

**SEALED**

**FILED**

APR 14 2014

Phil Lombardi, Clerk  
U.S. DISTRICT COURT

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA,

Plaintiff,

v.

SAMUEL GARCIA-ESCALERA,  
a/k/a "Poncho",  
a/k/a "Escalera Samuel Garcia",  
a/k/a "Panfilo Waumuchil Soyte",  
JOEL DELOERA-ESCALERA,  
a/k/a "Roberto",  
a/k/a "Joel Deloera",  
a/k/a "Luis Perez-Hernandez",

Defendants.

) Case No. 13-CR-229-CVE

) FILED UNDER SEAL

) SECOND SUPERSEDING INDICTMENT

) [COUNT 1: 21 U.S.C. §§ 846 and

) 841(b)(1)(A)(viii) – Drug Conspiracy;

) Forfeiture Allegation: 21 U.S.C. § 853(a) –

) Drug Forfeiture;

) COUNTS 2 & 3: 21 U.S.C. § 856(a)(1) –

) Maintaining Drug-Involved Premises;

) COUNTS 4 & 5: 18 U.S.C. §§ 922(g)(5)(A)

) and 924(a)(2) – Possession of Firearms and

) Ammunition by Alien Illegally in the United  
) States;

) COUNT 6: 18 U.S.C. § 924(c)(1)(A)(i) –

) Possession of a Firearm in Furtherance of a

) Drug Trafficking Crime;

) COUNT 7: 8 U.S.C. § 1326(a) – Alien in the

) United States After Deportation;

) COUNT 8: 18 U.S.C. § 1512(k) – Conspiracy

) to Hinder, Delay, and Prevent

) Communication to a Law Enforcement

) Officer and a Judge of the United States;

) COUNT 9: 18 U.S.C. § 373 – Solicitation

) to Commit Murder;

) COUNT 10: 18 U.S.C. § 1958 – Conspiracy to

) Use an Interstate Facility in a Murder for

) Hire]

**THE GRAND JURY CHARGES:**

COUNT ONE

[21 U.S.C. §§ 846 and 841(b)(1)(A)(viii)]

Beginning as early as in or about April 2012, and continuing through on or about August 21, 2013, in the Northern District of Oklahoma and elsewhere, the defendants, **SAMUEL GARCIA-ESCALERA**, a/k/a "Poncho", a/k/a "Escalera Samuel Garcia",

a/k/a "Panfilo Waumuchil Soyte", and **JOEL DELOERA-ESCALERA**, a/k/a "Roberto", a/k/a "Joel Deloera", a/k/a "Luis Perez-Hernandez", did knowingly, willfully, and intentionally conspire, confederate, and agree together, each with the other, and with others, both known and unknown to the Grand Jury, to commit certain offenses against the United States, in violation of Title 21, United States Code, Section 841(a)(1), to wit:

1. to possess with intent to distribute 15 kilograms or more of a mixture and substance containing a detectable amount of methamphetamine, a Schedule II controlled substance; and
2. to distribute 15 kilograms or more of a mixture and substance containing a detectable amount of methamphetamine, a Schedule II controlled substance.

All in violation of Title 21, United States Code, Sections 846 and 841(b)(1)(A)(viii).

**FORFEITURE ALLEGATION**  
**[21 U.S.C. § 853(a)]**

The allegations contained in Count One of this Second Superseding Indictment are hereby realleged and incorporated by reference for the purpose of alleging forfeiture pursuant to Title 21, United States Code, Section 853(a).

Upon conviction of the methamphetamine conspiracy alleged in Count One of this Second Superseding Indictment, as part of their sentence, the defendants, **SAMUEL GARCIA-ESCALERA**, a/k/a “Poncho”, a/k/a “Escalera Samuel Garcia”, a/k/a “Panfilo Waumuchil Soyte”, and **JOEL DELOERA-ESCALERA**, a/k/a “Roberto”, a/k/a “Joel Deloera”, a/k/a “Luis Perez-Hernandez”, shall forfeit to the United States any property constituting, or derived from, proceeds obtained, directly or indirectly, as a result of such conspiracy and any property used, or intended to be used, in any manner or part, to commit, or to facilitate the conspiracy. A criminal forfeiture money judgment shall also be entered in a sum of money in an amount of at least \$1,750,000 representing proceeds obtained as a result of such conspiracy, for which the defendants are jointly and severally liable.

