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CLERK U.S. DISTRICT COURT
CENTRAL DIST. OF CALIF.
SANTA ANA

BY _____

UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA
SOUTHERN DIVISION

September 2014 Grand Jury

UNITED STATES OF AMERICA,

Plaintiff,

v.

OSWALDO DE JESUS MIRAMONTES-DIAZ,

aka "Rojo," and
DE SEAN LOUIS WEST,

Defendants.

No. SACR 15-

SACR15-00038

I N D I C T M E N T

[21 U.S.C. § 846: Conspiracy to Distribute Cocaine; 21 U.S.C. §§ 841(a)(1), (b)(1)(A)(ii): Possession with the Intent to Distribute Cocaine; 18 U.S.C. § 2(a): Aiding and Abetting; 21 U.S.C. § 853: Criminal Forfeiture]

The Grand Jury charges:

COUNT ONE

[21 U.S.C. § 846]

A. OBJECT OF THE CONSPIRACY

Beginning on or about August 1, 2013, and continuing until on or about September 1, 2013, in Los Angeles and Orange Counties, within the Central District of California, and elsewhere, defendants OSWALDO DE JESUS MIRAMONTES-DIAZ, also known as "Rojo" ("MIRAMONTES"), and DE SEAN LOUIS WEST ("WEST"),

1 and others known and unknown to the Grand Jury, conspired and
2 agreed with each other to knowingly and intentionally distribute
3 at least five kilograms of a mixture and substance containing a
4 detectable amount of cocaine, a Schedule II narcotic drug
5 controlled substance, in violation of Title 21, United States
6 Code, Sections 841(a)(1) and 841(b)(1)(A)(ii).

7 B. MEANS BY WHICH THE OBJECT OF THE CONSPIRACY WAS TO BE
8 ACCOMPLISHED

9 The object of the conspiracy was to be accomplished, in
10 substance, as follows:

11 1. Defendants MIRAMONTES and WEST would communicate with
12 unindicted co-conspirators to coordinate the transportation and
13 importation of multi-kilogram quantities of cocaine from Mexico
14 into the United States, including the Los Angeles and Orange
15 counties.

16 2. Defendant MIRAMONTES would transport the multi-
17 kilogram quantities of cocaine to defendant WEST for further
18 distribution.

19 3. Defendant WEST would give defendant MIRAMONTES multi-
20 million dollar amounts of United States currency in exchange for
21 the multi-kilogram quantity of cocaine.

22 C. OVERT ACTS

23 In furtherance of the conspiracy and to accomplish the
24 objects of the conspiracy, on or about the following dates and
25 times, defendants MIRAMONTES and WEST, and others known and
26 unknown to the Grand Jury, committed various overt acts within
27 the Central District of California, and elsewhere, including but
28 not limited to the following:

1 1. On or about August 30, 2013, unindicted Co-Conspirator
2 Number One communicated with unindicted Co-Conspirator Number
3 Two to set up a drug transaction in Los Angeles, California,
4 within the Central District of California. This drug
5 transaction was to involve approximately 48 kilograms of cocaine
6 in exchange for approximately \$1.188 million.

7 2. On or about August 30, 2013, defendant MIRAMONTES
8 communicated with unindicted Co-Conspirator Number One to
9 discuss the exact location where defendant MIRAMONTES was to
10 transport the approximately 48 kilograms of cocaine.

11 3. On or about August 30, 2013, defendant WEST
12 communicated with defendant MIRAMONTES to coordinate their
13 meeting.

14 4. On or about August 30, 2013, defendant MIRAMONTES met
15 with defendant WEST in Los Angeles, California, within the
16 Central District of California, in order for defendant
17 MIRAMONTES to give defendant WEST the approximately 48.27
18 kilograms of cocaine.

19 5. On or about August 30, 2013, defendant WEST was
20 prepared to pay defendant MIRAMONTES approximately \$1.188
21 million in exchange for the approximately 48.27 kilograms of
22 cocaine.

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COUNT TWO

[21 U.S.C. §§ 841(a)(1), (b)(1)(A)(ii); 18 U.S.C. § 2(a)]

On or about August 30, 2013, in Los Angeles County, within the Central District of California, defendants OSWALDO DE JESUS MIRAMONTES-DIAZ, also known as "Rojo," and DE SEAN LOUIS WEST, each aiding and abetting the other, knowingly and intentionally possessed with the intent to distribute at least five kilograms, namely, approximately 48.27 kilograms, of a mixture and substance containing a detectable amount of cocaine, a Schedule II narcotic drug controlled substance.

1 CRIMINAL FORFEITURE ALLEGATION

2 [21 U.S.C. § 853]

3 1. Pursuant to Rule 32.2 of the Federal Rules of Criminal
4 Procedure, notice is hereby given to defendants OSWALDO DE JESUS
5 MIRAMONTES-DIAZ, also known as "Rojo," and DE SEAN LOUIS WEST,
6 that the United States will seek forfeiture as part of any
7 sentence in accordance with Title 21, United States Code,
8 Section 853(a), in the event of either defendant's conviction
9 under any of Counts One and Two of this Indictment. If
10 convicted of any of the offenses set forth in Counts One and
11 Two, such defendant shall forfeit to the United States the
12 following property:

13 (a) All right, title, and interest in --

14 (i) any and all property constituting or derived
15 from any proceeds obtained, directly or
16 indirectly, as a result of each such
17 violation; and


18 (ii) any property, real or personal, used, or
19 intended to be used, in any manner or part,
20 to commit or to facilitate the commission of
21 each such violation.

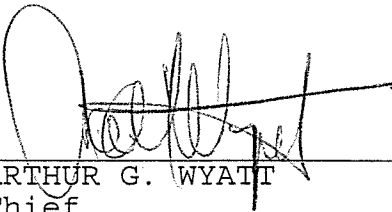
22 (b) A sum of money equal to the total value of the
23 property described in paragraphs 1(a)(i) and
24 (ii).

25 2. Pursuant to Title 21, United States Code, Section
26 853(p), a defendant so convicted shall forfeit substitute
27 property, up to the value of the total amount described in
28 paragraph 1(a) if, as the result of any act or omission of said

1 defendant, said property, or any portion thereof, cannot be
2 located upon the exercise of due diligence; has been
3 transferred, sold to, or deposited with a third party; has been
4 placed beyond the jurisdiction of the court; has been
5 substantially diminished in value; or has been commingled with
6 other property that cannot be divided without difficulty.

7
8 A TRUE BILL

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10 
11 _____
12 Foreperson

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14 
15 _____

16 ARTHUR G. WYATT
17 Chief
18 Narcotic and Dangerous Drug Section
19 Criminal Division
20 United States Department of Justice

21 JERRY MCMILLEN
22 Deputy Chief, Litigation Unit
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