FILED
At Albuquerque NM
MAR 24 2010
MATTHEW J. DYKMAN
CLERK

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF NEW MEXICO

UNITED STATES OF AMERICA, Plaintiff, vs. **MARGARITO ANDRADE, SR.,** **MARGARITO ANDRADE, JR., *a/k/a Bird, a/k/a Pee Wee, a/k/a Pee Wee Loco, a/k/a Maguin,*** **FRANCISCO SOLIS, *a/k/a Kiko,*** **LUIS VALLES, *a/k/a Chaparro, a/k/a Chapo,*** **SERGIO HERNANDEZ, *a/k/a Washington,*** **ROYCE GARCIA,** **JUAN PEDROZA,** **MARIO MARTINEZ,** **GUADALUPE ANDRADE,** **VINCENT CANDELARIA,** **TARA TRUJILLO,** **GUILLERMO ANDRADE, *a/k/a Gizmo*,** **FERNANDO RAMIREZ, *a/k/a Fernie*,** **CHRISTINE HERRERA,** **ARNOLD HERNANDEZ,** **LUIS CARLOS RUIZ-TORRES, *a/k/a Charlie,*** **AURORA SANCHEZ,** **JOSE ANDRADE, *a/k/a Weasel,*** **RICARDO GALBISO, *a/k/a Baldo*, and** **CESAR ANDRADE.** Defendants.	)	CRIMINAL NO. 10-619 JC Count 1: 21 U.S.C. § 846: Conspiracy to Distribute Controlled Substances; Count 2: 21 U.S.C. §§ 841(a)(1) and (b)(1)(B): Distribution of 5 Grams and More of Cocaine Base; Counts 3 and 12: 21 U.S.C. §§ 841(a)(1) and (b)(1)(C): Possession With Intent to Distribute Cocaine; 18 U.S.C. § Aiding and Abetting; Count 4: 18 U.S.C. § 924(c)(1)(A): Carrying a Firearm During and in Relation to a Drug Trafficking Crime; Counts 5 and 6: 21 U.S.C. §§ 841(a)(1) and (b)(1)(A): Distribution of 50 Grams and More of Cocaine Base; Counts 7, 8, 9 and 10: 21 U.S.C. §§ 841(a)(1) and (b)(1)(C): Distribution of Cocaine; Count 11: 21 U.S.C. § 841(a)(1) and (b)(1)(D): Distribution of Marijuana; Counts 13 - 33: 21 U.S.C. § 843(b): Use of a Telephone to Facilitate a Drug Trafficking Offense.

SUPERSEDING INDICTMENT

The Grand Jury charges:

Count 1

1. Between from at least in or about March 2008 and continuing to March 23, 2010, in the District of New Mexico, and elsewhere, the Defendants, **MARGARITO ANDRADE, SR., MARGARITO ANDRADE, JR.,** ***a/k/a Bird, a/k/a Pee Wee, a/k/a Pee Wee Loco, a/k/a Maguin,*** **FRANCISCO SOLIS,** ***a/k/a Kiko,*** **LUIS VALLES,** ***a/k/a Chaparro, a/k/a Chapo,*** **SERGIO HERNANDEZ,** ***a/k/a Washington,*** **ROYCE GARCIA, JUAN PEDROZA, MARIO MARTINEZ, GUADALUPE ANDRADE, VINCENT CANDELARIA, TARA TRUJILLO, GUILLERMO ANDRADE,** ***a/k/a Gizmo,*** **FERNANDO RAMIREZ,** ***a/k/a Fernie,*** **CHRISTINE HERRERA, ARNOLD HERNANDEZ, LUIS CARLOS RUIZ-TORRES,** ***a/k/a Charlie,*** **AURORA SANCHEZ, JOSE ANDRADE,** ***a/k/a Weasel,*** **RICARDO GALBISO,** ***a/k/a Baldo,*** **and CESAR ANDRADE,** did unlawfully, knowingly and intentionally conspire and agree with each other and with other persons whose names are known and unknown to the grand jury to commit the following offenses against the United States, that is, distribution of controlled substances, to include but not necessarily limited to, cocaine, cocaine base, and marijuana, in violation of 21 U.S.C. §§ 841(a)(1) and (b)(1)(A).

In violation of 21 U.S.C. § 846.

Count 2

On or about April 4, 2008, in Bernalillo County, in District of New Mexico, the Defendant, **SERGIO HERNANDEZ**, *a/k/a Washington,* did unlawfully, knowingly and intentionally distribute 5 grams and more of cocaine base.

In violation of 21 U.S.C. §§ 841(a)(1) and (b)(1)(B).

Count 3

On or about February 27, 2009, in Bernalillo County, in the District of New Mexico, the defendant, **SERGIO HERNANDEZ**, *a/k/a Washington*, unlawfully, knowingly and intentionally possessed with intent to distribute cocaine.

