

AO 91 (Rev. 01/09) Criminal Complaint

SEALED

UNITED STATES DISTRICT COURT

for the
Western District of Texas

Filed 2/6/12
Clerk, U. S. District Court
Western District of Texas
By CLK
Deputy

United States of America)

v.)

ANTONIO PENA-ARGUELLES)

Defendant)

Case No. SA-12-M-120

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

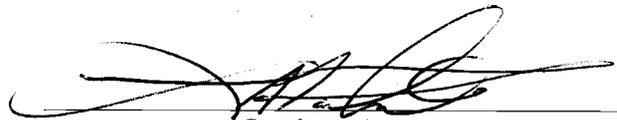
On or about the date of 2000 TO 2012 in the county of BEXAR in the WESTERN District of TEXAS, the defendant violated 18 U. S. C. § 1956(h), an offense described as follows:

CONSPIRACY TO LAUNDER MONETARY INSTRUMENTS

PENALTY: 0 TO 20 YEARS IMPRISONMENT, UP TO \$500,000 FINE, UP TO 3 YEAR TERM OF SUPERVISED RELEASE, MANDATORY \$100 ASSESSMENT

This criminal complaint is based on these facts:
SEE ATTACHED AFFIDAVIT

Continued on the attached sheet.

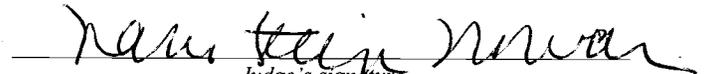

Complainant's signature

STEPHEN A. PARKINSON, DEA

Printed name and title

Sworn to before me and signed in my presence.

Date: 2/6/12


Judge's signature

City and state: SAN ANTONIO, TEXAS

NANCY STEIN NOWAK, U.S. MAGISTRATE JUDGE

Printed name and title

AFFIDAVIT IN SUPPORT OF COMPLAINT AND ARREST WARRANT

I, Stephen A. Parkinson, being duly sworn, depose and state:

1. I am an Investigative or Law Enforcement Officer of the United States within the meaning of Title 18, United States Code, and Section 2510(7), that is, an Officer of the United States who is empowered to conduct investigations of and to make arrests for the offenses enumerated in Title 18, United States Code, and Section 2516.

2. I have been employed as a Special Agent with the United States Drug Enforcement Administration ("DEA") since January, 1997. I am currently assigned to the San Antonio DEA District Office.

3. In connection with my official DEA duties, I investigate criminal violations of federal drug laws and related offenses, including, but not limited to, violations of Title 21, United States Code, Sections 841, 843, 846, 856, 952, 690, and 963, and Title 18, United States Code, Sections 1952, 1956, and 1957. I have received specialized training in the enforcement of the drug laws, the investigation of drug trafficking and drug organizations, in drug recognition and terminology, undercover operations, interviewing techniques, financial/money laundering investigations, and the use of electronic surveillance.

4. I have participated in complex investigations concerning the unlawful importation, possession with intent to distribute, and distribution of controlled substances, use of communication facilities to cause or facilitate the distribution of controlled substances, and conspiracy to commit such offenses, in violation of Title 21, United States Code, Sections 952, 960, 841(a)(1), 843(b), 846, and 963, and the laundering of monetary instruments, in violation of Title 18, United States Code, Section

1956 and 1957.

FACTUAL BASIS FOR 18 U.S.C. SECTION 1956(h)

5. Beginning on or about 2000 and continuing to the present, Antonio PENA-Arguelles, Alfonso Pena-Arguelles, and others conspired to launder narcotics proceeds acquired from the Gulf Cartel and Los Zetas in violation of Title 18 U.S.C. Section 1956 (h). Some of these illicit proceeds were laundered into the U.S. banking system, which were then used to purchase personal assets, to include real estate and vehicles, in the United States, to include, San Antonio, Texas in violation of Title 18 U.S.C. Section 1957. The following facts support these violations.

6. On or about November 29, 2011, Alfonso Pena-Arguelles, the older brother of Antonio PENA-Arguelles, was found murdered at the Christopher Columbus monument in Nuevo Laredo, Mexico. Found next to the body was a banner directed at Antonio PENA-Arguelles. The banner alleges that Antonio PENA-Arguelles took \$5 million and did not meet his obligations. The banner refers to Antonio PENA-Arguelles as a money launderer living in the United States. It was reported by DEA Confidential Sources that the decedent, Alfonso PENA-Arguelles, was killed by "Los Zetas" for the theft of drug proceeds given to the PENA-Arguelles brothers on behalf of Miguel Trevino-Morales in exchange for political influence within the government of Tamaulipas, Mexico through former Governor Tomas Yarrington. (Los Zetas is a powerful drug trafficking organization in Mexico headed by Heriberto Lazcano and Miguel Trevino-Morales, a/k/a Comandante 40. Both Heriberto Lazcano and Miguel Trevino-Morales have been indicted in the United States on drug conspiracy charges and remain fugitives).

