

# Miami federal agent found guilty on corruption charges, but acquitted of dealing painkillers

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They shared a genuine bond of love like a “father and son,” a convicted dealer of painkillers testified at a federal agent’s corruption trial.

But during his testimony, Jorge Diaz Gutierrez said that Health and Human Services agent Alberico Crespo also acted as the dealer’s personal informant to protect him from getting caught by FBI agents investigating a street-level drug ring peddling Oxycodone through a doctor’s office in Hialeah.

The two were so tight that the dealer rented an efficiency apartment behind the agent's Hialeah home and became his "babalawo," or high priest, during Santeria religious rituals. But under oath at the three-week trial, Diaz incriminated Crespo while testifying about numerous court-approved wiretap recordings of their cellphone conversations.

"What he's saying there is, he's not going to leave me alone in this," Diaz, 68, testified. "He was going to handle everything."

Diaz's testimony, centered around the tale of the tapes, compelled a 12-person federal jury on Monday to find Crespo guilty of conspiring to commit witness tampering and three related charges as well as conspiring to obstruct justice, with each count carrying up to 20 years in prison. However, the jury, which began deliberations Thursday evening, acquitted Crespo of the main charge: conspiring to distribute Oxycodone.

Crespo, 48, remains free on bond until his Nov. 28 sentencing before U.S. District Judge Darrin Gayles, who rejected the prosecutors' request to send him to a federal lock-up immediately after arguing that he is a potential flight risk because his guideline punishment ranges from eight to ten years in prison.

As the judge's clerk read the verdicts, Crespo cried uncontrollably as his face scrunched up and turned red. A dozen family members and friends bowed their heads. Afterward, Crespo's defense attorney, Jose Quinon, consoled him as they hugged in the courtroom.

Crespo who worked on a healthcare strike force with other HHS and FBI agents over the past decade, stood trial this month on charges of tipping off Diaz and his ring of patient recruiters and pill peddlers about the federal painkiller probe. He previously worked as a Drug Enforcement Administration agent and as a Hialeah police officer.

The voluminous recordings of Diaz's cellphone not only raised suspicions about why the dealer would be talking with the HHS agent on a daily basis for months, but the tapes also placed them in the cross-hairs of an expanding Medicare fraud probe that evolved into an FBI corruption investigation, leading to their arrests in July 2020.

"Crespo is a corrupt agent, plain and simple," said Assistant U.S. Attorney Sean McLaughlin, accusing Crespo during his closing argument Thursday of knowing the dealer since 2016 and providing him with crucial developments in the healthcare fraud probe led by Health and Human Services-Office of Inspector General and the FBI.

The prosecutor said Crespo even talked with Diaz about killing snitches in their pill-mill circle who might be cooperating with the feds in the investigation and about a list of patients who were being interviewed by FBI agents.

"It's always Crespo calling Diaz, giving him information, tipping him off about the investigation," said McLaughlin, who was assisted by prosecutor Christopher Clark in the case. "He's got Crespo in his back pocket."

Crespo's defense attorney, Quinon, told jurors that his client knew nothing about Diaz's illegal activities as a drug dealer or his involvement in the painkiller-distribution racket in Hialeah — that it was Diaz who lied about Crespo's role in protecting him in an effort to reduce his more than six-year prison sentence.

Quinon described Diaz as a "con artist," "charlatan," and "manipulator" who used the HHS agent as a "stooge" to protect him so that he could pocket tens of thousands of dollars in selling painkillers on the streets — all without Crespo's knowledge. He said Crespo, who the attorney also described as "productive" in his HHS job, never received any drug profits from the dealer, further proof that he wasn't involved in protecting him to sell painkillers.

Quinon said Diaz was able to manipulate the agent through Santeria rituals involving talking to the dead and predicting the future.

“He got into the head of this guy,” Quinon told the jurors during his closing argument Thursday. “Diaz became a figure who was bigger than life to Crespo.”

At the same time, Quinon was careful to avoid talking about incriminating statements on the recordings of phone conversations between the two men. But at one point, the longtime defense attorney acknowledged: “Yes, it is true that Mr. Crespo said some things on those tapes that are problematic.”

However, Quinon insisted that Crespo did not act with “corrupt intent,” as the prosecutors say.

In the end, the phone recordings, bolstered by Diaz’s testimony, made the critical difference on the corruption charges for the jurors. Perhaps the most incriminating statement by Crespo surfaced when the HHS agent promised Diaz that he would not be going down alone if the FBI and U.S. Attorney’s Office filed charges.

“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.”

The original investigation focused on 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 at his West Medical Office in Hialeah. Three other defendants in that initial case 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 six years and four months in prison.

Two other defendants, Yandre Trujillo Hernandez and Anais Lorenzo, also pleaded guilty to the distribution conspiracy charge and cooperated with authorities. Trujillo was sentenced to about six years and Lorenzo to three years.

An FBI special agent who was in charge of the case testified about the recorded conversations between Crespo and Diaz during the summer of 2020. 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 Oxydodone 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 cellphone 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 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 racket.

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

McLaughlin, the prosecutor, asked Lawless if it was common for a fellow agent on the federal healthcare strike force to lie to each other.

"No," Lawless said.

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