

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF KENTUCKY  
CENTRAL DIVISION  
LEXINGTON**

**CRIMINAL ACTION NO. 22-CR-116-S-DCR**

**UNITED STATES OF AMERICA**

**PLAINTIFF**

**V.**

**PLEA AGREEMENT**

**MARIA RUBI ORTIZ-LOPEZ**

**DEFENDANT**

\* \* \* \* \*

1. Pursuant to Federal Rule of Criminal Procedure 11(c), the Defendant will enter a guilty plea to Count 3 of the Superseding Indictment, charging a violation of 21 U.S.C. § 841(a)(1), Possession with Intent to Distribute 50 grams or more of Methamphetamine (actual), a Schedule II controlled substance. The Defendant will also enter a guilty plea to Count 5 of the Superseding Indictment, charging a violation of 18 U.S.C. § 1956(h), Conspiracy to Commit Money Laundering Offenses. The United States will move to dismiss the remaining counts of this Indictment as they pertain to this Defendant. The Defendant will also forfeit her claim to the assets listed in the Forfeiture Allegations.

2. The essential elements of Count 3 are:

(a) That the Defendant did knowingly and intentionally, (jointly or constructively) possess 50 grams of methamphetamine (actual), a Schedule II controlled substance, and

(b) that the Defendant intended to distribute the controlled substance to another person.

The essential elements of Count 5 are:

- (a) that the Defendant and others engaged in a conspiracy to conduct or attempt to conduct a financial transaction(s);
- (b) that the financial transaction(s) involved property that represented proceeds from the unlawful distribution of controlled substances;
- (c) that the Defendant knew that the property involved in the financial transaction(s) represented proceeds from the unlawful distribution of controlled substances; and
- (d) that the Defendant knew the transaction(s) was designed in whole or in part to conceal or disguise the nature, the location, the source, the ownership, or the control of the proceeds of the distribution of controlled substances or to avoid a transaction reporting requirement under state or federal law.

3. As to Counts 3, 5, and relevant conduct, the United States could prove the following facts that establish the essential elements of the offenses beyond a reasonable doubt, and the Defendant admits these facts:

a) On September 1, 2022, members of the Lexington Police Department (LPD) Narcotics Enforcement Unit (NEU) received information related to a package being shipped through a third-party shipping carrier from California with an intended destination on Queen Avenue, Lexington, Fayette County, Kentucky in the Eastern District of Kentucky (EDKY). An NEU investigator identified the package and a LPD trained and certified drug odor detection canine alerted to the odor of illegal drugs emanating from within the package. A state search warrant was executed on the package which yielded approximately 10 pounds 5 ounces (gross weight) of suspected methamphetamine. The suspected methamphetamine was located within ten separate vacuum sealed bags. One of the packages was opened and a quantity of the suspected methamphetamine was field tested and tested positive for the presence of methamphetamine.

(b) Following the seizure of the suspected methamphetamine, investigators repackaged the box leaving approximately 2 pounds (1,000 grams) of crystal methamphetamine for an attempted controlled delivery for the Queen Avenue address. Investigators also obtained a state search warrant for the premises on Queen Avenue which was identified as a mobile home.

(c) That same day, members of NEU delivered the package containing the methamphetamine to the front porch of the Queen Avenue address. Mere minutes after delivery, the package was observed by law enforcement to be accepted and brought inside the residence by Esteban Medina (Esteban). At that time, members of NEU executed the search warrant for the premises. As detectives approached the residence to serve the search warrant, they observed Esteban exit the residence while attempting to tape the package. Esteban was detained at that location, and the Defendant and four juveniles exited the residence as well. After securing the residence, investigators initiated a search of the home. Inside the residence, quantities of suspected contraband were located throughout. In the front bedroom closet, investigators located and seized over 25 pounds of marijuana. In the front bedroom under the bed wrapped in a towel and plastic wrap, investigators seized a DTI 15, Delton Inc. 5.56 caliber AR style rifle. Also, under the bed inside a box, investigators seized a Bushmaster Carbon 15 .223 caliber rifle with a defaced serial number. Inside the front bedroom closet within a bag, members of NEU seized a Glock 23 .40 caliber handgun and a Moriarti Armaments AR9 multi caliber pistol. Within the safe inside the front bedroom closet investigators located and seized a SCCY Industries Model CPX1 9mm handgun. There were several drum magazines, standard magazines, and ammunition located inside the residence. Investigators seized these numerous firearms, the drum magazines and other related firearms for which Esteban claimed ownership. There was plastic wrap, a vacuum sealer, a scale and other items located which are commonly used to repackage controlled substances into smaller units for distribution located also.

