

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

UNITED STATES OF AMERICA	:	CRIMINAL NO. _____
v.	:	DATE FILED: _____
ALBERTO LEON,	:	VIOLATIONS:
 a/k/a “Jose Cruz,”	:	21 U.S.C. § 846
ARLENE HERNANDEZ-PEREZ	:	(conspiracy to distribute five grams or more of cocaine base (“crack”) - 1 count)
	:	21 U.S.C. § 841(a)(1) (distribution of cocaine base (“crack”) - 3 counts)
	:	21 U.S.C. § 841(a)(1) (possession with intent to distribute five or more grams of cocaine base (“crack”) - 1 count)
	:	18 U.S.C. § 924(c)(1) (possession of firearms in furtherance of a drug trafficking crime -1 count)
	:	18 U.S.C. § 922(g)(1) (convicted felon in possession of a firearm - 1 count)
	:	18 U.S.C. § 2 (aiding and abetting)
	:	Notice of forfeiture

INDICTMENT

COUNT ONE

THE GRAND JURY CHARGES THAT:

1. From at least in or about January 2010, to on or about February 3, 2010, in the Eastern District of Pennsylvania, defendants

**ALBERTO LEON,
a/k/a “Jose Cruz,” and
ARLENE HERNANDEZ-PEREZ**

conspired and agreed, together and with others known and unknown to the grand jury, to knowingly and intentionally distribute five grams or more, that is, approximately 7.7 grams, of a mixture and substance containing a detectable amount of cocaine base (“crack” and “crack

cocaine”), a Schedule II controlled substance, in violation of Title 21, United States Code, Section 841(a)(1), (b)(1)(B).

MANNER AND MEANS

It was part of the conspiracy that:

2. Defendants **ALBERTO LEON** and **ARLENE HERNANDEZ-PEREZ** used the residence, located at 1542 Moss Street in Reading, Pennsylvania, as the base of operations to sell crack cocaine to their customers and for storing of crack cocaine, cash, cell phones, packaging materials, and firearms.

3. To carry out the sales of crack cocaine, defendants **ALBERTO LEON** and **ARLENE HERNANDEZ-PEREZ** used cell phones to communicate with their customers.

4. Defendants **ALBERTO LEON** and **ARLENE HERNANDEZ-PEREZ** negotiated with Person #1 known to the grand jury (Person # 1) to sell crack cocaine to Person #1.

5. Defendants **ALBERTO LEON** and **ARLENE HERNANDEZ-PEREZ** obtained crack cocaine from a supplier to sell to Person #1.

6. Defendants **ALBERTO LEON** and **ARLENE HERNANDEZ-PEREZ** delivered crack cocaine to Person #1 in exchange for cash.

OVERT ACTS

In furtherance of the conspiracy and to accomplish its object, defendants **ALBERTO LEON** and **ARLENE HERNANDEZ-PEREZ**, and others known and unknown to the grand jury, committed the following overt acts, among others, in the Eastern District of Pennsylvania:

On or about January 15, 2010:

1. Defendant **ARLENE HERNANDEZ-PEREZ** told Person #1 during a telephone conversation to meet at the corner of 9th and Amity Streets in Reading, Pennsylvania to purchase crack cocaine.

2. Upon arriving at the intersection of 9th and Amity Streets, defendant **ARLENE HERNANDEZ-PEREZ** met Person #1 and delivered crack cocaine to Person #1 in exchange for \$20.

On or about January 18, 2010:

3. Defendant **ARLENE HERNANDEZ-PEREZ**, told Person #1 during a telephone conversation to meet at the corner of 9th and Amity Streets in Reading, Pennsylvania to purchase crack cocaine.

4. Upon arriving at the intersection of 9th and Amity Streets, defendant **ARLENE HERNANDEZ-PEREZ** met Person #1 and delivered crack cocaine to Person #1 in exchange for \$20.

On or about February 2, 2010:

5. Defendant **ALBERTO LEON** told Person #1 during a telephone conversation to meet at the corner of 9th and Amity Streets in Reading, Pennsylvania to purchase

crack cocaine.

6. Upon arriving at the intersection of 9th and Amity Streets, defendant **ARLENE HERNANDEZ-PEREZ** met Person #1 and delivered crack cocaine to Person #1 in exchange for \$20.

On or about February 3, 2010:

7. Inside defendants **ALBERTO LEON's** and **ARLENE HERNANDEZ-PEREZ's** residence at 1542 Moss Street, in Reading, Pennsylvania, they possessed for distribution approximately 7.7 grams of crack cocaine, and the following:

- approximately \$4,302 in U.S. currency;
- packaging material for controlled substances;
- two cellular telephones;
- two operable digital scales;
- A loaded Ruger .45 P345 semi-automatic handgun, serial number 66455072, with eight rounds of ammunition;
- A loaded H&R .22 caliber Target revolver serial number 486916, with two rounds of ammunition; and
- 13 rounds of .45 caliber ammunition.

