

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

UNITED STATES OF AMERICA	:	CRIMINAL NO. _____
v.	:	DATE FILED: _____
SILVESTRE GARCIA-ANDAYA	:	VIOLATIONS:
ERIKA GARCIA		
ALFREDO MORALEZ-BUSTOS	:	21 U.S.C. § 846 (conspiracy to distribute
ESAU ZENDEJAS-BUSTOS		500 grams or more of methamphetamine
JOSE CARDENAS-COVARRUBIAS	:	- 1 count)
DONACIANO CONTRERAS-MONJE	:	21 U.S.C. § 841(a)(1) (distribution of 500
RODOLFO LUVIANO	:	grams or more of methamphetamine - 3
JUAN ANTONIO LOPEZ	:	counts)
	:	21 U.S.C. § 841(a)(1) (possession with
	:	intent to distribute 500 grams or more of
	:	methamphetamine - 1 count)
	:	21 U.S.C. § 841(a)(1) (possession with
	:	intent to distribute cocaine - 1 count)
	:	21 U.S.C. § 841(a)(1) (possession with
	:	intent to distribute marijuana - 1 count)
	:	18 U.S.C. § 2 (aiding and abetting)
	:	Notice of forfeiture

INDICTMENT

COUNT ONE

THE GRAND JURY CHARGES THAT:

BACKGROUND

At all times relevant to this indictment:

1. Defendants SILVESTRE GARCIA-ANDAYA, ERIKA GARCIA, and ALFREDO MORALEZ-BUSTOS resided in California.

2. Defendants JOSE CARDENAS-COVARRUBIAS and DONACIANO CONTRERAS-MONJE were imprisoned at FCI McKean, a federal prison, located in Western Pennsylvania.

3. Defendant ESAU ZENDEJAS-BUSTOS resided in Chester County, Pennsylvania.

4. Defendants RODOLFO LUVIANO and JUAN ANTONIO LOPEZ resided in Oklahoma.

5. From in or about November 2012, to in or about March 2013, in Philadelphia, in the Eastern District of Pennsylvania, and elsewhere, defendants

**SILVESTRE GARCIA-ANDAYA,
ERIKA GARCIA,
ALFREDO MORALEZ-BUSTOS,
ESAU ZENDEJAS-BUSTOS,
JOSE CARDENAS-COVARRUBIAS,
DONACIANO CONTRERAS-MONJE,
RODOLFO LUVIANO, and
JUAN ANTONIO LOPEZ**

conspired and agreed, together and with others known and unknown to the grand jury, to knowingly and intentionally distribute 500 grams or more, that is, approximately 13 pounds, 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)(A).

MANNER AND MEANS

It was part of the conspiracy that:

6. Defendants JOSE CARDENAS-COVARRUBIAS and DONACIANO CONTRERAS-MONJE coordinated the delivery of methamphetamine to people in Philadelphia

they believed were drug dealers, but were actually undercover law enforcement officers (the “undercover officers”).

7. Defendant SILVESTRE GARCIA-ANDAYA spoke with the undercover officers on the telephone and negotiated the price and delivery of large quantities of methamphetamine to the undercover officers.

8. Defendants SILVESTRE GARCIA-ANDAYA, ERIKA GARCIA, ALFREDO MORALEZ-BUSTOS, and ESAU ZENDEJAS-BUSTOS came to Philadelphia to meet with the undercover officers and discuss the delivery of large quantities of methamphetamine.

9. Defendants RODOLFO LUVIANO and JUAN ANTONIO LOPEZ traveled from Oklahoma to Philadelphia to deliver methamphetamine to defendant SILVESTRE GARCIA-ANDAYA that was to be supplied to one of the undercover officers.

OVERT ACTS

In furtherance of the conspiracy and to accomplish its object, defendants SILVESTRE GARCIA-ANDAYA, ERIKA GARCIA, ALFREDO MORALEZ-BUSTOS, ESAU ZENDEJAS-BUSTOS, JOSE CARDENAS-COVARRUBIAS, DONACIANO CONTRERAS-MONJE, RODOLFO LUVIANO, and JUAN ANTONIO LOPEZ, committed the following overt acts, among others, in the Eastern District of Pennsylvania, and elsewhere:

1. In or around December 2012, defendants JOSE CARDENAS-COVARRUBIAS and DONACIANO CONTRERAS-MONJE discussed coordinating the delivery of large amounts of methamphetamine to Philadelphia.