7. On the morning of November 29, 2011, Antonio PENA-Arguelles received a

text message on his cellular telephone from Miguel Trevino-Morales. The text message, translated in its entirety, reads as follows: "Look Mr. Tono, we are not asking you for a kidnapping, it is the money you asked that person for, it was for politics, and they were just lies. So, it's best that you pay the money you owe. Since we know how the situation is. All right, don't pay, however let's see where you'll hide because you well know you are not going to have a place to hide, neither you, nor Ponchito, nor Tony. You were all involved, so keep the money and in your next life make sure who you steal from. Besides, your brother has been saying here, you and Tomas Yarrington, along with Costilla murdered the gubernatorial candidate, Rodolfo Torres Cantu because he affected the construction businesses and was sponsored /protected. Anyhow, he was killed for no reason, your brother remained and you all didn't accomplish anything and remember, that as long as the person is alive in any moment time they will kill you. There will not be a safe place for you, Mr. Tono, so good luck. Don't be an idiot and pay attention to whom you rob from and about that candidate, it was because of the businesses you have with Costilla, Tomas and Osiel Cardenas. Your brother also told me about the assumed names of the properties that you have with Osiel and I also know that they're in Laredo, Texas and San Antonio." DEA acquired the content of this text message from a documented DEA confidential source (CS-4) more fully identified herein below.

8. Confidential Source 1 (CS-1) was a close business associate of Antonio PENA-Arguelles. Due to this close association, CS-1 was privy to the details of many of the financial transactions conducted by Antonio PENA-Arguelles over the last several

years. Recently, CS-1 was approached by DEA agents and questioned about his knowledge of Antonio PENA-Arguelles. CS-1 agreed to be interviewed and to provide truthful information. CS-1 was promised no benefit for his cooperation. CS-1 reported that Antonio PENA-Arguelles and Alfonso Pena-Arguelles laundered millions of dollars in drug proceeds derived from the Zetas into bank accounts and investment funds in Mexico and the United States. CS-1 described Antonio PENA-Arguelles as a conduit between Mexican politicians, in particular Tomas Yarrington, and Zeta members Miguel Trevino-Morales and Hediberto Lozcano. CS-1 stated that during approximately 2002-2004, Antonio PENA-Arguelles dealt directly with Gulf Cartel Nuevo Laredo plaza boss "Gordo Mata". During approximately 2004, Antonio PENA-Arguelles and Alfonso Pena-Arguelles then began dealing directly with Miguel Trevino-Morales and the Los Zetas. CS-1 stated that during approximately 2004-2005, Antonio PENA-Arguelles and Alfonso Pena-Arguelles received approximately \$4.5 million in drug proceeds from Miguel Trevino-Morales in Nuevo Laredo, Mexico in exchange for political influence and protection. CS-1 indicated that Antonio PENA-Arguelles and Alfonso Pena-Arguelles received additional drug proceeds from the Zetas through their continued relationship with Miguel Trevino-Morales. According to CS-1, some of this money was deposited into bank accounts and investment funds in Nuevo Laredo, Mexico, under the control of Antonio and Alfonso Pena-Arguelles, and then wire transferred to account(s) at Commerce Bank in California, USA, under the name of Antonio PENA-Arguelles. CS-1 reported that Antonio PENA-Arguelles closed the account(s) at Commerce (Your affiant believes this to be Commerce Bank in California) during approximately 2007-2008, and transferred the sum of this money to accounts at Falcon Bank and IBC. CS-1 knows the

money in this account to be drug proceeds. CS-1 believes the banner placed over the body of Antonio PENA-Arguelles that makes reference to the \$5 million was in fact the \$4.5 million that Antonio PENA-Arguelles and Alfonso Pena-Arguelles received from Miguel Trevino-Morales in exchange for political protection. CS-1 knows that Antonio PENA-Arguelles and Alfonso Pena-Arguelles stole this money which they laundered for their own use into the Mexico and U.S. banking system.

