

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

<b>UNITED STATES OF AMERICA</b>	:	<b>CRIMINAL NO.</b> _____
	:	
<b>v.</b>	:	<b>DATE FILED:</b> _____
	:	
<b>JOSE LUIS VIZCARRA</b>	:	<b>VIOLATIONS:</b>
<b>RICHARD CAKE</b>	:	
<b>JOHN BECKER</b>	:	<b>21 U.S.C. § 846 (conspiracy to distribute</b>
<b>COURTNEY CAKE</b>	:	<b>500 grams or more of methamphetamine</b>
	:	<b>- 1 count)</b>
	:	<b>21 U.S.C. § 841(a)(1) (distribution of 50</b>
	:	<b>grams or more of methamphetamine</b>
	:	<b>- 4 counts)</b>
	:	<b>21 U.S.C. § 841(a)(1) (possession with</b>
	:	<b>intent to distribute 50 grams or more of</b>
	:	<b>methamphetamine - 4 counts)</b>
	:	<b>Notice of forfeiture</b>

**INDICTMENT**

**COUNT ONE**

**THE GRAND JURY CHARGES THAT:**

1. From in or about January 2004 to on or about April 7, 2004, in Philadelphia, in the Eastern District of Pennsylvania, the Southern District of California, the District of Nevada, and elsewhere, defendants

**JOSE LUIS VIZCARRA,  
RICHARD CAKE,  
JOHN BECKER, and  
COURTNEY CAKE**

conspired and agreed, together and with others known and unknown to the grand jury, to knowingly and intentionally distribute and possess with intent to distribute 500 grams or more,

that is, approximately 10½ pounds, of a mixture or 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. John Gargano, Daniel McIlhenny and Timothy Schaufler, charged elsewhere as co-conspirators, negotiated with Jan Lopez, also charged elsewhere as a co-conspirator, to purchase multi-pound quantities of methamphetamine in southern California at prices ranging from \$13,000 to \$17,000 per pound.

3. On or about January 23, 2004, John Gargano made arrangements for Daniel McIlhenny and Timothy Schaufler to travel by air to Las Vegas, Nevada in order to complete the acquisition of multiple pounds of methamphetamine for sale and distribution in the Philadelphia, Pennsylvania area.

4. John Gargano had supplied Daniel McIlhenny and Timothy Schaufler with approximately \$27,000 in cash obtained from Troy Famous, charged elsewhere, in Philadelphia, of which approximately \$25,000 was to be used to make partial payment for the two pounds of methamphetamine to be obtained from Jan Lopez in California.

5. On or about January 23, 2004, Daniel McIlhenny and Timothy Schaufler traveled by air to Las Vegas, Nevada, and met with Jan Lopez in order to acquire several pounds of methamphetamine; when methamphetamine of the desired quality was not found there, Lopez persuaded McIlhenny and Schaufler to travel with him to San Diego, California, where the methamphetamine was available.

6. Defendant **JOSE LUIS VIZCARRA** agreed that he would supply an initial quantity of two pounds of methamphetamine to Jan Lopez, for sale and distribution to Daniel McIlhenny and Timothy Schaufler in San Diego, California, and that he would be able to supply a total of six pounds of methamphetamine in all to Lopez for distribution to Schaufler and McIlhenny.

7. Jan Lopez delivered approximately 2 pounds of methamphetamine to Timothy Schaufler and Daniel McIlhenny in LaJolla, California in return for a payment of approximately \$25,000.

8. McIlhenny and Timothy Schaufler, assisted by Jan Lopez, packaged the two pounds of methamphetamine in two one-pound overnight Federal Express packages for delivery to two New Jersey hotels located in Cherry Hill, New Jersey and in Thorofare, New Jersey.

9. At the direction of John Gargano, Timothy Schaufler and McIlhenny sent the two one-pound overnight packages by Federal Express for delivery to two New Jersey hotels located in Cherry Hill, New Jersey and in Thorofare, New Jersey.

