexico, to CUEVA in Reynosa, Mexico, to be crossed into the United States and delivered to the District of Colorado.
7. Between on or about April 11, 2005, and on or about April 12, 2005, CUEVA crossed the above wildlife merchandise from Mexico into the United States,

without declaring the wildlife merchandise to the authorities at the border, and without obtaining a CITES or other wildlife permits.

8. On or about April 12, 2005 CUEVA sent the above wildlife merchandise from McAllen, Texas to the USFWS undercover business in Colorado, where it arrived on or about April 14.
9. On or about May 19, 2005, an employee of PIMENTEL'S company, FAUNA PIELES, received the following telephone order from the first agent: 20 black ostrich skins, 10 large dark green caiman skins, 10 black large caiman skins, 4 meters of natural python skins, and 10 black caiman skins.
10. On or about June 9, 2005, FAUNA PIELES received a cashier's check from the first agent in the \$2,040.00.
11. On or about June 9, 2005, PIMENTEL shipped, or caused to be shipped, 22 caiman skins and 2 reticulated python skins to CUEVA in Reynosa, Mexico, to be crossed into the United States and delivered to the District of Colorado.
12. Between on or about June 10, 2005, and on or about June 29, 2005, CUEVA crossed the above wildlife merchandise from Mexico into the United States, without declaring the wildlife merchandise to the authorities at the border, and without obtaining a CITES or other wildlife permits.
13. On or about June 29, 2005, CUEVA sent the above wildlife merchandise via UPS from McAllen, Texas to the USFWS undercover business in Colorado, where it

- arrived on or about July 1.
14. On or about July 18, 2005, a FAUNA PIELES employee in Mexico received an email sent by the first agent in Colorado ordering 20 black ostrich skins, 1 large black caiman skin, 2 large dark green caiman skins, 10 large black caiman skins, 6 meters of natural python skin, 5 large peanut brittle colored caiman skin and 20 black tegu skins.
 15. On or about August 8, 2005, during a recorded telephone conversation with the first agent CUEVA indicated a willingness to work with other suppliers and explained the procedure to the first agent. CUEVA provided his address in Reynosa to the first agent and indicated the contraband needed to be shipped via “Estrella Blanca”- a Mexican freight company located in the bus station. The package must be marked “ocurre” so it would be left for CUEVA’s pick up at the station. CUEVA indicated it would take two to three weeks to cross the contraband into the United States and CUEVA described his fee schedule for these services.
 16. On or about August 15, 2005, PIMENTEL received a cashier’s check from the first agent in Colorado, in the amount of \$1,825.00, as payment for the July 18 order.
 17. On or about August 17, 2005, PIMENTEL faxed the first agent an invoice detailing the costs of the ordered skins which included a \$400.00 charge for

“crossing the border.”

18. On or about August 20, 2005, FAUNA PIELES received from the first agent a business check in the amount of \$292.00 sent via UPS to FAUNA PIELES for final payment of the pending order of skins.
19. On or about August 16, 2005 to on or about September 6, 2005, PIMENTEL shipped, or caused to be shipped, 18 caiman skins, 20 ostrich legs and 2 reticulated python skins from Leon, Mexico to CUEVA in Reynosa, Mexico, to be crossed into the United States and delivered to the District of Colorado.
20. On or about September 6, 2005, CUEVA told the first agent in a telephone conversation that he had received the FAUNA PIELES skins for crossing.
21. Between on or about August 24, 2005, and September 26, 2005, CUEVA crossed the above wildlife merchandise from Mexico into the United States, without declaring the wildlife merchandise to the authorities at the border, and without obtaining a CITES or other wildlife permits, and shipped a portion of that merchandise to the District of Colorado.
22. On or about September 11, 2005, CUEVA provided a portion of the FAUNA PIELES order to the first agent who had traveled to McAllen, Texas. CUEVA had the skins in his home in an area near the living room. CUEVA told the first agent that these are the skins ordered from FAUNA PIELES: 7 black caiman skins, 5 cognac caiman skins, 2 green caiman skins and 2 natural python skins. CUEVA

told the first agent that PIMENTEL paid CUEVA for crossing the skins.

23. On or about September 24, 2005, CUEVA shipped the balance of the FAUNA PIELES items, consisting of 20 black ostrich leg skins and 4 black caiman skins, from McAllen, Texas to the USFWS undercover business in Colorado, where it arrived on or about September 26, 2005.