9. Confidential Source 2 (CS-2) is currently a documented DEA confidential source. CS-2 has provided truthful information that has resulted in the successful prosecution of other drug traffickers. CS-2 began his cooperative efforts in order to avoid prosecution after being arrested for possession of controlled substances. Information provided by CS-2 in the past has been corroborated through independent sources. CS-2 was formally introduced to Antonio PENA-Arguelles in the United States through high ranking Gulf Cartel member Juan Jose Muniz-Salinas, a/k/a Bimbo, during approximately 2007. CS-2 stated that during early 2000, Antonio PENA-Arguelles began receiving large amounts of drug proceeds on behalf of Osiel Cardenas, head of the Gulf Cartel, in exchange for political influence within the government in Tamaulipas, Mexico. This relationship started with the election of Governor Tomas Yarrington and continued with the placement of other PRI candidates in government positions throughout Tamaulipas who could ensure favorable protection for the cartels. In approximately December of 2002, CS-2 delivered approximately \$500,000 in drug proceeds on behalf of the Gulf cartel to Nuevo Laredo plaza boss Gordo Mata that was to be given to the mayor of Nuevo Laredo, Mexico. When CS-2 arrived to deliver the money, Gordo Mata directed the CS-2 to give the money to an

associate of the mayor who CS-2 later learned was Antonio PENA-Arguelles.

10. CS-2 stated that Antonio PENA-Arguelles purchased a residence in San Antonio, located at 311 Joshua Way for approximately \$470,000. According to the CS, the real estate transaction was completed with an IBC cashier's check in the amount of approximately \$400,000 and \$70,000 in undeclared cash all in \$20 bill denominations.

11. CS-2 believes that Antonio PENA-Arguelles' brother was murdered in Nuevo Laredo, Mexico for money they received from Miguel Trevino-Morales for promises made for favorable political protection.

12. Confidential Source 3 (CS-3) is a past employee of Antonio PENA-Arguelles. During his employment, CS-3 became intimately acquainted and familiar with the various financial dealings of Antonio PENA-Arguelles. CS-3 approached DEA in order to provide information that would result in the arrest of Antonio PENA-Arguelles. CS-3 did this so that Antonio PENA-Arguelles would be protected from the Zetas who are trying to murder him. CS-3 stated that Antonio PENA-Arguelles is involved in money laundering and political corruption activities by acting as a middle man between the Zetas and politicians in Nuevo Laredo, Mexico. Specifically, Antonio PENA-Arguelles maintained personal relationships with former Tamaulipas Governor Tomas Yarrington and Zeta members Hediberto Lazcano and Miguel Trevino-Morales. During approximately 2007-2008, CS-3 knows that Antonio PENA-Arguelles conducted bulk money pickups in the United States cities of Brownsville, Roma, and Laredo, Texas and in Las Vegas, Nevada, estimated to be several million in drug proceeds derived from the Zetas. CS-3 stated that Antonio PENA owned a ranch, approximately 15 square miles in area, between mile marker 30 and 22, south of Nuevo Laredo,

Mexico, which bypassed a federal check point. CS-3 stated Antonio PENA-Arguelles was paid a fee by the Zetas for the use of this ranch to transit drugs destined for the United States in order for them to bypass the federal checkpoint. CS-3 observed Antonio PENA-Arguelles meeting with Lazcano on approximately 2-3 occasions, to include one meeting with Miguel Trevino-Morales at the ranch. CS-3 observed Antonio PENA-Arguelles with Tomas Yarrington on numerous occasions, to include in Nuevo Laredo Mexico and in the United States.

13. During August 2008, Antonio PENA-Arguelles was detained by the Mexican Military at the airport in Mexico City where he was held for approximately 53 days. After his release from Mexico, Antonio PENA-Arguelles returned to San Antonio where he had purchased a residence located on Joshua Way. According to CS-3, Antonio PENA-Arguelles had a large safe in the master bedroom of the residence where he kept large amounts of U.S. currency. During 2008, Antonio PENA-Arguelles met with Tomas Yarrington on several occasions at a house in San Antonio that was being rented by Tomas Yarrington. According to CS-3, Antonio PENA-Arguelles and Tomas Yarrington were having a disagreement over money. Following those meetings with Tomas Yarrington, Antonio PENA-Arguelles instructed CS-3 to be careful not to talk to anyone about what CS-3 overheard or saw. CS-3 also confirmed the murder of Alfonso PENA-Arguelles in Nuevo Laredo, Mexico and that it had to do with Antonio PENA-Arguelles' association with Miguel Trevino-Morales.

