

AO 257 (Rev. 6/78)

DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURT

BY: COMPLAINT INFORMATION INDICTMENT
 SUPERSEDING

OFFENSE CHARGED

Count One: 21 U.S.C. § 841(a)(1) and (b)(1)(A)(viii) - Possession With Intent to Distribute Methamphetamine Petty
Count Two: 18 U.S.C. § 924(c)(1)(A)(i) - Possession of a Firearm in Furtherance of a Drug Trafficking Crime Minor
Count Three: 18 U.S.C. § 922(g)(1) - Felon in Possession of a Firearm and Ammunition Misdemeanor
 Felony

PENALTY: Count One: max. life and mandatory minimum of 10 years imprisonment; Count Two: mandatory minimum of 5 years imprisonment consecutive; Count Three: max. 10 years imprisonment; max. life and mandatory minimum of 5 years supervised release; \$10 million fine; \$100 special assessment

Name of District Court, and/or Judge/Magistrate Location

NORTHERN DISTRICT OF CALIFORNIA

OAKLAND DIVISION

FILED
ARR 1 8 2013

DEFENDANT - U.S.

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND

▶ Timathe Richard Soto

DISTRICT COURT NUMBER

CR13-00253

PJH

PROCEEDING

Name of Complainant Agency, or Person (& Title, if any)

Homeland Security Investigations

person is awaiting trial in another Federal or State Court, give name of court

this person/proceeding is transferred from another district per (circle one) FRCrp 20, 21, or 40. Show District

this is a reprosecution of charges previously dismissed which were dismissed on motion of:

U.S. ATTORNEY DEFENSE

SHOW
DOCKET NO.

this prosecution relates to a pending case involving this same defendant

MAGISTRATE
CASE NO.

prior proceedings or appearance(s) before U.S. Magistrate regarding this defendant were recorded under

Name and Office of Person
Furnishing Information on this form Melinda Haag

U.S. Attorney Other U.S. Agency

Name of Assistant U.S.
Attorney (if assigned) Alexandra P. Sumner

DEFENDANT

IS NOT IN CUSTODY

Has not been arrested, pending outcome this proceeding.

1) If not detained give date any prior summons was served on above charges

2) Is a Fugitive

3) Is on Bail or Release from (show District)

IS IN CUSTODY

4) On this charge

5) On another conviction

Federal State

6) Awaiting trial on other charges

If answer to (6) is "Yes", show name of institution

Has detainer been filed? Yes No

If "Yes" give date filed

DATE OF ARREST

Month/Day/Year
3/1/2013

Or... if Arresting Agency & Warrant were not

DATE TRANSFERRED TO U.S. CUSTODY

Month/Day/Year

This report amends AO 257 previously submitted

ADDITIONAL INFORMATION OR COMMENTS

PROCESS:

SUMMONS NO PROCESS* WARRANT

Bail Amount: No Bail

If Summons, complete following:

Arraignment Initial Appearance

* Where defendant previously apprehended on complaint, no new summons or warrant needed, since Magistrate has scheduled arraignment

Defendant Address:

Date/Time: _____ Before Judge: _____

Comments:

United States District Court

FOR THE
NORTHERN DISTRICT OF CALIFORNIA

VENUE: OAKLAND

CR13-00253

PJH

UNITED STATES OF AMERICA,

v.

FILED

APR 18 2013

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND

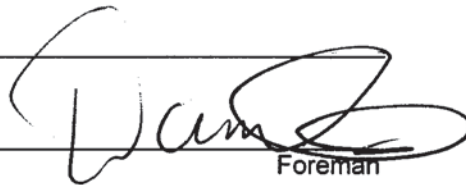
TIMATHE RICHARD SOTO,

DEFENDANT(S).

INDICTMENT

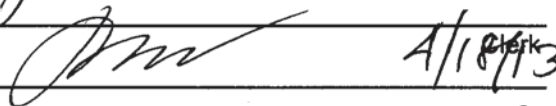
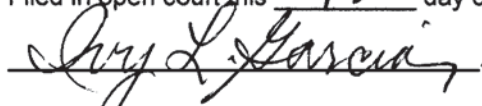
COUNT ONE: 21 U.S.C. § 841(a)(1) – Possession With Intent to Distribute and Distribution of Methamphetamine; COUNT TWO: 18 U.S.C. § 924(c)(1)(A)(i) – Possession of a Firearm in Furtherance of a Drug Trafficking Crime; COUNT THREE: 18 U.S.C. § 922(g)(1) – Felon in Possession of a Firearm and Ammunition; FIRST FORFEITURE ALLEGATION: 21 U.S.C. § 853 – Drug Forfeiture; SECOND FORFEITURE ALLEGATION: 18 U.S.C. § 924(d)(1) – Firearm Forfeiture

A true bill.



Foreman

Filed in open court this 18 day of ~~the~~ April, 2013



Bail, \$ no press

1 MELINDA HAAG (CABN 132612)
2 United States Attorney

FILED

APR 18 2013

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND

8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA
10 OAKLAND DIVISION

CR13-00253

PJH

11 UNITED STATES OF AMERICA,

12 Plaintiff,

13 v.

14 TIMATHE RICHARD SOTO,

15 Defendant.

No.