Pursuant to Title 21, United States Code, Section 853(p), the defendants shall forfeit substitute property, up to the value of the property described above if, by any act or omission of the defendants, the property described above, or any portion thereof, cannot be located upon the exercise of due diligence; has been transferred or sold to, or deposited with, a third party; has been placed beyond the jurisdiction of the court; has

been substantially diminished in value; or has been commingled with other property which cannot be divided without difficulty.

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

**COUNT TWO**  
**[21 U.S.C. § 856(a)(1)]**

Beginning as early as in or about April 2012, and continuing through on or about January 8, 2013, in the Northern District of Oklahoma, the defendant, **SAMUEL GARCIA-ESCALERA**, a/k/a “Poncho”, a/k/a “Escalera Samuel Garcia”, a/k/a “Panfilo Waumuchil Soyte”, did knowingly and intentionally maintain and use a place located at 476 South 78<sup>th</sup> East Avenue, Tulsa, Oklahoma, for the purpose of storing and distributing methamphetamine, a Schedule II controlled substance.

All in violation of Title 21, United States Code, Section 856(a)(1).

**COUNT THREE**  
**[21 U.S.C. § 856(a)(1)]**

Beginning as early as in or about April 2012, and continuing through on or about August 21, 2013, in the Northern District of Oklahoma, the defendant, **JOEL DELOERA-ESCALERA**, a/k/a “Roberto”, a/k/a “Joel Deloera”, a/k/a “Luis Perez-Hernandez”, did knowingly and intentionally maintain and use a place located at 1515 South 67<sup>th</sup> East Avenue, Tulsa, Oklahoma, for the purpose of storing and distributing methamphetamine, a Schedule II controlled substance.

All in violation of Title 21, United States Code, Section 856(a)(1).

**COUNT FOUR**  
**[18 U.S.C. §§ 922(g)(5)(A) and 924(a)(2)]**

On or about January 8, 2013, in the Northern District of Oklahoma, the defendant, **SAMUEL GARCIA-ESCALERA**, a/k/a “Poncho”, a/k/a “Escalera Samuel Garcia”, a/k/a “Panfilo Waumuchil Soyte”, then being an alien illegally and unlawfully in the United States, did knowingly possess in and affecting interstate commerce the following firearm and ammunition, to-wit:

1. One (1) Smith and Wesson, Model M&P45, .45 ACP caliber pistol, serial number MRD2183; and
2. Five (5) rounds of Federal Cartridge Company .45 ACP JHP ammunition.

All in violation of Title 18, United States Code, Sections 922(g)(5)(A) and 924(a)(2).

**COUNT FIVE**  
**[18 U.S.C. §§ 922(g)(5)(A) and 924(a)(2)]**

On or about August 21, 2013, in the Northern District of Oklahoma, the defendant, **JOEL DELOERA-ESCALERA**, a/k/a “Roberto”, a/k/a “Joel Deloera”, a/k/a “Luis Perez-Hernandez”, then being an alien illegally and unlawfully in the United States, did knowingly possess in and affecting interstate commerce the following firearms and ammunition, to-wit:

1. One (1) Smith and Wesson, Model M&P 40, .40 S&W caliber pistol, serial number DXR7568;
2. One (1) Jimenez Arms, Model JA-Nine, 9mm caliber, semi-automatic pistol, serial number 235972;
3. One (1) Freedom Arms, Model FA22LR (mini revolver), .22 caliber revolver, serial number A52980;
4. One (1) round of Federal Cartridge Company .22 caliber ammunition;
5. One (1) round of Winchester (Olin Corporation) .22 caliber ammunition;
6. Nine (9) rounds of Speer .40 S&W caliber JSW ammunition; and
7. Six (6) rounds of Federal Cartridge Company .40 S&W caliber JHP ammunition.

All in violation of Title 18, United States Code, Sections 922(g)(5)(A) and 924(a)(2).

**COUNT SIX**  
**[18 U.S.C. § 924(c)(1)(A)(i)]**

On or about January 8, 2013, in the Northern District of Oklahoma, the defendant, **SAMUEL GARCIA-ESCALERA**, a/k/a “Poncho”, a/k/a “Escalera Samuel Garcia”, a/k/a “Panfilo Waumuchil Soyte”, did knowingly possess a firearm, to-wit:

One (1) Smith and Wesson, Model M&P45, .45 ACP caliber pistol, serial number MRD2183,

in furtherance of a drug trafficking crime for which he may be prosecuted in a court of the United States, that is, Drug Conspiracy, a violation of Title 21, United States Code, Section 846, as more fully set forth in Count One of this Second Superseding Indictment.

