FILED
UNITED STATES DISTRICT COURT
DISTRICT OF NEW MEXICO
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IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF NEW MEXICO

UNITED STATES OF AMERICA, Plaintiff, vs. **GILDARDO MAJALCA-AGUILAR,** **IVAN JESUS MAJALCA,** **a/k/a "Negro,"** **RICARDO RODRIGUEZ-MAGALLANES,** **a/k/a "El Gallo Negro,"** **a/k/a "Gallo,"** **a/k/a "Rica,"** **a/k/a "Sebastian,"** **ELEAZAR OLIVAS-MENDOZA,** **ADAM GALINDO,** **JOSE ANGEL MORALES,** **a/k/a "Negro,"** **LEONARDO JESUS RICO,** **CAROLINA GONZALEZ-HERMOSILLO,** and **KARLA IVETH NUÑEZ-ORTEGA,** Defendants.	CRIMINAL NO. 12- 2619 Count 1: 21 U.S.C. § 846: Conspiracy; Counts 2, 3, 5, 6, and 8: 21 U.S.C. §§ 841(a)(1) and (b)(1)(A): Distribution of 50 Grams and More of Methamphetamine; 18 U.S.C. § 2: Aiding and Abetting; Count 4: 21 U.S.C. §§ 841(a)(1) and (b)(1)(B): Distribution of 5 Grams and More of Methamphetamine; 18 U.S.C. § 2: Aiding and Abetting; and Count 7: 21 U.S.C. §§ 841(a)(1) and (b)(1)(A): Possession With Intent to Distribute 50 Grams and More of Methamphetamine; 18 U.S.C. § 2: Aiding and Abetting.

INDICTMENT

The Grand Jury charges:

Count 1

Beginning on or about April 10, 2012 and continuing to and including October 17, 2012, in Doña Ana and Luna Counties, in the District of New Mexico and elsewhere, the defendants, **GILDARDO MAJALCA-AGUILAR, IVAN JESUS MAJALCA, a/k/a "Negro," RICARDO RODRIGUEZ-MAGALLANES, a/k/a "El Gallo Negro," a/k/a "Gallo," a/k/a "Rica," a/k/a "Sebastian," ELEAZAR OLIVAS-MENDOZA, ADAM GALINDO, JOSE ANGEL**

MORALES, a/k/a "Negro," LEONARDO JESUS RICO, CAROLINA GONZALEZ-HERMOSILLO, and **KARLA IVETH NUÑEZ-ORTEGA,** unlawfully, knowingly and intentionally did combine, conspire, confederate and agree with other persons whose names are known and unknown to the Grand Jury to commit the following offenses against the United States, to wit: possession with intent to distribute a controlled substance, 50 grams and more of methamphetamine, contrary to 21 U.S.C. §§ 841(a)(1) and (b)(1)(A).

In violation of 21 U.S.C. § 846.

Overt Acts

In furtherance of the conspiracy, and to accomplish the objectives of the conspiracy, the following acts, among others, were committed:

Overt Act One

On April 10, 2012, Eleazar Olivas-Mendoza called Gildardo Majalca-Aguilar and requested two ounces of methamphetamine so that Eleazar Olivas-Mendoza could sell them to an undercover agent, and Gildardo Majalca-Aguilar agreed to provide the methamphetamine to Eleazar Olivas-Mendoza.

Overt Act Two

On April 10, 2012, at the direction of Gildardo Majalca-Aguilar, Adam Galindo delivered 53.8 net grams of pure methamphetamine to Eleazar Olivas-Mendoza and a confidential informant in Las Cruces, New Mexico.

Overt Act Three

On April 10, 2012, Eleazar Olivas-Mendoza sold 53.8 net grams of pure methamphetamine to undercover agents for $3,000 in Las Cruces, New Mexico.

Overt Act Four

On April 16, 2012, Ricardo Rodriguez-Magallanes spoke with a confidential informant and agreed to sell four ounces of methamphetamine to an undercover agent.

Overt Act Five

On April 25, 2012, Ricardo Rodriguez-Magallanes and Ivan Jesus Majalca sold 110.8 net grams of pure methamphetamine to an undercover agent in Deming, New Mexico.