2. On or about December 7, 2012, defendant DONACIANO CONTRERAS-MONJE called defendant ERIKA GARCIA and gave her the contact information for the two undercover officers who the defendants believed were Philadelphia drug dealers.

3. On or about December 11, 2012, defendant SILVESTRE GARCIA-ANDAYA called the undercover officers on the telephone and said he would come to Philadelphia in late December 2012 to discuss the sale of large amounts of methamphetamine.

4. On or about December 27, 2012, defendants SILVESTRE GARCIA-ANDAYA and ERIKA GARCIA came to Philadelphia to meet with the undercover officers and discuss the sale of methamphetamine.

5. On or about January 4, 2013, defendant ERIKA GARCIA spoke to defendant DONACIANO CONTRERAS-MONJE on the telephone and told him about the meetings in Philadelphia with the undercover officers.

6. On or about February 5, 2013, defendants SILVESTRE GARCIA-ANDAYA and ALFREDO MORALEZ-BUSTOS flew from California to Philadelphia to meet the undercover officers. Over the next couple of days, defendants GARCIA-ANDAYA and MORALEZ-BUSTOS met multiple times with the undercover officers to discuss the pending delivery of methamphetamine.

7. On or about February 14, 2013, defendant SILVESTRE GARCIA-ANDAYA advised the undercover officers that the methamphetamine delivery had been delayed.

8. On or about February 19, 2013, defendant SILVESTRE

GARCIA-ANDAYA called both undercover officers and said that the methamphetamine was currently in Philadelphia, and that he would meet them the next day.

9. On or about February 20, 2013, defendant SILVESTRE

GARCIA-ANDAYA flew to Philadelphia from California and immediately contacted defendant ESAU ZENDEJAS-BUSTOS' cellular telephone. Later that day defendants GARCIA-ANDAYA and ZENDEJAS-BUSTOS gave one of the undercover officers ("UC #1") approximately eleven pounds of methamphetamine. At this time, defendant GARCIA-ANDAYA asked for a partial payment for the methamphetamine the next day.

10. On or about February 21, 2013, defendants SILVESTRE

GARCIA-ANDAYA and ESAU ZENDEJAS-BUSTOS met again with UC #1. During this meeting, defendants GARCIA-ANDAYA and ZENDEJAS-BUSTOS gave UC #1 approximately two more pounds of methamphetamine and accepted \$10,000 as a partial payments for the approximately thirteen pounds of methamphetamine the men had provided UC #1. Defendant GARCIA-ANDAYA then flew back to California.

On or about March 6, 2013:

11. At approximately 6:15 a.m., defendant SILVESTRE GARCIA-ANDAYA

flew from California to Philadelphia. Throughout the day defendant GARCIA-ANDAYA attempted to contact the undercover officers.

12. At approximately 5:31 p.m., defendant SILVESTRE GARCIA-ANDAYA

spoke to one of the undercover officers ("UC #2") and said in coded language that people had arrived in Philadelphia with additional methamphetamine.

13. At approximately 6:00 p.m., defendant SILVESTRE GARCIA-ANDAYA met with defendants RODOLFO LUVIANO and JUAN ANTONIO LOPEZ, who had just driven to Philadelphia from Oklahoma. Defendants LUVIANO and LOPEZ gave defendant GARCIA-ANDAYA approximately two pounds of methamphetamine.

14. At approximately 6:49 p.m., defendant SILVESTRE GARCIA-ANDAYA called UC #2 on the telephone and said in coded language that he had two pounds of methamphetamine, and that he needed money to pay the transporters who had brought the methamphetamine to Philadelphia. Defendant GARCIA-ANDAYA was arrested shortly thereafter in possession of approximately two pounds of methamphetamine.