10. James Yanchulis, charged elsewhere, attempted to pick up a one-pound package containing methamphetamine at a hotel in New Jersey and was arrested.

11. Following James Yanchulis' arrest, John Gargano renegotiated the transaction with Jan Lopez and defendant **JOSE LUIS VIZCARRA**, through a series of telephone calls with Timothy Schaufler and Daniel McIlhenny; under the revised agreement, defendant **VIZCARRA** was to supply an additional 5 pounds of methamphetamine to Lopez who would re-distribute it to Schaufler and McIlhenny (instead of the originally agreed upon four

additional pounds of methamphetamine) for the agreed upon price of approximately \$75,000.

12. John Gargano sent approximately \$36,000 in additional cash by overnight courier service to Timothy Schaufler and Daniel McIlhenny in California to fund the purchase of the additional five pounds of methamphetamine.

13. Defendant **JOSE LUIS VIZCARRA** then supplied approximately 2 ½ pounds of methamphetamine to Jan Lopez, who, in turn supplied it to Timothy Schaufler and Daniel McIlhenny in La Jolla, California.

14. John Gargano directed Timothy Schaufler and Daniel McIlhenny to separate the 2½ pounds of methamphetamine into two packages of one pound each and one package of ½ pound, and to send the three packages to three different “maildrop” addresses Gargano designated in the Philadelphia metropolitan area.

15. Timothy Schaufler, assisted by Daniel McIlhenny and Jan Lopez, prepared and sent the three packages of methamphetamine by overnight courier service to the addresses designated by John Gargano.

16. John Gargano, assisted by Person #1 known to the grand jury (Person #1), collected the three packages containing the methamphetamine sent from California to the three Philadelphia area addresses.

17. John Gargano, assisted by Person #1, distributed each of the two one-pound packages of methamphetamine to defendants **RICHARD CAKE** and **COURTNEY CAKE**, through the intercession and the assistance of defendant **JOHN BECKER**, on two separate dates between on or about January 30, 2004 and on or about February 2, 2004 .

18. John Gargano sent approximately \$19,500 in additional cash by Avi

Oslick, charged elsewhere, who personally carried the currency on an airline flight from Philadelphia to San Diego, and furnished the money to Timothy Schaufler and Daniel McIlhenny in California in order that they could receive the additional 2½ pounds of methamphetamine to be supplied by defendant **JOSE LUIS VIZCARRA**, through Jan Lopez.

19. Defendant **JOSE LUIS VIZCARRA** then supplied approximately 2½ additional pounds of methamphetamine to Jan Lopez, who, in turn, supplied it to Timothy Schaufler and Daniel McIlhenny in La Jolla, California.

20. John Gargano directed Timothy Schaufler and Daniel McIlhenny to separate the second batch of 2½ pounds of methamphetamine into two packages of one pound and one and one-half pounds, and to send the two packages by overnight courier service to two different “maildrop” addresses Gargano designated in the Philadelphia metropolitan area.

21. Timothy Schaufler and Daniel McIlhenny prepared and sent the two packages of methamphetamine by overnight courier service to the two addresses designated by John Gargano.

22. John Gargano, assisted by Person #1, collected the two packages containing the methamphetamine sent from California to the two Philadelphia area addresses.

23. John Gargano, assisted by Person #1, distributed the single one-pound package of methamphetamine received to defendants **RICHARD CAKE** and **COURTNEY CAKE**, through the intercession and the assistance of defendant **JOHN BECKER**.

24. At John Gargano’s request, before the return of Timothy Schaufler and Daniel McIlhenny to Philadelphia on or about February 4, 2004, Schaufler introduced John Gargano to Jan Lopez over the telephone; Gargano then telephonically negotiated another

purchase and shipment of 3½ pounds of methamphetamine from Lopez.

25. Because Jan Lopez was unable to obtain the 3½ pounds of methamphetamine sought by John Gargano from defendant **JOSE LUIS VIZCARRA**, Lopez turned to another methamphetamine supplier, Person #2 known to the grand jury (“Person #2”), who ultimately provided Lopez with the requested amount of methamphetamine in San Diego, California on or about February 9, 2004.