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

**COUNT SEVEN**  
**[8 U.S.C. § 1326(a)]**

On or about August 21, 2013, in the Northern District of Oklahoma, the defendant, **JOEL DELOERA-ESCALERA**, a/k/a “Roberto”, a/k/a “Joel Deloera”, a/k/a “Luis Perez-Hernandez”, an alien, was found in the United States after having been deported and removed therefrom on or about April 22, 2011, at or near Brownsville, Texas, and not having previously obtained the express consent of the Secretary of Homeland Security to reapply for admission to the United States.

All in violation of Title 8, United States Code, Section 1326(a).

**COUNT EIGHT**  
**[18 U.S.C. § 1512(k)]**

Beginning at least as early as in or about January 2014, and continuing through the date of this Second Superseding Indictment, in the Northern District of Oklahoma and elsewhere, the defendant, **SAMUEL GARCIA-ESCALERA**, a/k/a “Poncho”, a/k/a “Escalera Samuel Garcia”, a/k/a “Panfilo Waumuchil Soyte”, did knowingly and intentionally conspire, confederate, and agree with others, both known and unknown to the Grand Jury, to violate Title 18, United States Code, § 1512(a)(2)(C), that is to use physical force or threat of physical force, or attempt to do so, against Jane Doe One, Jane Doe Two, and John Doe, persons whose true identities are known to the Grand Jury, with the intent to hinder, delay, and prevent the communication to a law enforcement officer and judge of the United States of information relating to the commission and possible commission of a Federal offense that is a violation of Title 21, United States Code, Section 841.

All in violation of Title 18, United States Code, Section 1512(k).

**COUNT NINE**  
**[18 U.S.C. § 373]**

Beginning at least as early as in or about January 2014, and continuing through the date of this Second Superseding Indictment, in the Northern District of Oklahoma and elsewhere, the defendant, **SAMUEL GARCIA-ESCALERA**, a/k/a “Poncho”, a/k/a “Escalera Samuel Garcia”, a/k/a “Panfilo Waumuchil Soyte”, with the intent that other persons both known and unknown to the Grand Jury, engage in conduct constituting a felony that has as an element the use of physical force against the person of another, in violation of the laws of the United States and under circumstances strongly corroborative of that intent, did solicit, command, induce, and endeavor to persuade other persons to engage in such conduct, that is to intentionally kill Jane Doe One, Jane Doe Two, and John Doe, persons whose true identities are known to the Grand Jury, in violation of Title 18, United States Code, Section 1111(a).

All in violation of Title 18, United States Code, Section 373.

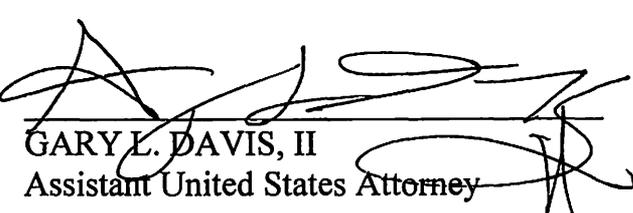
**COUNT TEN**  
**[18 U.S.C. § 1958]**

Beginning at least as early as in or about March 2014, and continuing through the date of this Second Superseding Indictment, in the Northern District of Oklahoma and elsewhere, the defendant, **SAMUEL GARCIA-ESCALERA**, a/k/a “Poncho”, a/k/a “Escalera Samuel Garcia”, a/k/a “Panfilo Waumuchil Soyte”, did knowingly, willfully, and intentionally conspire, confederate, and agree together with others, both known and unknown to the Grand Jury, to use and cause another to use a facility of interstate commerce, that is The Western Union Company, with the intent that the murder of Jane Doe One, a person whose true identity is known to the Grand Jury, be committed in violation of the laws of the State of Oklahoma as consideration for the receipt of, and as consideration for a promise and agreement to pay, things of pecuniary value, to wit: money.

All in violation of Title 18, United States Code, Section 1958.

DANNY C. WILLIAMS, SR.  
UNITED STATES ATTORNEY

A TRUE BILL

  
\_\_\_\_\_  
GARY L. DAVIS, II  
Assistant United States Attorney

*/s/Grand Jury Foreperson*  
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Grand Jury Foreperson