All in violation of Title 18, United States Code, Section 371.

COUNT TWO
(18 U.S.C. § 371, Conspiracy)

Beginning on or about August 8, 2005, and continuing until approximately May 23, 2007, in the State and District of Colorado and elsewhere, including Texas and Mexico,

MARTIN VILLEGAS TERRONES and OSCAR CUEVA

defendants herein, did knowingly, willfully and unlawfully combine, conspire, confederate, and agree together and with others known and unknown to the Grand Jury, to commit acts in violation of the laws of the United States, namely:

Objective Number One (Smuggling): To fraudulently and knowingly import and bring into the United States merchandise, that is: sea turtle skins, caiman skins, and tegu lizard skins, and other products made from the skins, contrary to law, in violation of Title 18, United States Code, Sections 545 and 2.

Objective Number Two (Money Laundering): To knowingly transport, transmit,

and transfer monetary instruments and funds from a place within the United States to a place outside the United States, with the intent to promote the carrying on of specified unlawful activity, that is, smuggling, an offense under Title 18, United States Code, Section 545, in violation of Title 18, United States Code, Section 1956 (a)(2)(A).

**I. THE MEANS AND METHODS USED BY DEFENDANTS
TO ACHIEVE THE OBJECTIVES OF THE CONSPIRACY**

1. In order to achieve the objectives of the conspiracy, **MARTIN VILLEGAS TERRONES** (hereinafter “VILLEGAS”) operated businesses called **CLASSIC OLD WEST STYLES INC.** (hereinafter “CLASSIC”) and **EL CHANGARRO** in Leon, Guanajuato, Mexico. Through his businesses, VILLEGAS would buy and sell exotic leather skins like sea turtle, caiman, ostrich, lizard; manufacture boots out of the exotic leather products, and sell them to customers in the United States, including undercover agents of the USFWS. After a sale was arranged via telephone, facsimile and/or e-mail, VILLEGAS would ship, or arrange to have shipped, the wildlife merchandise to CUEVA in Reynosa, Mexico, intending that CUEVA would smuggle the merchandise across the border to McAllen, Texas and ship the merchandise to the U.S. customer in Colorado. VILLEGAS used CUEVA to cross the exotic leather skins in order to smuggle protected, undeclared and unpermitted wildlife merchandise in international commerce between Mexico and the United States. VILLEGAS received payment for the smuggled merchandise by directing his clients to submit payment through CUEVA, or by transferring funds directly to a bank account in the United States that VILLEGAS

designated for that purpose.

2. In order to achieve the objectives of the conspiracy, **CUEVA** operated a smuggling business from an office space in Reynosa, Mexico, and from his home in McAllen, Texas. **CUEVA** arranged to illegally import, or “cross,” wildlife parts and products from Mexico into the United States in violation of the CITES treaty and United States federal wildlife law. **CUEVA** would cross the U.S.-Mexico border from McAllen, Texas, into Reynosa, Mexico, where he would receive shipments of wildlife merchandise from **VILLEGAS**. **CUEVA** would then illegally bring **VILLEGAS**’s merchandise into the United States by concealing the items from customs and law enforcement agents at the border. When bringing the wildlife merchandise and products into the United States, **CUEVA** would not declare them to customs or other agents at the border, nor would he prepare any of the required paperwork for bringing wildlife into the United States. Once he or an associate had crossed all the wildlife merchandise for a particular shipment into the United States, **CUEVA** would ship the merchandise via UPS to Colorado or deliver it to the purchaser in McAllen. **CUEVA** would charge a “crossing fee” for the items he or an associate smuggled from Mexico to the United States.

3. In order to achieve the objectives of the conspiracy, from on or about August 8, 2005, to on or about May 7, 2007, **VILLEGAS** and various business associates of his in Mexico, and **CUEVA**, exchanged emails, faxes, and made telephone calls with a USFWS Special Agent, acting in an undercover capacity (hereinafter “the first agent”), who was in

Colorado, operating an undercover business, regarding the ordering of exotic leather and leather products, such as sea turtle, caiman, tegu, and others.