14. Confidential Source 4 (CS-4) is a long standing documented and paid confidential source for DEA. CS-4 has provided information to DEA on numerous occasions in the past. This information has been corroborated through other

independent sources and has been instrumental in enhancing other DEA investigations.

CS-4 stated that Antonio PENA-Arguelles acted as a conduit between the Zetas and Mexican politicians in Tamaulipas, Mexico, to include Tomas Yarrington, for political influence. CS-4 stated that Antonio PENA-Arguelles started working for Tomas Yarrington in approximately 2000 or 2001 to launder drug money Tomas Yarrington received from the Gulf Cartel. Antonio PENA-Arguelles coordinated money laundering activities and assets in the U.S. and Mexico on behalf of Tomas Yarrington. Antonio PENA-Arguelles was closely associated with ranking Gulf Cartel members "Gordo Mata" (Guadalupe Eugenio RIVERA-MATA) and Juan Jose MUNIZ-Salinas, a/k/a Bimbo.

15. CS-4 stated that Antonio PENA-Arguelles' brother, Alfonso Pena-Arguelles, was kidnaped on November 18th or 19th, 2011 in Mexico by Miguel Trevino-Morales. Antonio PENA-Arguelles told CS-4 that he (Antonio PENA-Arguelles) spoke to his brother (Alfonso Pena-Arguelles), who told him that he was being held by Miguel TREVINO-Morales. According to CS-4, Alfonso Pena-Arguelles told Antonio PENA-Arguelles that Miguel Trevino-Morales wanted to be paid \$5 million or Alfonso would be killed. Antonio PENA-Arguelles told CS-4 that he did not have \$5 million readily available, but did show CS-4 account information for \$4.1 million he had in mutual funds. Antonio PENA-Arguelles told CS-4 that he had received multiple telephone calls from the Zetas and that he had made some payments totaling \$380,000 to the Zetas in Mexico. After the murder of Alfonso, CS-4 asked Antonio PENA-Arguelles if he stole the \$5 million, which Antonio PENA-Arguelles did not deny. CS-4 believes that Alfonso was the person who received the \$5 million in Mexico from

Miguel Trevino-Morales on behalf of Antonio and that Antonio PENA-Arguelles did take the \$5 million from Miguel Trevino-Morales.

16. CS-4 stated that Antonio PENA-Arguelles utilized bank accounts at Falcon Bank, International Bank of Commerce, HSBC Mexico, and Commerce Bank in California. Approximately 4-5 years ago, Antonio PENA-Arguelles showed CS-4 a bank statement for bank account(s) he had in California ("California Commerce") which contained approximately \$8-9 million believed to be illegal proceeds. Antonio PENA-Arguelles told CS-4 he wanted to make some investments in the United States with that money. CS-4 stated that Antonio PENA-Arguelles derived most of his wealth from his association with the cartels.

17. During 2012, your affiant obtained and reviewed illicit financial ledgers belonging to Antonio Pena-Arguelles and Alfonso Pena-Arguelles for the years 2004-2006. These ledgers were procured from the premises belonging to CS-1 pursuant to a consent search of said premises. A review of these ledgers revealed cash assets for Antonio PENA-Arguelles estimated at over \$10 million located in U.S. financial institutions, to include California Commerce Bank, Falcon Bank, and IBC. These ledgers also indicate large amounts of U.S. dollars believed to be narcotics related proceeds that were received by Alfonso Pena-Arguelles and Antonio PENA-Arguelles. These ledgers also included dates and name entries which document millions of dollars in Pesos and U.S. dollar payments/disbursements to Tomas Yarrington's representatives and others. These ledgers revealed U.S. bank accounts at California Commerce Bank, Falcon, IBC, and other investment funds where Antonio PENA-Arguelles funneled his drug proceeds from Mexico.

18. Your affiant has also obtained a detailed name and telephone directory belonging to Antonio PENA-Arguelles which were provided to DEA by CS-2. The telephone directory lists telephone numbers for Citi Bank (formerly California Commerce Bank), IBC, and Falcon Bank, among other financial institutions. The directory also lists telephone numbers which appear to be for Miguel Trevino-Morales and Tomas Yarrington.

FINANCIAL RECORDS

19. Your Affiant has reviewed some of the financial/bank records pertaining to Antonio PENA-Arguelles. These records revealed that a bank account ("5967500110") at California Commerce Bank, now d/b/a Banamex USA, located in Los Angeles, California, was established on or about March 30, 2005 under the name Antonio PENA-Arguelles, with funds derived from two separate wire transfers. These wire transfers, dated April 6, 2005, in the amounts of \$4,546,095.48 and \$2,539,152.81 respectively (totaling \$7,085,248.29), originated from a Banamex account in Nuevo Laredo, Mexico, under the name of Alfonso Pena-Rodriguez. Your affiant believes these funds to be narcotics related proceeds derived from Miguel Trevino-Morales in Nuevo Laredo, Mexico.