26. John Gargano directed Jan Lopez to separate the 3½ pounds of methamphetamine into two packages of two pounds and one and one-half pounds, and to send the two packages by overnight courier service to two different “maildrop” addresses Gargano designated in the Philadelphia metropolitan area.

27. John Gargano, assisted by Person #1, collected one package containing two pounds of methamphetamine sent by Lopez from San Diego, California to 908 Ellsworth Street, Philadelphia, Pennsylvania; the second package, containing 1½ pounds of methamphetamine, sent to a fictitious address of 600 Main Road in Folcroft, Pennsylvania, was seized by law enforcement authorities.

28. John Gargano, assisted by Person #1, distributed one pound of methamphetamine sent in the two-pound package of methamphetamine received from Jan Lopez to defendants **RICHARD CAKE** and **COURTNEY CAKE**, through the intercession and the assistance of defendant **JOHN BECKER**; Gargano distributed the second pound of methamphetamine from that package to Troy Famous.

29. During the course of the conspiracy, members of the conspiracy obtained approximately 10½ pounds of methamphetamine from Jan Lopez’s sources of supply in southern

California, 7 pounds having been supplied to Lopez by defendant **JOSE LUIS VIZCARRA**, and 3½ pounds having been supplied by Person #2. John Gargano distributed a total of four pounds of the methamphetamine received in four separate transactions to defendants **RICHARD CAKE** and **COURTNEY CAKE**, through the intercession and the assistance of defendant **JOHN BECKER**, and received approximately \$24,000 per pound of the methamphetamine delivered to defendants **RICHARD CAKE** and **COURTNEY CAKE**.

### **OVERT ACTS**

In furtherance of the conspiracy, defendants **JOSE LUIS VIZCARRA**, **RICHARD CAKE**, **JOHN BECKER**, **COURTNEY CAKE**, and others known and unknown to the grand jury, committed the following overt acts, among others, in Philadelphia, in the Eastern District of Pennsylvania, the District of Nevada, the Southern District of California, and elsewhere:

On or about January 23, 2004:

1. John Gargano purchased airline tickets for Daniel McIlhenny and Timothy Schaufler to travel from Philadelphia, Pennsylvania to Las Vegas, Nevada in order to meet with Jan Lopez in order to negotiate the purchase and receive delivery of approximately six pounds of methamphetamine in return for approximately \$75,000.

2. John Gargano provided approximately \$27,000 in cash obtained from Troy Famous to Timothy Schaufler and Daniel McIlhenny, which was to be used to pay for 2 pounds of methamphetamine and cover travel expenses, and then drove Schaufler and McIlhenny to Philadelphia International Airport in order that Schaufler and McIlhenny could take a flight to Las Vegas, Nevada to meet Jan Lopez and complete the planned purchase of multiple pounds of

methamphetamine.

3. Timothy Schaufler and Daniel McIlhenny arrived in Las Vegas, Nevada and met Jan Lopez at the Venetian Hotel to arrange the purchase of an initial quantity of 2 pounds of methamphetamine to be supplied by Lopez.

4. On or about January 25, 2004, Timothy Schaufler and Daniel McIlhenny rented a car and, accompanied by Jan Lopez, drove to San Diego, California, in order to obtain methamphetamine of better quality than was available in Las Vegas.

5. On or about January 26, 2004, defendant **JOSE LUIS VIZCARRA** agreed that he would supply an initial quantity of two pounds of methamphetamine to Jan Lopez, for sale and distribution to Daniel McIlhenny and Timothy Schaufler in San Diego, California, and that he would be able to supply a total of six pounds of methamphetamine in all to Lopez for distribution to Schaufler and McIlhenny.

On or about January 27, 2004:

6. Jan Lopez delivered approximately 2 pounds of methamphetamine he received from defendant **JOSE LUIS VIZCARRA** to Timothy Schaufler and Daniel McIlhenny in La Jolla, California in return for a payment of approximately \$25,000.