II. OVERT ACTS

In furtherance of the conspiracy and in order to achieve the objectives thereof, **MARTIN VILLEGAS TERRONES and OSCAR CUEVA**, and their co-conspirators, known and unknown to the Grand Jury, committed, or caused to be committed, the following overt acts in the District of Colorado and elsewhere, including Texas and Mexico:

1. On or about August 8, 2005, CUEVA encouraged the first agent to contact VILLEGAS, who CUEVA described as a long-standing business associate, regarding sea turtle skins and products. CUEVA gave the first agent VILLEGAS's telephone number. CUEVA described VILLEGAS as a custom fitter who could make specialized boots of high quality for the first agent.
2. On or about August 19, 2005, during a telephone conversation, CUEVA told the first agent that VILLEGAS should be contacted because he deals with the tanning companies and sells sea turtle skins wholesale. CUEVA also told the first agent about his pre-existing relationship with VILLEGAS and that any transactions with VILLEGAS would go through CUEVA for crossing the shipments from Mexico into the United States.
3. On or about September 11, 2005, the first agent met CUEVA in McAllen, Texas.

During this meeting, CUEVA again encouraged the first agent to purchase exotic skins from VILLEGAS and offered to act as the middle man.

4. On or about September 11, 2005, during a telephone conversation, VILLEGAS told the first agent that he had worked with CUEVA for many years and would be glad to help in any way. VILLEGAS said some of the skins requested by the agent are difficult to obtain and illegal but those skins could be obtained. VILLEGAS agreed to provide boot and skin samples to the first agent.
5. On or about September 26, 2005, during a telephone conversation, CUEVA told the first agent that VILLEGAS was making the first agent a pair of sample biker boots. CUEVA provided the first agent with the office and cellular telephone numbers for VILLEGAS. CUEVA told the first agent that VILLEGAS planned to send the boots the following week with some "other stuff." CUEVA and the first agent discussed the availability and quality of sea turtle skins in Mexico. CUEVA stated that at times VILLEGAS has difficulty obtaining sea turtle skins because they are illegal. CUEVA told the first agent that VILLEGAS was able to obtain rare and exotic skins like caiman, ostrich, and horny toad lizard. CUEVA said lizard is popular and prohibited like sea turtle.
6. On or about September 27, 2005, during a telephone conversation with the first agent, VILLEGAS said he wanted to provide the first agent with samples of his boots. VILLEGAS said he could get any type of skin desired by the first agent.

VILLEGAS said sea turtle was available and could be sent to the first agent through CUEVA. VILLEGAS provided his fax and telephone number in Leon, Mexico.

7. On or about October 1, 2005, VILLEGAS shipped, or caused to be shipped, 1 pair of ostrich skin boots, 1 pair of caiman skin boots, 1 pair of lizard skin boots and 2 pairs of cowhide boots from Leon, Mexico, to CUEVA in Reynosa, Mexico, for clandestine crossing into the United States and delivery to the District of Colorado.
8. On or about October 6, 2005, during a telephone conversation, CUEVA told the first agent that VILLEGAS had sent CUEVA the above-listed sample boots for the first agent. CUEVA provided a list of prices for other boots manufactured by VILLEGAS. CUEVA told the first agent that crossing charges for the boots would only apply to those samples the agent decided to keep.
9. Between on or about October 4, 2005, and on or about November 10, 2005, CUEVA crossed the VILLEGAS sample boots, consisting of 1 pair of ostrich skin boots, 1 pair of caiman skin boots, 1 pair of lizard skin boots and 2 pairs of cowhide boots from Mexico into the United States, without declaring the wildlife merchandise to the authorities at the border, and without obtaining a CITES or other wildlife permits.
10. On or about November 16, 2005, CUEVA shipped the VILLEGAS sample boot order, consisting of 1 pair of black cow skin biker boots; 1 pair of brown ostrich

skin packer boots; and 1 pair of black cherry caiman skin boots, 1 pair of black lizard skin boots and 1 pair of black cow skin biker boots, via UPS from McAllen, Texas to the USFWS undercover business in Colorado, where the shipment arrived on or about November 18, 2005.

