

FILED

UNITED STATES DISTRICT COURT
ALBUQUERQUE, NEW MEXICO

IN THE UNITED STATES DISTRICT COURT

DEC 04 2013

FOR THE DISTRICT OF NEW MEXICO **MATTHEW J. DYKMAN**
CLERK

UNITED STATES OF AMERICA,

Plaintiff,

vs.

DAVID REYNOLDS,
ALLEN CAMERON,
JOSE MARTINEZ-ENCINIAS
a/k/a "P-Homie"
a/k/a "P-Boy,"
HUMBERTO HERNANDEZ, Jr.

a/k/a "Butch,"

ERIK BARROS,
GENE SOLIS,
MANUEL GRIEGO,
DANIEL JIRON,
ROBERT HERRERA,
MIGUEL BACA,
JOE SANCHEZ,
ARTHUR GALLEGOS,
CHRISTOPHER ORTEGA

a/k/a "Grumpy,"
TEDDY ARCHULETA, and
ZEBULUN SMITH,

Defendants.

-) CRIMINAL NO. 13-2225 MV
-)
-) Count 1: 21 U.S.C. § 846: Conspiracy;
-)
-) Counts 2-4: 21 U.S.C. §§ 841(a)(1) and
-) (b)(1)(C): Distribution of Heroin; 18 U.S.C. § 2:
-) Aiding and Abetting;
-)
-) Counts 5-8, and 11: 21 U.S.C. §§ 841(a)(1) and
-) (b)(1)(B): Distribution of Five Grams and More
-) of Methamphetamine; 18 U.S.C. § 2: Aiding and
-) Abetting;
-)
-) Count 9: 21 U.S.C. §§ 841(a)(1) and (b)(1)(A):
-) Possession with Intent to Distribute 1000 Grams
-) and More of Heroin; 18 U.S.C. § 2: Aiding and
-) Abetting;
-)
-) Count 10: 21 U.S.C. §§ 841(a)(1) and (b)(1)(B):
-) Possession with Intent to Distribute 500 Grams
-) and More of Cocaine; 18 U.S.C. § 2: Aiding and
-) Abetting;
-)
-) Counts 12-13: 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 14: 18 U.S.C. § 924(c)(1)(A): Possession
-) of a Firearm in Furtherance of a Drug
-) Trafficking Crime;
-)
-) Count 15: 18 U.S.C. § 1957: Engaging in
-) Monetary Transactions in Property Derived from
-) Specified Unlawful Activity.

SUPERSEDING INDICTMENT

The Grand Jury charges:

Count 1

Between on or about September 28, 2012 and December 3, 2013, both dates being inclusive, in Bernalillo and Santa Fe Counties, in the District of New Mexico, and elsewhere, the defendants, **DAVID REYNOLDS, ALLEN CAMERON, JOSE MARTINEZ-ENCINIAS, HUMBERTO HERNANDEZ, Jr., ERIK BARROS, GENE SOLIS, MANUEL GRIEGO, DANIEL JIRON, ROBERT HERRERA, MIGUEL BACA, JOE SANCHEZ, ARTHUR GALLEGOS, CHRISTOPHER ORTEGA, TEDDY ARCHULETA, and ZEBULUN SMITH**, unlawfully, knowingly and intentionally combined, conspired, confederated and agreed with each other and with other persons whose names are known and unknown to the Grand Jury to commit an offense against the United States, specifically, distribution of 1000 grams and more of a mixture and substance containing a detectable amount of heroin, in violation of 21 U.S.C. § 841(a)(1) and (b)(1)(A).

In violation of 21 U.S.C. § 846.

Count 2

On or about October 12, 2012, in Bernalillo County, in the District of New Mexico, the defendant, **GENE SOLIS**, unlawfully, knowingly and intentionally distributed a controlled substance, a mixture and substance containing a detectable amount of heroin.

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

Count 3

On or about October 25, 2012, in Bernalillo County, in the District of New Mexico, the defendant, **GENE SOLIS**, unlawfully, knowingly and intentionally distributed a controlled substance, a mixture and substance containing a detectable amount of heroin.

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

Count 4

On or about November 28, 2012, in Bernalillo County, in the District of New Mexico, the defendant, **GENE SOLIS**, unlawfully, knowingly and intentionally distributed a controlled substance, a mixture and substance containing a detectable amount of heroin.

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

Count 5

On or about February 26, 2013, in Bernalillo County, in the District of New Mexico, the defendant, **HUMBERTO HERNANDEZ, Jr.**, 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 6

On or about March 4, 2013, in Bernalillo County, in the District of New Mexico, the defendant, **HUMBERTO HERNANDEZ, Jr.**, 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 7

On or about May 9, 2013, in Bernalillo County, in the District of New Mexico, the defendant, **HUMBERTO HERNANDEZ, Jr.**, 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 8

On or about May 30, 2013, in Bernalillo County, in the District of New Mexico, the defendant, **HUMBERTO HERNANDEZ, Jr.**, 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 9

On or about June 4, 2013, in Bernalillo County, in the District of New Mexico, the defendant, **JOSE MARTINEZ-ENCINIAS**, unlawfully, knowingly and intentionally possessed with intent to distribute a controlled substance, 1000 grams and more of a mixture and substance containing a detectable amount of heroin.