7. Daniel McIlhenny and Timothy Schaufler, assisted by Jan Lopez, packaged the two pounds of methamphetamine in two one-pound overnight Federal Express packages and, at the direction of John Gargano, Schaufler and McIlhenny sent the two one-pound overnight packages by Federal Express for delivery to two New Jersey hotels located in Cherry Hill, New Jersey and in Thorofare, New Jersey.

8. On or about January 28, 2004, James Yanchulis attempted to pick up a

one-pound package containing methamphetamine at the Howard Johnson's hotel in Cherry Hill, New Jersey, when he was arrested.

On or about January 29, 2004:

9. Following James Yanchulis' arrest, John Gargano renegotiated the transaction with Jan Lopez and defendant **JOSE LUIS VIZCARRA**, through a series of telephone calls with Timothy Schaufler and Daniel McIlhenny; under the revised agreement, defendant **VIZCARRA** was to supply an additional 5 pounds of methamphetamine to Lopez who would re-distribute it to Schaufler and McIlhenny (instead of the originally agreed upon four additional pounds of methamphetamine) for the agreed upon price of approximately \$75,000.

10. John Gargano sent approximately \$36,000 in additional cash by overnight courier service to Timothy Schaufler and Daniel McIlhenny in California to fund the purchase of the additional five pounds of methamphetamine.

11. Defendant **JOSE LUIS VIZCARRA** supplied approximately 2½ pounds of methamphetamine to Jan Lopez, who, in turn supplied it to Timothy Schaufler and Daniel McIlhenny in La Jolla, California.

On or about January 30, 2004:

12. John Gargano directed Timothy Schaufler and Daniel McIlhenny to separate the 2½ pounds of methamphetamine into two packages of one pound each and one package of ½ pound, and to send the three packages to three different "maildrop" addresses Gargano designated in the Philadelphia metropolitan area.

13. Timothy Schaufler, assisted by Daniel McIlhenny and Jan Lopez, prepared and sent the three packages of methamphetamine by overnight courier service to the addresses

designated by John Gargano.

From on or about January 30, 2004, to on or about February 2, 2004:

14. John Gargano, assisted by Person #1, collected the three packages containing the methamphetamine sent from California to the three Philadelphia area addresses.

15. John Gargano, assisted by Person #1, distributed each of the two one-pound packages of methamphetamine to defendants **RICHARD CAKE** and **COURTNEY CAKE**, through the intercession and the assistance of defendant **JOHN BECKER**, on two separate dates.

16. On or about January 31, 2004, John Gargano sent approximately \$19,500 in additional cash by Avi Oslick, who personally carried the currency on an airline flight from Philadelphia to San Diego, and furnished the money to Timothy Schaufler and Daniel McIlhenny in California in order that they could receive the additional 2½ pounds of methamphetamine to be supplied by defendant **JOSE LUIS VIZCARRA**, through Jan Lopez .

17. On or about February 2, 2004, defendant **JOSE LUIS VIZCARRA** supplied approximately 2½ additional pounds of methamphetamine to Jan Lopez, who, in turn supplied it to Timothy Schaufler and Daniel McIlhenny in La Jolla, California.

On or about February 3, 2004:

18. John Gargano directed Timothy Schaufler and Daniel McIlhenny to separate the second batch of 2½ pounds of methamphetamine into two packages of one pound and one and one-half pounds, and to send the two packages by overnight courier service to two different “maildrop” addresses Gargano designated in the Philadelphia metropolitan area.

19. Timothy Schaufler and Daniel McIlhenny prepared and sent the two

packages of methamphetamine by overnight courier service to the two addresses designated by John Gargano.

On or about February 4, 2004:

20. John Gargano, assisted by Person #1, collected the two packages containing the methamphetamine sent from California to the two Philadelphia area addresses.

21. John Gargano, assisted by Person #1, distributed the single one-pound package of methamphetamine received to defendants **RICHARD CAKE** and **COURTNEY CAKE**, through the intercession and the assistance of defendant **JOHN BECKER**.

