

FILED U.S. DISTRICT COURT <div style="border: 1px solid black; padding: 2px; width: fit-content; margin: 0 auto;">05/26/2021</div> CENTRAL DISTRICT OF CALIFORNIA BY: <u>DM</u> DEPUTY
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UNITED STATES DISTRICT COURT  
FOR THE CENTRAL DISTRICT OF CALIFORNIA

April 2021 Grand Jury

UNITED STATES OF AMERICA,

Plaintiff,

v.

JULIO CESAR MARTINEZ,  
 aka "Primo,"  
 VICTOR MARTINEZ,  
 aka "Hector,"  
 VICTOR ROMERO JR.,  
 aka "Food Guy,"  
 MARTIN CERVANTES ROMERO,  
 aka "Uncle Martin,"  
 ROBERTO ROMERO SANCHEZ,  
 aka "Uncle Roberto,"  
 VIOLETA ROMERO,  
 MARICELA GUERRERO,  
 aka "Carla,"  
 MARLA PORTILLO CORDOVA,  
 aka "Yvette,"  
 DANIEL ZAPIEN,  
 aka "Little Danny,"  
 ERIK BRIGHT,  
 MEGAN ELLIS,  
 VICTOR MORETA,  
 SHANNON JACOBI,  
 HUNTER SANDERS,  
 aka "Jerry,"

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SA CR 8:21-cr-00101-CJC

I N D I C T M E N T

[21 U.S.C. § 846: Conspiracy and Attempt to Distribute and Possess with Intent to Distribute Heroin; 21 U.S.C. §§ 841(a)(1), (b)(1)(A), (b)(1)(B), (b)(1)(C): Possession of Heroin with Intent to Distribute; 18 U.S.C. § 1956(h): Conspiracy to Commit Money Laundering; 18 U.S.C. § 1956(a)(2)(A): International Money Laundering; 18 U.S.C. § 1957: Transactional Money Laundering; 21 U.S.C. § 853 and 18 U.S.C. § 982: Criminal Forfeiture]

1 JOSE CERVANTES,  
ALICIA CARRILLO GONZALEZ,  
2 aka "Licenciada,"  
ANGEL CERVANTES,  
3 aka "Godson,"  
FRANCISCO SERRANO,  
4 aka "Paco," and  
ALICIA CERVANTES,  
5 aka "Goddaughter,"

6 Defendants.

7  
8 The Grand Jury charges:

9 COUNT ONE

10 [21 U.S.C. § 846]

11 [DEFENDANTS J. MARTINEZ, V. MARTINEZ, VICTOR ROMERO, M. ROMERO,  
12 R. ROMERO, VIOLETA ROMERO, GUERRERO, CORDOVA, ZAPIEN, BRIGHT, ELLIS,  
13 MORETA, JACOBI, SANDERS, J. CERVANTES, AND CARRILLO]

14 A. OBJECTS OF THE CONSPIRACY

15 Beginning on a date unknown to the Grand Jury, and continuing  
16 through in or around April 2021, in Orange County, within the Central  
17 District of California, and elsewhere, defendants JULIO CESAR  
18 MARTINEZ, also known as ("aka") "Primo" ("J. MARTINEZ"), VICTOR  
19 MARTINEZ, aka "Hector" ("V. MARTINEZ"), VICTOR ROMERO JR., aka "Food  
20 Guy," MARTIN CERVANTES ROMERO, aka "Uncle Martin" ("M. ROMERO"),  
21 ROBERTO ROMERO SANCHEZ, aka "Uncle Roberto" ("R. ROMERO"), VIOLETA  
22 ROMERO, MARICELA GUERRERO, aka "Carla," MARLA PORTILLO CORDOVA, aka  
23 "Yvette," DANIEL ZAPIEN, aka "Little Danny," ERIK BRIGHT, MEGAN  
24 ELLIS, VICTOR MORETA, SHANNON JACOBI, HUNTER SANDERS, aka "Jerry,"  
25 JOSE CERVANTES ("J. CERVANTES"), and ALICIA CARRILLO GONZALEZ, aka  
26 "Licenciada" ("CARRILLO"), conspired with each other and others known  
27 and unknown to the Grand Jury to knowingly and intentionally possess  
28 with intent to distribute and distribute heroin, a Schedule I

1 narcotic drug controlled substance, in violation of Title 21, United  
2 States Code, Sections 841(a)(1), (b)(1)(A)(i), (b)(1)(B)(i),  
3 (b)(1)(C).

4 B. MANNER AND MEANS OF THE CONSPIRACY

5 The objects of the conspiracy were to be accomplished, in  
6 substance, as follows:

7 Operation of the Heroin "Call Centers" and Delivery Service

8 1. Defendants J. MARTINEZ and V. MARTINEZ owned and operated a  
9 heroin distribution organization in Orange County, California.  
10 Defendants GUERRERO and CORDOVA assisted defendants J. MARTINEZ and  
11 V. MARTINEZ in the day-to-day operation of the distribution  
12 organization.

13 2. On an almost daily basis, defendants GUERRERO and CORDOVA  
14 took calls from heroin purchasers over the telephone and accepted  
15 orders for heroin.

16 3. Defendants J. MARTINEZ, V. MARTINEZ, GUERRERO, and CORDOVA,  
17 and others, directed defendants ZAPIEN, BRIGHT, ELLIS, MORETA,  
18 JACOBI, SANDERS, and J. CERVANTES, and others to deliver the heroin  
19 to the heroin purchasers and collect payment in exchange for a cut of  
20 the heroin sales proceeds and/or heroin.

21 4. Defendants J. MARTINEZ, V. MARTINEZ, GUERRERO, and CORDOVA  
22 directed others to pick-up the proceeds and provide them to  
23 defendants J. MARTINEZ and V. MARTINEZ.

24 5. The heroin purchasers further distributed the heroin to  
25 their customers and/or used the heroin for personal use. The  
26 organization distributed at least \$2,000,000 in heroin.

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1 The Sources of Supply

2 6. Defendant J. MARTINEZ obtained heroin from defendants  
3 R. ROMERO in Mexico and VICTOR ROMERO in the United States.  
4 Defendant J. MARTINEZ placed his heroin orders with defendants  
5 R. ROMERO and/or VICTOR ROMERO, who would relay the orders to  
6 defendant R. ROMERO.

7 7. Defendant R. ROMERO arranged for couriers, including  
8 defendant CARRILLO and others, to conceal heroin on or in their body  
9 cavities and transport heroin from Mexico to Orange County.  
10 Defendant VICTOR ROMERO received the heroin from couriers and  
11 provided it to defendants J. MARTINEZ and GUERRERO, and others.

