

FILED
 UNITED STATES DISTRICT COURT
 ALBUQUERQUE, NEW MEXICO

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

APR 28 2015

MATTHEW J. DYKMAN
 CLERK

UNITED STATES OF AMERICA,

Plaintiff,

vs.

DANIEL LEE JACQUEZ,
 TOBY CHAPIN PADILLA,
 JUDAH GRANDE MONDELLO,
 ERIC JAMES RUIZ,
 GILBERT J. MORENO,
 a.k.a. "Gibby,"
 ANTHONY R. DAVILA,
 a.k.a. "Weasel,"
 GARY LEE ROMERO, JR.,
 CRYSTAL MEDINA GOMEZ,
 KEVIN R. CARTER,
 LYNETTE MEDINA,
 a.k.a. "Lynette Carrasco,"
 FREDDY J. LUCERO, and
 BERNICE HOLGUIN MIRANDA,
 a.k.a. "Bernice Holguin Ramos,"

Defendants.

CRIMINAL NO. 15-1515 RB

Count 1: 21 U.S.C. § 846: Conspiracy;

Counts 2-4, 6, 33 and 34: 21 U.S.C. §§
 841(a)(1) and (b)(1)(C): Distribution of
 a Mixture and Substance Containing
 Methamphetamine; 18 U.S.C. § 2:
 Aiding and Abetting;

Count 5: 21 U.S.C. §§ 841(a)(1) and
 (b)(1)(B): Distribution of 5 Grams and
 More of Methamphetamine; 18 U.S.C. §
 2: Aiding and Abetting;

Counts 7-12, and 15-32: 21 U.S.C.
 § 843(b): Use of a Communication
 Facility to Further the Commission of a
 Drug Trafficking Crime; 18 U.S.C. § 2:
 Aiding and Abetting;

Count 13: 21 U.S.C. §§ 841(a)(1) and
 (b)(1)(A): Possession With Intent to
 Distribute 50 Grams and More of
 Methamphetamine; 18 U.S.C. § 2:
 Aiding and Abetting;

Count 14: 18 U.S.C. §§ 922(g)(1) and
 924(a)(2): Felon in Possession of a
 Firearm and Ammunition.

INDICTMENT

The Grand Jury charges:

Count 1

From on or about March 27, 2014, and continuing to on or about April 28, 2015, in Grant
 County, in the District of New Mexico, and elsewhere, the defendants, **DANIEL LEE**

JACQUEZ, TOBY CHAPIN PADILLA, JUDAH GRANDE MONDELLO, ERIC JAMES RUIZ, GILBERT J. MORENO, a.k.a. "Gibby," ANTHONY R. DAVILA, a.k.a. "Weasel," GARY LEE ROMERO, JR., CRYSTAL MEDINA GOMEZ, KEVIN R. CARTER, LYNETTE MEDINA, a.k.a. "Lynette Carrasco," FREDDY J. LUCERO, and BERNICE HOLGUIN MIRANDA, a.k.a. "Bernice Holguin Ramos," unlawfully, knowingly and intentionally combined, conspired, confederated, agreed and acted interdependently with each other and with other persons whose names are known and unknown to the Grand Jury to commit an offense against the United States, specifically, distribution of methamphetamine, contrary to 21 U.S.C. §§ 841(a)(1) and (b)(1)(C).

Quantity of Methamphetamine Involved in the Conspiracy

With respect to **DANIEL LEE JACQUEZ, TOBY CHAPIN PADILLA, JUDAH GRANDE MONDELLO, ERIC JAMES RUIZ, GARY LEE ROMERO, JR., and KEVIN R. CARTER**, the amount involved in the conspiracy attributable to them as a result of their own conduct, and the conduct of other conspirators reasonably foreseeable to them, is 50 grams and more of methamphetamine, contrary to 21 U.S.C. § 841(b)(1)(A).

With respect to **LYNETTE MEDINA and BERNICE HOLGUIN MIRANDA**, the amount involved in the conspiracy attributable to them as a result of their own conduct, and the conduct of other conspirators reasonably foreseeable to them, is 5 grams and more of methamphetamine, contrary to 21 U.S.C. § 841(b)(1)(B).

Overt Acts

In furtherance of the conspiracy, and to accomplish the objectives of the conspiracy, the following acts, among others, were committed:

Overt Act One

On March 27, 2014, Judah Grande Mondello agreed to sell one quarter ounce of methamphetamine to a man he did not know was an undercover agent.

Overt Act Two

On March 27, 2014, Judah Grande Mondello and Eric James Ruiz exchanged one quarter ounce of methamphetamine for \$400 with a man they did not know was an undercover agent.

