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IN THE SUPERIOR COURT OF THE STATE OF ARIZONA

IN AND FOR THE COUNTY OF PIMA

STATE OF ARIZONA,

Plaintiff,

v.

BALTAZAR QUINTERO-BUENO,

Defendant.

Cause No: **CR20250022-001**

**STATE'S SENTENCING
MEMORANDUM**

(Assigned to the Honorable Howard Fell,
Div. SR)

The State of Arizona, respectfully requests that this Court sentence Defendant to a presumptive term of 5 years prison for Amended Count 2, Conspiracy to Sell Narcotic Drug (Fentanyl), to run concurrent with a slightly aggravated term of 10 years prison for Amended Count 5, Conspiracy to Possess Narcotic Drug for Sale (Fentanyl), to run concurrent with a presumptive term of 2.5 years for Count 9 Misconduct Involving Weapons Possession of a Weapon During a Drug Felony, and concurrent with a presumptive term of 3.5 years for Count 13 Illegally Conducting an Enterprise. The plea

contemplates a \$4,500 fine to the State Anti-Racketeering Revolving Fund and \$4,500 in investigative costs to the Arizona Department of Public Safety. The plea also requires that Defendant forfeit all guns involved in the Indictment, including: (1) Rugar 9mm (Serial Number 33764493), (2) CZ Pistol (Serial Number H182317), and (3) Polymer80 Pistol 9mm (No Serial Number).

Defendant pled to the following:

Amended Count 2: Conspiracy to Sell Narcotic Drug (Fentanyl), F2 (NA-NA-5-10-12.5 prison only)

Amended Count 5: Conspiracy to Possess Narcotic Drug for Sale (Fentanyl) F2 (NA-NA-5-10-12.5 prison only)

Count 9: Misconduct Involving Weapons-Possession of Weapon During Drug Felony, F4 (1-1.5-2.5-3-3.75 prison only)

Count 13: Illegally Conducting an Enterprise, F3 (2-2.5-3.5-7-8.75 prison only)

*Count 13 shall run concurrently with Amended Count 2, Amended Count 5, and Count 9, but there is no agreement whether the sentences for Amended Count 2, Amended Count 5, and Count 9 shall be concurrent or consecutive.

I. Facts

On May 28, 2024, two undercover DPS detectives staged at a Quality Inn at 750 W Starr Pass Blvd, Tucson, AZ, while a purchase of about 10,000 fentanyl pills for \$4,000 was coordinated. The UCs were advised the courier would be driving a silver Dodge Ram pickup. A silver Dodge Ram arrived with three people inside: a male driver, a juvenile male front passenger, and a female in the backset. One UC got into the Dodge and bought

the pills, which weighed approximately 2.45 pounds and packaged in 5 bundles. The juvenile acted as a translator (English to Spanish) and helped the UC communicate with the driver. The driver male, identified as Baltazar Quintero BUENO, handed three sandwich bags of the pills and an oblong package to the UC and the female in the backseat handed the final package to the UC from her purse. UC paid BUENO, who then handed the money to the female who counted the money to ensure it was correct. The female passenger was later identified to be Dalia RODRIGUEZ DEPADILLA via an MVD photo. The pills field tested positive for fentanyl.

On June 11, 2024, a deal was set to take place at the Super 8 Motel at 8351 N Cracker Barrel Rd, Tucson, AZ. Both UCs staged in the parking lot waiting for the courier to arrive. The deal was for about 10,000 fentanyl pills for \$5,000, but then changed to 9,000 pills for \$4,500. The silver Dodge Ram was located by surveillance at a house at 4116 N Gregorio Circle Tucson, Arizona. Surveillance saw BUENO leave the house with a white plastic bag and enter the Ram before going to the deal location. One UC got into the front seat of the silver Dodge Ram and BUENO gave the suspected fentanyl pills in exchange for cash. BUENO counted the cash and told the UC that the first package had 5,000 pills and the other packages respectively had 2,500 pills, 1,000 pills, and 500 pills. The UC got BUENO's phone number for future transactions: 520-486-2245. The pills weighed approximately 2.15 pounds and field tested positive for fentanyl.

