

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

UNITED STATES OF AMERICA	:	CRIMINAL NO. _____
v.	:	DATE FILED: _____
FRESA PICHARDO, a/k/a "Fresa Torres,"	:	VIOLATIONS:
SAMUEL DIAZ-RIVERA, a/k/a "Delvis De La Rosa- Martinez,"	:	11 U.S.C. § 846 (conspiracy - 1 count)
a/k/a "Morenito,"	:	21 U.S.C. § 841(a)(1) (attempt to possess with intent to distribute five or more kilograms of cocaine - 1 count)
BANNESSA AYBAR-CAIMARES	:	18 U.S.C. § 2 (aiding and abetting) Notice of forfeiture

INDICTMENT

COUNT ONE

THE GRAND JURY FURTHER CHARGES THAT:

1. From on or about July 10, 2011 to on or about August 10, 2011, in Bensalem, in the Eastern District of Pennsylvania, and elsewhere, defendants

**FRESA PICHARDO,
SAMUEL DIAZ-RIVERA, and
BANNESSA AYBAR-CAIMARES**

conspired and agreed, together and with others known and unknown to the grand jury, to knowingly and intentionally possess with intent to distribute five kilograms or more, that is, approximately eight and a half kilograms, of a mixture and substance containing a detectable amount of cocaine, a Schedule II controlled substance, in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(A).

MANNER AND MEANS

It was a part of the conspiracy that:

2. Defendant FRESA PICHARDO communicated by telephone with a confidential source (CS #1) and brokered the sale of multi-kilograms of cocaine by CS #1 to defendant SAMUEL DIAZ-RIVERA.

3. Defendant SAMUEL DIAZ-RIVERA communicated by telephone and in person with CS #1 and agreed to purchase eight kilograms of cocaine from CS #1 at a price of \$30,000 per kilogram.

4. Defendants FRESA PICHARDO, SAMUEL DIAZ-RIVERA, and BANNESSA AYBAR-CAIMARES met CS #1 with \$150,000 to purchase five kilograms of cocaine and to receive an additional three kilograms of cocaine on credit.

OVERT ACTS

In furtherance of the conspiracy and to accomplish its object, the following overt acts, among others, were committed in the Eastern District of Pennsylvania and elsewhere:

1. On or about July 20, 2011, defendant FRESA PICHARDO caused a meeting between CS #1 and defendant SAMUEL DIAZ-RIVERA in Bordentown, NJ for the purpose of defendant DIAZ-RIVERA discussing the purchase of multiple kilograms of cocaine from CS #1.

2. On or about August 6, 2011, defendants FRESA PICHARDO and SAMUEL DIAZ-RIVERA met CS #1 in Bordentown, NJ to discuss the sale of multiple kilograms of cocaine and to see the cocaine that CS #1 was selling.

3. On or about August 8, 2011, defendant SAMUEL DIAZ-RIVERA agreed

to pay \$30,000 per kilogram of cocaine. Defendant DIAZ-RIVERA ordered five kilograms of cocaine and asked to be fronted an additional three kilograms of cocaine.

4. On or about August 10, 2011, defendants FRESA PICHARDO, SAMUEL DIAZ-RIVERA, and BANNESSA AYBAR-CAIMARES arrived at a warehouse in Bensalem, PA with \$150,000 to purchase five kilograms of cocaine and take possession of a total of eight kilograms of cocaine.

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

COUNT TWO

THE GRAND JURY FURTHER CHARGES THAT:

On or about August 10, 2011, in Bensalem, in the Eastern District of Pennsylvania, defendants

**FRESA PICHARDO,
SAMUEL DIAZ-RIVERA, and
BANNESSA AYBAR-CAIMARES**

knowingly and intentionally attempted to possess with intent to distribute, and aided and abetted the attempted possession with intent to distribute of, five kilograms or more, that is, eight kilograms, of a mixture and substance containing a detectable amount of cocaine, a Schedule II controlled substance, in violation of Title 21, United States Code, Section 841(A)(1), (b)(1)(A).

In violation of Title 21, United States Code, Section 846, 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 841(a)(1) and 846, set forth in Counts 1 and 2 of this indictment, defendants

**FRESA PICHARDO,
SAMUEL DIAZ-RIVERA, and
BANNESSA AYBAR-CAIMARES,**

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, including, but not limited to:

(1) the sum of \$150,000;

(2) a 2009 Acura TL, NJ license number ZUW99C, Vehicle Registration Number 19UUA86229A010429;

(3) a 2002 Jeep Laredo, PA license number HKT9557, Vehicle Identification Number 1J8GW48N52C201035; and,

(4) a 2003 Mitsubishi Montero, VA license number XFU5726, Vehicle Identification Number JA4NW51S23J049100.

(b) any property constituting, or derived from, proceeds obtained directly or indirectly from the commission of such offenses.

3. If any of the property subject to forfeiture, as a result of any act or 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 the defendants up to the value of the property subject to forfeiture.

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

A TRUE BILL:

GRAND JURY FOREPERSON

**ZANE DAVID MEMEGER
UNITED STATES ATTORNEY**