(d) Investigators initially spoke with the Defendant who was located in the trailer at the time of the search. She advised that Esteban was her boyfriend and that she currently resided in the state of California. She said that she would fly out and visit the Defendant once a month for 1 or 2 weeks at a time and that they had been residing for a period of time at the Queen Avenue address. Receipts, money orders, financial documents inditing money deposits, money withdrawals, drug ledgers and other items related to the distribution of controlled substances were all seized from the residence along with items related to other parcels which had previously been shipped.

(e) The Defendant admits that the United States could prove that she and Esteban jointly or constructively possessed over 50 grams of actual methamphetamine. This methamphetamine had been shipped/imported from the West Coast of the United States to the EDKY for distribution. Further, the Defendant admits that the United States could prove that the Defendant did engage in an agreement to conduct or attempt to conduct financial transactions with proceeds from the distribution of methamphetamine and marijuana. The Defendant admits that the United States could prove that she transferred drug proceeds from the EDKY to California and provided them to another person in California. Further, the United States could prove that the Defendant structured multiple wire transfers with others to transfer approximately \$10,000 in drug proceeds. These proceeds were deposited in bank accounts before being transferred. The United States could prove that the Defendant co-rented a residence in Georgetown, Kentucky by agreement with Esteban. The Defendant determined that Esteban had received multiple

parcels of controlled substances at residences on Queen Avenue in Lexington as well as an address in Georgetown. The Defendant transferred drug proceeds through multiple transactions and transferred approximately \$11,000 in cash to an unknown male. Those drug proceeds were also deposited into a Chase Bank account before being transferred. The Defendant also traveled with Esteban on at least two occasions where she deposited just under \$10,000 in drug proceeds into a money gram account that belonged to Esteban. The Defendant also acknowledges that the United States could prove that on at least one occasion and at the direction of Esteban she made pickups of drug proceeds.

(f) The United States Postal Service (USPS) was contacted reference this investigation and revealed two previous outgoing money seizures reference this case. One was for \$7,000 and the other for \$5,000. The Defendant filed a response claiming the money, but her claim does not establish a sufficient grounds to permit that amount to be disbursed back the Defendant.

(g) Further investigation with other local law enforcement agencies revealed that prior to the execution of the search warrant mentioned above on Queen Avenue, a package containing 6 pounds of crystal meth was intercepted headed to an address in Georgetown. The controlled delivery was unsuccessful but the utilities, rental agreement and otherwise were located and found to be in the name of the Defendant and Esteban.

(h) A DEA lab report from the seized box referenced above confirmed the presence of over 4,000 grams of methamphetamine, a Schedule II controlled substance at 97% purity that was seized from the residence on Queen Avenue. The amount of 2 pounds (approximately 1,000 grams) that remained in the package that was control delivered is approximately 970 grams of actual methamphetamine. Both amounts clearly exceed 50 grams of "actual" methamphetamine. There was approximately 45 pounds of marijuana, a Schedule I controlled substance also seized. The amount of both substances individually and collectively are consistent with distribution as opposed to mere personal use.

(i) The Defendant admits that the United States can prove that she constructively or jointly possessed with intent to distribute 50 grams or more of actual methamphetamine and approximately 45 pounds of marijuana.

4. The statutory punishment for Count 3 is imprisonment for not less than 10 years and not more than Life imprisonment, not more than a \$5,000,000 fine, and at least 5 years supervised release. The statutory maximum term of imprisonment for Count 6 is not more than 20 years imprisonment not more than a fine of \$500,000 or twice the value of the property involved in the transaction, whichever is greater, and not more than 3

years supervised release. A mandatory special assessment of \$100 per count (\$200.00) in total applies, and the Defendant will pay this assessment to the U.S. District Court Clerk at the time of the sentencing hearing.

5. Pursuant to Rule 11(c)(1)(B), the United States and the Defendant recommend the following sentencing guidelines calculations, and they may object to or argue in favor of other calculations. This recommendation does not bind the Court.

