

Count 2

On or about December 15, 2009, in Hidalgo County, in the District of New Mexico, the defendant, **LUIS ALBERTO GUTIERREZ-CARDENAS**, unlawfully, knowingly and intentionally did possess with intent to distribute 100 kilograms and more of a mixture and substance containing a detectable amount of marijuana.

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

Count 3

On or about December 15, 2009, the defendant, **LUIS ALBERTO GUTIERREZ-CARDENAS**, an alien, was found in Hidalgo County, in the District of New Mexico, contrary to law in that the defendant had been previously deported, excluded and removed and departed the United States on or about July 25, 2008, 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 for admission into the United States.

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

A TRUE BILL:

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FOREPERSON OF THE GRAND JURY

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Assistant United States Attorney

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