

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO**

Criminal Case Number

UNITED STATES OF AMERICA,

Plaintiff,

v.

1. CHRISTOPHER BARTKOWICZ,

Defendant.

INDICTMENT

21 U.S.C. §§ 841(a)(1) and (b)(1)(B)(vii)

21 U.S.C. § 856(a)(1)

21 U.S.C. § 860

COUNT ONE

On or about February 12, 2010, within the State and District of Colorado, the Defendant, CHRISTOPHER BARTKOWICZ, knowingly and intentionally manufactured, distributed, dispensed, and possessed with intent to distribute 100 or more marijuana plants regardless of weight; a Schedule I Controlled Substance,

All in violation of Title 21, United States Code, Sections 841(a)(1) and (b)(1)(B)(vii).

COUNT TWO

On or about and between December 12, 2009, and February 12, 2010, within the State and District of Colorado, the Defendant, CHRISTOPHER BARTKOWICZ, knowingly leased, rented, used, and maintained any place, whether permanently or temporarily, for the purpose of

manufacturing, distributing, and using any controlled substance,

All in violation of Title 21, United States Code, Section 856(a)(1).

COUNT THREE

On or about February 12, 2010, within the States and District of Colorado, the Defendant, CHRISTOPHER BARTKOWICZ, knowingly and intentionally manufactured, distributed, dispensed, and possessed with intent to distribute a quantity of 100 or more marijuana plants regardless of weight, a Schedule I Controlled Substance, within one thousand (1000) feet of, the real property comprising a public elementary school; namely, Sand Creek Elementary School,

All in violation of Title 21, United States Code, Section 841(a)(1) and 841(b)(1)(B)(vii) and 21 United States Code, Section 860.

FORFEITURE ALLEGATION

Title 21 United States Code, Section 853

As a result of the foregoing offenses, violations of Title 21, United States Code, Section 841(a)(1), the Defendant CHRISTOPHER BARTKOWICZ, shall forfeit to the United States any and all property, real or personal, constituting or derived from any proceeds the said defendants obtained directly or indirectly as a result of the said violations and any and all property used or intended to be used in any manner or part to commit and to facilitate the commission of the violations alleged in this Indictment.

If any of the above-described forfeitable property as a result of any act or omission of the defendants—

- (1) cannot be located upon the exercise of due diligence;
- (2) has been transferred or sold to, or deposited with, a third party;
- (3) has been placed beyond the jurisdiction of the Court;

- (4) has been substantially diminished in value; and
- (5) has been commingled with other property which cannot be subdivided without difficulty;

it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p), to seek forfeiture of any other property of said Defendant(s) up to the value of the above forfeitable property.

All in violation of Title 21 United States Code, Sections 841(a)(1), 846, and 853, and Title 18, United States Code, Section 982.

A TRUE BILL:

Ink signature on file in the Clerk's Office
FOREPERSON

DAVID M. GAOUILLE
United States Attorney

BY: s/ M.J. Menendez
M.J. MENENDEZ

By: s/ Robert E. Mydans
ROBERT E. MYDANS

Assistant United States Attorneys
1225 17th Street, Suite 700
Denver, Colorado 80202
Email: M.J.Menendez@usdoj.gov
Email: Bob.Mydans@usdoj.gov
Attorneys for the Government APPROVED
(303) 454-0100
(303) 454-0403 Fax

DEFENDANT: 1. CHRISTOPHER BARTKOWICZ

YEAR OF BIRTH: 1973

ADDRESS (CITY/STATE): Highlands Ranch, Colorado

COMPLAINT FILED? YES NO

IF YES, PROVIDE MAGISTRATE CASE NUMBER:

District Court Case Number: 10-CR-118-PAB

Pre-bindover Magistrate Judge Case Number: 10mj1031KLM

IF NO, PROCEED TO "OFFENSE" SECTION

HAS DEFENDANT BEEN ARRESTED ON COMPLAINT? YES NO

IF NO, A NEW WARRANT IS REQUIRED-Defendant on bond

OFFENSE: **COUNT ONE:**

Title 21 United States Code, Section 841(a)(1) and (b)(1)(B)(vii)
Distribution and Possession with Intent to Distribute 100 or more marijuana plants, regardless of weight

COUNT TWO:

21 United States Code, Section 856(a)(1)
Maintaining drug-involved premises.

COUNT THREE:

21 United States Code, Section 860
Distribution or Manufacturing in or near schools

LOCATION OF OFFENSE (COUNTY/STATE): Douglas County, Colorado

PENALTY: **COUNT ONE:**

Title 21 United States Code, Section 841(a)(1) and (b)(1)(B)(vii)

NLT five (5) years, NMT 40 years imprisonment; \$2,000,000.00 fine, or both;
NLT 4 year supervised release; and a \$100.00 Special Assessment Fee

851 Advisement: The Government is of the information and belief that the Defendant has two prior convictions for separate felony drug offenses. If any person commits the violation charged in Count One after a prior conviction for a felony drug offense has become final and the Government files an Information as

required under 21 U.S.C. Section 851 so alleging, such person shall be sentenced to a term of imprisonment which may not be less than ten (10) years and not more than life imprisonment, a fine of \$4,000,000.00 or both, and not less than eight (8) years supervised release. The Government intends to file an Information as required under 21 United States Code, Section 851, seeking increased punishment as authorized by law.

COUNT TWO:

21 United States Code, Section 856(a)(1)
NMT twenty (20) years imprisonment, a fine of \$500,00.00, or both, a \$100.00 special assessment fee

COUNT THREE:

21 United States Code, Section 860(a) and (B)(1)(B)
NLT sixty (60) years imprisonment, a fine of \$6,000,000.00, or both, and a \$100.00 special assessment fee

851 Advisement: The Government is of the information and belief that the Defendant has two prior convictions for separate felony drug offenses. Conviction of Distribution or Manufacturing within 1000 feet of a school after conviction for one felony drug offense that has become final and the Government files an Information under 21 United States Code, Section 851 so alleging is punishable by three times the maximum punishment authorized by section 841(b) of this title for a first offense, to wit: 60 years, three times the maximum term of supervised release authorized, to wit: 12 years, and three times the fine authorized, to wit: \$6,000,000.00 dollars. Penalties for a third and subsequent conviction shall be governed by section 21 United States Code, Section 841(b)(1)(A), to wit: life imprisonment.

AGENT: Special Agent Michael Tonozzi, DEA

AUTHORIZED BY: M.J. Menendez
Assistant U.S. Attorney

ESTIMATED TIME OF TRIAL:

X five days or less _____ over five days _____ other

THE GOVERNMENT states that the Defendant has been released on bond.

The statutory presumption of detention **is** applicable to this defendant.

OCDEF CASE: _____ Yes X No