

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

MATTHEW J. DYKMAN
CLERK

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 vs.)
)
 VICTOR HURTADO and)
 JOSEPH MONTAÑO,)
)
 Defendants.)

CRIMINAL NO. 15-1506 JB

Count 1: 18 U.S.C. § 1951(a): Interference and Conspiracy to Interfere with Interstate Commerce by Robbery and Violence; and 18 U.S.C. § 2: Aiding and Abetting;

Count 2: 18 U.S.C. § 924(c): Brandishing, Using, Carrying and Possessing a Firearm During and in Relation to and in Furtherance of a Crime of Violence and a Drug Trafficking Crime;

Count 3: 18 U.S.C. §§ 2118(a)(1) and (c)(1): Robbery Involving Controlled Substances; and 18 U.S.C. § 2: Aiding and Abetting;

Count 4: 18 U.S.C. §§ 670(a)(1) and (b)(2)(A) and (B): Theft of Medical Products; and 18 U.S.C. § 2: Aiding and Abetting;

Count 5: 21 U.S.C. §§ 841(a)(1) and (b)(1)(C): Possession with Intent to Distribute Oxycodone; and 18 U.S.C. § 2: Aiding and Abetting.

INDICTMENT

The Grand Jury charges:

Count 1

On or about January 6, 2015, in Bernalillo County, in the District of New Mexico, the defendants, **VICTOR HURTADO** and **JOSEPH MONTAÑO**, did unlawfully obstruct, delay and affect commerce, and did conspire to obstruct, delay and affect commerce, as that term is defined in Title 18, United States Code, Section 1951, and the movement of articles and commodities in such commerce by robbery as that term is defined in Section 1951, in that the defendants did unlawfully take and obtain pre-retail medical products from the presence of D.C.,

then employed by Smith's Pharmacy, against his/her will by means of actual and threatened force, violence, and fear of injury to his/her person, that is, the defendants threatened him/her with a firearm.

In violation of 18 U.S.C. § 1951(a), and 18 U.S.C. § 2.

Count 2

On or about January 6, 2015, in Bernalillo County, in the District of New Mexico, the defendants, **VICTOR HURTADO** and **JOSEPH MONTAÑO**, knowingly brandished, used and carried a firearm, during and in relation to, and possessed said firearm in furtherance of, a crime of violence and a drug trafficking crime for which the defendants may be prosecuted in a court of the United States, to wit:

- 1) conspiracy to interfere and interference with interstate commerce by robbery, as charged in Count 1 of this Indictment;
- 2) robbery involving controlled substances, as charged in Count 3 of this Indictment,;
- 3) theft of medical products, as charged in Count 4 of this Indictment; and
- 4) possession with intent to distribute oxycodone, as charged in Count 5 of this Indictment.

In violation of 18 U.S.C. § 924(c).

Count 3

On or about January 6, 2015, in Bernalillo County, in the District of New Mexico, the defendants, **VICTOR HURTADO** and **JOSEPH MONTAÑO**, did knowingly and unlawfully take, by force and violence and by intimidation, a material and compound containing a controlled substance belonging to and in the care, custody, control and possession of a person registered with the Drug Enforcement Administration under Section 302 of the Controlled Substances Act, the replacement cost of said material and compound being at least \$500 United States currency, and in

committing such robbery, the defendants assaulted D.C., by the use of a dangerous weapon.

In violation of 18 U.S.C. §§ 2118(a)(1) and (c)(1), and 18 U.S.C. § 2.

Count 4

On or about January 6, 2015, in Bernalillo County, in the District of New Mexico, the defendants, **VICTOR HURTADO** and **JOSEPH MONTAÑO**, did knowingly and unlawfully take, carry away and conceal pre-retail medical products, specifically oxycodone and prescription controlled substances, through the use of violence, force, and the threat of violence and force.

In violation of 18 U.S.C. §§ 670(a)(1) and (b)(2)(A) and (B), and 18 U.S.C. § 2.

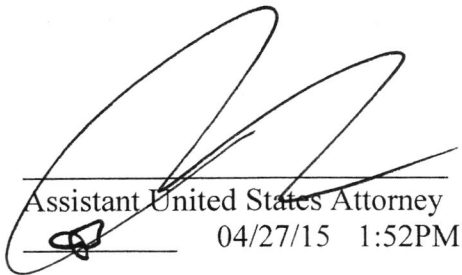
Count 5

On or about January 6, 2015, in Bernalillo County, in the District of New Mexico, the defendants, **VICTOR HURTADO** and **JOSEPH MONTAÑO**, unlawfully, knowingly, and intentionally possessed with intent to distribute a controlled substance, a mixture and substance containing a detectable amount of oxycodone.

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

A TRUE BILL:

/s/
FOREPERSON OF THE GRAND JURY


Assistant United States Attorney
04/27/15 1:52PM