12 8. Defendant V. MARTINEZ obtained heroin from defendants  
13 M. ROMERO in Mexico and VIOLETA ROMERO in the United States.  
14 Defendant V. MARTINEZ placed his heroin orders with defendants  
15 M. ROMERO and/or VIOLETA ROMERO, who would relay the orders to  
16 defendant M. ROMERO.

17 9. Defendant M. ROMERO arranged for defendant VIOLETA ROMERO  
18 to receive the heroin in the United States. Defendant VIOLETA ROMERO  
19 provided the heroin to defendant V. MARTINEZ.

20 C. OVERT ACTS

21 In furtherance of the conspiracy and to accomplish its objects,  
22 on or about the following dates, defendants J. MARTINEZ, V. MARTINEZ,  
23 VICTOR ROMERO, M. ROMERO, R. ROMERO, VIOLETA ROMERO, GUERRERO,  
24 CORDOVA, ZAPIEN, BRIGHT, ELLIS, MORETA, JACOBI, SANDERS,  
25 J. CERVANTES, and CARRILLO, and others known and unknown to the Grand  
26 Jury, committed various overt acts within the Central District of  
27 California, and elsewhere, including, but not limited to, the  
28 following:

1           Overt Act No. 1:       On March 3, 2017, defendant GUERRERO, using  
2 coded language, agreed to provide heroin to "Julie," who, unbeknownst  
3 to defendant GUERRERO, was an undercover law enforcement officer.

4           Overt Act No. 2:       On March 3, 2017, defendant GUERRERO  
5 contacted defendant SANDERS and directed defendant SANDERS to deliver  
6 heroin to Julie.

7           Overt Act No. 3:       On March 3, 2017, defendant SANDERS met  
8 Julie and provided the heroin in exchange for \$150.

9           Overt Act No. 4:       On June 15, 2017, defendant GUERRERO, using  
10 coded language, directed defendant BRIGHT to deliver heroin to  
11 customers, and defendant BRIGHT confirmed the heroin quantities he  
12 would deliver and the prices.

13           Overt Act No. 5:       On June 15, 2017, defendant GUERRERO, using  
14 coded language, directed defendant BRIGHT to deliver narcotics  
15 proceeds to defendant VICTOR ROMERO and pick up heroin for further  
16 distribution, and defendant BRIGHT agreed.

17           Overt Act No. 6:       On June 18, 2017, defendant GUERRERO, using  
18 coded language, directed defendant SANDERS to provide narcotics  
19 proceeds to defendant JACOBI and pick up heroin for further  
20 distribution, and directed defendant JACOBI to collect narcotics  
21 proceeds and provide heroin to defendant SANDERS for further  
22 distribution.

23           Overt Act No. 7:       On June 18, 2017, defendants CORDOVA and  
24 GUERRERO, using coded language, discussed the heroin distribution  
25 operation. Defendant CORDOVA told defendant GUERRERO that defendant  
26 V. MARTINEZ did not state they were closing the call center early and  
27 she needed more heroin for customers that day.

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1           Overt Act No. 8:       On June 25, 2017, defendants V. MARTINEZ and  
2 GUERRERO, using coded language, discussed the total sales of  
3 narcotics, the delivery of narcotics proceeds, and resupplying the  
4 heroin distributors.

5           Overt Act No. 9:       On June 29, 2017, defendant GUERRERO, using  
6 coded language, discussed with a co-conspirator the business model  
7 for the call center, the methods that the organization used when  
8 delivering heroin to prevent law enforcement from detecting the  
9 operation, and the organization's use of different sources of supply.

10          Overt Act No. 10:     On June 30, 2017, defendant GUERRERO told  
11 defendant CORDOVA that defendant J. MARTINEZ had fired defendant  
12 GUERRERO and stated, "if I go down, everybody goes down, believe me."

13          Overt Act No. 11:     On June 30, 2017, defendants J. MARTINEZ and  
14 CORDOVA, using coded language, discussed defendant CORDOVA running  
15 defendant J. MARTINEZ's call center for \$1,500 per week.

16          Overt Act No. 12:     On July 6, 2017, defendant GUERRERO, using  
17 coded language, agreed to provide heroin to Julie, who, unbeknownst  
18 to defendant GUERRERO, was an undercover law enforcement officer.

19          Overt Act No. 13:     On July 6, 2017, defendant GUERRERO  
20 contacted defendant ELLIS and directed defendant ELLIS to deliver  
21 heroin to Julie.

22          Overt Act No. 14:     On July 6, 2017, defendant ELLIS met Julie  
23 and provided the heroin in exchange for \$150.

24          Overt Act No. 15:     On July 21, 2017, defendant GUERRERO, using  
25 coded language, directed defendant ELLIS to provide defendant VICTOR  
26 ROMERO narcotics proceeds and pick up heroin for further  
27 distribution.

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1        Overt Act No. 16:    On July 22, 2017, defendant GUERRERO, using  
2 coded language, directed defendant VICTOR ROMERO to provide heroin to  
3 defendant ELLIS and pick up narcotics proceeds.

4        Overt Act No. 17:    On July 22, 2017, defendant GUERRERO, using  
5 coded language, directed defendant ELLIS to provide narcotics  
6 proceeds to defendant VICTOR ROMERO and pick up heroin for further  
7 distribution.

8        Overt Act No. 18:    On July 22, 2017, defendant ELLIS told  
9 defendant GUERRERO that she did not have the narcotics proceeds and  
10 defendant GUERRERO told defendant ELLIS that "the boss" was going to  
11 be angry and fire her.

12       Overt Act No. 19:    On August 5, 2017, defendant GUERRERO, using  
13 coded language, agreed to provide heroin to a customer.

14       Overt Act No. 20:    On August 5, 2017, defendant GUERRERO  
15 contacted defendant ZAPIEN and directed defendant ZAPIEN to deliver  
16 heroin to the customer.

17       Overt Act No. 21:    On August 5, 2017, defendant GUERRERO  
18 contacted defendant VICTOR ROMERO and instructed him to meet  
19 defendant ZAPIEN to provide heroin for customers.

20       Overt Act No. 22:    On August 5, 2017, defendant GUERRERO, using  
21 coded language, discussed with defendant ZAPIEN the total heroin  
22 sales for the day and directed ZAPIEN to obtain additional heroin and  
23 then deliver it to customers.

24       Overt Act No. 23:    On August 9, 2017, defendant GUERRERO, using  
25 coded language, agreed to provide heroin to three customers.

26       Overt Act No. 24:    On August 9, 2017, defendant GUERRERO  
27 contacted defendant ZAPIEN and directed defendant ZAPIEN to deliver  
28 heroin to the customers.