Overt Act Three

On April 8, 2014, Judah Grande Mondello agreed to sell one half ounce of methamphetamine to a man he did not know was an undercover agent.

Overt Act Four

On April 8, 2014, Eric James Ruiz, not knowing the purchaser was an undercover agent, arrived at the meeting place and exchanged one half ounce of methamphetamine for \$700.

Overt Act Five

On May 9, 2014, Judah Grande Mondello agreed to sell three quarters of an ounce of methamphetamine to a man he did not know was an undercover agent.

Overt Act Six

On May 9, 2014, Eric James Ruiz, not knowing the purchaser was an undercover agent, arrived at the meeting place and exchanged one half ounce of methamphetamine for \$800.

Overt Act Seven

On May 30, 2014, Judah Grande Mondello and Eric James Ruiz agreed to sell one ounce of methamphetamine for \$800.

Overt Act Eight

On May 30, 2014, Eric James Ruiz, not knowing the purchaser was an undercover agent, arrived at the meeting place and exchanged one ounce of methamphetamine for \$800.

Overt Act Nine

On August 23, 2014, Judah Grande Mondello arranged a drug transaction on behalf of an individual whom he did not know to be a confidential informant, by making calls to Toby Chapin Padilla and Eric James Ruiz to that end.

Overt Act Ten

On August 23, 2014, Eric James Ruiz facilitated the exchange of one-half ounce of methamphetamine for \$600 by arranging for Toby Chapin Padilla to send Freddy J. Lucero with the methamphetamine to meet with Ruiz and the confidential informant.

Overt Act Eleven

On December 5, 2014, Toby Chapin Padilla and Daniel Lee Jacquez made arrangements to pool their money for a joint purchase of methamphetamine.

Overt Act Twelve

On December 5, 2014, Toby Chapin Padilla made phone calls to arrange for the collection of money owed to him, and the delivery of that money to Crystal Medina Gomez to give to Daniel Lee Jacquez.

Overt Act Thirteen

On December 6, 2014, Toby Chapin Padilla and Daniel Lee Jacquez made plans to use their pooled money to purchase methamphetamine as soon as possible.

Overt Act Fourteen

On December 10, 2014, Daniel Lee Jacquez told Toby Chapin Padilla that he had finally received the methamphetamine they had paid for, and they discussed plans for the next joint purchase to be larger.

Overt Act Fifteen

On December 15, 2014, Toby Chapin Padilla told an unknown female that he had plenty of methamphetamine and that it was high quality.

Overt Act Sixteen

On December 18, 2014, Toby Chapin Padilla stored 52.7 grams of methamphetamine in his living room and his bedroom.

Overt Act Seventeen

On January 7, 2015, Toby Chapin Padilla and Bernice Holguin Miranda discussed ways that Padilla could avoid charges for the methamphetamine that had been seized from his home.

Overt Act Eighteen

On January 7, 2015, Toby Chapin Padilla and Daniel Lee Jacquez spoke on the phone and made plans to combine their money again for another drug purchase.

Overt Act Nineteen

On January 7, 2015, Toby Chapin Padilla and Gary Lee Romero, Jr., spoke on the phone about potential investigations into their drug trafficking activities, and Padilla instructed Romero to tell the group not to speak with law enforcement if arrested.

Overt Act Twenty

On January 8, 2015, Daniel Lee Jacquez told Gary Lee Romero, Jr., that Jacquez needed to collect money from him in order to obtain narcotics from Jacquez's supplier.

Overt Act Twenty-One

On January 10, 2015, Daniel Lee Jacquez and Gilbert J. Moreno discussed the quality of the last shipment of drugs Jacquez had given Moreno.

Overt Act Twenty-Two

On January 11, 2015, Kevin R. Carter told Daniel Lee Jacquez that Carter had money and wanted to purchase methamphetamine from Jacquez, to which Jacquez agreed.

Overt Act Twenty-Three

On January 12, 2015, Daniel Lee Jacquez spoke with Gary Lee Romero, Jr., on the phone, and the two discussed the quality of the methamphetamine Romero had just purchased from Jacquez.

Overt Act Twenty-Four

On January 12, 2015, Daniel Lee Jacquez told Anthony R. Davila to give recent payments from Kevin R. Carter and Gary Lee Romero, Jr., for purchases of methamphetamine, to Gilbert J. Moreno, and Jacquez told Moreno to take the payments to Jacquez.