(a) United States Sentencing Guidelines (U.S.S.G.), in effect at the time of sentencing will determine the Defendant's guideline range, the guidelines from the November 2021 Manual, are utilized here

(b) Pursuant to U.S.S.G. § 1B1.3, the Defendant's relevant conduct includes the conduct listed in paragraph 3 above as well as previously provided discovery. The parties agree that the amount of methamphetamine (actual) foreseeable to this Defendant is approximately 4,334 grams. The base offense level is a 36 pursuant to USSG § 2D1.1(c)(2). The amount of marijuana does not change the offense level calculation.

(c) Pursuant to U.S.S.G. § 2S1.1(b)(2)(B), the base offense level is increased by two levels as this is a conviction under 18 U.S.C. 1956. The adjusted base offense level is now calculated at a level 38.

(d) The Defendant reserves the right to argue for a downward adjustment (minor role) pursuant to U.S.S.G. § 3B1.2(b).

(e) The Defendant reserves the right to argue for a "safety valve" reduction downward adjustment (minor role) pursuant to U.S.S.G. § 5C1.2.

(f) Pursuant to U.S.S.G. § 3E1.1 and unless the Defendant commits another crime, obstructs justice, or violates a court order, decrease the offense level by 2 levels for the Defendant's acceptance of responsibility. If the offense level determined prior to this 2-level decrease is level 16 or greater, the United States will move at sentencing to decrease the offense level by 1 additional level based on the Defendant's timely notice of intent to plead guilty.

6. No agreement exists about the Defendant's criminal history category pursuant to U.S.S.G. Chapter 4.

7. The Defendant waives the right to appeal the guilty plea and conviction. The Defendant reserves the right to appeal the final sentence. Except for claims of ineffective assistance of counsel, the Defendant also waives the right to attack collaterally the guilty plea, conviction, and sentence.

8. The Defendant recognizes that pleading guilty may have consequences with respect to her immigration status because she is not a citizen of the United States. Under federal law, a broad range of crimes are removable offenses, including the offense to which the Defendant is pleading guilty. Removal and other immigration consequences are the subject of a separate proceeding, however, and the Defendant understands that no one, including her attorney or the district court, can predict to a certainty the effect of her conviction on her immigration status. The Defendant nevertheless affirms that she wants to plead guilty regardless of any immigration consequences that her plea may entail, even if the consequence is her automatic removal from the United States.

9. The Defendant consents to the forfeiture to the United States, by administrative or judicial proceedings, of all right, title, and interest in the property listed in the forfeiture allegation of the Superseding Indictment. The Defendant agrees that this property is subject to forfeiture because a nexus exists between the property and the offenses to which she is pleading guilty, as set forth in the forfeiture allegation of the Indictment. The Defendant consents to the entry of a Preliminary Order of Forfeiture,

pursuant to Federal Rule of Criminal Procedure 32.2, and agrees take any steps necessary to assist the government in effectuating the surrender and forfeiture of the assets identified herein, including but not limited to executing any documents necessary for the surrender and transfer of title to the United States. The Defendant agrees not to file a claim or petition seeking remission or otherwise contesting the forfeiture of the assets identified herein in any administrative or judicial proceeding, or to assist any other person or entity with doing so, and agrees to withdraw, and hereby withdraws, any such claim or petition that she already has submitted. If the Defendant fails to surrender and forfeit the assets identified for forfeiture herein, she consents to the forfeiture of any other property of hers up to the amount of the value of the assets identified for forfeiture, pursuant to 21 U.S.C. § 853(p), and further agrees that the conditions of 21 U.S.C. § 853(p)(1)(A)-(E) have been met. The Defendant voluntarily and knowingly waives all provisions in Rule 32.2 pertaining to notice and/or the timing of forfeiture orders. The Defendant also waives her right, if any, to a jury trial on forfeiture and all constitutional, legal, or equitable defenses to the forfeiture. The Defendant agrees that this forfeiture is separate and distinct from any restitution, fine, or penalty ordered by the Court and shall survive bankruptcy.

10-. The Defendant abandons any interest in, and consents to the official use, destruction, or other disposition of, any item obtained by any law enforcement agency during the course of the investigation. The Defendant also waives any notice of a proceeding to implement the official use, destruction, or other disposition of any item

abandoned under this paragraph.