On June 23, 2024, a traffic stop was conducted on the silver Dodge Ram for violation of A.R.S. § 28-927 (inoperable brake light). BUENO was identified as the driver with a Mexican driver's license. This car was also registered to BUENO.

On December 21, 2024, BUENO reached out to UC; they coordinated a deal for 20,000 fentanyl pills to occur on December 23, 2024. On December 23, 2024, DPS surveillance saw BUENO leave the house located at 4116 N Gregorio Circle Tucson, Arizona, carrying a red lunch box, and enter the driver's seat of a Jeep Cherokee. The Jeep is registered to BUENO. A traffic stop was conducted on the Jeep based on probable cause for the arrest of BUENO. DPS searched the Jeep and located approximately 20,000 fentanyl pills, weighing approximately 4.65 pounds, in the car. The juvenile male from the first deal, D.M., was also present in the car. BUENO was searched incident to arrest and police found a personal use amount (.00134 pounds) of cocaine (field tested positive) in the watch pocket of his jeans.

After the traffic stop of the Jeep, DPS obtained a search warrant for the house at 4116 N Gregorio Circle. In one of the bedrooms, DPS found indicia of occupancy for BUENO. In that bedroom, DPS located approximately 73.3 pounds of suspected fentanyl pills, 1.75 pounds of fentanyl powder (TruNarc tested positive for fentanyl compounds and Chemically tested positive for fentanyl), .355 pounds of methamphetamine (field tested positive for methamphetamine). In this bedroom, police also found a ledger, scales, baggies, gloves, saran wrap, and \$8,300. In this bedroom, DPS also located three guns: Rugar 9mm (Serial Number 33764493), CZ Pistol (Serial Number H182317), and a Polymer80 Pistol 9mm (no serial number).

BUENO waived his *Miranda* Rights and was interviewed in Spanish. He mentioned that he had consumed cocaine. He said he thought he was arrested because of what he had stored at his house. He said he had about 12-15 kilograms of fentanyl pills there. He said

the fentanyl pills were in his bedroom closet, inside a toolbox, and hidden against the headboard of his bed. BUENO said he would wear a mask and gloves before touching the pills. He said there was methamphetamine above the toolbox on a shelf. BUENO said there was shotgun ammunition in his room. BUENO described his house as a short-term storage location for drugs. He said people in the organization advised him it would only be used temporarily, but deliveries were never made as promised.

BUENO drew a map of his house and indicated where the drugs and weapons would be found. He indicated on the map which room belonged to him, Fermin, Manuel, and Damian (the juvenile from the first and third deals). BUENO said the other people at his house were not involved in drug trafficking.

BUENO said his intentions for the day were to sell 2 kilograms of fentanyl pills to someone for \$9,000 and he expected to receive \$200 profit. He said he saw an English-speaking customer once before. He admitted to dropping off a kilogram of fentanyl pills to this client a long time ago. BUENO initially denied dropping off pills in his Dodge Ram, but then he said he delivered narcotics in the Dodge Ram to the English-speaking guy he was going to deliver to today.

BUENO said he had been involved with dealing drugs with someone named "AAR" in his phone for about 2 months, but he had been involved with dealing drugs through another person named "Felipe" for longer. After an argument with Felipe, another person (AAR) was introduced to BUENO for narcotic deals. BUENO said a contact in Mexico would tell him where to transport narcotics or advise him to go pick up narcotics. BUENO said a short, small man delivered pills to his house in a black BMW. BUENO said he did

not know how the pills made it into the United States. BUENO said he got the fentanyl pills about three months ago and that he told the people in Mexico that he thought clients did not like these particular pills. BUENO said he had been in the narcotrafficker world for a year.

BUENO consented to have his phone searched and provided his passcode. Det. Calvillo found a contact for AAR. They discuss the drug business. BUENO said the contact “CHESPIRO” dispatched BUENO for a sale of methamphetamine for \$750, but the customer did not take the full pound. BUENO admitted to transporting a pound of methamphetamine the night before. Det. Calvillo saw messages with another number discussing the sale of 20,000 pills. BUENO said he delivered 20,000 pills to an African American in a silver Buick sedan. Det. Calvillo also saw messages about BUENO buying some cocaine from “Chapo.” BUENO said Chapo would sell him some cocaine.

