



# U.S. Department of Justice

## Federal Bureau of Investigation

---

Los Angeles Division  
11000 Wilshire Boulevard  
Suite # 1700  
Los Angeles, California 90024

June 16, 2017

The Honorable Patrick H. Donahue  
Superior Court Judge  
SUPERIOR COURT OF CALIFORNIA, COUNTY OF ORANGE  
700 Civic Center Drive West  
Dept. C-40  
Santa Ana, California 92701

Re: *People v. Oscar Moriel*,  
Case No. 05CF3926

Dear Judge Donahue:

The purpose of this letter is to advise the Court of the nature, extent, and circumstances of defendant Oscar Moriel's ("Moriel") cooperation with the Federal Bureau of Investigation ("FBI") as well as the FBI's assessment of the risks to the long-term personal safety of Moriel and his family resulting from his cooperation with the FBI.

In 2009 and 2010, the FBI and local law enforcement agencies with whom the FBI works as part of the Santa Ana Gang Task Force ("SAGTF") were investigating the Orange County criminal street gangs operating under the authority of the Mexican Mafia. During the course of the investigation, Moriel, who was in custody at the Orange County Jail at the time, agreed to cooperate with the FBI's investigation and began providing information relating to ongoing, uncharged criminal activities of violent street gangs that operate within Orange County. Moriel assisted the FBI's investigation for approximately 14 months, from in or around July 2009 to September 2010. During that time, he was the primary informant assisting the FBI's investigation, and he obtained evidence that was critical to the investigation and the federal charges that arose from that investigation. Because he was in custody while serving as a cooperator, Moriel placed himself at significant risk of harm during the term of his cooperation, and he will remain at risk of retaliation in the years ahead.

### **A. Assistance with FBI Investigation**

During his cooperation, Moriel provided information and other assistance to the FBI and SAGTF investigators on a weekly basis. Moriel took care to document investigative contacts in handwritten notes, which he provided to investigators. The information included, among other things, the following: (1) jailhouse "kites," which were passed to him at the Orange County Jail,

where members of Southern Hispanic street gangs affiliated with the Mexican Mafia were directing assaults and murders against enemies of the Mexican Mafia; (2) assistance in interpreting and explaining the intercepted “kites”; (3) intelligence regarding the Mexican Mafia’s activities inside the Orange County Jail, including the leadership and the structure that it had in place within the jail system; and (4) the identities of individuals responsible for unsolved gang-related shootings and murders in Orange County. To assist investigators in gathering related evidence, Moriel also made consensually recorded telephone calls to subjects of the investigation to discuss Mexican Mafia activities.

The following summarizes Moriel’s assistance during the course of the FBI investigation, the type of information he provided, and how that assistance and information was of use to the FBI’s investigation:

1. From 2009 through 2010, the FBI initiated nine separate court-authorized, Title III wiretaps, along with necessary renewals. Moriel’s information was used in the FBI’s wiretap applications. The information provided by Moriel was of such a singular nature that once the later-charged defendants reviewed the applications during the discovery process, they immediately knew Moriel was the source of the information. Moriel’s cooperation and the resulting information was important to establishing probable cause for the issuance of several of the wiretaps, which may not have been otherwise approved.

2. In December 2009, Moriel, under the supervision of the FBI, participated in monitored undercover telephone conversations in which he introduced, as his “Uncle Joey,” an Undercover Task Force Officer (“UC”), to two separate subjects of the FBI investigation. This introduction was used as part of the probable cause for a Title III wiretap against one of the subject’s telephones. It also resulted in the UC conducting two separate undercover purchases, one involving the sale of methamphetamine by one subject, and the sale of a firearm by the other subject. Beyond providing an investigative opportunity for the drug and firearm transactions, Moriel’s efforts and the resulting UC contact provided insights and important evidence regarding the Mexican Mafia’s activities, organization, and mode of operation within the Orange County jail system. As referenced below, some of that evidence was relied upon by the government during the federal RICO trial of Peter Ojeda and certain associates, which trial took place from October 2015 through January 2016.

3. From July 2009 through April 2010, Moriel participated in over 80 separate debriefs with the FBI, almost on a weekly basis. Each debrief encompassed a single day, or multiple days, of gang and Mexican Mafia intelligence. For example, one debrief encompassed the dates of August 1, 2009 through August 10, 2009. This was a thorough and detailed debrief which resulted in five pages of information regarding the following matters, among others: (a) the identities of each gang member who was in charge of each jail facility and sectors within each facility on behalf of Peter Ojeda, the ranking Mexican Mafia gang member in Orange County; (b) who was on the “hard candy” list, meaning who was to be targeted to be killed inside

and outside the jail; and (c) which current Mexican Mafia members and affiliated gang members supported Armando Moreno, the rival to Ojeda's power in Orange County.

4. In a series of debriefs from October 26, 2009 through November 8, 2009, Moriel provided information that enabled law enforcement to learn of a threat of physical harm to a potential victim and to take steps to address that threat, including the provision of notice to the potential victim. An unindicted co-conspirator (who was facing a life sentence in state court) learned that an informant was going to testify against him. This individual shared with Moriel that he had ordered the informant to be stabbed. This individual also ordered Moriel and a third person to instruct the "Sureños," meaning Southern Hispanic gang members loyal to the Mexican Mafia, to begin assaulting black inmates.