11. The Defendant agrees to cooperate fully with the United States Attorney's Office by making a full and complete financial disclosure. Within 30 days of pleading guilty, the Defendant agrees to complete and sign a financial disclosure statement or affidavit disclosing all assets in which the Defendant has any interest or over which the Defendant exercises control, directly or indirectly, including those held by a spouse, nominee, or other third party, and disclosing any transfer of assets that has taken place within three years preceding the entry of this plea agreement. The Defendant will submit to an examination, which may be taken under oath and may include a polygraph examination. The Defendant will not encumber, transfer, or dispose of any monies, property, or assets under the Defendant's custody or control without written approval from the United States Attorney's Office. If the Defendant is ever incarcerated in connection with this case, the Defendant will participate in the Bureau of Prisons Inmate Financial Responsibility Program, regardless of whether the Court specifically directs participation or imposes a schedule of payments. If the Defendant fails to comply with any of the provisions of this paragraph, the United States, in its discretion, may refrain from moving the Court pursuant to U.S.S.G. § 3E1.1(b) to reduce the offense level by one additional level, and may argue that the Defendant should not receive a two-level reduction for acceptance of responsibility under U.S.S.G. § 3E1.1(a).

12. The Defendant understands and agrees that pursuant to 18 U.S.C. § 3613, whatever monetary penalties are imposed by the Court will be due and payable



immediately and subject to immediate enforcement by the United States. If the Court imposes a schedule of payments, the Defendant agrees that it is merely a minimum schedule of payments and not the only method, nor a limitation on the methods, available to the United States to enforce the judgment. The Defendant waives any requirement for demand of payment on any fine, restitution, or assessment imposed by the Court and agrees that any unpaid obligations will be submitted to the United States Treasury for offset. The Defendant authorizes the United States to obtain the Defendant's credit reports at any time. The Defendant authorizes the U.S. District Court to release funds posted as security for the Defendant's appearance bond in this case, if any, to be applied to satisfy the Defendant's financial obligations contained in the judgment of the Court.

13. The Defendant understands and agrees that pursuant to 18 U.S.C. § 3613, whatever monetary penalties are imposed by the Court will be due and payable immediately and subject to immediate enforcement by the United States. If the Court imposes a schedule of payments, the Defendant agrees that it is merely a minimum schedule of payments and not the only method, nor a limitation on the methods, available to the United States to enforce the judgment. The Defendant waives any requirement for demand of payment on any fine, restitution, or assessment imposed by the Court and agrees that any unpaid obligations will be submitted to the United States Treasury for offset. The Defendant authorizes the United States to obtain the Defendant's credit reports at any time. The Defendant authorizes the U.S. District Court to release funds

posted as security for the Defendant's appearance bond in this case, if any, to be applied to satisfy the Defendant's financial obligations contained in the judgment of the Court.

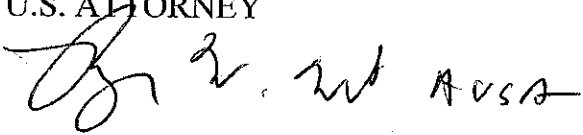
14. If the Defendant violates any part of this Agreement, the United States may void this Agreement and seek an indictment for any violations of federal laws, and the Defendant waives any right to challenge the initiation of additional federal charges.

15. This document contains the complete and only Plea Agreement between the United States Attorney for the Eastern District of Kentucky and the Defendant. The United States has not made any other promises to the Defendant.


16. This Agreement does not bind the United States Attorney's Offices in other districts, or any other federal, state, or local prosecuting authorities.

17. The Defendant and the Defendant's attorney acknowledge that the Defendant understands this Agreement, that the Defendant's attorney has fully explained this Agreement to the Defendant, and that the Defendant's entry into this Agreement is voluntary.

Date: 9/23/23

CARLTON S. SHIER, IV  
U.S. ATTORNEY  
By:   
Roger W. West  
Assistant United States Attorney

Date: 9/25/26

  
Maria Rubi Ortiz-Lopez  
Defendant

Date: 9/25/2023

A handwritten signature in black ink, appearing to be "J. Helmuth", written over a horizontal line.

Hon. John Helmuth  
Attorney for Defendant