In violation of 21 U.S.C. §§ 841(a)(1) and (b)(1)(C), and 18 U.S.C. § 2.

Count 4

On or about February 27, 2009, in Bernalillo County, in the District of New Mexico, the defendant, **SERGIO HERNANDEZ**, *a/k/a Washington*, did carry a firearm, that is, a Springfield Armory Model XD .40 caliber handgun, serial number US354377, during and in relation to a drug trafficking crime for which he may be prosecuted in a court of the United States, namely possession with intent to distribute cocaine, as charged in Count 3 of this Superseding Indictment.

In violation of 18 U.S.C. § 924(c)(1)(A).

Count 5

On or about May 20, 2008, in Bernalillo County, in the District of New Mexico, the Defendant, **FRANCISCO SOLIS**, *a/k/a Kiko,* did unlawfully, knowingly and intentionally distribute 50 grams and more of cocaine base.

In violation of 21 U.S.C. §§ 841(a)(1) and (b)(1)(A).

Count 6

On or about January 29, 2009, in Bernalillo County, in the District of New Mexico, the Defendant, **LUIS VALLES**, *a/k/a Chaparro, a/k/a Chapo,* did unlawfully, knowingly and intentionally distribute 50 grams and more of cocaine base.

In violation of 21 U.S.C. §§ 841(a)(1) and (b)(1)(A).

Count 7

On or about September 12, 2008, in Bernalillo County, in the District of New Mexico, the Defendant, **LUIS VALLES**, *a/k/a Chaparro, a/k/a Chapo,* did unlawfully, knowingly and intentionally distribute cocaine.

In violation of 21 U.S.C. §§ 841(a)(1) and (b)(1)(C).

Count 8

On or about December 2, 2008, in Bernalillo County, in the District of New Mexico, the Defendant, **LUIS VALLES**, *a/k/a Chaparro, a/k/a Chapo,* did unlawfully, knowingly and intentionally distribute cocaine.

In violation of 21 U.S.C. §§ 841(a)(1) and (b)(1)(C).

Count 9

On or about April 13, 2009, in Bernalillo County, in the District of New Mexico, the Defendant, **MARGARITO ANDRADE, SR.**, did unlawfully, knowingly and intentionally distribute cocaine.

In violation of 21 U.S.C. §§ 841(a)(1) and (b)(1)(C).

Count 10

On or about May 20, 2009, in Bernalillo County, in the District of New Mexico, the Defendant, **MARGARITO ANDRADE, SR.**, did unlawfully, knowingly and intentionally distribute cocaine.

In violation of 21 U.S.C. §§ 841(a)(1) and (b)(1)(C).

Count 11

On or about March 24, 2009, in Bernalillo County, in the District of New Mexico, the Defendant, **MARGARITO ANDRADE, SR.**, did unlawfully, knowingly and intentionally distribute marijuana.

In violation of 21 U.S.C. §§ 841(a)(1) and (b)(1)(D).

Count 12

On or about August 15, 2008, in Bernalillo County, in the District of New Mexico, the defendants, **ROYCE GARCIA and MARGARITO ANDRADE, JR.,** *a/k/a Bird, a/k/a Pee Wee, a/k/a Pee Wee Loco, a/k/a Maguin,* unlawfully, knowingly and intentionally possessed with intent to distribute a mixture and substance containing a detectable amount of cocaine.

In violation of 21 U.S.C. §§ 841(a)(1) and (b)(1)(C), and 18 U.S.C. § 2.

Counts 13 through 33

For each of Counts 13 through 33, on or about the date specified for each Count, in the District of New Mexico, the defendants named in each Count did unlawfully, knowingly, and intentionally use a communication facility, that is a telephone, in facilitating the conspiracy charged in Count 1 of this Superseding Indictment, or of any substantive count charged in Counts 2 through 12, which are incorporated herein by reference:

Count	Date	Defendants	Call #	Telephone
13	July 23, 2009	**MARGARITO ANDRADE, SR and MARGARITO ANDRADE, JR.**	1377	505-348-7333
14	August 14, 2009	**MARGARITO ANDRADE, SR and MARGARITO ANDRADE, JR.**	2463	505-348-7333
15	August 15, 2009	**ROYCE GARCIA and MARGARITO ANDRADE, JR.**	1271	505-991-2406
16	July 6, 2009	**CHRISTINE HERRERA and MARGARITO ANDRADE, SR.**	410	505-348-7333
17	July 11, 2009	**ARNOLD HERNANDEZ and MARGARITO ANDRADE, SR.**	670	505-348-7333
18	August 12, 2009	**LUIS CARLOS RUIZ-TORRES and MARGARITO ANDRADE, JR.**	763	505-991-2406
19	August 10, 2009	**JUAN PEDROZA and MARGARITO ANDRADE, JR.**	531	505-991-2406
20	August 9, 2009	**MARIO MARTINEZ and MARGARITO ANDRADE, JR.**	374	505-991-2406
21	July 25, 2009	**GUILLERMO ANDRADE AND MARGARITO ANDRADE, JR.**	1457	505-348-7333
22	August 11, 2009	**TARA TRUJILLO and MARGARITO ANDRADE, JR.**	732	505-991-2406