Overt Act Six

On May 23, 2012, Eleazar Olivas-Mendoza asked Gildardo Majalca-Aguilar if Gildardo Majalca-Aguilar could supply an ounce of methamphetamine for Eleazar Olivas-Mendoza to sell to an undercover agent.

Overt Act Seven

On May 25, 2012, at the direction of Gildardo Majalca-Aguilar, Leonardo Jesus Rico and Carolina Gonzalez-Hermosillo delivered 27.4 net grams of pure methamphetamine to Eleazar Olivas-Mendoza and an undercover agent in Las Cruces, New Mexico, where the undercover agent purchased the methamphetamine for $1,500.

Overt Act Eight

On June 11, 2012, Ricardo Rodriguez-Magallanes agreed to sell an undercover agent a pound of methamphetamine for $17,000.

Overt Act Nine

On June 13, 2012, Ricardo Rodriguez-Magallanes told an undercover agent to contact "Negro," later identified as Jose Angel Morales, to arrange the actual purchase of the one pound of methamphetamine.

Overt Act Ten

On June 13, 2012, at the direction of Ricardo Rodriguez-Magallanes, Jose Angel Morales sold 448.5 net grams of pure methamphetamine to an undercover agent in exchange for $17,000 in Deming, New Mexico.

Overt Act Eleven

On June 14, 2012, Ricardo Rodriguez-Magallanes sent a text message to the undercover agent telling the agent to contact Jose Angel Morales whenever the undercover agent wanted more methamphetamine and that if Jose Angel Morales did not answer the phone, the undercover agent should call Ricardo Rodriguez-Magallanes directly.

Overt Act Twelve

On June 24-25, 2012, Eleazar Olivas-Mendoza agreed to sell to an undercover agent one-half pound of methamphetamine for $10,000, with the understanding that the undercover agent would purchase another one-half pound of methamphetamine the following week.

Overt Act Thirteen

On June 24-25, 2012, Gildardo Majalca-Aguilar agreed to provide Eleazar Olivas-Mendoza with one pound of methamphetamine for $16,000 so that Eleazar Olivas-Mendoza could sell one-half pound to an undercover agent and keep the other half for a future sale.

Overt Act Fourteen

On June 26, 2012, at the direction of Gildardo Majalca-Aguilar, Carolina Gonzalez-Hermosillo traveled to El Paso, Texas, and picked up one pound of methamphetamine, which she then transported to Las Cruces, New Mexico.

Overt Act Fifteen

On June 26, 2012, Carolina Gonzalez-Hermosillo left one-half pound of methamphetamine at Eleazar Olivas-Mendoza's house and delivered the other one-half pound (218.8 net grams of pure methamphetamine) to Eleazar Olivas-Mendoza and an undercover agent in Las Cruces, New Mexico.

Overt Act Sixteen

On June 26, 2012, Eleazar Olivas-Mendoza collected $10,000 from an undercover agent and then gave the money to Carolina Gonzalez-Hermosillo, who delivered $9,500 of the money to Gildardo Majalca-Aguilar.

Overt Act Seventeen

On July 6, 2012, at the direction of Gildardo Majalca-Aguilar, Leonardo Jesus Rico and Carolina Gonzalez-Hermosillo traveled from Deming, New Mexico, to El Paso, Texas, and picked up a pound of methamphetamine.

Overt Act Eighteen

On July 6, 2012, en route back to Deming, New Mexico, Leonardo Jesus Rico and Carolina Gonzalez-Hermosillo traveled through Las Cruces, New Mexico, with 432.1 net grams of pure methamphetamine which they were planning on delivering to Gildardo Majalca-Aguilar in Deming, New Mexico.

Overt Act Nineteen

On July 21, 2012, Ivan Jesus Majalca told a confidential informant that the confidential informant should arrange for an undercover agent to purchase additional methamphetamine and that Ivan Jesus Majalca would compensate the confidential informant for arranging the transaction.