20. Financial records further revealed two separate wire transfers, dated April 17, 2008, in the amounts \$4,000,000 and \$2,997,941.76 (totaling \$6,997,941.76), that were sent from California Commerce account ("5967500110") to other accounts under the control of Antonio PENA-Arguelles. On April 17, 2008, a wire transfer, in the amount of \$4,000,000, was sent from California Commerce account ("5967500110") to Falcon International Bank account ("125000220"), in the name of Antonio PENA-Arguelles. On

the same date, a wire transfer, in the amount of \$2,997,941.76, was sent from California Commerce account ("5967500110") to Laredo National Bank account, now d/b/a BBVA Compass, ("3033401090"), in the name of Antonio PENA-Arguelles.

21. On or about April 21, 2008, Antonio PENA-Arguelles deposited a check, in the amount \$1,001,968.30, drawn on Falcon Bank account ("125000220"), into BBVA Compass account ("3033401090"), in the name of Antonio PENA-Arguelles. On April 2, 2009, Antonio PENA-Arguelles deposited a check, in the amount of \$4,107,828.30, drawn on BBVA Compass account ("3033401090") into International Bank of Commerce ("IBC") account ("2210146283"), in the name of Antonio PENA-Arguelles.

MONETARY TRANSACTIONS OCCURRING IN SAN ANTONIO, TEXAS

22. On or about May 18, 2006, Antonio PENA-Arguelles purchased a condominium ("The Carlyle at 7887 Broadway, Unit #802, San Antonio, Texas") for \$315,000. According to title records, \$314,965.06 was due at closing. The closing amount of \$314,965.06 was funded with three separate wire transfers, in the amounts of \$119,965.06, \$15,000, and \$180,000 respectively. On May 18, 2006, a wire transfer, in the amount of \$119,965.06, was sent from IBC account, in the name of Antonio PENA-Arguelles, to the title company. On the same date, a wire transfer, in the amount of \$15,000, was sent from Falcon Bank account ("125000220"), in the name of Antonio PENA-Arguelles, to the title company. On the same date, a wire transfer, in the amount of \$180,000, was sent from California Commerce account ("5967500110"), in the name of Antonio PENA-Arguelles, to the title company. The source of all of these funds originated from Antonio PENA-Arguelles' California Commerce account.

23. During 2008, CS-3 stated that Antonio PENA-Arguelles transported

approximately \$500,000 in narcotics related proceeds via private aircraft from Las Vegas, Nevada to Signature Flight Support in San Antonio, Texas, which your affiant believes was ultimately destined for Mexico.

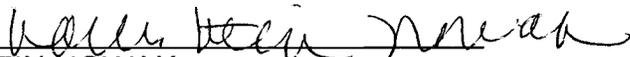
24. On or about July 9, 2008, Antonio PENA-Arguelles purchased a home in San Antonio, Texas ("311 Joshua Way"). According to title records, Antonio PENA-Arguelles purchased the home for \$400,000 with the amount of \$396,224.09 due at closing. Title records indicated that amount was funded with an IBC cashier's check, in the amount of \$396,224.09, in the name of Antonio PENA-Arguelles. According to CS-2, this IBC cashier's check was drawn on Antonio PENA-Arguelles account at IBC. According to CS-2, Antonio PENA-Arguelles paid the owner an additional \$70,000 in \$20 bill denominations in San Antonio for the purchase of the home.

25. On or about May 11, 2011, Antonio PENA-Arguelles purchased a 2011 Land Rover, Range Rover SC, from Land Rover of San Antonio for \$103,447.19. Antonio PENA-Arguelles paid Land Rover of San Antonio with a check, in the amount of \$55,000, drawn on Falcon Bank account ("125000220"), in the name of Antonio PENA-Arguelles.

26. Your affiant believes the aforementioned facts demonstrate that Antonio PENA-Arguelles, Alfonso Pena-Arguelles, and others conspired to launder monetary instruments, in violation of Title 18, U.S.C. Section 1956(h).


STEPHEN A PARKINSON, DEA

Sworn to and subscribed before me on the 6 day of February,
2012.


NANCY STEIN NOWAK
United States Magistrate Judge