22. At John Gargano's request, before the return of Timothy Schaufler and Daniel McIlhenny to Philadelphia on the same date, Schaufler introduced Gargano to Jan Lopez over the telephone; Gargano then telephonically negotiated another purchase and shipment of 3½ pounds of methamphetamine from Lopez.

23. On or about February 8, 2004, because Jan Lopez was unable to obtain the 3½ pounds of methamphetamine sought by John Gargano from defendant **JOSE LUIS VIZCARRA**, Lopez turned to another methamphetamine supplier, Person #2, who ultimately provided Lopez with the requested amount of methamphetamine in San Diego, California on or about February 9, 2004.

24. On or about February 9, 2004, John Gargano directed Jan Lopez to separate the 3½ pounds of methamphetamine into two packages of two pounds and one and one-half pounds, and to send the two packages by overnight courier service to two different "maildrop" addresses Gargano designated in the Philadelphia metropolitan area.

On or about February 10, 2004:

25. John Gargano, assisted by Person #1, collected one package containing two pounds of methamphetamine sent by Jan Lopez from San Diego, California to 908 Ellsworth Street, Philadelphia, Pennsylvania; the second package, containing 1½ pounds of methamphetamine, sent to a fictitious address of 600 Main Road, Folcroft, Pennsylvania, was seized by law enforcement authorities.

26. John Gargano, assisted by Person #1, distributed one pound of methamphetamine sent in the two-pound package of methamphetamine received from Jan Lopez to defendants **RICHARD CAKE** and **COURTNEY CAKE**, through the intercession and the assistance of defendant **JOHN BECKER**; Gargano distributed the second pound of methamphetamine from that package to Troy Famous.

27. In or about mid to late February 2004, John Gargano made two payments totaling approximately \$45,000, to Jan Lopez or his representatives, which represented full payment for the 3½ pounds of methamphetamine shipped to the two addresses Gargano had designated on or about February 9, 2004.

On or about April 6, 2004:

28. At approximately 3:00 p.m. Pacific time, in southern California, and elsewhere, defendant **JOSE LUIS VIZCARRA** received a telephone call from Jan Lopez in which he acknowledged that he would be able to supply additional quantities of crystal methamphetamine to customers in Philadelphia.

29. Between approximately 3:00 p.m. and 7:32 p.m., Pacific time, in Pacific Beach, California, and elsewhere, defendant **JOSE LUIS VIZCARRA** received a telephone call from Jan Lopez in which he acknowledged the availability of 25 pounds of good quality crystal

methamphetamine for sale and distribution to Lopez's customers in Philadelphia.

30. At approximately 7:32 p.m. Pacific time, in southern California, and elsewhere, defendant **JOSE LUIS VIZCARRA** made a telephone call to Jan Lopez and stated he was still waiting to hear on the availability of pound quantities of crystal methamphetamine for sale and distribution to Lopez's customers in Philadelphia.

31. At approximately 9:00 p.m. Pacific time, in southern California, and elsewhere, defendant **JOSE LUIS VIZCARRA** placed a telephone call to Jan Lopez and inquired whether Lopez wanted the crystal methamphetamine delivered "inside or outside" the United States, and asked how much money Lopez had available to complete the transaction.

32. After a call made at approximately 9:00 p.m. Pacific time, in southern California, and elsewhere, defendant **JOSE LUIS VIZCARRA** received a telephone call from Jan Lopez and stated that he wanted to be contacted by Lopez the following day around noon when he would be in a position to confirm that the crystal methamphetamine transaction could go forward.

33. On or about April 7, 2004, between approximately 12:00 p.m. and 2:00 p.m. Pacific time, in southern California, and elsewhere, defendant **JOSE LUIS VIZCARRA** received a telephone call from Jan Lopez in which defendant **VIZCARRA** stated that there was no crystal methamphetamine available at that time in Los Angeles, and that he would make a further call and attempt to contact Lopez later in the day to try complete the transaction.