Overt Act Twenty

On July 31, 2012, Ivan Jesus Majalca told a confidential informant that Ivan Jesus Majalca would have a female courier deliver one pound of methamphetamine to an undercover agent the following day and instructed the confidential source to have the undercover agent pay the female courier $7,500 at time of the delivery and for the confidential informant to meet with Ivan Jesus Majalca later in the day to pay Ivan Jesus Majalca the remaining $7,000 for the methamphetamine.

Overt Act Twenty-One

On August 1, 2012, an unknown male told Gildardo Majalca-Aguilar that Karla Iveth Nuñez-Ortega already had crossed the international border and would be at the Sunland Park Race Track and Casino to meet with the undercover agent.

Overt Act Twenty-Two

On August 1, 2012, Karla Iveth Nuñez-Ortega delivered 432.1 net grams of methamphetamine to an undercover agent at the Sunland Park Race Track and Casino in exchange for $7,500, which was a partial payment for the methamphetamine.

Overt Act Twenty-Three

On August 1, 2012, after the delivery of the methamphetamine to the undercover agent, Ivan Jesus Majalca reported to Gildardo Majalca-Aguilar that the sale had gone well and that everything was under control.

Overt Act Twenty-Four

On August 1, 2012, a confidential source met with Ivan Jesus Majalca in Las Cruces, New Mexico, and provided Ivan Jesus Majalca with $7,000 as the remaining payment for the methamphetamine provided to an undercover agent earlier that day.

Overt Act Twenty-Five

On August 4, 2012, Gildardo Majalca-Aguilar told another individual that he had been given permission by members of the Juarez Cartel to kidnap Eleazar Olivas-Mendoza due to Eleazar Olivas-Mendoza's unpaid drug debt and requested the other individual's assistance in obtaining Eleazar Olivas-Mendoza's license plate and home address.

Overt Act Twenty-Six

On August 20, 2012, Ricardo Rodriguez-Magallenes asked Jose Angel Morales to meet with an unknown methamphetamine supplier so that the methamphetamine supplier would see that Jose Angel Morales was the same person to whom the supplier had previously delivered methamphetamine and so that the supplier would feel comfortable providing methamphetamine to Jose Angel Morales in the future.

Overt Act Twenty-Seven

On September 16, 2012, Gildardo Majalca-Aguilar and another man discussed the fact that they believe that Eleazar Olivas-Mendoza may be cooperating with law enforcement and discussed having Eleazar Olivas-Mendoza kidnaped.

Count 2

On or about April 10, 2012, in Doña Ana County, in the District of New Mexico, the defendants, **GILDARDO MAJALCA-AGUILAR, ELEAZAR OLIVAS-MENDOZA,** and **ADAM GALINDO,** unlawfully, knowingly and intentionally distributed a controlled substance, 50 grams and more of methamphetamine.

In violation of 21 U.S.C. § § 841(a)(1) and (b)(1)(A), and 18 U.S.C. § 2.

Count 3

On or about April 25, 2012, in Luna County, in the District of New Mexico, the defendants, **RICARDO RODRIGUEZ-MAGALLANES, a/k/a "El Gallo Negro," a/k/a "Gallo," a/k/a "Rica," a/k/a "Sebastian,"** and **IVAN JESUS MAJALCA, a/k/a "Negro,"** unlawfully, knowingly and intentionally distributed a controlled substance, 50 grams and more of methamphetamine.

In violation of 21 U.S.C. § § 841(a)(1) and (b)(1)(A), and 18 U.S.C. § 2.

Count 4

On or about May 25, 2012, in Doña Ana County, in the District of New Mexico, the defendants, **GILDARDO MAJALCA-AGUILAR, ELEAZAR OLIVAS-MENDOZA, LEONARDO JESUS RICO,** and **CAROLINA GONZALEZ-HERMOSILLO,** unlawfully, knowingly and intentionally distributed a controlled substance, 5 grams and more of methamphetamine.

In violation of 21 U.S.C. § § 841(a)(1) and (b)(1)(B), and 18 U.S.C. § 2.