11. On or about November 18, 2005, during a telephone conversation, CUEVA told the first agent that VILLEGAS told him there is a risk when selling sea turtle because customs might open the box at the border.
12. On or about November 29, 2005, CUEVA told the first agent that he had smuggled the VILLEGAS boots made from domestic leather rather than obtain permits because it was a small order. CUEVA instructed the first agent to send payment for VILLEGAS's boots to CUEVA and he would then wire it to VILLEGAS in Mexico. CUEVA said he had discussed with VILLEGAS the price of sea turtle skins.
13. On or about November 29, 2005, CUEVA received a business check in the amount of \$725 from the first agent in payment for VILLEGAS's boots. CUEVA charged the first agent \$74 for crossing VILLEGAS's boots.
14. On or about December 19, 2005, during a telephone conversation, CUEVA told the first agent that VILLEGAS wanted the first agent to call him because he had good sea turtle skins.
15. On or about December 20, 2005, during a telephone conversation, VILLEGAS

told the first agent he had “cervezas” available. “Cerveza” was the word VILLEGAS said to use when referring to sea turtle skins. VILLEGAS said he had a contact for the sea turtle skins and needed to know what colors the first agent wanted. The first agent placed the following sea turtle skin order with VILLEGAS: 5 natural, 5 café, 5 black, and 5 green. VILLEGAS stated the price would be 600 pesos each and instructed the first agent to transfer the money to CUEVA who would then transfer the funds to VILLEGAS. VILLEGAS stated the sea turtle skins were fresh and the same ones he uses for his orders.

16. On or about December 20, 2005, CUEVA received an email from the first agent stating he had ordered sea turtle skins from VILLEGAS and VILLEGAS instructed payment should be sent to CUEVA.
17. On or about December 21, 2005, CUEVA emailed the first agent stating his crossing fee would be \$8.50 per hide plus UPS shipping costs. On or about this same date, CUEVA received a business check in the amount of \$1,590 from the first agent by U.S. mail - \$1,400 for VILLEGAS as payment for the 20 skins and the remainder for CUEVA for crossing and shipping fees.
18. On or about January 4, 2006, VILLEGAS in Mexico called the first agent in Colorado stating he (VILLEGAS) wanted to confirm the colors of the “cervezas” for the first agent’s order. The first agent ordered an additional 4 sea turtle skins. VILLEGAS confirmed CUEVA had already received payment for the first agent’s

original order.

19. On or about January 4, 2006, VILLEGAS shipped, or caused to be shipped, 27 sea turtle skins from Leon, Mexico, to CUEVA in Reynosa, Mexico, to be crossed into the United States and delivered to the District of Colorado.
20. On or about January 17, 2006, CUEVA crossed the 27 sea turtle skins from Mexico into the United States, without declaring the wildlife merchandise to the authorities at the border, and without obtaining CITES or other wildlife permits.
21. On or about January 17, 2006, CUEVA emailed the first agent stating “I have all your hides ready, Martin added 7 more to your original order . . .” CUEVA emailed the first agent stating he owed VILLEGAS an additional \$525 and CUEVA an additional \$59.50 for crossing the additional 7 sea turtle skins.
22. On or about January 21, 2006, during a telephone conversation, VILLEGAS told the first agent he had sent the ordered “cervezas ” and seven additional ones. VILLEGAS discussed pricing, quality, and color of the skins. VILLEGAS explained the difference between front and rear skins of the sea turtle. VILLEGAS stated he used front skins and those provided to the first agent are fresh sea turtle skins from Colima, Mexico. VILLEGAS said he had a tannery which could dye the skins any color.
23. On or about January 21, 2006, VILLEGAS in Mexico received an email from the first agent in Colorado ordering 2 pairs of ostrich skin boots and 3 pairs of

domestic leather boots.

24. On or about January 24, 2006, CUEVA received a business check in the amount of \$31.50 via U.S. mail from the first agent as final payment for CUEVA crossing 27 sea turtle skins from VILLEGAS.
25. On or about January 24, 2006, VILLEGAS emailed the first agent with prices and shipping fees for the first agent's recent boot order, requesting \$715 payment for the order.
26. On or about January 25, 2006, CUEVA shipped a box via UPS to the USFWS undercover agents in Colorado containing 27 sea turtle skins ordered from VILLEGAS, which arrived on or about January 27, 2006.
27. On or about January 28, 2006, during a telephone conversation, VILLEGAS told the first agent that he would deliver the pending boot order to CUEVA in early February, noting that caiman, sea turtle, and other similar products would have to be crossed using a smuggler.
28. On or about February 20, 2006, CUEVA sent an email to the first agent requesting payment of \$1,295 for hides, boots, freight, crossing and UPS charges.
29. On or about February 24, 2006, CUEVA received a business check in the amount of \$1,295 from the first agent indicating \$1,195 was payment for VILLEGAS' merchandise and \$100 was payment for CUEVA for crossing fees and UPS charges.