VIOLATIONS: 21 U.S.C. § 841(a)(1) –
Possession With Intent to Distribute and
Distribution of Methamphetamine; 18
U.S.C. § 924(c)(1)(A)(i) – Possession of a
Firearm in Furtherance of a Drug
Trafficking Crime; 18 U.S.C. § 922(g)(1) –
Felon in Possession of a Firearm and
Ammunition; 21 U.S.C. § 853 – Drug
Forfeiture Allegation; 18 U.S.C. § 924(d)(1)
– Firearm Forfeiture

OAKLAND VENUE

16 INDICTMENT

17 The Grand Jury charges:

18 COUNT ONE: (21 U.S.C. § 841(a)(1) and (b)(1)(A)(viii) – Possession With Intent to
19 Distribute Methamphetamine)

20 On or about March 1, 2013, in the Northern District of California, the defendant,

21 TIMATHE RICHARD SOTO,

22 did knowingly and intentionally possess with intent to distribute and distribute a Schedule II

23 controlled substance, to wit: 50 grams or more of methamphetamine, its salts, isomers, and salts

24 INDICTMENT

1 of its isomers, in violation of Title 21, United States Code, Sections 841(a)(1) and
2 841(b)(1)(A)(viii).

3
4 COUNT TWO: (18 U.S.C. § 924(c)(1)(A)(i) – Possession of a Firearm in Furtherance of a
5 Drug Trafficking Crime)

6 On or about March 1, 2013, in the Northern District of California, the defendant,
7 TIMATHE RICHARD SOTO,
8 did knowingly possess a firearm, specifically a Springfield Armory XD 9mm caliber pistol, in
9 furtherance of a drug trafficking crime for which he may be prosecuted in a court of the United
10 States, as alleged in Count One of the Indictment, in violation of Title 18, United States Code,
11 Section 924(c)(1)(A)(i).

12
13 COUNT THREE: (18 U.S.C. § 922(g)(1) – Felon in Possession of a Firearm and
14 Ammunition)

15 On or about March 1, 2013, in the Northern District of California, the defendant,
16 TIMATHE RICHARD SOTO,
17 having been previously convicted of a crime punishable by a term of imprisonment exceeding
18 one year, did knowingly possess a firearm, specifically a Springfield Armory XD 9mm caliber
19 pistol, and 9mm caliber ammunition, in and affecting interstate commerce, in violation of Title
20 18, United States Code, Section 922(g)(1).

21
22 FIRST FORFEITURE ALLEGATION (21 U.S.C. § 853 – Drug Forfeiture)

23 The allegations contained in Count One of this Indictment are realleged and by this
24 reference fully incorporated herein for the purpose of alleging forfeiture pursuant to the
25 provisions of 21 U.S.C. §§ 853(a)(1) and (a)(2).

26 Upon a conviction of the offense alleged in Count One, the defendant,
27 TIMATHE RICHARD SOTO,
28 shall forfeit to the United States all right, title, and interest in property constituting and derived

1 from any proceeds the defendant obtained, directly or indirectly, as a result of said violations, and
2 any property used, or intended to be used, in any manner or part, to commit or to facilitate the
3 commission of the said violations.

4 If, as a result of any act or omission of the defendant, any of said property

- 5 a. cannot be located upon the exercise of due diligence;
- 6 b. has been transferred or sold to or deposited with, a third person;
- 7 c. has been placed beyond the jurisdiction of the Court;
- 8 d. has been substantially diminished in value; or
- 9 e. has been commingled with other property which cannot be divided without
10 difficulty;

11 any and all interest the defendant has in any other property (not to exceed the value of the above
12 forfeitable property) shall be vested in the United States and forfeited to the United States.

13 All in violation of Title 21, United States Code, Section 853(a)(1), (a)(2), (p) and Rule
14 32.2 of the Federal Rules of Criminal Procedure.

15
16 SECOND FORFEITURE ALLEGATION: (18 U.S.C. § 924(d)(1) – Firearm Forfeiture)

17 The allegations contained in Counts Two and Three of this Indictment are realleged and
18 by this reference fully incorporated herein for the purpose of alleging forfeiture pursuant to the
19 provisions of 18 U.S.C. § 924(d)(1).

20 Upon a conviction of any of the offenses alleged in Counts Two and Three above, the
21 defendant,

22 TIMATHE RICHARD SOTO,

23 shall forfeit to the United States any firearm or ammunition involved in or used in any knowing
24 violation of said offenses, including but not limited to the following property:

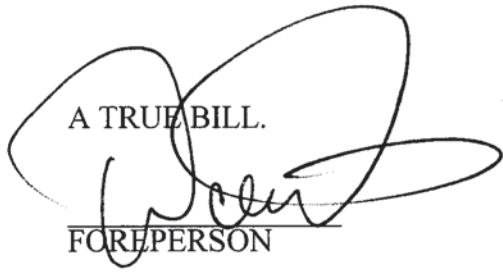
- 25 a. one Springfield Armory XD 9mm caliber pistol with an obliterated serial
26 number; and
- 27 b. 9mm caliber ammunition.

1 All in violation of Title 18, United States Code, Section 924(d)(1) and Rule 32.2 of the
2 Federal Rules of Criminal Procedure.

3
4 DATED:

5 4/18/2013

A TRUE BILL.



FOREPERSON

7 MELINDA HAAG
8 United States Attorney

9 
10 MIRANDA KANE
11 Chief, Criminal Division

12 (Approved as to form: )
13 AUSA ALEXA SUMMER