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IN THE SUPERIOR COURT OF THE STATE OF ARIZONA

IN AND FOR THE COUNTY OF MARICOPA

STATE OF ARIZONA,

Plaintiff,

v.

DANIEL MARTINEZ (001),

**DESIREE MARIE GUTIERREZ
(002),**

Defendants

Cause No: **CR2025-108381-001**
CR2025-108381-002

894 GJ 323

INDICTMENT

CHARGING VIOLATIONS OF:
COUNT 1: CONSPIRACY, a Class 2
Felony, in violation of A.R.S. § 13-1003
Defendants 001 & 002

**COUNT 2: ILLEGALLY
CONDUCTING AN ENTERPRISE**, a
Class 3 Felony, in violation of A.R.S. § 13-
2312(B) and (D)
Defendants 001 & 002

**COUNT 3: POSSESSION OF A
NARCOTIC DRUG FOR SALE, IN AN
AMOUNT OVER THE STATUTORY
THRESHOLD**, a Class 2 Felony, in
violation of A.R.S. § 13-3408(A)(2)
Defendants 001 & 002

COUNT 4: MARIJUANA POSSESS FOR SALE 2 POUNDS TO LESS THAN 4 POUNDS, a Class 3 Felony, in violation of A.R.S. § 13-3405(A)(2)
Defendants 001 & 002

COUNT 5: MISCONDUCT INVOLVING WEAPONS, a Class 4 Felony, in violation of A.R.S. § 13-3102(A)(8)
Defendant 001

The Grand Jury accuses **DANIEL MARTINEZ** and **DESIREE MARIE GUTIERREZ**, charging on this 27th day of February, 2025 that in or from Maricopa County, Arizona:

COUNT 1
CONSPIRACY

On or between February 4, 2025 and February 20, 2025, **DANIEL MARTINEZ** and **DESIREE MARIE GUTIERREZ**, defendants herein, with the intent to promote or aid the commission of an offense, did agree with one or more persons, both known and unknown to the Grand Jury, that at least one of them or another person would engage in conduct constituting the offenses, in particular:

- 1) **POSSESSION OF A NARCOTIC DRUG FOR SALE**, in violation of A.R.S. § 13-3408; and
- 2) **MARIJUANA POSSESS FOR SALE 2 POUNDS TO LESS THAN 4 POUNDS**, in violation of A.R.S. § 13-3405.

In furtherance of this conspiracy and to effect the foregoing objects thereof, these defendants and their co-conspirators did commit numerous overt acts, including but not limited to the overt acts described in Counts 3 and 4 of this Indictment (which are incorporated herein by reference as if set forth in full), in violation of A.R.S. §§ 13-1003, 13-301, 13-302, 13-303, 13-304, 13-701, 13-702 and 13-801.

COUNT 2

ILLEGALLY CONDUCTING AN ENTERPRISE

On or between February 4, 2025 and February 20, 2025, **DANIEL MARTINEZ** and **DESIREE MARIE GUTIERREZ**, was/were employed by or associated with an enterprise and did knowingly conduct the enterprise's affairs through racketeering or did knowingly participate directly or indirectly in the conduct of the enterprise which he knew was being conducted through racketeering. The enterprise(s) included, but were not limited to a group of persons associated in fact, including but not limited to **DANIEL MARTINEZ** and **DESIREE MARIE GUTIERREZ**, and others known and/or unknown.

The racketeering included: Prohibited drugs, marijuana or other prohibited chemicals or substances, in violation of A.R.S. § 13-2301(D)(4)(b)(xi) which were sold and/or advertised to be sold on Snap Inc. (Snapchat).

The alleged racketeering includes, but is not limited to the acts of racketeering described in this Indictment (which are incorporated herein by reference as if set forth in full), in violation of A.R.S. §§ 13-2312(B) and (D), 13-2301, 13-108, 13-109, 13-301, 13-302, 13-304, 13-701, 13-702, 13-703, 13-801, 13-804, 13-811, 13-2313, 13-2314.

COUNT 3

**POSSESSION OF A NARCOTIC DRUG FOR SALE, IN AN AMOUNT OVER
THE STATUTORY THRESHOLD**

On or about February 20, 2025, **DANIEL MARTINEZ** and **DESIREE MARIE GUTIERREZ**, knowingly possessed a narcotic drug for sale, in an amount over the statutory threshold, to wit: cannabis, in violation of A.R.S. §§ 13-3408(A)(2), 13-3408, 13-3401, 13-3401(36), 13-301, 13-302, 13-303, 13-304, 13-701, 13-702, 13-703, 13-801, and 13-811.

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COUNT 4

MARIJUANA POSSESS FOR SALE 2 POUNDS TO LESS THAN 4 POUNDS

On or about February 20, 2025, DANIEL MARTINEZ and DESIREE MARIE GUTIERREZ knowingly did possess for sale an amount of marijuana having a weight of at least two pounds but less than four pounds, in violation of A.R.S. §§ 13-3401, 13-3405(A)(2), 13-3405, 13-3418, 13-301, 13-302, 13-303, 13-304, 13-701, 13-702, and 13-801.

COUNT 5

MISCONDUCT INVOLVING WEAPONS

On or about February 20, 2025, DANIEL MARTINEZ knowingly did use or possess a AK 47 rifle, AR 15 pistol, MP5 .22 long rifle and a 38 Special revolver, deadly weapons, during the commission of a felony included in Chapter 34 of Title 13, Criminal Code, Arizona Revised Statutes, in violation of A.R.S. §§ 13-3101, 13-3102, 13-3102(A)(8), 13-701, 13-702, and 13-801.

Pursuant to A.R.S. § 21-425, the Grand Jurors find that the offenses described above were committed in Maricopa County, Arizona.

A True Bill
(A "True Bill")

KRISTIN K. MAYES
ATTORNEY GENERAL
STATE OF ARIZONA

Dated: 2-27-25

Nichole J. Galusha
NICHOLE J. GALUSHA
Assistant Attorney General

Justine Gomez
Foreperson of the Grand Jury