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WIRE

## Federal agent stands trial in Miami for tipping off painkiller dealer about investigation

Jay Weaver, Miami Herald

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MIAMI -- Three years ago, Health and Human Services agent Alberico Crespo regularly discussed the federal investigation of a painkiller-distribution ring with the main target of his agency's probe, authorities say.

Crespo told Jorge Diaz Gutierrez that he would kill informants who snitched on him, they say.

The agent and suspect even talked about the likelihood of getting caught for collaborating in the distribution of Oxycodone through a Hialeah doctor's office, according to recordings of Diaz's phone conversations that were played at Crespo's trial this month in Miami federal court.

"Old man, we're both gonna end up in jail," Crespo told Diaz, according to an FBI recording of their July 17, 2020 conversation, days before their arrests. "You're not understanding. Both of us. Because old man, I'm not gonna sell you out."

Crespo, 48, and Diaz, 68, were close. Diaz rented an efficiency apartment at the agent's home in Hialeah, bonded with him through Santeria religious rituals, and looked up to the veteran agent for protection, authorities say.

Crespo, who worked on a healthcare strike force with other HHS and FBI agents over the past decade, is standing trial on corruption charges accusing him of tipping off Diaz and other patient recruiters and pill peddlers about the federal painkiller probe. Crespo, who had previously worked as a Drug Enforcement Administration agent and Hialeah police officer, is charged with conspiring to distribute Oxycodone, tamper with witnesses and obstruct justice, with each count carrying up to 20 years in prison.

The 12-person federal jury is expected to hear closing arguments and render a verdict next week.

The original investigation focused on Hialeah doctor Rodolfo Gonzalez-Garcia and ended with his pleading guilty to Medicare fraud and other charges in 2019 for unlawfully prescribing and dispensing Oxycodone pills. Three other defendants also pleaded guilty to similar offenses.

That probe expanded into a corruption investigation into Diaz, Crespo and other suspects.

Diaz, who worked as a narcotics distributor for the doctor's clinic and received kickbacks for patient referrals, pleaded guilty last year to conspiracy charges of distribution and obstruction and was sentenced to seven years in prison. Now, Diaz is cooperating as a witness for prosecutors in the U.S. Attorney's Office and is expected to testify against Crespo.

A Hialeah couple, Yandre Trujillo Hernandez and Anais Lorenzo, also pleaded guilty to the distribution conspiracy charge and are cooperating with authorities. Trujillo was sentenced to about seven years and Lorenzo to three years.

An FBI special agent who was in charge of the case took the witness stand this week and described recorded conversations between Crespo and Diaz during the summer of 2020, which were played for the jurors on Tuesday. The recordings were based on a court-approved wiretap on Diaz's phone.

FBI agent Charles Lawless testified that the two men grew worried when they found out Lawless had been talking to a patient about the Oxycodone supply network in Hialeah and that they might be suspects.

"We're f\*\*\*ed," Crespo told Diaz in one recorded conversation. "We're found out."

But then Crespo, unaware of the tap on Diaz's phone, assured him: "I'm going to tell you something. No one is listening to your phone or my phone."

In another phone conversation, however, Crespo coached Diaz about what to tell the FBI agent if he talked with Lawless.

"This is bullshit," Crespo told Diaz to say, according to another recording. "I have done nothing wrong."

Lawless said Diaz obtained his cell phone number and left a message with the agent on his voicemail, saying "I've done nothing wrong."

Lawless, who did not return Diaz's call, testified: "He heard from someone that I am accusing him of doing something illegal."

Crespo, the HHS agent, also tried to reach Lawless. The FBI agent testified that he called back Crespo and recorded their conversation, saying the HHS agent distanced himself from Diaz and his painkiller-distribution ring.

"I don't know anything about that," Crespo told Lawless, according to the FBI agent's testimony.

Assistant U.S. Attorney Sean McLaughlin asked Lawless if it was common for a fellow agent on the federal healthcare strike force to lie to each other.

"No," Lawless said.

Crespo's defense attorney, Jose Quinon, said in opening statements last week that his client did not participate in the painkiller-distribution ring and never alerted Diaz about the federal investigation.

In the past, Quinon told the Miami Herald: "There is not a scintilla of evidence that he was involved with any Oxycodone distribution," Quinon said. "There is no evidence that AI obstructed justice or prevented an investigation" from going forward.

Quinon will be able to put on his defense after prosecutors McLaughlin and Christopher Clark complete the presentation of evidence in their case.