5. From January 8, 2010 through January 12, 2010, Moriel provided information on Armando Moreno's status as a Mexican Mafia member. Specifically, Moriel spoke with Tommy "Fox" Rodriguez, an F-Troop gang member who was a key lieutenant of Peter Ojeda. As Moriel reported to law enforcement and other evidence corroborated, Mr. Rodriguez told Moriel that a Mexican Mafia member, Arturo "Turi" Estrada, sent a "kite" explaining how Moreno was "no good" and should be ignored. Rodriguez also disclosed to Moriel that he was being subpoenaed to the Orange County Jail because Ojeda wanted Rodriguez to thwart the efforts of Moreno and his supporters to control the Mexican Mafia's activities within the Orange County jail system. This information and related evidence gathered by Moriel enabled law enforcement to address some of the risks of gang-related violence within the Orange County jail system. It also provided the government with important evidence to federal RICO charges against Ojeda and Moreno and scores of other gang members and associates who, collectively, comprised much of the leadership structure of the Mexican Mafia in Orange County. Much of this evidence was used by the government during the trial of Peter Ojeda.

6. Moriel intercepted a number of jailhouse "kites" that evidenced Ojeda's continued control over the Orange County Branch of the Mexican Mafia, the power struggle between Ojeda and Moreno and their supporters to control the enterprise, and the conspiracy of Peter Ojeda and others to murder and commit violent assaults against Armando Moreno and individuals who supported Moreno's bid to control the activities of the Mexican Mafia within Orange County. In February 2010, for example, Moriel intercepted a "kite" written by two close associates of Ojeda, namely, F-Troop gang members Joe Lara and Tommy Rodriguez. The "kite" provided significant evidence of a conspiracy by Ojeda and his supporters (including Alberto Vargas, who was a newly-minted Mexican Mafia member that Ojeda had sponsored for membership) to murder Armando Moreno. In the "kite," Lara wrote, in substance, that he had just received word that Ojeda's ex-cellmate (*i.e.*, Vargas) advised another conspirator that their request for written authorization regarding Moreno would be granted and that Moreno is done, "187 H.C" (*i.e.*, that Moreno had been placed on the "Hard Candy" to be murdered). In a related "kite" that Moriel provided to investigators, Lara and Tommy Rodriguez ordered that any Sureños who got access to Moreno and one of his primary lieutenants (*i.e.*, Leonel Vega a/k/a "Downer") are "to move

quickly and strike with force.” The government introduced these “kites” as evidence in its case-in-chief during the trial of Peter Ojeda and Suzie Rodriguez.

7. During his work for the FBI while in custody, Moriel made various telephone calls from the Orange County Jail using the jail’s phone system knowing that they would be recorded and thus available to FBI investigators as evidence. These calls were made at the request of the FBI. In January 2010, for example, Moriel conducted a recorded telephone call with a “secretary” working on behalf of Moreno. In that call, the secretary was captured explaining to Moriel that Ojeda and his supporters should be ignored. She told Moriel that she was the one who cleared Moriel’s name with Moreno, and if Moriel was disloyal to Moreno, Moriel would have to go back into protective custody. This meant she would arrange with Moreno and others to put a hit on Moriel if he was disloyal to Moreno.

Similarly, in December 2009 and March 2010, Moriel conducted recorded telephone calls with Suzie Rodriguez, who was then working as Ojeda’s “secretary.” In those calls, Moriel obtained significant evidence revealing Ojeda’s control of the Orange County Branch of the Mexican Mafia and the role of his “mesa” and certain associates in Orange County. Both calls were later introduced as evidence in the trial of Ojeda and Suzie Rodriguez.

In February 2010, Moriel participated in recorded telephone conversations with a third party about a secret Mexican Mafia meeting involving EME members that occurred at the home of Tommy and Suzie Rodriguez. Suzie Rodriguez was then acting as the “secretary” for Ojeda and communicating on Ojeda’s behalf with Tommy Rodriguez and other Ojeda supporters in Orange County. Based on Moriel’s efforts in those telephone calls, the FBI was able to obtain additional evidence and interpret and corroborate other information regarding the Mexican Mafia’s activities in Orange County. As the caller explained to Moriel, the Mexican Mafia members advised leaders of local EME-affiliated gangs that Moreno, when he was younger, joined a “black” gang, Hoodlum Crips, and therefore was “no good” and should be ignored. This information was important to the FBI’s investigation in various respects. It provided further evidence of the existence of the Mexican Mafia enterprise in Orange County and the role of various individuals in that enterprise, including Peter Ojeda’s continued power and influence over the enterprise. In addition, the information enabled the FBI to gain Moreno’s cooperation in the overall investigation.