BUENO said he works in construction, but he admitted that \$5,000 of the cash found under his bed against the headboard in a bag was money he owed to “AAR.”

Another male, Jose Manuel Navarro Partida, was located in the house at the time of the search warrant. One bedroom had indicia for Manuel, including a passport. No drugs or ledgers were found in this room; however, a scale was found in this bedroom. Two guns were found in this room.

II. Legal Analysis

A total of ten years of prison is reasonable given the facts and circumstances of this case. In aggravation, the State urges the Court to find pursuant to A.R.S. § 13-701(D)(6) that Defendant committed Amended Count 2, Amended Count 5, and Count 13 for

pecuniary gain (drug proceeds). There was also the presence of an accomplice. *See* A.R.S. § 13-701(D)(4). Defendant admitted post-*Miranda* to working with multiple people to sell drugs.

As part of the catch-all aggravator, the Court can consider other factors relevant to Defendant's character or background or the circumstances of the crime. *See* A.R.S. § 13-701(D)(27). The Court should consider the large amount of drugs involved. *State v. Calderon*, 171 Ariz. 12, 14 (App. 1991). In Amended Count 2, he sold approximately 2.15 pounds of fentanyl pills. In Amended Count 5, he possessed for sale approximately 73.3 pounds of fentanyl pills. Count 13—the Illegal Enterprise--involved approximately 82.55 pounds of fentanyl pills, 1.75 pounds of fentanyl powder, .355 pounds of methamphetamine, and .00134 pounds of cocaine. As an aggravator, the Court should also consider that during the Enterprise timeframe, Defendant took a minor to a drug sale to translate for him on May 28, 2024. On December 23, 2024, Defendant was on his way to another drug sale with the minor while transporting approximately 4.65 pounds of fentanyl pills. Defendant also lived with the juvenile male, D.M., while possessing for sale quantities of fentanyl pills, fentanyl powder, and methamphetamine.

It should be noted the State fashioned a plea that avoids the mandatory drug fine of three times the value of the drugs involved; this consideration is already to Defendant's benefit. The Defendant should be held accountable for selling for-sale quantities of poison in the Arizona community.

For the aforementioned reasons, the State asks that the Defendant be sentenced to a presumptive term of 5 years prison for Amended Count 2, Conspiracy to Sell Narcotic

Drug (Fentanyl), Class 2 Felony to run concurrent with a slightly aggravated term of 10 years prison for Amended Count 5, Conspiracy to Possess Narcotic Drug for Sale (Fentanyl), to run concurrent with a presumptive term of 2.5 years for Count 9 Misconduct Involving Weapons Possession of a Weapon During a Drug Felony, and concurrent with a presumptive term of 3.5 years for Count 13 Illegally Conducting an Enterprise. A lengthy prison term is appropriate given the excessive amount of drugs involved and to ensure Defendant takes to heart the full nature of the crimes he committed. Lastly, Defendant should be ordered to pay the stipulated \$4,500 fine to the State Anti-Racketeering Revolving Fund, the \$4,500 in investigative costs to the Arizona Department of Public Safety, and be ordered to forfeit to the State the: (1) Rugar 9mm (Serial Number 33764493), (2) CZ Pistol (Serial Number H182317), and (3) Polymer80 Pistol 9mm (No Serial Number).

RESPECTFULLY SUBMITTED this 27th day of May, 2025.

KRISTIN K. MAYES
ATTORNEY GENERAL



SABRINA LOCHNER
Assistant Attorney General

ORIGINAL of the foregoing e-filed
this 27th day of May, 2025, with:

Clerk of the Court
Pima County Superior Court

COPY of the foregoing delivered

this 27th day of May, 2025, to:

The Honorable Howard Fell
Pima County Superior Court

Benjamin W Aguilera
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Attorney for Baltazar Quintero-Bueno

By EV