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

**COUNT TWO**

**THE GRAND JURY FURTHER CHARGES THAT:**

On or about January 30, 2004, in Philadelphia, in the Eastern District of Pennsylvania, defendants

**JOSE LUIS VIZCARRA and  
JOHN BECKER**

knowingly and intentionally distributed, and aided and abetted the distribution of, 50 grams or more, that is, approximately 1 pound, 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), and Title 18, United States Code, Section 2.

**COUNT THREE**

**THE GRAND JURY FURTHER CHARGES THAT:**

On or about January 30, 2004, in Philadelphia, in the Eastern District of Pennsylvania, defendants

**RICHARD CAKE and  
COURTNEY CAKE**

knowingly and intentionally possessed with intent to distribute, and aided and abetted the possession with intent to distribute of, 50 grams or more, that is, approximately 1 pound, 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), and Title 18, United States Code, Section 2.

**COUNT FOUR**

**THE GRAND JURY FURTHER CHARGES THAT:**

From on or about January 31, 2004 to on or about February 2, 2004, in Philadelphia, in the Eastern District of Pennsylvania, defendants

**JOSE LUIS VIZCARRA and  
JOHN BECKER**

knowingly and intentionally distributed, and aided and abetted the distribution of, 50 grams or more, that is, approximately 1 pound, 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), and Title 18, United States Code, Section 2.

**COUNT FIVE**

**THE GRAND JURY FURTHER CHARGES THAT:**

From on or about January 31, 2004 to on or about February 2, 2004, in Philadelphia, in the Eastern District of Pennsylvania, defendants

**RICHARD CAKE and  
COURTNEY CAKE**

knowingly and intentionally possessed with intent to distribute, and aided and abetted the possession with intent to distribute of, 50 grams or more, that is, approximately 1 pound, 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), and Title 18, United States Code, Section 2.

**COUNT SIX**

**THE GRAND JURY FURTHER CHARGES THAT:**

On or about February 4, 2004, in Philadelphia, in the Eastern District of Pennsylvania, defendants

**JOSE LUIS VIZCARRA and  
JOHN BECKER**

knowingly and intentionally distributed, and aided and abetted the distribution of, 50 grams or more, that is, approximately 1 pound, 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), and Title 18, United States Code, Section 2.

**COUNT SEVEN**

**THE GRAND JURY FURTHER CHARGES THAT:**

On or about February 4, 2004, in Philadelphia, in the Eastern District of Pennsylvania, defendants

**RICHARD CAKE and  
COURTNEY CAKE**

knowingly and intentionally possessed with intent to distribute, and aided and abetted the possession with intent to distribute of, 50 grams or more, that is, approximately 1 pound, 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), and Title 18, United States Code, Section 2.

**COUNT EIGHT**

**THE GRAND JURY FURTHER CHARGES THAT:**

On or about February 10, 2004, in Philadelphia, in the Eastern District of Pennsylvania, defendant

**JOHN BECKER**

knowingly and intentionally distributed 50 grams or more, that is, approximately 1 pound, 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), and Title 18, United States Code, Section 2.

**COUNT NINE**

**THE GRAND JURY FURTHER CHARGES THAT:**

On or about February 10, 2004, in Philadelphia, in the Eastern District of Pennsylvania, defendants

**RICHARD CAKE and  
COURTNEY CAKE**

knowingly and intentionally possessed with intent to distribute, and aided and abetted the possession with intent to distribute of, 50 grams or more, that is, approximately 1 pound, 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), and Title 18, United States Code, Section 2.

**NOTICE OF FORFEITURE**

**THE GRAND JURY 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 indictment, defendants

**JOSE LUIS VIZCARRA,  
RICHARD CAKE,  
JOHN BECKER, and  
COURTNEY CAKE**

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 offense.

(b) Any property constituting, or derived from, any proceeds obtained directly or indirectly as a result of such violations, as charged in this indictment.

2. If any of the property described above as being 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 person;
- (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 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 defendants up to the value of the above forfeitable property.

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

**A TRUE BILL:**

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**FOREPERSON**

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**LAURIE MAGID**  
**Acting United States Attorney**