1           Overt Act No. 25:    On August 9, 2017, defendant GUERRERO  
2 contacted defendant VICTOR ROMERO and, using coded language, directed  
3 him to meet with defendant ZAPIEN to provide heroin to be delivered  
4 to customers. Defendant ZAPIEN, using coded language, confirmed to  
5 defendant GUERRERO that he had met defendant VICTOR ROMERO and  
6 obtained the heroin.

7           Overt Act No. 26:    On August 9, 2017, defendant GUERRERO, using  
8 coded language, discussed with defendant ZAPIEN the total heroin  
9 sales for the day and defendant GUERRERO directed defendant ZAPIEN to  
10 make additional heroin deliveries.

11           Overt Act No. 27:    On August 29, 2017, defendant GUERRERO,  
12 using coded language, directed VICTOR ROMERO to collect narcotics  
13 proceeds and provide heroin to defendant MORETA for further  
14 distribution.

15           Overt Act No. 28:    On August 30, 2017, defendant MORETA  
16 possessed approximately 29.2 grams of heroin.

17           Overt Act No. 29:    On August 30, 2017, defendants GUERRERO and  
18 VICTOR ROMERO, using coded language, discussed changing the cars used  
19 to deliver heroin because defendant MORETA was arrested by law  
20 enforcement while possessing approximately 29.2 grams of heroin.

21           Overt Act No. 30:    On August 31, 2017, defendant GUERRERO and  
22 defendant VICTOR ROMERO again discussed defendant MORETA's arrest and  
23 the need to be careful to avoid detection by law enforcement.

24           Overt Act No. 31:    On September 1, 2017, defendants VICTOR  
25 ROMERO and R. ROMERO, using coded language, discussed heroin supply  
26 issues and a heroin delivery to defendant J. MARTINEZ.

27           Overt Act No. 32:    On September 2, 2017, defendant J. MARTINEZ,  
28 using coded language, told defendant VICTOR ROMERO that customers had



1 been complaining about the quality of the heroin and defendant VICTOR  
2 ROMERO stated that he would let defendant R. ROMERO know of the  
3 quality issue.

4 Overt Act No. 33: On September 6, 2017, defendant CARRILLO  
5 entered the United States from Mexico to deliver heroin to defendant  
6 VICTOR ROMERO. Defendants CARRILLO and VICTOR ROMERO met in Santa  
7 Ana where defendant CARRILLO provided heroin to defendant VICTOR  
8 ROMERO and defendant VICTOR ROMERO provided defendant CARRILLO with  
9 narcotics proceeds.

10 Overt Act No. 34: On October 1, 2017, defendant V. MARTINEZ  
11 told defendant VIOLETA ROMERO to tell defendant M. ROMERO to call  
12 defendant V. MARTINEZ.

13 Overt Act No. 35: On October 2, 2017, using coded language in  
14 a telephone call, defendant M. ROMERO told defendant V. MARTINEZ that  
15 he was located in Mexico and could supply heroin for distribution in  
16 the Los Angeles area.

17 Overt Act No. 36: On October 3, 2017, defendant VIOLETA ROMERO  
18 met defendant V. MARTINEZ in in Anaheim, California and provided him  
19 heroin.

20 Overt Act No. 37: On October 3, 2017. defendant V. MARTINEZ  
21 met with defendant J. CERVANTES and provided him heroin.

22 Overt Act No. 38: On October 4, 2017, defendant V. MARTINEZ,  
23 using coded language, placed a heroin order with defendant M. ROMERO.  
24 Defendant M. ROMERO told defendant V. MARTINEZ that his heroin was  
25 better than defendant R. ROMERO's heroin.

26 Overt Act No. 39: On October 4, 2017, defendant V. MARTINEZ,  
27 using coded language, told defendant VIOLETA ROMERO that he would  
28 meet defendant VIOLETA ROMERO the following day to deliver heroin.

1           Overt Act No. 40:    On October 5, 2017, defendant VIOLETA ROMERO  
2 met defendant V. MARTINEZ in Anaheim, California and provided heroin  
3 to defendant V. MARTINEZ.

4           Overt Act No. 41:    On October 13, 2017, defendant R. ROMERO,  
5 using coded language, told defendant VICTOR ROMERO that defendant  
6 CARRILLO entered the United States from Mexico and would be making a  
7 heroin delivery and he should provide narcotics proceeds to defendant  
8 CARRILLO.

9           Overt Act No. 42:    On October 13, 2017, defendants CARRILLO and  
10 VICTOR ROMERO met in Santa Ana, where defendant CARRILLO provided  
11 heroin to defendant VICTOR ROMERO and defendant VICTOR ROMERO  
12 provided defendant CARRILLO with narcotics proceeds.

13           Overt Act No. 43:    On October 13, 2017, defendant VICTOR ROMERO  
14 contacted defendant R. ROMERO and confirmed the meeting between  
15 defendants VICTOR ROMERO and CARRILLO.

16           Overt Act No. 44:    On October 14, 2017, defendant CARRILLO  
17 entered the United States from Mexico to deliver heroin to defendant  
18 VICTOR ROMERO.

19           Overt Act No. 45:    On October 14, 2017, defendant R. ROMERO,  
20 using coded language, told defendant VICTOR ROMERO that defendant  
21 CARRILLO had arrived to deliver the heroin.

22           Overt Act No. 46:    On October 14, 2017, defendants CARRILLO and  
23 VICTOR ROMERO met in Santa Ana, where defendant CARRILLO provided  
24 heroin to defendant VICTOR ROMERO and defendant VICTOR ROMERO  
25 provided defendant CARRILLO with narcotics proceeds.

26           Overt Act No. 47:    On October 15, 2017, defendant J. MARTINEZ,  
27 using coded language, directed a co-conspirator to conduct counter-  
28 surveillance to ensure that she was not being followed by law

1 enforcement and then deliver narcotics proceeds to defendant  
2 J. MARTINEZ.

3 Overt Act No. 48: On October 16, 2017, defendant CORDOVA,  
4 using coded language, told defendant V. MARTINEZ that defendant  
5 J. CERVANTES needed to pick up heroin, and defendant V. MARTINEZ told  
6 defendant CORDOVA to tell defendant J. CERVANTES to go to a specified  
7 location.

8 Overt Act No. 49: On October 16, 2017, defendant J. CERVANTES  
9 possessed approximately 72.58 grams of heroin when he was stopped by  
10 law enforcement.