30. On or about April 21, 2006, VILLEGAS received an e-mail order from the first agent for 19 pairs of boots, and 10 “black beer skins” (sea turtle). The boot order included 4 made from sea turtle skins, 7 from caiman skins, 2 from tegu skins, 1 from ostrich skins, and 5 from domestic leather.
31. On or about May 1, 2006, VILLEGAS confirmed to the first agent he received the order and would process the order and the “cervezas” the following week.
32. On or about May 5, 2006, VILLEGAS shipped, or caused to be shipped, 10 sea turtle skins and 1 pair of caiman skin boots from Leon, Mexico to CUEVA in Reynosa, Mexico, to be crossed into the United States and delivered to the District of Colorado.
33. Between on or about May 5, 2006, to on or about May 25, 2006, CUEVA crossed the 10 sea turtle skins and 1 pair of caiman skin boots from Mexico into the United States, without declaring the wildlife merchandise to the authorities at the border, and without obtaining a CITES or other wildlife permits.
34. On or about May 5, 2006, VILLEGAS sent a fax from Mexico to the first agent in Colorado listing the prices and shipping fees for the pending order. VILLEGAS listed the price for the boots and skins at \$3,525 and \$175 for shipping costs. VILLEGAS stated the shipment was with CUEVA in McAllen, Texas.
35. On or about May 25, 2006, CUEVA left a message on the first agent’s telephone stating he was shipping 10 hides and a pair of boots by UPS. CUEVA requested

payment from the first agent for smuggling fees at \$8.50 per sea turtle skin, \$20 per pair of sea turtle boots, and \$12 UPS shipping fees.

36. On or about May 29, 2006, VILLEGAS telephoned the first agent and left a message stating CUEVA had sent 10 “cervezas” and a pair of boots that were not intended for the first agent.
37. On or about May 30, 2006, CUEVA shipped two boxes via UPS from McAllen, Texas to the USFWS undercover business in Colorado containing 10 sea turtle skins and 1 pair of caiman skin boots, which arrived on or about May 31, 2006.
38. On or about May 31, 2006, CUEVA received a business check from the first agent in the amount of \$117 for crossing the 10 sea turtle skins, the 1 pair of caiman boots, and UPS shipping fees.
39. On or about June 1, 2006, VILLEGAS shipped, or caused to be shipped, 4 pairs of sea turtle skin boots, 7 pairs of caiman skin boots, 2 pairs of tegu skin boots, 1 pair of ostrich skin boots, and 5 pairs of cowhide boots from Leon, Mexico to CUEVA in Reynosa, Mexico, to be crossed into the United States and delivered to the District of Colorado.
40. On or about June 7, 2006, CUEVA sent an email to the first agent in Colorado stating “. . . I am crossing a batch for you this week.”
41. Between on or about June 7, 2006, to on or about June 23, 2006, CUEVA crossed 4 pairs of sea turtle skin boots, 7 pairs of caiman skin boots, 2 pairs of tegu skin

boots, 1 pair of ostrich skin boots, and 5 pairs of cowhide boots from Mexico to the United States, without declaring the wildlife merchandise to the authorities at the border, and without obtaining a CITES or other wildlife permits.

42. On or about June 23, 2006, CUEVA sent an email to the first agent in Colorado stating he had crossed all items and would be shipping them shortly. CUEVA requested payment in the amount of \$4,086 for the merchandise, crossing, and shipping fees.
43. On or about July 8, 2006, during a meeting in Albuquerque, New Mexico, VILLEGAS was upset with CUEVA for the delay in crossing the first agent's boots. VILLEGAS advised the first agent to continue using CUEVA to cross the merchandise because of the agent's low-volume orders. VILLEGAS told the agent that Mexico required VILLEGAS to obtain permits each time he shipped alligator, python, lizard, and caiman products. VILLEGAS said he used CUEVA because it took too much time and money to obtain a permit each time. VILLEGAS received payment from the agent of \$3,700 for a prior order.
44. On or about July 11, 2006, CUEVA shipped four boxes via UPS from McAllen, Texas to the USFWS undercover agents in Colorado, containing 4 pairs of sea turtle skin boots; 7 pairs of caiman boots, 2 pairs of tegu lizard skin boots, 1 pair of ostrich skin boots and 5 pair of cowhide boots, which arrived on or about July 13, 2006.