Count 5

On or about June 13, 2012, in Luna County, in the District of New Mexico, the defendants, **RICARDO RODRIGUEZ-MAGALLANES, a/k/a "El Gallo Negro," a/k/a "Gallo," a/k/a "Rica," a/k/a "Sebastian,"** and **JOSE ANGEL MORALES, a/k/a "Negro,"** unlawfully, knowingly and intentionally distributed a controlled substance, 50 grams and more of methamphetamine.

In violation of 21 U.S.C. § § 841(a)(1) and (b)(1)(A), and 18 U.S.C. § 2.

Count 6

On or about June 26, 2012, in Doña Ana County, in the District of New Mexico, the defendants, **GILDARDO MAJALCA-AGUILAR, ELEAZAR OLIVAS-MENDOZA,** and **CAROLINA GONZALEZ-HERMOSILLO,** unlawfully, knowingly and intentionally distributed a controlled substance, 50 grams and more of methamphetamine.

In violation of 21 U.S.C. § § 841(a)(1) and (b)(1)(A), and 18 U.S.C. § 2.

Count 7

On or about July 6, 2012, in Doña Ana County, in the District of New Mexico, the defendants, **GILDARDO MAJALCA-AGUILAR, LEONARDO JESUS RICO,** and **CAROLINA GONZALEZ-HERMOSILLO,** unlawfully, knowingly and intentionally possessed with intent to distribute a controlled substance, 50 grams and more of methamphetamine.

In violation of 21 U.S.C. § § 841(a)(1) and (b)(1)(A), and 18 U.S.C. § 2.

Count 8

On or about August 1, 2012, in Doña Ana County, in the District of New Mexico, the defendants, **GILDARDO MAJALCA-AGUILAR, IVAN JESUS MAJALCA, a/k/a "Negro,"** and **KARLA IVETH NUÑEZ-ORTEGA,** unlawfully, knowingly and intentionally distributed a controlled substance, 50 grams and more of methamphetamine.

In violation of 21 U.S.C. § § 841(a)(1) and (b)(1)(A), and 18 U.S.C. § 2.

FORFEITURE ALLEGATION

Counts 1 through 8 of this Indictment are incorporated as part of this section of the indictment as if fully re-alleged herein for the purpose of alleging forfeiture to the United States pursuant to 21 U.S.C. § 853.

Upon conviction of any offense in violation of 21 U.S.C. §§ 841 or 846, the defendants, **GILDARDO MAJALCA-AGUILAR, IVAN JESUS MAJALCA, a/k/a "Negro," RICARDO RODRIGUEZ-MAGALLANES, a/k/a "El Gallo Negro," a/k/a "Gallo," a/k/a "Rica," a/k/a "Sebastian," ELEAZAR OLIVAS-MENDOZA, ADAM GALINDO, JOSE ANGEL MORALES, a/k/a "Negro," LEONARDO JESUS RICO, CAROLINA GONZALEZ-HERMOSILLO,** and **KARLA IVETH NUÑEZ-ORTEGA,** shall forfeit to the United States pursuant to 21 U.S.C. § 853 any property constituting, or derived from, proceeds obtained, directly or indirectly, as a result of each offense for which the defendants are convicted, and any property used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of the said offenses.

The property to be forfeited to the United States includes but is not limited to the following:

MONEY JUDGMENT

A sum of money equal to at least $49,000 in U.S. currency, including any interest accruing to the date of the judgment, representing the amount of money derived from or involved in the offenses, or traceable to property involved in the offenses, for which the defendants are jointly and severally liable.

SUBSTITUTE ASSETS

If any of the above-described forfeitable property, as a result of any act or omission of the Defendants:

1) cannot be located upon the exercise of due diligence;

2) has been transferred or sold to, or deposited with, a third party;

3) has been placed beyond the jurisdiction of the Court;

4) has been substantially diminished in value; or

5) has been commingled with other property which cannot be divided without difficulty;

it is the intent of the United States, pursuant to 21 U.S.C. § 853(p), 18 U.S.C. § 982(b) and 28 U.S.C. § 2461(c), to seek forfeiture of any other property of the Defendants up to the value of the forfeitable property described above.

A TRUE BILL:

/S/

FOREPERSON OF THE GRAND JURY

Assistant United States Attorney

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