11 Overt Act No. 50: On October 16, 2017, defendants J. MARTINEZ  
12 and J. CERVANTES, using coded language, discussed defendant  
13 J. CERVANTES's arrest and whether law enforcement had asked  
14 defendant J. CERVANTES about defendant V. ROMERO.

15 Overt Act No. 51: On November 7, 2017, defendant ZAPIEN  
16 possessed approximately 3.44 grams of heroin, a digital scale, and  
17 multiple knives.

18 Overt Act No. 52: On December 5, 2017, defendant J. MARTINEZ,  
19 using coded language, instructed defendant GUERRERO to have the  
20 heroin distributors resupplied with additional heroin and told her  
21 where to deliver the narcotics proceeds.

22 Overt Act No. 53: On December 5, 2017, defendant J. MARTINEZ,  
23 using coded language, directed defendant GUERRERO to provide  
24 narcotics proceeds to a co-conspirator.

25 Overt Act No. 54: On December 5, 2017, defendant J. MARTINEZ,  
26 using coded language, then told another co-conspirator that defendant  
27 GUERRERO was going to be providing \$1,600 in narcotics proceeds.

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1           Overt Act No. 55:    On December 6, 2017, defendant J. MARTINEZ  
2 met with a co-conspirator and obtained \$1,690 in narcotics proceeds  
3 that was seized by law enforcement during a subsequent vehicle stop.

4           Overt Act No. 56:    On December 7, 2017, defendant J. MARTINEZ,  
5 using coded language, told defendant GUERRERO that when he saw the  
6 police lights behind him he took the SIM card from his telephone and  
7 swallowed it. Defendants GUERRERO and J. MARTINEZ, using coded  
8 language, agreed that the police dog likely smelled the narcotics  
9 proceeds.

10          Overt Act No. 57:    On December 14, 2017, defendants R. ROMERO  
11 and VICTOR ROMERO, using coded language, discussed that defendant  
12 CARRILLO would be coming to the United States from Mexico to deliver  
13 heroin to defendant VICTOR ROMERO.

14          Overt Act No. 58:    On December 14, 2017, defendants CARRILLO  
15 and VICTOR ROMERO arranged to meet in Santa Ana where defendant  
16 CARRILLO would provide heroin to defendant VICTOR ROMERO.

17          Overt Act No. 59:    On December 14, 2017, defendant CARRILLO  
18 possessed approximately 321 grams of heroin as she attempted to meet  
19 with defendant VICTOR ROMERO and was stopped by law enforcement.

20          Overt Act No. 60:    On December 15, 2017, defendant V. MARTINEZ,  
21 using coded language, coordinated a heroin delivery with defendant  
22 VIOLETA ROMERO.

23          Overt Act No. 61:    On December 15, 2017, defendant VIOLETA  
24 ROMERO provided heroin to defendant V. MARTINEZ.

25          Overt Act No. 62:    On December 15, 2017, defendant V. MARTINEZ  
26 possessed approximately 496 grams of heroin.

27          Overt Act No. 63:    On May 20, 2020, defendant GUERRERO received  
28 a call from a customer who, using coded language, asked to purchase

1 three grams of heroin. Defendant GUERRERO instructed the customer to  
2 a specific location at which the customer was provided three grams of  
3 heroin in exchange for \$100 by a co-conspirator.

4 Overt Act No. 64: On April 10, 2021, in a telephone call with  
5 a confidential source working with law enforcement, defendant J.  
6 MARTINEZ, using coded language, agreed to sell six grams of heroin.  
7 Defendant J. MARTINEZ instructed the confidential source to a  
8 specific location where a co-conspirator provided the confidential  
9 source approximately six grams of heroin in exchange for \$240.

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COUNT TWO

[21 U.S.C. §§ 841(a)(1), (b)(1)(C)]

[DEFENDANT MORETA]

On or about August 30, 2017, in Orange County, within the Central District of California, defendant VICTOR MORETA knowingly and intentionally possessed with intent to distribute approximately 29.2 grams of a mixture and substance containing a detectable amount of heroin, a Schedule I narcotic drug controlled substance.

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COUNT THREE

[21 U.S.C. §§ 841(a)(1), (b)(1)(C); 18 U.S.C. § 2(a)]

[DEFENDANTS V. MARTINEZ and J. CERVANTES]

On or about October 16, 2017, in Orange County, within the Central District of California, defendants VICTOR MARTINEZ, aka "Hector," and JOSE CERVANTES, each aiding and abetting the other, knowingly and intentionally possessed with intent to distribute approximately 72.58 grams of a mixture and substance containing a detectable amount of heroin, a Schedule I narcotic drug controlled substance.

COUNT FOUR

[21 U.S.C. §§ 841(a)(1), (b)(1)(C)]

[DEFENDANT ZAPIEN]

On or about November 7, 2017, in Orange County, within the Central District of California, defendant DANIEL ZAPIEN, also known as "Little Danny," knowingly and intentionally possessed with intent to distribute approximately 3.4 grams of a mixture and substance containing a detectable amount of heroin, a Schedule I narcotic drug controlled substance.

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COUNT FIVE

[21 U.S.C. §§ 841(a)(1), (b)(1)(B)(i)]

[DEFENDANT CARRILLO]

On or about December 14, 2017, in Orange County, within the Central District of California, defendant ALICIA CARRILLO GONZALEZ, aka "Licenciada," knowingly and intentionally possessed with intent to distribute at least 100 grams, that is, approximately 321 grams, of a mixture and substance containing a detectable amount of heroin, a Schedule I narcotic drug controlled substance.

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COUNT SIX

[21 U.S.C. §§ 846, 841(a)(1), (b)(1)(B)(i)]

[DEFENDANT VICTOR ROMERO]

On or about December 14, 2017, in Orange County, within the Central District of California, defendant VICTOR ROMERO JR., aka "Food Guy," knowingly and intentionally attempted to possess with intent to distribute at least 100 grams, that is, approximately 321 grams, of a mixture and substance containing a detectable amount of heroin, a Schedule I narcotic drug controlled substance.

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COUNT SEVEN

[18 U.S.C. § 1956(h)]

[DEFENDANTS J. MARTINEZ, V. MARTINEZ, VICTOR ROMERO, GUERRERO,  
CORDOVA, ANGEL CERVANTES, SERRANO, AND ALICIA CERVANTES]

A. INTRODUCTORY ALLEGATIONS

1. Individual A was the mother of defendants JULIO CESAR MARTINEZ, aka "Primo," and VICTOR MARTINEZ, aka "Hector." Defendant V. MARTINEZ was married to Individual B, whose mother and father were Individual C and Individual D and whose siblings were defendant MARLA PORTILLO CORDOVA, aka "Yvette," and Individual E. Individual F and Individual G were the siblings of defendant J. MARTINEZ and defendant V. MARTINEZ.