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

COUNT TWO

THE GRAND JURY FURTHER CHARGES THAT:

1. Paragraphs 1 through 4 and 6 through 9 and Overt Acts 8 and 9 of Count One of this indictment are incorporated here.

2. On or about February 20, 2013, in Philadelphia, in the Eastern District of Pennsylvania, defendants

**SILVESTRE GARCIA-ANDAYA and
ESAU ZENDEJAS-BUSTOS**

knowingly and intentionally distributed, and aided and abetted the distribution of, 500 grams or more, that is, approximately eleven pounds, 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)(A), and Title 18, United States Code, Section 2.

COUNT THREE

THE GRAND JURY FURTHER CHARGES THAT:

1. Paragraphs 1 through 4 and 6 through 9 and Overt Act 10 of Count One of this indictment are incorporated here.
2. On or about February 21, 2013, in Philadelphia, in the Eastern District of Pennsylvania, defendants

**SILVESTRE GARCIA-ANDAYA and
ESAU ZENDEJAS-BUSTOS**

knowingly and intentionally distributed, and aided and abetted the distribution of, 500 grams or more, that is, approximately two pounds, 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)(A), and Title 18, United States Code, Section 2.

COUNT FOUR

THE GRAND JURY FURTHER CHARGES THAT:

1. Paragraphs 1 through 4 and 6 through 9 and Overt Act Eleven through Thirteen of Count One of this indictment are incorporated here.
2. On or about March 6, 2013, in Philadelphia, in the Eastern District of Pennsylvania, defendants

**RODOLFO LUVIANO and
JUAN ANTONIO LOPEZ**

knowingly and intentionally distributed, and aided and abetted the distribution of, 500 grams or more, that is, approximately two pounds, 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)(A), and Title 18, United States Code, Section 2.

COUNT FIVE

THE GRAND JURY FURTHER CHARGES THAT:

1. Paragraphs 1 through 4 and 6 through 9 and Overt Act Eleven through Fourteen of Count One of this indictment are incorporated here.
2. On or about March 6, 2013, in Philadelphia, in the Eastern District of Pennsylvania, defendant

SILVESTRE GARCIA-ANDAYA

knowingly and intentionally possessed with intent to distribute 500 grams or more, that is, approximately two pounds, 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)(A).

COUNT SIX

THE GRAND JURY FURTHER CHARGES THAT:

On or about March 7, 2013, in Chester County, in the Eastern District of Pennsylvania, defendant

ESAU ZENDEJAS-BUSTOS

knowingly and intentionally possessed with intent to distribute 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)(C).

COUNT SEVEN

THE GRAND JURY FURTHER CHARGES THAT:

On or about March 7, 2013, in Chester County, in the Eastern District of Pennsylvania, defendant

ESAU ZENDEJAS-BUSTOS

knowingly and intentionally possessed with intent to distribute for remuneration a mixture and substance containing a detectable amount of marijuana, a Schedule I controlled substance.

In violation of Title 21, United States Code, Section 841(a)(1), (b)(1)(D).

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 this indictment, defendants

**SILVESTRE GARCIA-ANDAYA,
ERIKA GARCIA,
ALFREDO MORALES-BUSTOS,
ESAU ZENDEJAS-BUSTOS,
JOSE CARDENAS-COVARRUBIAS,
DONACIANO CONTRERAS-MONJE,
RODOLFO LUVIANO, and
JUAN ANTONIO LOPEZ**

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, proceeds obtained directly or indirectly from the commission of such offense, including but not limited to:

- (1) \$10,000 paid to defendants SILVESTRE GARCIA-ANDAYA and ESAU ZENDEJAS-BUSTOS on or about February 21, 2013; and
- (2) Approximately \$25,800 recovered from defendants RODOLFO LUVIANO and JUAN ANTONIO LOPEZ on or about March 6, 2013.

2. If any of the property subject to forfeiture, as a result of any act or omission of the defendant:

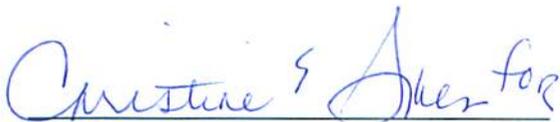
- (a) cannot be located upon the exercise of due diligence;
- (b) has been transferred or sold to, or deposited with, a third party;
- (c) has been placed beyond the jurisdiction of the Court;
- (d) has been substantially diminished in value; or
- (e) has been commingled with other property which cannot 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