

**FILED**

UNITED STATES DISTRICT COURT  
ALBUQUERQUE, NEW MEXICO

IN THE UNITED STATES DISTRICT COURT      MAY 28 2009

FOR THE DISTRICT OF NEW MEXICO

**MATTHEW J. DYKMAN**  
CLERK

UNITED STATES OF AMERICA, )

Plaintiff, )

vs. )

**ERNESTO AYVAR-LOPEZ and**  
**JUAN AYVAR-LOPEZ,**

Defendants. )

CRIMINAL NO. 09-1463BB

Count 1: 21 U.S.C. § 846: Conspiracy;

Count 2: 21 U.S.C. §§ 841(a)(1) and  
(b)(1)(A): Possession with Intent to  
Distribute 500 Grams and More of  
Methamphetamine; and 18 U.S.C. § 2:  
Aiding and Abetting.

Count 3: 21 U.S.C. §§ 841(a)(1) and  
(b)(1)(A): Possession with Intent to  
Distribute 1 Kilogram and More of Heroin;  
and 18 U.S.C. § 2: Aiding and Abetting.

Count 4: 18 U.S.C. § 924(c)(1)(A):  
Possession of a Firearm in Furtherance of a  
Drug Trafficking Crime; and 18 U.S.C. § 2:  
Aiding and Abetting.

INDICTMENT

The Grand Jury charges:

Count 1

On or about May 1, 2009, in Bernalillo County, in the District of New Mexico, the defendants, **ERNESTO AYVAR-LOPEZ and JUAN AYVAR-LOPEZ**, did unlawfully, knowingly and intentionally combine, conspire, confederate, and agree with each other, and with other persons known and unknown to the Grand Jury, to commit the following offense against the United States, to wit: possession with intent to distribute 500 grams and more of a mixture and substance containing a detectable amount of methamphetamine and 1 kilogram and more of a mixture and substance containing a detectable amount of heroin, contrary to 21 U.S.C. §§ 841(a)(1) and (b)(1)(A).

In violation of 21 U.S.C. § 846.

Count 2

On or about May 1, 2009, in Bernalillo County, in the District of New Mexico, the defendants, **ERNESTO AYVAR-LOPEZ and JUAN AYVAR-LOPEZ**, unlawfully, knowingly and intentionally did possess with intent to distribute 500 grams and more of a mixture and substance containing a detectable amount 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 May 1, 2009, in Bernalillo County, in the District of New Mexico, the defendants, **ERNESTO AYVAR-LOPEZ and JUAN AYVAR-LOPEZ**, unlawfully, knowingly and intentionally did possess with intent to distribute 1 kilogram 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 4

On or about May 1, 2009, in Bernalillo County, in the District of New Mexico, the defendants, **ERNESTO AYVAR-LOPEZ and JUAN AYVAR-LOPEZ**, did possess a firearm, that is, a Ruger .357 magnum handgun, a 9mm handgun and a .38 caliber handgun, in furtherance of a drug trafficking crime for which they may be prosecuted in a court of the United States, namely conspiracy to possess with intent to distribute methamphetamine and heroin, as charged in Count 1 of this Indictment.

In violation of 18 U.S.C. § 924(c)(1)(A) and 18 U.S.C. § 2.

A TRUE BILL:

/s/  
FOREPERSON OF THE GRAND JURY

\_\_\_\_\_  
Assistant United States Attorney

\_\_\_\_\_ 05/21/09 4:05pm