2. Individual A controlled the following bank accounts: Bank of America account 4290 (BOA 4290 Account), Bank of America account 3395 (BOA 3395 Account), Bank of America account 5879 (BOA 5879 Account), Bank of America account 8500 (BOA 8500 Account), Bank of America account 9940 (BOA 9940 Account), Bank of America account 4880 (BOA 4880 Account), Citibank account 1459 (Citibank 1459 Account), and Orange County Credit Union account 3100 (OCCU 3100 Account). Between 2013 and 2020, there was a total of \$409,543 in cash deposits into these accounts. Between May 23, 2018 and June 22, 2018, a total of at least \$30,000 in cash was deposited into BOA 9940 Account.

3. Individual C controlled the following bank accounts: Wells Fargo Bank account 0457 (WFB 0457 Account), Bank of America account 6042 (BOA 6042 Account), Bank of America account 6943 (BOA 6943 Account), and Bank of America account 1588 (BOA 1588 Account). Between 2018 and 2019, there was a total of \$171,130 in cash deposits into these accounts. Between June 25, 2018 and November 13, 2018, a

1 total of at least \$42,000 in cash was deposited into Wells Fargo 0457  
2 Account. Between June 29, 2018 and October 9, 2018, a total of at  
3 least \$87,760 in cash was deposited into BOA 6042 Account.

4 4. Defendant CORDOVA controlled the following bank accounts:  
5 Bank of America account 0658 (BOA 0658 Account) and Bank of America  
6 account 7527 (BOA 7527 Account). Between 2015 and 2018, there was a  
7 total of \$77,779 in cash deposits into these accounts. Between June  
8 20, 2018 and July 30, 2018, a total of at least \$20,600 in cash was  
9 deposited into BOA 0658 Account.

10 5. Individual C and Individual E control Bank of America  
11 Account 6943 (BOA 6943 Account).

12 6. Along with Individual C, Individual D controlled the  
13 following bank accounts: Bank of America account 6042 (BOA 6042  
14 Account), and Bank of America account 1588 (BOA 1588 Account).  
15 Between 2018 and 2019, there was a total of \$164,420 in cash deposits  
16 into these accounts.

17 7. Individual F controlled the following bank accounts: Orange  
18 County Credit Union account 1800 (OCCU 1800 Account), Bank of America  
19 account 6587 (BOA 6587 Account), Bank of America account 6744 (BOA  
20 6744 Account), and Chase Bank account 2370 (Chase 2370 Account).  
21 Between 2013 and 2016, there was a total of \$298,118 in cash deposits  
22 into these accounts.

23 8. Individual G controlled the following bank accounts: Bank  
24 of America account 9179 (BOA 9179 Account), Bank of America account  
25 6482 (BOA 6482 Account), Bank of America account 8806 (BOA 8806  
26 Account), Bank of America account 1626 (BOA 1626 Account), Chase Bank  
27 account 2131 (Chase 2131 Account), and Chase Bank account 2935 (Chase  
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1 2935 Account). Between 2013 and 2020, there was a total of \$202,672  
2 in cash deposits into these accounts.

3 9. La Rue Escrow Inc. was an escrow company located in  
4 Menifee, California. On or about November 27, 2018, La Rue Escrow  
5 Account 020679-MM was opened for the benefit of Individual D and  
6 defendant CORDOVA.

7 10. On or about December 27, 2018, a deed of trust for 27295  
8 Legend Lane, Hemet, California was recorded in the County of  
9 Riverside in the name of Individual D and defendant CORDOVA.

10 11. From January 4, 2019 to the present, defendant  
11 V. MARTINEZ's immediate family has lived at 27295 Legend Lane, Hemet  
12 California.

13 B. OBJECTS OF THE CONSPIRACY

14 Beginning on a date unknown and continuing until at least 2020,  
15 in Orange and Riverside Counties, within the Central District of  
16 California, and elsewhere, defendants J. MARTINEZ, V. MARTINEZ,  
17 VICTOR ROMERO JR., aka "Food Guy," MARICELA GUERRERO, aka "Carla,"  
18 CORDOVA, ANGEL CERVANTES, aka "Godson," FRANCISCO SERRANO, aka  
19 "Paco," ALICIA CERVANTES, aka "Goddaughter," conspired with each  
20 other, Individual A, Individual B, Individual C, Individual D,  
21 Individual E, Individual F, Individual G and others known and unknown  
22 to the Grand Jury to knowingly and intentionally commit the following  
23 offenses:

24 1. Knowingly conducting and attempting to conduct financial  
25 transactions involving the proceeds of a specified unlawful activity,  
26 that is, the unlawful distribution of controlled substances, in  
27 violation of Title 21, United States Code, Section 841(a)(1), knowing  
28 that the transactions were designed in whole and in part to conceal

1 and disguise the nature, location, source, ownership, and control of  
2 the proceeds of said specified unlawful activity, in violation of  
3 Title 18, United States Code, Section 1956(a)(1)(B)(i);

4 2. Knowingly conducting and attempting to conduct financial  
5 transactions involving the proceeds of a specified unlawful activity,  
6 that is, the unlawful distribution of controlled substances, in  
7 violation of Title 21, United States Code, Section 841(a)(1), knowing  
8 that the transactions were designed in whole and in part to avoid a  
9 transaction reporting requirement under Federal law, in violation of  
10 Title 18, United States Code, Section 1956 (a)(1)(B)(ii); and

11 3. Knowingly engaging and attempting to engage in monetary  
12 transactions in criminally derived property of a value greater than  
13 \$10,000, which property was derived from a specified unlawful  
14 activity, that is, the unlawful distribution of controlled  
15 substances, in violation of Title 21, United States Code, Section  
16 841(a)(1), in violation of Title 18, United States Code, Section  
17 1957.

18 C. MEANS BY WHICH THE OBJECTS OF THE CONSPIRACY WERE TO BE  
19 ACCOMPLISHED

20 The objects of the conspiracy were accomplished, in substance,  
21 as follows:

22 1. Defendants J. MARTINEZ, V. MARTINEZ, VICTOR ROMERO,  
23 GUERRERO, and CORDOVA agreed to engage in narcotics distribution as  
24 alleged in Count One, Section B, which is incorporated here.

25 2. Defendants J. MARTINEZ, V. MARTINEZ, and GUERRERO, using  
26 coded language, contacted defendants VICTOR ROMERO, CORDOVA, ANGEL  
27 CERVANTES, SERRANO, and ALICIA CERVANTES, and others, and directed  
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1 them to collect cash proceeds from the sale of heroin ("heroin  
2 proceeds").