45. On or about July 18, 2006, CUEVA received a business check in the amount of \$386 from the first agent for the shipments received in Colorado from him on or about May 31, 2006, and July 13, 2006.
46. On or about November 21, 2006, during a telephone conversation, CUEVA told the first agent that he was no longer working in Reynosa and had opened a small appliance business in Texas. CUEVA said he was willing to continue crossing merchandise and said a friend, who has family in Reynosa will assist CUEVA in crossing merchandise. CUEVA told the first agent that VILLEGAS indicated to him that he had sea turtle skins for the first agent. CUEVA instructed the first agent about a new arrangement for payment of VILLEGAS' orders.
47. On or about November 28, 2006, during a telephone conversation, VILLEGAS, told the first agent, stated he had 60 sea turtle skins in various colors that he was willing to sell at a lower price.
48. On or about December 14, 2006, VILLEGAS shipped, or caused to be shipped, 22 sea turtle skins from Leon, Mexico, to CUEVA in Reynosa, Mexico, to be crossed into the United States and delivered to the District of Colorado.
49. Between on or about December 14, 2006, and on or about December 19, 2006, CUEVA crossed the 22 sea turtle skins from Mexico into the United States, without declaring the wildlife merchandise to the authorities at the border, and without obtaining a CITES or other wildlife permits.

50. On or about December 19, 2006, during a telephone conversation, VILLEGAS told the first agent that the price for the 22 sea turtle skins was \$65 each.
51. On or about December 22, 2006, during a telephone conversation, CUEVA told the first agent he had to raise his price for crossing the sea turtle because he no longer worked in Reynosa.
52. On or about December 23, 2006, CUEVA sent the first agent an email stating he was shipping 22 “cag hides” and listed the charges for the shipment. CUEVA also provided the UPS tracking number.
53. On or about December 23, 2006, CUEVA shipped a box via UPS from McAllen, Texas to the USFWS undercover business in Colorado containing the 22 sea turtle skins which arrived on or about December 27, 2006.
54. On or about December 28, 2006, VILLEGAS and CUEVA received payment for the merchandise and crossing of the 22 sea turtle skins by electronic transfer of \$1,718 by the first agent from a bank account in Colorado to VILLEGAS’ Wells Fargo bank account.
55. On or about January 26, 2007, VILLEGAS in Mexico left a telephone message for the first agent in Colorado stating he had 10 honey colored “cervezas” and 10 coffee-colored “cervezas” and the first agent should call if interested.
56. On or about January 29, 2007, CUEVA left a telephone message for the first agent informing him that VILLEGAS has skins and the first agent should call if

interested.

57. On or about February 9, 2007, VILLEGAS in Mexico received an email from the first agent in Colorado stating he had received VILLEGAS's message and did not need additional sea turtle skins at this time.
58. On or about February 12, 2007, VILLEGAS shipped, or caused to be shipped, 6 sea turtle skins from Leon, Mexico to CUEVA in Reynosa, Mexico, to be crossed into the United States and delivered to the District of Colorado.
59. Between on or about February 12, 2007, and on or about May 6, 2007, CUEVA crossed the 6 sea turtle skins from Mexico into the United States, without declaring the sea turtle skins to the authorities at the border, and without obtaining a CITES or other wildlife permits.
60. On or about February 12 and February 16, 2007, VILLEGAS left several messages for the first agent stating he shipped the 20 "cervezas" to CUEVA and CUEVA was waiting to confirm if the first agent wanted to purchase the sea turtle skins.
61. On or about February 20, 2007, CUEVA sent an email message to the first agent indicating a willingness to cross the skins for the first agent.
62. On or about February 20, 2007, VILLEGAS left a telephone message for the first agent asking if he wanted more "cervezas." VILLEGAS stated he would have contact with his supplier later in the week and asked the first agent to return the call.

63. On or about February 21, 2007, during a telephone conversation, VILLEGAS told the first agent he had sent sea turtle skins to CUEVA and directed the first agent to contact CUEVA. VILLEGAS stated he would see his supplier this week and wanted to know if the first agent desired additional skins. VILLEGAS stated he would lower his price to \$60 per sea turtle skin.
64. On or about March 30, 2007, during a telephone conversation, VILLEGAS told the first agent that CUEVA had been contacted by law enforcement while transporting two illegal immigrants and was curtailing his smuggling activities for a period of time.
65. On or about April 19, 2007, during a telephone conversation, CUEVA told the first agent he had run into problems with the border patrol and could not risk smuggling at this time. CUEVA stated he was looking for someone else to cross the sea turtle skins.
66. On or about May 7, 2007, CUEVA emailed the first agent indicating he was shipping 6 skins that day via UPS and requested payment for himself and for VILLEGAS.
67. On or about May 7, 2007, CUEVA shipped a box via UPS from McAllen, Texas to the USFWS undercover business in Colorado, containing 6 sea turtle skins, which arrived on or about May 10, 2007.
68. On or about May 15, 2007, CUEVA received a business check in the amount of

\$107 (crossing and shipping fee) from the first agent for crossing the 6 sea turtle skins.

