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6 UNITED STATES DISTRICT COURT
7 DISTRICT OF ARIZONA

8 United States of America,
9 Plaintiff,
10 v.
11 Andres Vasquez-Vera,
12 Defendant.

CR-05-1086-PHX-ROS

**UNITED STATES' REPLY TO
DEFENDANT'S RESPONSE TO
SENTENCING MEMORANDUM**

13 The United States of America, by and through its attorneys, Daniel G. Knauss, United
14 States Attorney for the District of Arizona, and Lisa Jennis Settel, Assistant United States
15 Attorney, respectfully replies to defendant's response to government's sentencing
16 memorandum.

17 I. **DEFENDANT IS LEADER'S BROTHER IN LAW**

18 There is no dispute that defendant's sister is Cruz Vasquez-Vera (hereinafter "Cruz").
19 PSR ¶ 30. "El Chapo" has been identified as the person running the stash house located on
20 28th Drive. "El Chapo" has been identified as using the names Nivardo Urrea-Quintero and
21 Ernesto Sanchez-Quintero. And several victims in this case have identified him through
22 photo line-ups as El Chapo. In June 2004, while using the name Ernesto Quintero Montes,
23 El Chapo was stopped by the Phoenix Police Department driving a rented van. Inside the
24 van was a 9mm loaded handgun and a ledger containing names, addresses and monetary
25 amounts. The police took "Ernesto" to a local hotel where his wife Cruz Vasquez-Vera was
26 located. Inside the hotel room was \$2,450. Both Cruz and Ernesto were removed to
27 Mexico. The couple was apprehended by border patrol in July 2004 and were removed
28

1 again. In September 2004, using the name Nivardo Urrea-Quintero, El Chapo and three
2 others were found by ICE in possession of firearms on the Tohono O’odhan Nation. Nivardo
3 was prosecuted in U.S. District Court in Tucson, and was convicted of alien in possession.
4 “Cruz” wrote a letter to the court stating that Nivardo was her husband and that they had two
5 children together ages 2 months and 10 years. Nivardo served his sentence and was deported
6 to Mexico on September 7, 2005. “El Chapo” was clearly the leader of this alien smuggling/
7 hostage taking case. Not only would come to the house where the victims were being held
8 but he physically and verbally threatened the aliens. “El Chapo” also attempted to trade sex
9 for the smuggling fee of some of the aliens. PSR ¶ 9.

11 **II. POLLO LISTS**

12 The pollo lists are clear and do indicate who in fact was being held for a fee. For
13 example on bate stamped page 167 of defendant’s attachment, listed are four of the victims’
14 names who were found in the house and the name and number of the person who was
15 contacted to pay their fee.

17 **III. REPORT OF HOSTAGE TAKING ON OCTOBER 7, 2005**

18 Defendant is mistaken when attaching the I-213 of his brother Alberto Vasquez-Vera
19 and stating that it means that Alberto’s sister reported her brother was being held hostage.
20 The I-213 merely contains a summary of the case. There were two separate people who
21 reported to the police that there family members were being held in Phoenix by smugglers
22 using phone number 602-299-4357. One report came from Michigan, and that party stated
23 her nephew, niece and an unknown male were being held and threatened with rape and death.
24 Those victims were found at the 28th Drive house on October 11, 2005, and are: Carmelinda
25 Perez-Ramirez, Froylan Perez-Ramirez, and Roberto Ruiz-Jimenez. The other report came
26 from Kansas City on October 7, 2005. That person stated her brother, Josue Ramirez-
27 Quintana, was being held at a house in Phoenix and if she did not pay he would be sent back

1 to Mexico in a box. PSR ¶ 6. That victim was also found at the house on 28th Drive on
2 October 11, 2005.

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4 **IV. VICTIM STATEMENTS**

5 Of the 11 people found at that house that were not the defendant's brother, one of the
6 three juveniles, or actually defendants, seven were interviewed. All of them stated that they
7 were held in bedrooms at the house and could only leave those rooms to go to the bathroom
8 and that they needed permission for that too. Hence, they could not always see everything
9 that was happening in the house. All the victims stated defendant Vasquez-Vera was
10 guarding them and all people interviewed identified the defendant from a photo line-up. See
11 Attachment A for the victims' interviews.

12 **ROBERTO RUIZ-JIMENEZ**

13 He stated that defendant had a shotgun slung around him while guarding the aliens
14 and that he told the aliens to be quiet. He also stated that defendant threatened to beat the
15 aliens if they did not call their families and that defendant had free reign of the house.
16 Roberto stated defendant pretended to be a pollo and ran into one of the bedrooms when the
17 police arrived at the house.

18 **JOSUE RAMIREZ-QUINTANA**

19 When he arrived at the house, he was instructed to remove his belt and shoes and to
20 go to one of the bedrooms. He did see defendant holding a shotgun. He stated that
21 defendant make phone calls to the aliens' families for the smuggling fee, gave food to the
22 aliens and was free to move around the house.

23 **MIRIAM VILLA-FRANCA**

24 She called defendant "El Moreno" and stated that he guarded the aliens at night with
25 the shotgun. She stated defendant did not point the shotgun at the aliens and was very quiet.
26 She also stated that she thought defendant was the boss' brother in law.

1 **CARMELINDA PEREZ-RAMIREZ**

2 She identified defendant as a smuggler who sometimes carried the shotgun but she did
3 not know much about him.

4 **FROYLAN PEREZ-RAMIREZ**

5 He stated defendant was guarding the aliens with a shotgun. He said that defendant
6 stated that if the smuggling fee was not paid, he would kill them. Defendant gave them very
7 little food and victim was always hungry. He stated the smuggled aliens could not leave the
8 room without permission from the smugglers.

9 **JUVENAL GUERO-AGUIRRE**

10 He stated the smugglers took his shoes and identification when he arrived at the
11 house. He stated defendant told the aliens not to talk and carried the shotgun when the other
12 smuggler slept. Defendant made phone calls to collect the smuggling fee and told the
13 families to send the money or the smugglers would physically assault the aliens. He did not
14 see him point a shotgun at anyone. Juvenal was beaten by El Chapo on at least two
15 occasions and that other smugglers were present during the beatings.

16 **MARIO RIOS HERNANDEZ**

17 When he arrived at the house on 28th Drive (stash house) he was asked to take off his
18 belt and shoes so he could not leave the house. Mario identified Alberto Vasquez-Vera as a
19 smuggler and stated that he saw defendant with a shotgun. He also stated that defendant
20 gave them a little food and sold them sodas and snacks.

21 When defendant was interviewed he claimed that cooked and cleaned because he
22 could not pay his fee. Defendant is clearly minimizing his conduct. He was a trusted
23 member of the smuggling organization as he was left alone in the house, he guarded the
24 aliens, and he arranged for payment of the smuggling fee. Because he did not engage in
25 physical violence like his co-conspirators he was offered a favorable plea agreement. The
26 United States recommends a sentence of seven years since it is apparent that defendant
27 brandished the shotgun while guarding the aliens.

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Respectfully submitted this 20th day of July, 2007.

DANIEL G. KNAUSS
United States Attorney
District of Arizona

S/Lisa J. Settel

LISA JENNIS SETTEL
Assistant U.S. Attorney

Certificate of Service

I hereby certify that on this day, I electronically transmitted the attached document to the Clerk's Office using the CM/ECF System for filing and transmittal of a Notice of Electronic Filing to the following CM/ECF registrants: Mark Berardoni and Brian O'Connor.