3 3. Defendants VICTOR ROMERO, CORDOVA, ANGEL CERVANTES,  
4 SERRANO, and ALICIA CERVANTES, and others collected heroin proceeds  
5 and provided the heroin proceeds to defendants J. MARTINEZ and V.  
6 MARTINEZ.

7 4. Defendants J. MARTINEZ and V. MARTINEZ caused the deposit  
8 of at least \$2,000,000 in proceeds from heroin sales into bank  
9 accounts held in the names of defendant CORDOVA, Individuals A, C, D,  
10 E, F, and G, and others, in order to conceal the source of the  
11 proceeds.

12 5. Defendant CORDOVA, Individual A, C, and others, at times  
13 structured the deposits into the bank accounts to evade reporting  
14 requirements by depositing the money at different banks and/or  
15 breaking the deposits up into amounts \$10,000 and under.

16 6. Defendant V. MARTINEZ directed defendant CORDOVA and others  
17 to further conceal the heroin proceeds by transferring the money  
18 between various bank accounts held by family members.

19 7. Defendant V. MARTINEZ directed defendant CORDOVA, and  
20 Individuals A, C, D, and E, to transfer heroin sales proceeds into an  
21 escrow account that was used to purchase property for defendant  
22 V. MARTINEZ's benefit.

23 D. OVERT ACTS

24 In furtherance of the conspiracy, and to accomplish the objects  
25 of the conspiracy, on or about the following dates, defendants  
26 J. MARTINEZ, V. MARTINEZ, VICTOR ROMERO, GUERRERO, CORDOVA, ANGEL  
27 CERVANTES, SERRANO, and ALICIA CERVANTES, and others known and  
28 unknown to the Grand Jury, committed various overt acts within the

1 Central District of California, and elsewhere, including but not  
2 limited to the following:

3 Overt Act No. 1: On September 3, 2013, Individual F deposited  
4 \$5,000 in cash narcotics proceeds into BOA 6744 Account.

5 Overt Act No. 2: On September 4, 2013, Individual F deposited  
6 \$4,150 in cash narcotics proceeds into BOA 6744 Account.

7 Overt Act No. 3: On September 9, 2013, Individual F deposited  
8 \$4,000 in cash narcotics proceeds into BOA 6744 Account.

9 Overt Act No. 4: On February 4, 2016, Individual A deposited  
10 \$5,000 in cash narcotics proceeds into BOA 5879 Account.

11 Overt Act No. 5: On August 7, 2017, defendant GUERRERO told  
12 defendant ANGEL CERVANTES that he should have collected \$673 in  
13 narcotics proceeds, defendant ANGEL CERVANTES confirmed that he  
14 collected the narcotics proceeds, and defendant GUERRERO told  
15 defendant ANGEL CERVANTES to hold the narcotics proceeds.

16 Overt Act No. 6: On August 17, 2017, defendant SERRANO asked  
17 defendant VICTOR ROMERO to pick up \$1,800 in narcotics proceeds from  
18 Daniel Zapien, a member of the narcotics distribution organization,  
19 and defendant VICTOR ROMERO agreed to pick up the narcotics proceeds.

20 Overt Act No. 7: On August 17, 2017, defendant SERRANO asked  
21 defendant VICTOR ROMERO to pick up \$1,305 in narcotics proceeds from  
22 the other heroin distribution call center and defendant VICTOR ROMERO  
23 confirmed he picked up the narcotics proceeds.

24 Overt Act No. 8: On or about August 18, 2017, defendant  
25 VICTOR ROMERO told defendant R. ROMERO that he had sent \$26,200 in  
26 narcotics proceeds, and defendant R. ROMERO confirmed that he  
27 received that amount and that he would be sending someone with  
28 narcotics tomorrow.



1           Overt Act No. 9:       On or about August 26, 2017, defendant  
2 J. MARTINEZ and defendant GUERRERO discussed whether to send  
3 defendant ANGEL CERVANTES or defendant SERRANO to pick up narcotics  
4 proceeds. Defendant GUERRERO told defendant J. MARTINEZ that  
5 defendant SERRANO was available now and had already picked up \$2,500  
6 in narcotics proceeds, and defendant J. MARTINEZ told defendant  
7 GUERRERO to send defendant SERRANO.

8           Overt Act No. 10:   On or about September 12, 2017, defendant  
9 GUERRERO told defendant ALICIA CERVANTES to collect \$3,705 in  
10 narcotics proceeds, and defendant ALICIA CERVANTES agreed to pick up  
11 the narcotics proceeds.

12           Overt Act No. 11:   On or about September 12, 2017, defendant  
13 ALICIA CERVANTES told defendant GUERRERO that she collected the  
14 narcotics proceeds.

15           Overt Act No. 12:   On or about September 24, 2017, defendant  
16 GUERRERO explained to defendant ALICIA CERVANTES how she should  
17 bundle the money and spray it with perfume in order to remove the  
18 smell of narcotics from the money. Defendant GUERRERO confirmed with  
19 defendant ALICIA CERVANTES that she collected \$2,730 in narcotics  
20 proceeds, and defendant ALICIA CERVANTES confirmed that she collected  
21 the narcotics proceeds.

22           Overt Act No. 13:   On or about October 15, 2017, defendant  
23 J. MARTINEZ told defendant ALICIA CERVANTES to collect \$1,240 in  
24 narcotics proceeds, and defendant ALICIA CERVANTES agreed to pick up  
25 the narcotics proceeds.

26           Overt Act No. 14:   On or about October 15, 2017, defendant  
27 ALICIA CERVANTES told defendant J. MARTINEZ that she collected the  
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1 narcotics proceeds, and defendant J. MARTINEZ told her to follow him  
2 to a location.

3 Overt Act No. 15: On or about October 20, 2017, defendant  
4 J. MARTINEZ told defendant ALICIA CERVANTES to collect narcotics  
5 proceeds, and defendant ALICIA CERVANTES responded that she already  
6 collected the narcotics proceeds, that all of the money was there,  
7 and that he would call her the following day.

8 Overt Act No. 16: On October 21, 2017, defendant J. MARTINEZ  
9 told defendant ALICIA CERVANTES that he would meet her later in the  
10 day to collect the narcotics proceeds. Defendant J. MARTINEZ told  
11 defendant ALICIA CERVANTES to be on the lookout for undercover law  
12 enforcement vehicles, and defendant ALICIA CERVANTES stated that she  
13 always takes different routes after dropping narcotics proceeds.

14 Overt Act No. 17: On November 5, 2017, defendant GUERRERO told  
15 defendant ALICIA CERVANTES to collect \$1,230 in narcotics proceeds  
16 and deliver heroin, and defendant ALICIA CERVANTES agreed to do so.