69. On or about May 18, 2007, VILLEGAS received an electronic transfer in the amount of \$390 from the first agent's covert bank account to VILLEGAS' Wells Fargo Bank account in payment for the 6 sea turtle skins.
70. On or about May 23, 2007, during a telephone conversation, VILLEGAS told the first agent he had received payment for the 6 sea turtle skins. VILLEGAS told the first agent that CUEVA was crossing merchandise again.

All in violation of Title 18, United States Code, Section 371.

COUNTS THREE THROUGH FIFTEEN
(18 U.S.C. §§ 545 and 2, Smuggling)

On or about the dates listed below, within the District of Colorado and elsewhere,

**OSCAR CUEVA, MIGUEL VAZQUEZ PIMENTEL, MARTIN VILLEGAS
TERRONES, and ESTEBAN LOPEZ ESTRADA,**

defendants herein, did knowingly import and bring into the United States merchandise, to wit: wildlife, as described below, contrary to law, in that said merchandise was traded contrary to CITES, was imported in violation of the Endangered Species Act, and was not declared to any official of the United States government upon its entry into the United States, in violation of Title 16, United States Code, Sections 1538(a)(1)(A), 1538(c)(1), 1540(b)(1); Title 19, Code of Federal Regulations, Section 148.11, and Title 50, Code of Federal Regulations, Sections 14.61 and 14.52, and did knowingly receive, conceal, buy,

sell, and facilitate the transportation, concealment, and sale of such merchandise after importation knowing the same to have been imported and brought into the United States contrary to law.

<u>Count</u>	<u>Date</u>	<u>Defendant</u>	<u>Wildlife Merchandise</u>
3	On or about April 10, 2005 to April 14, 2005	CUEVA, PIMENTEL	15 caiman skins, 20 tegu skins, one python skin, 1 caiman belt, 1 python belt, and 1 lizard wallet
4	On or about June 9, 2005 to July 1, 2005	CUEVA, PIMENTEL	22 caiman skins, 2 python skins
5	On or about September 6, 2005 to September 11, 2005	CUEVA, PIMENTEL	14 caiman skins, 2 python skins
6	On or about September 12, 2005 to September 26, 2005	CUEVA, PIMENTEL	4 caiman skins
7.	On or about August 23, 2005 to September 11, 2005	CUEVA, ESTRADA,	27 pairs of sea turtle boots, 27 sea turtle belts, 5 pairs of caiman boots, 4 caiman belts, 5 pairs of lizard boots, 5 lizard belts,
8	On or about October 20, 2005 to November 18, 2005	CUEVA, ESTRADA	62 whole sea turtle skins, 8 partial sea turtle skins, 6 pairs of sea turtle boots, 6 sea turtle belts

9	On or about October 1, 2005 to November 18, 2005	CUEVA, VILLEGAS	1 pair of caiman boots, 1 pair of lizard boots, 2 pair of cow hide boots
10	On or about January 4, 2006 to January 27, 2006	CUEVA, VILLEGAS	27 sea turtle skins
11	On or about March 22, 2006 to April 19, 2006	CUEVA, ESTRADA	80 sea turtle skins, 6 pairs of sea turtle boots, 6 sea turtle belts,
12	On or about May 5, 2006 to May 31, 2006	CUEVA, VILLEGAS	10 sea turtle skins, 1 pair of caiman skin boots
13	On or about June 1, 2006 to July 13, 2006	CUEVA, VILLEGAS	4 pairs of sea turtle boots, 7 pairs of caiman boots, 2 pairs of tegu lizard skin boots
14	On or about December 14, 2006 to December 27, 2006	CUEVA, VILLEGAS,	22 sea turtle skins
15	On or about February 12, 2007 to May 10, 2007	CUEVA, VILLEGAS	6 sea turtle skins

All in violation of Title 18, United States Code, Sections 545 and 2.

