

FILED
UNITED STATES DISTRICT COURT
ALBUQUERQUE, NEW MEXICO

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

JUN - 8 2010

MATTHEW J. DYKMAN
CLERK

UNITED STATES OF AMERICA,

Plaintiff,

vs.

ALLEN ROGER MARTINEZ and
ANTONIO OCAMPO-OCHOA, a/k/a
Leone Guerra-Mariscal,

Defendants.

CRIMINAL NO. 10-1654BB

Count 1: 21 U.S.C. § 846: Conspiracy;

Count 2: 21 U.S.C. §§ 841 (a)(1) and
(b)(1)(C): Distribution of Heroin; 18 U.S.C.
§ 2: Aiding and Abetting;

Count 3: 21 U.S.C. §§ 841(a)(1)
and (b)(1)(C): Distribution of Heroin;

Count 4: 8 U.S.C. §§ 1326(a) and (b): Re-
entry of a Removed Alien.

INDICTMENT

The Grand Jury charges:

Count 1

On or about May 15, 2010, in Rio Arriba County, in the District of New Mexico and elsewhere, the defendants, **ALLEN ROGER MARTINEZ and ANTONIO OCAMPO-OCHOA, a/k/a Leone Guerra-Mariscal**, did unlawfully, knowingly and intentionally combine, conspire, confederate 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, to wit: distribution of a mixture and substance containing a detectable amount of heroin, contrary to 21 U.S.C. §§ 841(a)(1) and (b)(1)(C).

In violation of 21 U.S.C. § 846.

Count 2

On May 15, 2010, in Rio Arriba County, in the District of New Mexico, the defendants, **ALLEN ROGER MARTINEZ** and **ANTONIO OCAMPO-OCHOA, a/k/a Leone Guerra-Mariscal**, unlawfully, knowingly and intentionally distributed a mixture and substance containing a detectable amount of heroin.

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

Count 3

On or about April 27, 2010, in Rio Arriba County, in the District of New Mexico, the defendant, **ALLEN ROGER MARTINEZ**, unlawfully, knowingly and intentionally distributed a mixture and substance containing a detectable amount of heroin.

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

Count 4

On or about May 15, 2010, the Defendant, **ANTONIO OCAMPO-OCHOA, a/k/a, Leone Guerra-Mariscal**, an alien, was found in Bernalillo County, in the District of New Mexico, contrary to law in that on or about December 6, 2005, the Defendant had been deported, excluded, and removed, and departed the United States while an Order of Exclusion, Deportation, and Removal was outstanding, and the Defendant had not obtained the express consent of the Secretary for Homeland Security to reapply for admission into the United States.

In violation of 8 U.S.C. §§ 1326(a) and (b).

FORFEITURE ALLEGATION

Upon conviction of Count 1, Count 2, or Count 3 as alleged in this indictment, the defendants, **ALLEN ROGER MARTINEZ** and **ANTONIO OCAMPO-OCHOA, a/k/a**

Leone Guerra-Mariscal, shall forfeit to the United States pursuant to 21 U.S.C. § 853 any property constituting, or derived from, proceeds obtained, directly or indirectly, as a result of the offenses in violation of 21 U.S.C. §§ 841(a)(1) and (b)(1)(C) and (b)(1)(C) and 21 U.S.C. § 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 offense, and all property traceable to such property, including but not limited to the following:

1. \$2,000 in United States Currency; and
2. \$3,000 in United States Currency.

If any of the property described above, as a result of any act or omission of the defendant:

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

the United States of America shall be entitled to forfeiture of substitute property pursuant to 21 U.S.C. § 853(p).

A TRUE BILL:

/s/

FOREPERSON OF THE GRAND JURY

Assistant United States Attorney

06/02/10 9:56am