

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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: UNITED STATES OF AMERICA : SEALED
: : SUPERSEDING INDICTMENT
- v. - : S6 10 Cr. 280
FRANCISCO ANTONIO HIRALDO-GUERRERO, :
: Defendant. :
: :
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COUNT ONE

The Grand Jury charges:

1. From in or about 2001, up to and including in or about May 2005, in the Southern District of New York and elsewhere, FRANCISCO ANTONIO HIRALDO-GUERRERO, the defendant, and others known and unknown, unlawfully, intentionally and knowingly did combine, conspire, confederate and agree together and with each other to violate the narcotics laws of the United States.

2. It was a part and an object of the conspiracy that FRANCISCO ANTONIO HIRALDO-GUERRERO, the defendant, and others known and unknown, would and did distribute and possess with the intent to distribute a controlled substance, in violation of 21 U.S.C. § 841(a) (1).

3. The controlled substance involved in the offense was five kilograms and more of mixtures and substances containing a detectable amount of cocaine, in violation of 21 U.S.C. § 841(b) (1) (A).

Overt Acts

4. In furtherance of said conspiracy and to effect the illegal object thereof, the following overt acts, among others, were committed in the Southern District of New York and elsewhere:

a. In or about September 2003, a co-conspirator not named as a defendant herein ("CC-1") sent approximately 300 kilograms of cocaine to New York, New York.

b. On or about December 17, 2004, FRANCISCO ANTONIO HIRALDO-GUERRERO, the defendant, spoke with CC-1 in the Dominican Republic.

c. In or about May 2005, a co-conspirator not named as a defendant herein ("CC-2") attempted to collect a narcotics debt for CC-1.

(Title 21, United States Code, Section 846.)

COUNT TWO

The Grand Jury further charges:

5. From at least in or about 2001, up to and including in or about May 2005, in the Southern District of New York and elsewhere, FRANCISCO ANTONIO HIRALDO-GUERRERO, the defendant, and others known and unknown, unlawfully, intentionally and knowingly did combine, conspire, confederate and agree together and with each other to violate the narcotics laws of the United States.

6. It was a part and an object of the conspiracy that FRANCISCO ANTONIO HIRALDO-GUERRERO, the defendant, and others known and unknown, would and did import into the United States from a place outside thereof a controlled substance, in violation of Sections 812, 952(a), and 960(a)(1) of Title 21, United States Code.

7. The controlled substance involved in the offense was five kilograms and more of mixtures and substances containing a detectable amount of cocaine, in violation of 21 U.S.C. § 960(b)(1)(B)(ii).

Overt Acts

8. In furtherance of said conspiracy and to effect the illegal object thereof, the following overt acts, among others, were committed in the Southern District of New York and elsewhere:

a. In or about September 2003, CC-1 sent approximately 300 kilograms of cocaine to New York, New York.

b. On or about December 17, 2004, FRANCISCO ANTONIO HIRALDO-GUERRERO, the defendant, spoke with CC-1 in the Dominican Republic.

c. In or about May 2005, CC-2 attempted to collect a narcotics debt for CC-1.

(Title 21, United States Code, Section 963.)

COUNT THREE

The Grand Jury further charges:

9. From in or about 2007, up to and including in or about 2009, FRANCISCO ANTONIO HIRALDO-GUERRERO, the defendant, who will first enter the United States in the Southern District of New York, and others known and unknown, unlawfully, intentionally and knowingly did combine, conspire, confederate and agree together and with each other to violate the narcotics laws of the United States.

10. It was a part and an object of the conspiracy that FRANCISCO ANTONIO HIRALDO-GUERRERO, the defendant, and others known and unknown, would and did distribute a controlled substance, intending and knowing that such substance would be unlawfully imported into the United States or into waters within a distance of 12 miles of the coast of the United States, in violation of Sections 812, 959(a) & (c), and 960(a)(3) of Title 21, United States Code.

11. The controlled substance involved in the offense was five kilograms and more of mixtures and substances containing a detectable amount of cocaine, in violation of Section 960(b)(1)(B) of Title 21, United States Code.

Overt Act

12. In furtherance of said conspiracy and to effect the illegal object thereof, FRANCISCO ANTONIO HIRALDO-GUERRERO,

the defendant, and others known and unknown, committed the following overt act:

a. In or about November 2007, in the Dominican Republic, HIRALDO-GUERRERO assisted in the transportation of approximately 600 kilograms of cocaine from Colombia to the Dominican Republic via boat.

(Title 21, United States Code, Section 963.)

FORFEITURE ALLEGATION

13. As a result of committing the controlled substance offenses alleged in Counts One, Two and Three of this Indictment, FRANCISCO ANTONIO HIRALDO-GUERRERO, the defendant, shall forfeit to the United States pursuant to 21 U.S.C. §§ 853 and 970, any and all property constituting or derived from any proceeds HIRALDO-GUERRERO obtained directly or indirectly as a result of the said violations and any and all property used or intended to be used in any manner or part to commit and to facilitate the commission of the violations alleged in Counts One, Two and Three of this Indictment.

Substitute Assets Provision

14. If any of the property described above as being subject to forfeiture, as a result of any act or omission of the defendant:

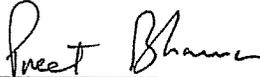
a. cannot be located upon the exercise of due diligence;

- b. has been transferred or sold to, or deposited with, a third party;
- c. has been placed beyond the jurisdiction of the court;
- d. has been substantially diminished in value; or
- e. has been commingled with other property which cannot be divided without difficulty;

it is the intention of the United States, pursuant to Title 21, United States Code, Sections 853(p) and 970, to seek forfeiture of any other property of the defendant up to the value of the forfeitable property.

(Title 21, United States Code, Sections 841(a)(1), 846, 853, 963, and 970.)


FOREPERSON


PREET BHARARA
United States Attorney

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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- v. -

FRANCISCO ANTONIO HIRALDO-GUERRERO,

Defendant.

SEALED SUPERSEDING INDICTMENT

S6 10 Cr. 280

(Title 21, United States Code, Sections 846 and 963.)

PREET BHARARA
United States Attorney.

A TRUE BILL

Foreperson.