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

Count 10

On or about June 4, 2013, in Bernalillo County, in the District of New Mexico, the defendant, **JOSE MARTINEZ-ENCINIAS**, unlawfully, knowingly and intentionally possessed with intent to distribute a controlled substance, 500 grams and more of a mixture and substance containing a detectable amount of cocaine.

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

Count 11

On or about June 11, 2013, in Bernalillo County, in the District of New Mexico, the defendant, **HUMBERTO HERNANDEZ, Jr.**, 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 12

On or about July 9, 2013, in Bernalillo County, in the District of New Mexico, the defendant, **HUMBERTO HERNANDEZ, Jr.**, 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 13

On or about August 15, 2013, in Bernalillo County, in the District of New Mexico, the defendant, **HUMBERTO HERNANDEZ, Jr.**, 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 14

On or about June 4, 2013, in Bernalillo County, in the District of New Mexico, the defendant, **JOSE MARTINEZ-ENCINIAS**, did knowingly possess firearms, to wit: a silver Beretta, .40 cal handgun, serial number ber236309; a silver Beretta, 9mm handgun, serial number 1001842; a Smith and Wesson, revolver, serial number cbe0519; a Bushmaster, AR-15 .223 rifle, serial number bfl401994; a Marlin, 30 30 lever action rifle, serial number 366739; a Savage, .22 long rifle, serial number 6651215; a Ruger, .22 long rifle serial number 23217344; a Remington, 700 rifle, serial number c6512467; a Browning, rifle 270, serial number 48995nr317; a Savage, 30 30 rifle, serial number unknown; a Remington, 700 s65 rifle, serial number s6588508; a Winchester, .22 long rifle, serial number 1731582; a Ruger, .22 long rifle, serial number 25120297; a Mohawk, long rifle, serial number a6545157; an Interarms, rifle, serial number b28646; a rifle, serial number 71847; and a Winchester, 243 rifle, serial number 6951268, in furtherance of a drug trafficking crime for which he may be prosecuted in a court of

the United States, specifically, possession with intent to distribute heroin, as charged in Count 9 of this Superseding Indictment; and possession with intent to distribute cocaine, as charged in Count 10 of this Superseding Indictment.

In violation of 18 U.S.C. § 924(c)(1)(A).

Count 15

On or about March 9, 2012, in the District of Nevada and elsewhere, the defendant, **DAVID REYNOLDS**, did knowingly engage and attempt to engage in a monetary transaction by, through, and to, a financial institution, affecting interstate or foreign commerce, in criminally derived property of a value greater than \$10,000, that is a \$11,200 United States currency cash buy-in at MGM Grand Casino, such property having been derived from a specified unlawful activity, namely, distribution of controlled substances.

In violation of 18 U.S.C. § 1957.

FORFEITURE ALLEGATIONS

Counts 1 through 15 of this Superseding Indictment are incorporated as part of this section of the Superseding Indictment as if fully re-alleged herein for the purpose of alleging forfeiture to the United States pursuant to 21 U.S.C. § 853.

1. Upon conviction of any offense in violation of 21 U.S.C. §§ 841 or 846, the defendants, **DAVID REYNOLDS, ALLEN CAMERON, JOSE MARTINEZ-ENCINIAS, HUMBERTO HERNANDEZ, Jr., ERIK BARROS, GENE SOLIS, MANUEL GRIEGO, DANIEL JIRON, ROBERT HERRERA, MIGUEL BACA, JOE SANCHEZ, ARTHUR GALLEGOS, CHRISTOPHER ORTEGA, TEDDY ARCHULETA, and ZEBULUN SMITH**, 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 \$1,300,000 in United States 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.

2. Upon conviction of the offenses alleged in this Superseding Indictment, the defendant, **JOSE MARTINEZ-ENCINIAS**, 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 the offense in violation of 21 U.S.C. §§ 841(a)(1) and (b)(1)(A), (b)(1)(B) for which the defendant is 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 offense, and all property traceable to such property, and including but not limited to the following:

a) \$19,610 United States Currency.

3. Upon conviction of the offenses alleged in this Superseding Indictment, the defendant, **JOSE MARTINEZ-ENCINIAS**, shall forfeit to the United States pursuant to 18 U.S.C. § 924(d) and 28 U.S.C. § 2461(c):

a) A silver Beretta, .40 cal handgun, serial number ber236309;

b) A silver Beretta, 9mm handgun, serial number 1001842;

c) A Smith and Wesson, revolver, serial number cbe0519;

d) A Bushmaster, AR-15 .223 rifle, serial number bfl401994;

e) A Marlin, 30 30 lever action rifle, serial number 366739;

f) A Savage, .22 long rifle, serial number 6651215;

g) A Ruger, .22 long rifle, serial number 23217344;

h) A Remington, 700 rifle, serial number c6512467;

I) A Browning, rifle, 270 serial number 48995nr317;

j) A Savage, 30 30 rifle, serial number unknown;

k) A Remington, 700 s65 rifle, serial number s6588508;

l) A Winchester, .22 long rifle, serial number 1731582;

m) A Ruger .22 long rifle serial number 25120297;

n) A Mohawk, long rifle, serial number a6545157;

o) An Interarms, rifle, serial number b28646;

p) A rifle, serial number 71847; and

q) A Winchester, 243 rifle, serial number 6951268.

