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F. #2014R00150/OCDETF #NYNYE-653

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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

U.S. DISTRICT COURT
EASTERN DISTRICT
OF NEW YORK

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UNITED STATES OF AMERICA

SUPERSEDING
INDICTMENT

- against -

MARTIN LEONEL PEREZ CASTRO,
also known as "Richard,"

Cr. No. 14-465 (S-1) (RJD)
(T. 21, U.S.C., §§ 848(a), 848(b), 848(c),
853(a), 853(p), 959(a), 959(c), 960(a)(3),
960(b)(1)(B)(ii) and 963; T. 18, U.S.C.,
§§ 924(c)(1)(A)(i), 924(c)(1)(A)(ii),
924(c)(1)(A)(iii), 924(c)(1)(B)(ii), 2, 3238
and 3551 et seq.)

Defendant.

-----X

THE GRAND JURY CHARGES:

INTRODUCTION

At all times relevant to this Indictment, unless otherwise indicated:

1. The Fuerzas Armadas Revolucionarias de Colombia, or the Revolutionary Armed Forces of Colombia (the "FARC"), was created in or about 1964 as a left-wing guerilla group dedicated to the violent overthrow of the Government of Colombia. As discussed below, the FARC evolved into the world's largest supplier of cocaine and cocaine paste. The United States Secretary of State designated the FARC as a foreign terrorist organization pursuant to Title 8, United States Code, Section 1189, in October 1997.
2. The FARC controlled large areas of land in Colombia, primarily in coca growing and cocaine processing regions. The FARC was a highly structured criminal organization, organized into several groups, known as "Fronts" or "Mobile Columns"

(collectively, "Fronts"). Each Front was primarily responsible for all activities in the geographic area which it controlled, including all activities relating to cocaine and cocaine paste manufacturing and distribution. The 30th Front operated in southwestern Colombia. From at least July 2009 to October 2011, PEREZ CASTRO was a senior leader in the 30th Front. Beginning in October 2011, MARTIN LEONEL PEREZ CASTRO was the commander of the 30th Front.

3. The FARC promoted the cocaine and cocaine paste trade in several ways. The FARC imposed a "tax" on individuals involved in every aspect of cocaine and cocaine paste production that occurred within the territory it controlled, including, without limitation: coca farmers, cocaine lab operators, and cocaine traffickers who received the finished cocaine for distribution. In return for these "taxes," the FARC protected the drug traffickers from theft, assisted the movement of cocaine paste within areas it controlled, and escorted loads of cocaine as they were transported out of the Colombian jungles to shipment points on the way to the United States and elsewhere.

4. The FARC also acted as a buyer and seller of cocaine paste, at times mandating that all cocaine paste in a region be sold to the FARC, which would either resell the cocaine paste to cocaine transportation organizations at a price set by the FARC, or convert it to cocaine at laboratories controlled by or under the supervision of the FARC. The FARC also established direct ties with cocaine distribution organizations that transported cocaine to the United States.

5. The FARC maintained a well-equipped army which it used to battle other drug-trafficking organizations and the Government of Colombia. The FARC used its

military, to a significant degree, to advance its cocaine trafficking efforts, including, for example, by: (a) conducting campaigns against other drug-trafficking organizations in coca-rich regions in order to take control of the cocaine profits in those areas; (b) strategically defending areas of high coca production from advances of the Colombian military; (c) attempting to shoot down counter-narcotics aircraft, including fumigation aircraft sent to eradicate coca production; and (d) enforcing its mandates, often through murder, in areas under its control.

COUNT ONE
(Continuing Criminal Enterprise)

6. The allegations contained in paragraphs one through five are realleged and incorporated as if fully set forth in this paragraph.

7. In or about and between July 2009 and July 2014, both dates being approximate and inclusive, within the extraterritorial jurisdiction of the United States, the defendant MARTIN LEONEL PEREZ CASTRO, also known as "Richard," together with others, did knowingly and intentionally engage in a continuing criminal enterprise, in that the defendant MARTIN LEONEL PEREZ CASTRO committed violations of Title 21, United States Code, Sections 952(a), 959(a), 960 and 963, which violations were part of a continuing series of violations of those statutes undertaken by the defendant MARTIN LEONEL PEREZ CASTRO, the principal administrator, organizer and leader of the continuing criminal enterprise, in concert with five or more other persons, with respect to whom the defendant MARTIN LEONEL PEREZ CASTRO occupied a supervisory and management position, and from which continuing series of violations the defendant MARTIN LEONEL PEREZ

CASTRO obtained substantial income and resources, and which enterprise received in excess of \$10 million in gross receipts during one or more twelve-month periods for the manufacture, importation and distribution of cocaine. Each violation involved at least 300 times the quantity of a substance described in Section 841(b)(1)(B) of Title 21, United States Code, to wit: 150 kilograms or more of a substance containing cocaine. The continuing series of violations, as defined by Title 21, United States Code, Section 848(c), included Violations One through Four set forth below:

Violation One

(International Cocaine Manufacture and Distribution Conspiracy)

8. In or about and between July 2009 and July 2014, both dates being approximate and inclusive, within the extraterritorial jurisdiction of the United States, the defendant MARTIN LEONEL PEREZ CASTRO, together with others, did knowingly and intentionally conspire to manufacture and distribute a substance containing cocaine, a Schedule II controlled substance, intending and knowing that such substance would be unlawfully imported into the United States from a place outside thereof, in violation of Title 21, United States Code, Sections 959(a), 959(c), 960(a)(3), 960(b)(1)(B)(ii) and 963. The amount of cocaine involved in the conspiracy attributable to the defendant as a result of his own conduct and the conduct of other conspirators reasonably foreseeable to him was five kilograms or more of a substance containing cocaine.

Violation Two

(International Cocaine Manufacture and Distribution)

9. In or about and between July 2009 and November 2010, both dates being approximate and inclusive, within the extraterritorial jurisdiction of the United States, the

defendant MARTIN LEONEL PEREZ CASTRO, together with others, did knowingly and intentionally manufacture and distribute five kilograms or more of a substance containing cocaine, a Schedule II controlled substance, intending and knowing that such substance would be unlawfully imported into the United States from a place outside thereof, in violation of Title 21, United States Code, Sections 959(a), 959(c), 960(a)(3) and 960(b)(1)(B)(ii), and Title 18, United States Code, Section 2.

Violation Three
(International Cocaine Distribution)

10. In or about and between June 2012 and July 2012, both dates being approximate and inclusive, within the extraterritorial jurisdiction of the United States, the defendant MARTIN LEONEL PEREZ CASTRO, together with others, did knowingly and intentionally distribute five kilograms or more of a substance containing cocaine, a Schedule II controlled substance, intending and knowing that such substance would be unlawfully imported into the United States from a place outside thereof, in violation of Title 21, United States Code, Sections 959(a), 959(c), 960(a)(3) and 960(b)(1)(B)(ii), and Title 18, United States Code, Section 2.

Violation Four
(International Cocaine Distribution)

11. In or about January 2013, within the extraterritorial jurisdiction of the United States, the defendant MARTIN LEONEL PEREZ CASTRO, together with others, did knowingly and intentionally distribute five kilograms or more of a substance containing cocaine, a Schedule II controlled substance, intending and knowing that such substance would be unlawfully imported into the United States from a place outside thereof, in violation of Title

21, United States Code, Sections 959(a), 959(c), 960(a)(3) and 960(b)(1)(B)(ii), and Title 18, United States Code, Section 2.

(Title 21, United States Code, Sections 848(a), 848(b) and 848(c); Title 18, United States Code, Sections 3238 and 3551 et seq.)

COUNT TWO

(International Cocaine Manufacture and Distribution Conspiracy)

12. The allegations contained in paragraphs one through five are realleged and incorporated as if fully set forth in this paragraph.

13. In or about and between July 2009 and July 2014, both dates being approximate and inclusive, within the extraterritorial jurisdiction of the United States, the defendant MARTIN LEONEL PEREZ CASTRO, also known as “Richard,” together with others, did knowingly and intentionally conspire to manufacture and distribute a substance containing cocaine, a Schedule II controlled substance, intending and knowing that such substance would be unlawfully imported into the United States from a place outside thereof, contrary to Title 21, United States Code, Sections 959(a) and 960(a)(3). The amount of cocaine involved in the conspiracy attributable to the defendant as a result of his own conduct and the conduct of other conspirators reasonably foreseeable to him was five kilograms or more of a substance containing cocaine.

(Title 21, United States Code, Sections 959(c), 960(b)(1)(B)(ii) and 963; Title 18, United States Code, Sections 3238 and 3551 et seq.)

COUNT THREE

(International Distribution of Cocaine)

14. The allegations contained in paragraphs one through five are realleged and incorporated as if fully set forth in this paragraph.

15. In or about and between July 2009 and November 2010, both dates being approximate and inclusive, within the extraterritorial jurisdiction of the United States, the defendant MARTIN LEONEL PEREZ CASTRO, also known as “Richard,” together with others, did knowingly and intentionally distribute five kilograms or more of a substance containing cocaine, a Schedule II controlled substance, intending and knowing that such substance would be unlawfully imported into the United States from a place outside thereof.

(Title 21, United States Code, Sections 959(a), 959(c), 960(a)(3) and 960(b)(1)(B)(ii); Title 18, United States Code, Sections 2, 3238 and 3551 et seq.)

COUNT FOUR

(International Distribution of Cocaine)

16. The allegations contained in paragraphs one through five are realleged and incorporated as if fully set forth in this paragraph.

17. In or about and between June 2012 and July 2012, both dates being approximate and inclusive, within the extraterritorial jurisdiction of the United States, the defendant MARTIN LEONEL PEREZ CASTRO, also known as “Richard,” together with others, did knowingly and intentionally distribute five kilograms or more of a substance

containing cocaine, a Schedule II controlled substance, intending and knowing that such substance would be unlawfully imported into the United States from a place outside thereof.