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

COUNT TWO

THE GRAND JURY FURTHER CHARGES THAT:

1. Paragraphs 2 through 6, and Overt Acts 1 and 2 of Count One of this indictment are incorporated here.

2. On or about January 15, 2010, in Reading, in the Eastern District of Pennsylvania and elsewhere, defendants

**ALBERTO LEON,
a/k/a "Jose Cruz," and
ARLENE HERNANDEZ-PEREZ**

knowingly and intentionally distributed, and aided and abetted the distribution of, a mixture and substance containing a detectable amount of cocaine base ("crack"), a Schedule II controlled substance.

In violation of Title 21, United States Code, Section 841(a)(1), (b)(1)(C), and Title 18 United States Code, Section 2.

COUNT THREE

THE GRAND JURY FURTHER CHARGES THAT:

1. Paragraphs 2 through 6, and Overt Acts 3 and 4 of Count One of this indictment are incorporated here.

2. On or about January 18, 2010, in Reading, in the Eastern District of Pennsylvania and elsewhere, defendants

**ALBERTO LEON,
a/k/a "Jose Cruz," and
ARLENE HERNANDEZ-PEREZ**

knowingly and intentionally distributed, and aided and abetted the distribution of, a mixture and substance containing a detectable amount of cocaine base ("crack"), a Schedule II controlled substance.

In violation of Title 21, United States Code, Section 841(a)(1), (b)(1)(C), and Title 18 United States Code, Section 2.

COUNT FOUR

THE GRAND JURY FURTHER CHARGES THAT:

1. Paragraphs 2 through 6, and Overt Acts 5 and 6 of Count One of this indictment are incorporated here.

2. On or about February 2, 2010, in Reading, in the Eastern District of Pennsylvania and elsewhere, defendants

**ALBERTO LEON,
a/k/a “Jose Cruz,” and
ARLENE HERNANDEZ-PEREZ**

knowingly and intentionally distributed, and aided and abetted the distribution of, a mixture and substance containing a detectable amount of cocaine base (“crack”), a Schedule II controlled substance.

In violation of Title 21, United States Code, Section 841(a)(1), (b)(1)(C), and Title 18, United States Code, Section 2.

COUNT FIVE

THE GRAND JURY FURTHER CHARGES THAT:

1. Paragraphs 2 through 6, and Overt Act 7 of Count One of this indictment are incorporated here.

2. On or about February 3, 2010, in Reading, in the Eastern District of Pennsylvania and elsewhere, defendants

**ALBERTO LEON,
a/k/a “Jose Cruz,” and
ARLENE HERNANDEZ-PEREZ**

knowingly and intentionally possessed with intent to distribute, and aided and abetted the possession with intent to distribute of, five grams or more, that is, approximately 7.7 grams, of a mixture and substance containing a detectable amount of cocaine base (“crack”), 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 3, 2010, in Reading, in the Eastern District of Pennsylvania,
defendants

**ALBERTO LEON,
a/k/a “Jose Cruz,” and
ARLENE HERNANDEZ-PEREZ**

knowingly possessed, and aided and abetted the possession of, a firearm, that is: (1) a Ruger .45 P345 semi-automatic handgun, serial number 66455072, loaded with eight rounds of ammunition; and (2) an H&R .22 caliber Target revolver, serial number 486916, loaded with two rounds of ammunition, both which were found under the mattress in the defendants’ bedroom and near their closet in which were found 13 rounds of .45 caliber ammunition in defendant’s jacket pocket, in furtherance of a drug trafficking crime for which they may be prosecuted in a court of the United States, that is, conspiracy to distribute cocaine base (“crack”), in violation of Title 21, United States Code, Section 846, and possession with the intent to distribute cocaine base (“crack”), in violation of Title 21 United States Code, Section 841(a)(1), (b)(1)(B), and Title 18, United States Code, Section 2.

In violation of Title 18, United States Code, Sections 924(c)(1) and 2.

COUNT SEVEN

THE GRAND JURY FURTHER CHARGES THAT:

On or about February 2, 2010, in Reading, in the Eastern District of Pennsylvania,
defendant

**ALBERTO LEON,
a/k/a "Jose Cruz,"**

having been convicted in a court of the Eastern District of Pennsylvania of a crime punishable by imprisonment for a term exceeding one year, knowingly possessed in and affecting interstate commerce a firearm, that is: (1) a Ruger .45 P345 semi-automatic handgun, serial number 66455072, loaded with eight rounds of ammunition; and (2) an H&R .22 caliber Target revolver, serial number 486916, loaded with two rounds of ammunition.

In violation of Title 18, United States Code, Section 922(g)(1).

NOTICE OF FORFEITURE

THE GRAND JURY FURTHER CHARGES THAT:

As a result of the violations of Title 18, United States Code, Sections 924(c)(1) and 922(g)(1), set forth in this indictment, defendants

**ALBERTO LEON,
a/k/a "Jose Cruz," and
ARLENE HERNANDEZ-PEREZ**

shall forfeit to the United States of America, the firearms and ammunition involved in the commission of these offenses, including, but not limited to:

1. a Ruger .45 P345 semi-automatic handgun, serial number 66455072;
2. an H&R .22 caliber Target revolver, serial number 486916;
3. 21 rounds of .45 caliber ammunition; and
4. two rounds of 9 millimeter ammunition.

All pursuant to Title 28, United States Code, Section 2461(c), and Title 18, United States Code, Section 924(d).

A TRUE BILL:

FOREPERSON


ZANE DAVID MEMEGER
United States Attorney