UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA :

S(2) 21 CRIM 542

- v. - :

HENRY RICHARD CRESPO-GUZMAN,
a/k/a "Colonel Crespo", : **SEALED INDICTMENT**

Defendant. : S2 21 Cr.

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COUNT ONE

(Cocaine Importation Conspiracy)

The Grand Jury charges:

1. From at least in or about September 2020, up to and including in or about August 2021, in Bolivia, and elsewhere, and in an offense begun and committed out of the jurisdiction of any particular State or district of the United States, HENRY RICHARD CRESPO-GUZMAN, a/k/a "Colonel Crespo", the defendant, 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 HENRY RICHARD CRESPO-GUZMAN, a/k/a "Colonel Crespo", the defendant, 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 a controlled substance, 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 HENRY RICHARD CRESPO-GUZMAN, a/k/a "Colonel Crespo", the defendant, and others known and unknown, would and did manufacture, possess with intent to distribute, and distribute a controlled substance, intending, knowing, and having reasonable cause to believe that such substance 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 substance that HENRY RICHARD CRESPO-GUZMAN, a/k/a "Colonel Crespo", the defendant, 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, possess with intent to distribute, and distribute, intending, knowing, and having reasonable cause to believe that such substance would be unlawfully imported into the United States and into waters within a distance of 12 miles of the coast of the United States, was five kilograms and more of mixtures and substances containing a detectable amount of

cocaine, in violation of Title 21, United States Code, Section 960(b)(1)(B).

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

COUNT TWO

(Possession of Machineguns)

The Grand Jury further charges:

5. From at least in or about September 2020, up to and including in or about August 2021, in Bolivia, and elsewhere, and in an offense begun and committed out of the jurisdiction of any particular State or district of the United States and for which one of two or more joint offenders is expected to be first brought to and arrested in the Southern District of New York, HENRY RICHARD CRESPO-GUZMAN, a/k/a "Colonel Crespo", the defendant, during and in relation to a drug trafficking crime for which they may be prosecuted in a court of the United States, to wit, the narcotics importation conspiracy charged in Count One of this Indictment, knowingly used and carried firearms, and, in furtherance of such drug trafficking crime, knowingly possessed firearms, and aided and abetted the use, carrying, and possession of firearms, including machineguns that were capable of automatically shooting more than one shot, without manual reloading, by a single function of the trigger, as well as destructive devices.

(Title 18, United States Code, Sections 924(c)(1)(A)(i), 924(c)(1)(B)(ii), 3238, and 2.)

COUNT THREE

(Conspiracy to Possess Machineguns)

The Grand Jury further charges:

6. From at least in or about September 2020, up to and including in or about August 2021, in Bolivia, and elsewhere, and in an offense begun and committed out of the jurisdiction of any particular State or district of the United States, HENRY RICHARD CRESPO-GUZMAN, a/k/a "Colonel Crespo", the defendant, 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 Title 18, United States Code, Section 924(c).

7. It was a part and an object of the conspiracy that HENRY RICHARD CRESPO-GUZMAN, a/k/a "Colonel Crespo", the defendant, and others known and unknown, during and in relation to a drug trafficking crime for which they may be prosecuted in a court of the United States, to wit, the narcotics importation conspiracy charged in Count One of this Indictment, would and did knowingly use and carry firearms, and, in furtherance of such drug trafficking crime, knowingly possess firearms, including machineguns that were capable of automatically

shooting more than one shot, without manual reloading, by a single function of the trigger, as well as destructive devices, in violation of Title 18, United States Code, Sections 924(c)(1)(A)(i) and 924(c)(1)(B)(ii).

(Title 18, United States Code, Sections 924(o) and 3238.)

FORFEITURE ALLEGATIONS

8. As a result of committing the controlled substance offense alleged in Count One of this Indictment, HENRY RICHARD CRESPO-GUZMAN, a/k/a "Colonel Crespo", the defendant, shall forfeit to the United States, pursuant to Title 21, United States Code, Sections 853 and 970, any and all property constituting or derived from any proceeds obtained directly or indirectly as a result of said offense and any and all property used or intended to be used in any manner or part to commit or to facilitate the commission of said offense, including but not limited to a sum of money in United States currency representing the amount of proceeds traceable to the commission of said offense.

9. As a result of committing the firearms offenses alleged in Counts Two and Three of this Indictment, HENRY RICHARD CRESPO-GUZMAN, a/k/a "Colonel Crespo", the defendant, shall forfeit to the United States, pursuant to Title 18, United States Code, Section 924(d), all firearms and ammunition

involved in and used in the commission of the offenses charged in Counts Two and Three of this Indictment.

Substitute Assets Provision

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

a. cannot be located upon the exercise of due diligence;

b. has been transferred or sold to, or deposited with, a third person;

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 which cannot be subdivided without difficulty;

it is the intention of the United States, pursuant to Title 21, United States Code, Sections 853(p) and 970, and Title 28, United States Code, Section 2461(c), to seek forfeiture of any other property of the defendant up to the value of the above forfeitable property.

(Title 21, United States Code, Sections 853 and 970; Title 28, United States Code, Section 2461.)

Brian Cann
FOREPERSON

Audrey Strauss
AUDREY STRAUSS
United States Attorney

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

- v. -

HENRY RICHARD CRESPO-GUZMAN, a/k/a "Colonel Crespo",

Defendant.

SEALED INDICTMENT

(21 U.S.C. § 963; and
18 U.S.C. §§ 924, 2, and 3238.)

AUDREY STRAUSS
United States Attorney.

A TRUE BILL

Foreperson.