

F#2003R00673
PW:SHB

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UNITED STATES OF AMERICA

- against -

TIRSO MARTINEZ-SANCHEZ,
also known as "José Tirso,"
"José Martinez,"
"José Tirso Hernández Félix,"
"José Tirso Félix,"
"Manuel Ochoa-Martinez,"
"El Doctor,"
"El Mechanico,"
"El Futbolista,"
"El Centenario" and
"El Tio,"

Defendant.

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THE GRAND JURY CHARGES:

COUNT ONE
(Cocaine Distribution Conspiracy)

1. In or about and between March 1999 and January 2003, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendant TIRSO MARTINEZ-SANCHEZ, also known as "José Tirso," "José Martinez," "José Tirso Hernández Félix," "José Tirso Félix," "Manuel Ochoa-Martinez," "El Doctor," "El Mechanico," "El Futbolista," "El Centenario" and "El Tio," together with others, did knowingly and intentionally conspire to distribute and to possess with intent to distribute a controlled substance, which offense involved five kilograms or more of a substance containing cocaine, a Schedule II

TO BE FILED UNDER SEAL

I N D I C T M E N T

Cr. No. _____
(T. 21, U.S.C., §§
841(b)(1)(A)(ii)(II), 846,
959(a), 960(a)(3),
960(b)(1)(B)(ii) and 963;
T. 18, U.S.C., §§ 2 and
3551 et seq.)

controlled substance, in violation of Title 21, United States Code, Section 841(a)(1).

(Title 21, United States Code, Sections 846 and 841(b)(1)(A)(ii)(II); Title 18, United States Code, Sections 3551 et seq.)

COUNT TWO
(Cocaine Importation Conspiracy)

2. In or about and between March 1999 and January 2003, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendant TIRSO MARTINEZ-SANCHEZ, also known as "José Tirso," "José Martinez," "José Tirso Hernández Félix," "José Tirso Félix," "Manuel Ochoa-Martinez," "El Doctor," "El Mechanico," "El Futbolista," "El Centenario" and "El Tio," together with others, did knowingly and intentionally conspire to import a controlled substance into the United States from a place outside thereof, which offense involved five kilograms or more of a substance containing cocaine, a Schedule II controlled substance, in violation of Title 21, United States Code, Section 952(a).

(Title 21, United States Code, Sections 963 and 960(b)(1)(B)(ii); Title 18, United States Code, Sections 3551 et seq.)

COUNT THREE
(Distribution for Purpose of Importation)

3. In or about and between March 1999 and January

2003, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, TIRSO MARTINEZ-SANCHEZ, also known as "José Tirso," "José Martinez," "José Tirso Hernández Félix," "José Tirso Félix," "Manuel Ochoa-Martinez," "El Doctor," "El Mechanico," "El Futbolista," "El Centenario" and "El Tio," together with others, did knowingly and intentionally distribute a controlled substance, knowing and intending that such controlled substance would be unlawfully imported into the United States, which offense involved five kilograms or more of a substance containing cocaine, a Schedule II controlled substance.

(Title 21, United States Code, Sections 959(a), 960(a)(3) and 960(b)(1)(B)(ii); Title 18, United States Code, Sections 2 and 3551 et seq.)

ADDITIONAL ALLEGATIONS AS TO COUNTS ONE THROUGH THREE

4. The allegations contained in Count One through Three are hereby realleged and incorporated as if fully set forth in this paragraph, and the additional allegations below are incorporated by reference into Counts One through Three.

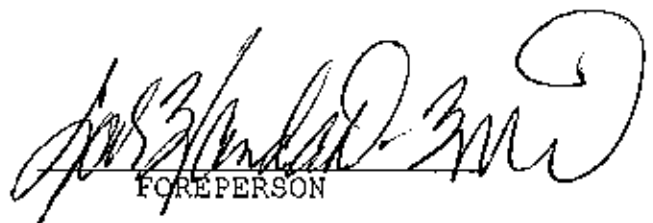
5. Based on (a) acts and omissions committed, aided, abetted, counseled, commanded, induced, procured, and willfully caused by the defendant, and (b) all reasonably foreseeable acts and omissions of others in furtherance of a criminal plan, scheme, endeavor, and enterprise undertaken by the defendant in concert with others; all of which occurred during the commission of the offense of conviction, in preparation for that offense, and in the

course of attempting to avoid detection or responsibility for that offense, the following conduct occurred (U.S.S.G. § 1B1.3(a)(1)):

a. The offense involved at least 7,000 kilograms of cocaine (U.S.S.G. § 2D1.1(c)(1)).

6. The defendant TIRSO MARTINEZ-SANCHEZ, also known as "José Tirso," "José Martinez," "José Tirso Hernández Félix," "José Tirso Félix," "Manuel Ochoa-Martinez," "El Doctor," "El Mechanico," "El Futbolista," "El Centenario" and "El Tio," was an organizer and leader of criminal activity that involved five or more participants and was otherwise extensive (U.S.S.G. § 3B1.1(a)).

A TRUE BILL


FOREPERSON


ROSLYNN R. MAUSKOPF
UNITED STATES ATTORNEY
EASTERN DISTRICT OF NEW YORK