(Title 21, United States Code, Sections 959(a), 959(c), 960(a)(3) and 960(b)(1)(B)(ii); Title 18, United States Code, Sections 2, 3238 and 3551 et seq.)

COUNT FIVE

(International Distribution of Cocaine)

18. The allegations contained in paragraphs one through five are realleged and incorporated as if fully set forth in this paragraph.

19. In or about January 2013, within the extraterritorial jurisdiction of the United States, the defendant MARTIN LEONEL PEREZ CASTRO, also known as “Richard,” together with others, did knowingly and intentionally distribute five kilograms or more of a substance containing cocaine, a Schedule II controlled substance, intending and knowing that such substance would be unlawfully imported into the United States from a place outside thereof.

(Title 21, United States Code, Sections 959(a), 959(c), 960(a)(3) and 960(b)(1)(B)(ii); Title 18, United States Code, Sections 2, 3238 and 3551 et seq.)

COUNT SIX

(Use of Firearms)

20. The allegations contained in paragraphs one through five are realleged and incorporated as if fully set forth in this paragraph.

21. In or about and between July 2009 and July 2014, both dates being approximate and inclusive, within the extraterritorial jurisdiction of the United States, the defendant MARTIN LEONEL PEREZ CASTRO, also known as “Richard,” together with

others, did knowingly and intentionally use and carry one or more firearms during and in relation to one or more drug trafficking crimes, to wit: the crimes charged in Counts One through Five, and did knowingly and intentionally possess such firearms in furtherance of said drug trafficking crimes, one or more of which firearms was brandished and discharged, and one or more of which firearms was a machinegun.

(Title 18, United States Code, Sections 924(c)(1)(A)(i), 924(c)(1)(A)(ii), 924(c)(1)(A)(iii), 924(c)(1)(B)(ii), 2 and 3551 et seq.)

CRIMINAL FORFEITURE ALLEGATION AS TO COUNT ONE

22. The United States hereby gives notice to the defendant that, upon his conviction of the offense charged in Count One, the government will seek forfeiture in accordance with Title 21, United States Code, Section 853(a), which requires any person convicted of such offense to forfeit any property constituting, or derived from, proceeds obtained, directly or indirectly, as the result of such offense, and any property used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of, such offense, and any of his interest in, claims against and property or contractual rights affording a source of control over, the continuing criminal enterprise, including but not limited to the following: a sum of money in the amount of at least \$100 million in United States currency.

23. If any of the above-described forfeitable property, 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 intent of the United States, pursuant to Title 21, United States Code, Section 853(p), to seek forfeiture of any other property of the defendant up to the value of the forfeitable property described in this forfeiture allegation.

(Title 21, United States Code, Sections 853(a) and 853(p))

**CRIMINAL FORFEITURE ALLEGATION AS TO
COUNTS TWO, THREE, FOUR AND FIVE**

24. The United States hereby gives notice to the defendant that, upon his conviction of any of the offenses charged in Counts Two, Three, Four and Five, the government will seek forfeiture in accordance with Title 21, United States Code, Section 853(a), which requires any person convicted of such offenses to forfeit any property constituting, or derived from, proceeds obtained, directly or indirectly, as the result of such offenses, and any property used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of, such offenses including but not limited to the following: a sum of money in the amount of at least \$100 million in United States currency.

25. If any of the above-described forfeitable property, 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 intent of the United States, pursuant to Title 21, United States Code, Section 853(p), to seek forfeiture of any other property of the defendant up to the value of the forfeitable property described in this forfeiture allegation.

(Title 21, United States Code, Sections 853(a) and 853(p))

A TRUE BILL



FOREPERSON

LORETTA E. LYNCH
UNITED STATES ATTORNEY
EASTERN DISTRICT OF NEW YORK

BY: _____
ACTING UNITED STATES ATTORNEY
PURSUANT TO 28 C.F.R. 0.136

No.

UNITED STATES DISTRICT COURT

EASTERN *District of* NEW YORK

CRIMINAL DIVISION

THE UNITED STATES OF AMERICA

vs.

MARTIN LEONEL PEREZ CASTRO,
also known as "Richard,"

Defendant.

INDICTMENT

(T. 21, U.S.C., §§ 848(a), 848(b), 848(c), 853(a), 853(p), 959(a), 959(c), 960(a)(3), 960(b)(1)(B)(ii) and 963; T. 18, U.S.C., §§ 924(c)(1)(A)(i), 924(c)(1)(A)(ii), 924(c)(1)(A)(iii), 924(c)(1)(B)(ii), 2, 3238 and 3551 et seq)

[Redacted Signature]

Foreman

Filed in open court this _____ *day,*

of _____ *A.D. 20* _____

Clerk

Bail, \$ _____

Amir H. Toossi, Assistant United States Attorney, (718) 254-6176