

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

UNITED STATES OF AMERICA	:	Hon.
v.	:	Crim. No. 19-
RICHARD FERNANDEZ, and	:	21 U.S.C. § 846
CARLOS MOSQUEZ-DIAZ	:	18 U.S.C. § 924(c)(1)(A)

INDICTMENT

The Grand Jury in and for the District of New Jersey, sitting at Newark, charges:

COUNT ONE
(Narcotics Conspiracy)

From in or around April 2018 through on or about October 3, 2018, in Bergen County, in the District of New Jersey and elsewhere, the defendants,

RICHARD FERNANDEZ, and
CARLOS MOSQUEA-DIAZ,

did knowingly and intentionally conspire and agree with each other and others to distribute and possess with intent to distribute 1 kilogram or more of a mixture and substance containing a detectable amount of heroin, a Schedule I controlled substance, and 400 grams or more of a mixture and substance containing a detectable amount of fentanyl (N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl] Propanamide), a Schedule II controlled substance, contrary to Title 21, United States Code, Sections 841(a)(1) and (b)(1)(A).

In violation of Title 21, United States Code, Section 846.

COUNT TWO

(Possession of a Firearm in Relation to a Drug Trafficking Crime)

On or about October 3, 2018, in Bergen County, in the District of New Jersey and elsewhere, the defendant,

RICHARD FERNANDEZ,

during and in relation to a drug trafficking crime, that is, conspiracy to distribute and to possess with intent to distribute heroin, as charged in Count One of this Indictment, did knowingly possess a firearm, namely, a Taurus Millennium G2 9mm handgun with serial number TJW85475, in furtherance of the drug trafficking crime.

In violation of Title 18, United States Code, Section 924(c)(1)(A).

FORFEITURE ALLEGATION AS TO COUNT ONE

1. Upon conviction of the controlled substance offense alleged in Count One of this Indictment, defendants RICHARD FERNANDEZ and CARLOS MOSQUEA-DIAZ shall forfeit to the United States, pursuant to 21 U.S.C. § 853, any and all property constituting or derived from any proceeds the defendant obtained directly or indirectly as a result of the offense charged in Count One of this Indictment, and any and all property used or intended to be used in any manner or part to commit and to facilitate the commission of such offense.

2. The property to be forfeited includes, but is not limited to, a sum of money representing the amount of proceeds the defendant obtained as a result of the offense charged in Count One of this Indictment; and all right, title, and interest of the respective defendants in the following:

- (a) \$130,980 in United States currency seized from an associate of defendant CARLOS MOSQUEA-DIAZ on or about October 3, 2018; and
- (b) \$2,650 in United States currency seized from defendant RICHARD FERNANDEZ on or about October 3, 2018.

FORFEITURE ALLEGATION AS TO COUNT TWO

1. Upon conviction of the offense in violation of 18 U.S.C. § 924(c)(1)(A) alleged in Count Two of this Indictment, defendant RICHARD FERNANDEZ shall forfeit to the United States, pursuant to 18 U.S.C. § 924(d)(1) and 28 U.S.C. § 2461(c), any and all firearms and ammunition

involved in the commission of such offense, including but not limited to all right, title, and interest of defendant RICHARD FERNANDEZ in the following:

- (a) One Taurus Millennium G2 9mm handgun with serial number TJW85475; and
- (b) Eight rounds of 9mm ammunition.

Substitute Assets Provision
(Applicable to All Forfeiture Allegations)

1. If any of the property described above, 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 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 21 U.S.C. § 853(p), to seek forfeiture of any other property of the said defendant up to the value of the above forfeitable property.

A TRUE BILL

FOREPERSON

Craig Carpenito
CRAIG CARPENITO
United States Attorney

CASE NUMBER: 19-_____

**United States District Court
District of New Jersey**

UNITED STATES OF AMERICA

v.

**RICHARD FERNANDEZ, and
CARLOS MOSQUEA-DIAZ**

INDICTMENT FOR

21 U.S.C. § 846
18 U.S.C. § 924(c)(1)(A)

A True Bill,

Foreperson

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