Count	Date	Defendants	Call #	Telephone
23	July 5, 2009	**GUADALUPE ANDRADE and MARGARITO ANDRADE, JR.**	308	505-348-7333
24	October 13, 2009	**VINCENT CANDELARIA and MARGARITO ANDRADE, JR.**	162	505-340-7276
25	August 11, 2009	**FERNANDO RAMIREZ and MARGARITO ANDRADE, JR.**	699	505-991-2406
26	July 23, 2009	**AURORA SANCHEZ and MARGARITO ANDRADE, JR.**	1367	505-348-7333
27	August 12, 2009	**RICARDO GALBISO and MARGARITO ANDRADE, JR.**	879	505-991-2406
28	August 14, 2009	**RICARDO GALBISO and MARGARITO ANDRADE, JR.**	980	505-991-2406
29	October 13, 2009	**JOSE ANDRADE and MARGARITO ANDRADE, JR.**	212	505-340-7276
30	October 13, 2009	**CESAR ANDRADE and MARGARITO ANDRADE, JR.**	189	505-340-7276
31	May 20, 2008	**FRANCISCO SOLIS**	N/A	505-907-6759
32	January 29, 2009	**LUIS VALLES**	N/A	505-319-6741
33	April 4, 2008	**SERGIO HERNANDEZ**	N/A	505-615-9736

Each in violation of 21 U.S.C. § 843(b).

FORFEITURE ALLEGATION

Upon conviction of one or more of the offenses alleged in Counts 1 through 12 of this Superseding Indictment, the Defendants, **MARGARITO ANDRADE, SR., MARGARITO ANDRADE, JR.,** ***a/k/a Bird, a/k/a Pee Wee, a/k/a Pee Wee Loco, a/k/a Maguin,*** **FRANCISCO SOLIS,** ***a/k/a Kiko,*** **LUIS VALLES,** ***a/k/a Chaparro, a/k/a Chapo,*** **SERGIO HERNANDEZ,** ***a/k/a Washington,*** **ROYCE GARCIA, JUAN PEDROZA, MARIO MARTINEZ, GUADALUPE ANDRADE, VINCENT CANDELARIA,**

TARA TRUJILLO, GUILLERMO ANDRADE, *a/k/a Gizmo*, FERNANDO RAMIREZ, *a/k/a Fernie*, CHRISTINE HERRERA, ARNOLD HERNANDEZ, LUIS CARLOS RUIZ-TORRES, *a/k/a Charlie,* AURORA SANCHEZ, JOSE ANDRADE, *a/k/a Weasel,* RICARDO GALBISO, *a/k/a Baldo*, and CESAR ANDRADE, shall forfeit to the United States pursuant to 21 U.S.C. § 853 any property constituting, or derived from, any proceeds obtained, directly or indirectly, as a result of each offense in violation of 21 U.S.C. §§ 841 or 846, for which the Defendants are convicted, and any property used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of the said offenses, and all property traceable to such property, including but not limited to the following:

1. MONEY JUDGMENT

A sum of money equal to $2,000,000 currency, representing the amount of money derived from or involved in the offenses, for which the Defendants are jointly and severally liable.

2. REAL PROPERTY

a. 5721 Del Frate Place NW, Albuquerque, NM 87105, more particularly described as: *009 B Glenrio Hts Addn, in the City of Albuquerque, County of Bernalillo. Assessor's parcel number 1-011-058-130-393-21205.

b. 5773 Niese Drive SW, Albuquerque, NM 87121, more particularly described as: Lt 4 Plat of Lts 1, 2, 3, & 4 Lands of R E Douglas Cont 56, 94 6 Sq Ft, in the City of Albuquerque, County of Bernalillo. Assessor's parcel number 1-009-050-316-274-10104.

c. 808 Dolores Drive NW, Albuquerque, NM 87105, more particularly described as: *024 H C Gonzales TRS 156 & 157, in the City of Albuquerque, County of Bernalillo. Assessor's parcel number 1-011-058-151-315-20625.

d. 718 Nuanes Lane SW, Albuquerque, NM 87102, more particularly described as: *018 Nuanes Add & L19, in the City of Albuquerque, County of Bernalillo. Assessor's parcel number: 1-014-056-027-508-22323.

3. BANK ACCOUNTS

a. All United States currency, funds, or other monetary instruments credited to account number 0001-0969-6534, in the name of Maria G. Andrade and Elodia Andrade, located at Bank of America, N.A.

A TRUE BILL:

/s/
FOREPERSON OF THE GRAND JURY

Assistant United States Attorney

____ 03/24/10 4:44pm