17 Overt Act No. 18: On December 5, 2017, defendant ANGEL  
18 CERVANTES told defendant J. MARTINEZ that he collected the narcotics  
19 proceeds, and defendant J. MARTINEZ told him to arrange the narcotics  
20 proceeds smallest to largest and told him that he would pick it up  
21 the following day.

22 Overt Act No. 19: On December 6, 2017, defendant J. MARTINEZ  
23 met with defendant ANGEL CERVANTES in Santa Ana, California, and  
24 collected the narcotics proceeds.

25 Overt Act No. 20: On December 6, 2017, upon being stopped by  
26 law enforcement, defendant J. MARTINEZ falsely told law enforcement  
27 that the cash he received from defendant ANGEL CERVANTES was money  
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1 that was given to him to purchase materials for a construction  
2 project.

3 Overt Act No. 21: On December 7, 2017, defendant J. MARTINEZ  
4 told defendant GUERRERO that he obtained a new telephone, that he  
5 destroyed the chip in his telephone as soon as he saw the police  
6 lights, and that the seized narcotics proceeds may have smelled like  
7 narcotics because they came from a member of the organization that  
8 uses heroin.

9 Overt Act No. 22: On June 20, 2018, defendant CORDOVA  
10 deposited \$4,900 in cash narcotics proceeds into BOA 0658 Account.

11 Overt Act No. 23: On June 22, 2018, Individual A deposited  
12 \$6,000 in cash narcotics proceeds into BOA 9940 Account.

13 Overt Act No. 24: On June 25, 2018, defendant CORDOVA  
14 deposited \$5,720 in cash narcotics proceeds into BOA 0658 Account.

15 Overt Act No. 25: On June 25, 2018, Individual C deposited  
16 \$6,000 in cash narcotics proceeds into Wells 0457 Account.

17 Overt Act No. 26: On June 29, 2018, Individual C deposited  
18 \$5,000 in cash narcotics proceeds into BOA 6042 Account.

19 Overt Act No. 27: On June 30, 2018, defendant CORDOVA  
20 deposited \$5,000 in cash narcotics proceeds into BOA 0658 Account.

21 Overt Act No. 28: On July 12, 2018, Individual C deposited  
22 \$8,880 in cash narcotics proceeds into BOA 1588 Account.

23 Overt Act No. 29: On July 13, 2018, Individual C deposited  
24 \$6,100 in cash narcotics proceeds into BOA 6042 Account in Santa Ana,  
25 California.

26 Overt Act No. 30: On July 30, 2018, defendant CORDOVA  
27 deposited \$4,980 in cash narcotics proceeds into BOA 0658 Account.

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1           Overt Act No. 31:    On July 31, 2018, Individual C deposited  
2 \$10,000 in cash narcotics proceeds into BOA 6042 Account in Santa  
3 Ana, California.

4           Overt Act No. 32:    On August 9, 2018, Individual C deposited  
5 \$10,000 in cash narcotics proceeds into BOA 6042 Account in Santa  
6 Ana, California.

7           Overt Act No. 33:    On August 11, 2018, Individual C deposited  
8 \$9,900 in cash narcotics proceeds into BOA 6042 Account in Santa Ana,  
9 California.

10          Overt Act No. 34:    On September 28, 2018, Individual C  
11 deposited \$10,000 in cash narcotics proceeds into BOA 6042 Account in  
12 Santa Ana, California.

13          Overt Act No. 35:    On September 28, 2018, Individual C  
14 deposited \$2,900 in cash narcotics proceeds into Wells 0457 Account  
15 in Santa Ana, California.

16          Overt Act No. 36:    On September 29, 2018, Individual C  
17 deposited \$9,800 in cash narcotics proceeds into BOA 6042 Account in  
18 Santa Ana, California.

19          Overt Act No. 37:    On November 13, 2018, Individual C  
20 transferred \$40,000 in narcotics proceeds via wire from Wells 0457  
21 Account to defendant CORDOVA's BOA 0658 Account.

22          Overt Act No. 38:    On November 27, 2018, defendant CORDOVA  
23 transferred \$10,000 in narcotics proceeds via wire from BOA 0658  
24 Account to La Rue Escrow Account 020679-MM.

25          Overt Act No. 39:    On December 19, 2018, Individual C  
26 transferred \$99,000 in narcotics proceeds via wire from BOA 6042  
27 Account to La Rue Escrow Account 020679-MM.

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1           Overt Act No. 40:    On December 21, 2018, Individual A  
2 transferred \$10,000 in narcotics proceeds via wire from BOA 9940  
3 Account to Individual C and Individual E's BOA 6943 Account.

4           Overt Act No. 41:    On December 24, 2018, Individual C  
5 transferred \$18,464 in narcotics proceeds from BOA 6943 Account to  
6 Individual C and Individual D's BOA 1588 Account.

7           Overt Act No. 42:    On December 24, 2018, Individual C and  
8 Individual D transferred \$18,433.17 in narcotics proceeds via wire  
9 from BOA 1588 Account to La Rue Escrow Account 020679-MM.

10          Overt Act No. 43:    On December 24, 2018, defendant CORDOVA  
11 transferred \$48,000 in narcotics proceeds via wire from BOA 0658 to  
12 La Rue Escrow Account 020679-MM.

13          Overt Act No. 44:    On May 9, 2019, Individual G deposited  
14 \$9,000 in cash narcotics proceeds into BOA 9179 Account.

15          Overt Act No. 45:    On May 13, 2019, Individual G deposited  
16 \$8,980 in cash narcotics proceeds into BOA 9179 Account.

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COUNT EIGHT

[18 U.S.C. § 1956(a)(2)(A); 18 U.S.C. §§ 2(a), (b)]

[DEFENDANTS VICTOR ROMERO AND R. ROMERO]

On or about August 17, 2017, in Orange County, within the Central District of California, and elsewhere, defendants VICTOR ROMERO JR., aka "Food Guy," and ROBERTO ROMERO SANCHEZ, aka "Uncle Roberto," together with others known and unknown to the Grand Jury, each aiding and abetting the other, transmitted and transferred, and willfully caused the transmission and transfer of, \$26,200 in United States Currency from a place in the United States, that is, Orange County, California, to a place outside the United States, that is, Mexico, with the intent to promote the carrying on of specified unlawful activity, that is, the unlawful distribution of controlled substances, in violation of Title 21, United States Code, Section 841(a)(1).

