

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**UNITED STATES OF AMERICA** : **CRIMINAL NO.** \_\_\_\_\_  
**v.** : **DATE FILED:** \_\_\_\_\_  
**FERNANDO MERCADO** : **VIOLATIONS:**  
: **21 U.S.C. § 846 (conspiracy to distribute**  
: **500 grams or more of methamphetamine**  
: **- 1 count)**  
: **21 U.S.C. § 841(a)(1) (possession with**  
: **intent to distribute 500 grams or more of**  
: **methamphetamine - 2 counts)**  
: **21 U.S.C. § 841(a)(1) (possession with**  
: **intent to distribute 50 grams or more of**  
: **methamphetamine - 2 counts)**  
: **Notice of forfeiture**

**INFORMATION**

**COUNT ONE**

**THE UNITED STATES ATTORNEY CHARGES THAT:**

1. From in or about 2005, to on or about September 18, 2006, in Toughkenamon, in the Eastern District of Pennsylvania, and elsewhere, defendant

**FERNANDO MERCADO**

conspired and agreed with Rogelio Ortega, Victor Ortega, Rolando Martes-Ortega, charged elsewhere, and others known to the United States Attorney, to knowingly and intentionally distribute and possess with intent to distribute 500 grams or more, that is, approximately 6 pounds (2,724 grams), of a mixture and substance containing a detectable amount of methamphetamine, a Schedule II controlled substance, in violation of Title 21, United States Code, Section 841(a)(1), (b)(1)(A).

## MANNER AND MEANS

It was part of the conspiracy that:

2. Defendant FERNANDO MERCADO agreed to acquire pound and multiple pound quantities of methamphetamine from Rogelio Ortega, who was the head of the Ortega Drug Trafficking Organization (“Ortega DTO”) based in Toughkenamon, Pennsylvania, for distribution and sale in southern Chester County, Pennsylvania, Wilmington, Delaware, and elsewhere.

3. Rogelio Ortega, Victor Ortega, and Rolando Martes-Ortega, all of whom were members of the Ortega DTO, arranged and carried out personally or through others acting under their direction, the delivery of pound to multiple pound quantities of methamphetamine to defendant FERNANDO MERCADO at various locations in rural areas of southern Chester County on credit, with the agreement that defendant MERCADO would pay Rogelio Ortega between \$17,000 to \$20,000 per pound supplied.

3. Defendant FERNANDO MERCADO used cellular and landline telephones to communicate with Rogelio Ortega, Victor Ortega and other members of the Ortega DTO and to plan meetings at rural locations in Chester County where MERCADO could receive distributions of pound and multi-pound quantities of methamphetamine from members of the Ortega Drug Trafficking Organization.

## OVERT ACTS

In furtherance of the conspiracy and to accomplish its object, defendant **FERNANDO MERCADO** and others known and unknown to the United States Attorney committed the following overt acts, among others, in the Eastern District of Pennsylvania and elsewhere:

1. On or about October 31, 2005, defendant **FERNANDO MERCADO** received approximately two (2) pounds of methamphetamine from a member of the Ortega DTO in West Grove, Chester County, Pennsylvania.

2. From on or about November 23 to on or about November 24, 2005, defendant **FERNANDO MERCADO** received approximately one (1) pound of methamphetamine from a member of the Ortega DTO in West Grove, Chester County, Pennsylvania.

3. On or about December 17, 2005, defendant **FERNANDO MERCADO** received approximately two (2) pounds of methamphetamine from a member of the Ortega DTO in Nottingham, Chester County, Pennsylvania.

4. On or about July 11, 2006, defendant **FERNANDO MERCADO** received approximately one (1) pound of methamphetamine from a member of the Ortega DTO in Toughkenamon, Chester County, Pennsylvania.

All in violation of Title 21, United States Code, Section 846.

**COUNT TWO**

**THE UNITED STATES ATTORNEY FURTHER CHARGES THAT:**

On or about October 31, 2005, in West Grove, Chester County, in the Eastern District of Pennsylvania, defendant

**FERNANDO MERCADO**

knowingly and intentionally possessed with intent to distribute 500 grams or more, that is, approximately two pounds (907 grams), of a mixture and substance containing a detectable amount of methamphetamine, a Schedule II controlled substance.

In violation of Title 21, United States Code, Section 841(a)(1), (b)(1)(A).

**COUNT THREE**

**THE UNITED STATES ATTORNEY FURTHER CHARGES THAT:**

From on or about November 23 to on or about November 24, 2005, in West Grove, Chester County, in the Eastern District of Pennsylvania, defendant

**FERNANDO MERCADO**

knowingly and intentionally possessed with intent to distribute 50 grams or more, that is, approximately one pound (454 grams), of a mixture and substance containing a detectable amount of methamphetamine, a Schedule II controlled substance.

In violation of Title 21, United States Code, Section 841(a)(1), (b)(1)(B).

**COUNT FOUR**

**THE UNITED STATES ATTORNEY FURTHER CHARGES THAT:**

On or about December 17, 2005, in Nottingham, Chester County, in the Eastern District of Pennsylvania, defendant

**FERNANDO MERCADO**

knowingly and intentionally possessed with intent to distribute 500 grams or more, that is, approximately two pounds (907 grams), of a mixture and substance containing a detectable amount of methamphetamine, a Schedule II controlled substance.

In violation of Title 21, United States Code, Section 841(a)(1), (b)(1)(A).

**COUNT FIVE**

**THE UNITED STATES ATTORNEY FURTHER CHARGES THAT:**

On or about July 11, 2006, in Toughkenamon, Chester County, in the Eastern District of Pennsylvania, defendant

**FERNANDO MERCADO**

knowingly and intentionally possessed with intent to distribute 50 grams or more, that is, approximately one pound (454 grams), of a mixture and substance containing a detectable amount of methamphetamine, a Schedule II controlled substance.

In violation of Title 21, United States Code, Section 841(a)(1), (b)(1)(B).

**NOTICE OF FORFEITURE**

**THE UNITED STATES ATTORNEY FURTHER CHARGES THAT:**

1. As a result of the violations of Title 21, United States Code, Sections 846 and 841(a)(1), set forth in this information, defendant

**FERNANDO MERCADO**

shall forfeit to the United States of America:

(a) any property used or intended to be used, in any manner or part, to commit, or to facilitate the commission of such offenses; and

(b) any property constituting, or derived from, any proceeds obtained directly or indirectly from the commission of such offenses, including but not limited to the sum of \$65,120 in United States currency seized on or about September 18, 2006.

2. If any of the property subject to forfeiture, as a result of any act of omission of the defendants:

(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;

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 defendants up to the value of the property subject to forfeiture.

All pursuant to Title 21, United States Code, Section 853.

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**PATRICK L. MEEHAN**  
**United States Attorney**