COUNTS SIXTEEN THROUGH TWENTY-EIGHT
(18 U.S.C. §§ 1956(a)(2)(A) and 2, Money Laundering)

On or about the dates listed below, within the District of Colorado and elsewhere,
OSCAR CUEVA, MIGUEL VAZQUEZ PIMENTEL, MARTIN VILLEGAS
TERRONES, and ESTEBAN LOPEZ ESTRADA,

defendants herein, intending to promote the carrying on of specified unlawful activity, that is, the smuggling of wildlife from Mexico into the United States, in violation of Title 18, United States Code, Section 545, did knowingly transport, transmit, and transfer, and attempt to transport, transmit, and transfer, monetary instruments and funds from places within the United States, specifically the District of Colorado, to placed outside the United States, specifically Mexico, as described below:

<u>Count</u>	<u>Date</u>	<u>Defendant</u>	<u>Transaction</u>
16	April 4, 2005	PIMENTEL	\$1,586.60 – Wells Fargo Bank cashiers check #0476708643 sent from Englewood, Colorado, USA, to Fauna Pielas in Leon, Mexico by UPS.
17	June 9, 2005	PIMENTEL	\$2,040 - Wells Fargo Bank cashiers check #046723228 sent from Englewood, Colorado, USA, to Fauna Pielas in Leon, Mexico by UPS.
18	August 12, 2005	ESTRADA	\$7,392 - International wire transfer from USFWS's undercover Wells Fargo bank account number 9499298041 in Englewood, CO, USA, to ESTRADA'S Banco Bancomer account #1107664613.

19	August 15, 2005	PIMENTEL	\$1,825 - Wells Fargo Bank cashiers check #0476723969 sent from Englewood, Colorado, USA to Fauna Pieleles in Leon, Mexico by UPS.
20	August 20, 2005	PIMENTEL	\$292 - Business check #1130 from USFWS's undercover Wells Fargo bank account number 9499298041 in Englewood, CO, USA, sent by UPS to Fauna Pieleles in Leon, Mexico.
21	September 28, 2005	ESTRADA	\$4,000 - International wire transfer from USFWS's undercover Wells Fargo bank account number 9499298041 in Englewood, CO, USA, to ESTRADA'S Banco Bancomer account #1107664613.
22	December 28, 2005	ESTRADA	\$4,920 - International wire transfer from USFWS's undercover Wells Fargo bank account number 9499298041 in Englewood, CO, USA, to ESTRADA'S Banco Bancomer account #1107664613.
23	May 8, 2006	ESTRADA	\$3,900 - International wire transfer from USFWS's undercover Wells Fargo bank account number 9499298041 in Englewood, CO, USA, to Esteban Lopez Estrada's Banco Bancomer account #1107664613.
24	November 29, 2005	CUEVA, VILLEGAS	\$725.00 - Business check #1136 from USFWS's undercover Wells Fargo bank account number 9499298041 in Englewood, CO, USA, sent to CUEVA by USPS for transfer to VILLEGAS in Leon, Mexico.
25	December 21, 2005	CUEVA, VILLEGAS	\$1,400 - Business check #1140 from USFWS's undercover Wells Fargo bank account number 9499298041 in Englewood, CO, USA, sent to CUEVA by USPS for transfer to VILLEGAS in Leon, Mexico.

26	February 24, 2006	CUEVA, VILLEGAS	\$1,195 - Business check #1144 from USFWS's undercover Wells Fargo bank account number 9499298041 in Englewood, CO, USA, sent to CUEVA by USPS for transfer to VILLEGAS in Leon, Mexico.
27	December 28, 2006	CUEVA, VILLEGAS	\$1,718 - Electronically transferred from USFWS's undercover Wells Fargo bank account number 9499298041 in Englewood, CO, USA, to CUEVA'S and VILLEGAS' Wells Fargo Bank account 637-5783617, and transferred to Mexico on February 5, 2006.
28	May 18, 2007	CUEVA, VILLEGAS	\$390 - Electronically transferred from USFWS's undercover Wells Fargo bank account number 9499298041 in Englewood, CO, USA, to CUEVA'S and VILLEGAS' Wells Fargo Bank account 637-5783617, for transfer to Mexico.

All in violation of Title 18, United States Code, Sections 1956(a)(2)(A) and 2.

A TRUE BILL:

s/Foreperson
FOREPERSON

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