COUNT NINE

[18 U.S.C. § 1956(a)(2)(A); 18 U.S.C. §§ 2(a), (b)]

[DEFENDANTS VICTOR ROMERO AND R. ROMERO]

On or about August 23, 2017, in Orange County, within the Central District of California, and elsewhere, defendants VICTOR ROMERO JR., aka "Food Guy," and ROBERTO ROMERO SANCHEZ, aka "Uncle Roberto," together with others known and unknown to the Grand Jury, each aiding and abetting the other, transmitted and transferred, and willfully caused the transmission and transfer of, \$1,200 in United States Currency from a place in the United States, that is, Orange County, California, to a place outside the United States, that is, Mexico, with the intent to promote the carrying on of specified unlawful activity, that is, the unlawful distribution of controlled substances, in violation of Title 21, United States Code, Section 841(a)(1).

COUNTS TEN THROUGH THIRTEEN

[18 U.S.C. § 1957; 18 U.S.C. §§ 2(a), (b)]

[DEFENDANTS V. MARTINEZ AND CORDOVA]

1. The Grand Jury re-alleges Paragraphs 1 through 11 of Section A of Count Seven of this Indictment and Paragraphs 1 through 7 of Section C of Count Seven of this Indictment here.

2. On or about the following dates, in Orange County and Riverside County, within the Central District of California, and elsewhere, defendants VICTOR MARTINEZ, aka "Hector," and MARLA PORTILLO CORDOVA, aka "Yvette," together with others known and unknown to the Grand Jury, each aiding and abetting the other, knowingly engaged in and willfully caused others to engage in the following monetary transactions in criminally derived property of a value greater than \$10,000, which property, in fact, was derived from specified unlawful activity, that is, the unlawful distribution of controlled substances, in violation of Title 21, United States Code, Section 841(a)(1):

COUNT	DEFENDANT(S)	DATE	TRANSACTION
TEN	V. MARTINEZ and CORDOVA	11/13/2018	Payment of approximately \$40,000 from Individual C's WFB 0457 Account to Defendant CORDOVA's BOA 0658 Account
ELEVEN	V. MARTINEZ	12/19/2018	Payment of approximately \$99,000 from Individual C's BOA 6042 Account to La Rue Escrow Account 020679-MM
TWELVE	V. MARTINEZ and CORDOVA	12/24/2018	Payment of approximately \$48,000 from Defendant CORDOVA's BOA 0658 Account to La Rue Escrow Account 020679-MM



COUNT	DEFENDANT(S)	DATE	TRANSACTION
THIRTEEN	V. MARTINEZ	12/24/2018	Payment of approximately \$18,433.17 from Individual C's and Individual D's BOA 1588 Account to La Rue Escrow Account 020679-MM

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FORFEITURE ALLEGATION ONE

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2 [21 U.S.C. § 853] 1. Pursuant to Rule 32.2(a) of the Federal  
3 Rules of Criminal Procedure, notice is hereby given that the United  
4 States of America will seek forfeiture as part of any sentence,  
5 pursuant to Title 21, United States Code, Section 853, in the event  
6 of any defendant's conviction of the offenses set forth in any of  
7 Counts One through Six of this Indictment.

8 2. Any defendant so convicted shall forfeit to the United  
9 States of America the following:

10 (a) All right, title and interest in any and all property,  
11 real or personal, constituting or derived from, any proceeds which  
12 the defendant obtained, directly or indirectly, from any such  
13 offense;

14 (b) All right, title and interest in any and all property,  
15 real or personal, used, or intended to be used, in any manner or  
16 part, to commit, or to facilitate the commission of any such offense;  
17 and

18 (c) To the extent such property is not available for  
19 forfeiture, a sum of money equal to the total value of the property  
20 described in subparagraphs (a) and (b).

21 3. Pursuant to Title 21, United States Code, Section 853(p),  
22 any defendant so convicted, shall forfeit substitute property if, by  
23 any act or omission of said defendant, the property described in the  
24 preceding paragraph, or any portion thereof: (a) cannot be located  
25 upon the exercise of due diligence; (b) has been transferred, sold  
26 to, or deposited with a third party; (c) has been placed beyond the  
27 jurisdiction of the court; (d) has been substantially diminished in  
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1 value; or (e) has been commingled with other property that cannot be  
2 divided without difficulty.

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FORFEITURE ALLEGATION TWO

[18 U.S.C. § 982]

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3 1. Pursuant to Rule 32.2(a) of the Federal Rules of Criminal  
4 Procedure, notice is hereby given that the United States will seek  
5 forfeiture as part of any sentence, pursuant to Title 18, United  
6 States Code, Section 982(a)(1), in the event of any defendant's  
7 conviction of the offenses set forth in any of Counts Seven through  
8 Thirteen of this Indictment.

9 2. Any defendant so convicted shall forfeit to the United  
10 States of America the following:

11 (a) Any property, real or personal, involved in such  
12 offense, and any property traceable to such property; and

13 (b) To the extent such property is not available for  
14 forfeiture, a sum of money equal to the total value of the property  
15 described in subparagraph (a).

16 3. Pursuant to Title 21, United States Code, Section 853(p), as  
17 incorporated by Title 18, United States Code, Section 982(b)(1), and  
18 Title 18, United States Code, Section 982(b)(2), any defendant so  
19 convicted, shall forfeit substitute property, if, by any act or  
20 omission of said defendant, the property described in the preceding  
21 paragraph, or any portion thereof: (a) cannot be located upon the  
22 exercise of due diligence; (b) has been transferred, sold to, or  
23 deposited with a third party; (c) has been placed beyond the  
24 jurisdiction of the court; (d) has been substantially diminished in  
25 value; or (e) has been commingled with other property that cannot be  
26 divided without difficulty. Substitution of assets shall not be  
27 ordered, however, where the convicted defendant acted merely as an  
28 intermediary who handled but did not retain the property in the


1 course of the money laundering offense unless the defendant, in  
2 committing the offense or offenses giving rise to the forfeiture,  
3 conducted three or more separate transactions involving a total of  
4 \$100,000.00 or more in any twelve-month period.

5  
6 A TRUE BILL

7  
8 /S/

9 \_\_\_\_\_  
Foreperson

10 TRACY L. WILKISON  
11 Acting United States Attorney

12   
13 BRANDON D. FOX  
14 Assistant United States Attorney  
Chief, Criminal Division

15 JOANNA M. CURTIS  
16 Assistant United States Attorney  
17 Chief, Violent and Organized  
Crime Section

18 JOSEPH T. MCNALLY  
19 Assistant United States Attorney  
Violent and Organized Crime  
Section

20 KEVIN J. BUTLER  
21 Assistant United States Attorney  
22 Violent and Organized Crime  
Section