## **B. Results of the FBI Investigation**

As a result of the FBI’s investigation (*i.e.*, “Operation Black Flag”), which was furthered substantially by Moriel’s assistance, the government obtained federal indictments against 58 gang members, including three members of the Mexican Mafia (*i.e.*, Ojeda, Moreno, and Alberto Vargas) and members and associates of EME-affiliated street gangs operating within Orange County. In July 2011, a federal grand jury indicted a total of 27 of those defendants, including Peter Ojeda, for: (1) conspiracy to conduct the affairs of a RICO enterprise through a pattern of

racketeering activities, in violation of 18 U.S.C. § 1962(d); and (2) conspiracies by members of the Ojeda and Moreno factions to murder and commit violent assaults against members of the opposing faction to maintain or gain control of the Orange County branch of the Mexican Mafia, in violation of 18 U.S.C. § 1959(a). See *United States v. Peter Ojeda, et al.*, Case No. SA CR 11-148-JVS. In June 2011, the other defendants were charged in separate, though related indictments for a variety of other federal offenses, including another RICO conspiracy, drug-trafficking offenses, and firearms offenses. See *United States v. Glenn Navarro, et al.*, Case No. SA CR 11-133-JVS; *United States v. Cesar Munguia, et al.*, Case No. SA CR 11-132-JVS; and *United States v. Luciano Borjas, et al.*, Case No. SA CR 11-134-JVS. Certain of the indictments rested heavily on the FBI's above-referenced wiretaps.

Except for a fugitive, a misidentified individual, and two defendants who died of cancer while awaiting trial, all of the charged defendants were later convicted, and most received significant prison sentences. It is difficult to identify the exact number of these defendants who were charged and convicted as a direct result of Moriel's cooperation. However, it can be said that Moriel's assistance played a critical role in the FBI's investigation and that the evidence he helped obtain related most directly to some of the most serious, high-ranking defendants charged as a result of the FBI investigation, including the three Mexican Mafia members and many of Ojeda's and Moreno's top gang lieutenants.

### **C. Moriel's Testimony in Federal Trial**

In December 2016, Moriel testified as part of the government's case-in-chief against Peter Ojeda and Suzie Rodriguez, the last two defendants in the case of *United States v. Peter Ojeda, et al.*, Case No. SA CR 11-148-JVS. Moriel testified for three days.

Moriel's testimony was truthful and corroborated by other evidence gathered during the course of the FBI's investigation. Moriel's testimony provided key evidence regarding the Mexican Mafia's activities in Orange County and the role of Ojeda and members of his "mesa" in controlling the activities of EME-affiliated street gangs. Moriel's testimony also provided evidence regarding the power struggle between the Ojeda and Moreno factions for control of the Mexican Mafia's activities in Orange County in 2009 and 2010, which, among other things, helped establish the existence of the charged RICO enterprise.

Prior to the *Ojeda* trial, Moriel met with prosecutors and FBI investigators to review Moriel's cooperation with the FBI's investigation, his copious, hand-written notes documenting his investigative activities, and various jailhouse "kites." In those meetings, Moriel identified persons referred to only by gang monikers and other nicknames, interpreted and/or explained the meaning of certain "kites," discussed and interpreted some of the audio-recordings referenced above, and discussed certain matters referenced in his contemporaneous investigative notes. Moriel's efforts in that regard helped the government prepare the *Ojeda* case for trial.

**D. Conclusion**

The information provided by Moriel throughout his cooperation with the FBI investigation was credible. The FBI was able to corroborate the veracity of the information through Title III wiretap intercepts, other informants, other law enforcement sources, and various forms of evidence (*e.g.*, undercover recordings, kites, and other documents, etc.).

The information and intelligence provided by Moriel was of substantial assistance to the FBI and its local law enforcement partners. Moriel's assistance ultimately allowed the government to file a variety of federal charges against Ojeda, Moreno, and scores of other persons who were either members or associates of EME-affiliated criminal street gangs, including several high-ranking lieutenants of Ojeda and Moreno. The charges included RICO, drug-trafficking, and firearms offenses. Moriel's assistance permitted law enforcement to prevent acts of gang-related violence before they occurred, advanced the FBI's investigations into the Mexican Mafia and Orange County-based Southern Hispanic criminal street gangs, and identified individuals responsible for unsolved gang-related shootings and murders. In short, Moriel's cooperation, in the FBI's view, saved lives and prevented significant gang-related violence.

Moriel's efforts to assist law enforcement have come at a great expense to his personal safety, as well as that of his family. Because of the nature and extent of his cooperation and the fact that the cooperation has been publicly revealed, Moriel is a target for retaliation by the Mexican Mafia and the criminal street gangs that it controls. Indeed, the FBI has already received credible information that individuals against whom Moriel cooperated have made threats to kill Moriel. The risk of harm to Moriel has required him to be placed in administrative segregation while in custody for the past few years, isolating him from the general inmate population in the Orange County jail system and restricting his ability to engage in otherwise permissible activities while in custody. The threats and risk of retaliation will place Moriel at risk throughout his remaining term of incarceration and will continue well after his release from custody.

The United States Attorney's Office for the Central District of California has reviewed the facts laid out in this letter and concurs with them in their entirety.

Sincerely,

DEIRDRE L. FIKE  
Assistant Director in Charge

By:   
ERIC A. MAYO  
Supervisory Special Agent