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**FILED**

AUG - 4 2016

CLERK, U.S. DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

BY \_\_\_\_\_ DEPUTY CLERK 

6 Attorneys for Plaintiff  
United States of America  
7

8 IN THE UNITED STATES DISTRICT COURT  
9 EASTERN DISTRICT OF CALIFORNIA  
10

11 UNITED STATES OF AMERICA,  
12 Plaintiff,  
13 v.  
14 JOSE MADRIGAL AND  
CESAR MENDOZA-MADRIGAL,  
15 Defendants.  
16

CASE NO. 2:16 - CR - 149 - KJM

21 U.S.C. §§ 846, 841(a)(1) – Conspiracy to  
Manufacture Marijuana; 21 U.S.C. § 841(a)(1) –  
Manufacture of Marijuana; 18 U.S.C. § 1361 –  
Depredation of Public Lands and Resources; 21  
U.S.C. § 853(a) – Criminal Forfeiture

17  
18 INDICTMENT

19 COUNT ONE: [21 U.S.C. §§ 841(a)(1) and 846 - Conspiracy to Manufacture Marijuana]

20 The Grand Jury charges: T H A T

21 JOSE MADRIGAL, and

22 CESAR MENDOZA-MADRIGAL,

23 defendants herein, between on or about June 28, 2016, and continuing through on or about July 25,  
24 2016, in the County of Tehama, State and Eastern District of California, did knowingly and intentionally  
25 conspire and agree with each other and persons unknown to the Grand Jury, to manufacture at least 50  
26 marijuana plants, a Schedule I Controlled Substance, in violation of Title 21, United States Code,  
27 Sections 846 and 841(a)(1).

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1 COUNT TWO: [21 U.S.C. § 841(a)(1) - Manufacture of Marijuana]

2 The Grand Jury further charges: T H A T

3 JOSE MADRIGAL, and

4 CESAR MENDOZA-MADRIGAL,

5 defendants herein, between on or about June 28, 2016, and continuing through on or about July 25,  
6 2016, in the County of Tehama, State and Eastern District of California, did knowingly and intentionally  
7 manufacture at least 50 marijuana plants, a Schedule I Controlled Substance, in violation of Title 21,  
8 United States Code, Section 841(a)(1).

9 COUNT THREE: [18 U.S.C. § 1361 – Depredation of Public Lands and Resources]

10 The Grand Jury further charges: T H A T

11 JOSE MADRIGAL, and

12 CESAR MENDOZA-MADRIGAL,

13 defendants herein, between on or about June 28, 2016, and continuing through on or about July 25,  
14 2016, in the Lassen National Forest, in the County of Tehama, State and Eastern District of California,  
15 did willfully and, by means of committing one or more of the marijuana offenses alleged in Counts One  
16 and Two herein, injure and commit a depredation of property of the United States and of any department  
17 or agency thereof, namely land and natural resources in the Lassen National Forest, within the  
18 jurisdiction of the United States Forest Service, and the resulting damage was more than \$1,000, in  
19 violation of Title 18, United States Code, Section 1361.

20 FORFEITURE ALLEGATION: [21 U.S.C. § 853(a) – Criminal Forfeiture]

21 1. Upon conviction of one or more of the offenses alleged in Counts One and Two of this  
22 Indictment, defendants JOSE MADRIGAL and CESAR MENDOZA-MADRIGAL shall forfeit to the  
23 United States pursuant to Title 21, United States Code, Section 853(a), the following property:

24 a. All right, title, and interest in any and all property involved in violations of Title  
25 21, United States Code, Section 841(a)(1), or conspiracy to commit such offenses, for which defendants  
26 are convicted, and all property traceable to such property, including the following: all real or personal  
27 property, which constitutes or is derived from proceeds obtained, directly or indirectly, as a result of  
28 such offenses; and all property used, or intended to be used, in any manner or part to commit or to

1 facilitate the commission of the offenses.

2 b. A sum of money equal to the total amount of proceeds obtained as a result of the  
3 offenses, or conspiracy to commit such offenses, for which defendants are convicted.

4 2. If any property subject to forfeiture, as a result of the offenses alleged in Counts One and  
5 Two of this Indictment, for which defendants are convicted:

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

7 b. has been transferred or sold to, or deposited with, a third party;

8 c. has been placed beyond the jurisdiction of the Court;

9 d. has been substantially diminished in value; or

10 e. has been commingled with other property which cannot be divided without  
11 difficulty;

12 it is the intent of the United States, pursuant to 21 U.S.C. § 853(p), to seek forfeiture of any other  
13 property of defendants, up to the value of the property subject to forfeiture.

14 A TRUE BILL.

15  
16 **/s/ Signature on file w/AUSA**

17 FOREPERSON

18 

19 PHILLIP A. TALBERT

20 Acting United States Attorney

No.

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**UNITED STATES DISTRICT COURT**

*Eastern District of California*

*Criminal Division*

**THE UNITED STATES OF AMERICA**

vs.

**JOSE MADRIGAL and  
CESAR MENDOZA-MADRIGAL**

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**INDICTMENT**

**VIOLATION(S):** 21 U.S.C. §§ 846, 841(a)(1) – Conspiracy to Manufacture Marijuana;  
21 U.S.C. § 841(a)(1) – Manufacture of Marijuana;  
18 U.S.C. 1361 – Depredation of Public Lands and Resources;  
21 U.S.C. § 853(a) – Criminal Forfeiture

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*A true bill,*

**/s/ Signature on file w/AUSA**

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*Foreman.*

Filed in open court this 4 day

of August, A.D. 2016

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*Clerk.*

Bail, \$ -----

**NO PROCESS NECESSARY**

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*An. Cle.*

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**United States v. Madrigal**  
**Penalties for Indictment**

**Defendants**

**Jose Madrigal**

**Cesar Mendoza-Madrigal**

**COUNT 1:**           **ALL DEFENDANTS**

**VIOLATION:**       21 U.S.C. §§ 846, 841(a)(1) (b)(1)(D) - Conspiracy to Manufacture Marijuana

**PENALTIES:**       Statutory maximum of five years; or  
Fine of up to \$500,000; or both fine and imprisonment  
Supervised release of at least 2 years up to life

**SPECIAL ASSESSMENT:** \$100 (mandatory on each count)

**COUNT 2:**           **ALL DEFENDANTS**

**VIOLATION:**       21 U.S.C. §§ 841(a)(1), (b)(1)(D) – Manufacture of Marijuana

**PENALTIES:**       Statutory maximum of five years; or  
Fine of up to \$500,000; or both fine and imprisonment  
Supervised release of at least 2 years up to life

**SPECIAL ASSESSMENT:** \$100 (mandatory on each count)

**COUNT 3:**           **ALL DEFENDANTS**

**VIOLATION:**       18 U.S.C. 1361 – Depredation of Public Lands and Resources

**PENALTIES:**       Statutory maximum of ten years in prison; or  
Fine of up to \$250,000; or both fine and imprisonment  
Supervised release of up to three years

**SPECIAL ASSESSMENT:** \$100 (mandatory on each count)

**FORFEITURE ALLEGATION:**   **all Defendants**

**VIOLATION:**       21 U.S.C. § 853(a) - Criminal Forfeiture

**PENALTIES:**       As stated in the charging document