Overt Act Twenty-Five

On January 13, 2015, Daniel Lee Jacquez spoke with Kevin R. Carter about the quality of the methamphetamine he had just purchased, and Carter said that the methamphetamine was better than the previous batch.

Overt Act Twenty-Six

On January 15, 2015, Daniel Lee Jacquez spoke with his drug supplier on the phone. The supplier said that he had come in town to deliver, and instructed Jacquez to send a courier to pick up the methamphetamine.

Overt Act Twenty-Seven

On January 15, 2015, Daniel Lee Jacquez spoke with Gilbert J. Moreno, and instructed Moreno to meet with the supplier and pick up the shipment of methamphetamine.

Overt Act Twenty-Eight

On January 16, 2015, Daniel Lee Jacquez instructed Gary Lee Romero, Jr., to bring Jacquez money in order to pay Jacquez's supplier, and Jacquez agreed to give additional methamphetamine to Romero.

Overt Act Twenty-Nine

On January 16, 2015, Daniel Lee Jacquez agreed to sell methamphetamine to Toby Chapin Padilla, directing Padilla to go to Crystal Medina Gomez's house to pick up the methamphetamine.

Overt Act Thirty

On January 16, 2015, Daniel Lee Jacquez made plans with Anthony R. Davila to combine their money to pay Jacquez's supplier, and Jacquez instructed Davila both to deliver \$3000 to the supplier and to deliver methamphetamine to Gary Lee Romero, Jr.

Overt Act Thirty-One

On January 17, 2015, Toby Chapin Padilla spoke with Bernice Holguin Miranda, and agreed to provide methamphetamine for Miranda to sell, in return for a payment of \$150.

Overt Act Thirty-Two

On January 21, 2015, Daniel Lee Jacquez asked Gilbert J. Moreno about the quality of the recent batch of methamphetamine he had given Moreno, and Moreno said that the individuals Moreno had sold the methamphetamine to said it was good quality.

Overt Act Thirty-Three

On April 15, 2015, Daniel Lee Jacquez spoke to his methamphetamine supplier on the phone, negotiated his next purchase from the supplier, and promised to collect money to provide to the supplier in the next several days.

Overt Act Thirty-Four

On April 16, 2015, Daniel Lee Jacquez made arrangements with Kevin R. Carter for Carter to purchase methamphetamine from Jacquez.

Overt Act Thirty-Five

On April 17, 2015, Daniel Lee Jacquez directed Crystal Medina Gomez to prepare two batches of methamphetamine for two different purchasers, and to hide the methamphetamine in Gomez's residence so that Jacquez could retrieve it.

Overt Act Thirty-Six

On April 17, 2015, Daniel Lee Jacquez and Kevin R. Carter spoke on the phone, and Jacquez directed Carter to meet with him at Crystal Medina Gomez's house.

Overt Act Thirty-Seven

On April 17, 2015, Daniel Lee Jacquez made arrangements with Lynette Medina for Medina to deliver a drug payment to a third party who would then deliver it to Jacquez.

Overt Act Thirty-Eight

On April 17, 2015, Daniel Lee Jacquez and Gary Lee Romero, Jr., spoke on the phone, and Jacquez directed Romero to collect whatever money he had and give it to Jacquez, so that Jacquez could provide payment to Jacquez's methamphetamine supplier.

Overt Act Thirty-Nine

On April 17, 2015, Gilbert J. Moreno spoke on the phone with an unknown female, and agreed to sell eight grams of methamphetamine to the female.

Overt Act Forty

On April 17, 2015, Daniel Lee Jacquez and Crystal Medina Gomez distributed two ounces of methamphetamine to Kevin R. Carter.

Overt Act Forty-One

On April 17, 2015, Kevin R. Carter carried two ounces of methamphetamine on his person after having picked it up from Daniel Lee Jacquez and Crystal Medina Gomez.

In violation of 21 U.S.C. § 846.

Count 2

On or about March 27, 2014, in Grant County, in the District of New Mexico, the defendants, **JUDAH GRANDE MONDELLO** and **ERIC JAMES RUIZ**, unlawfully, knowingly and intentionally distributed a controlled substance, a mixture and substance containing a detectable amount of methamphetamine.

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

Count 3

On or about April 8, 2014, in Grant County, in the District of New Mexico, the defendants, **JUDAH GRANDE MONDELLO** and **ERIC JAMES RUIZ**, unlawfully, knowingly and intentionally distributed a controlled substance, a mixture and substance containing a detectable amount of methamphetamine.

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

Count 4

On or about May 9, 2014, in Grant County, in the District of New Mexico, the defendants, **JUDAH GRANDE MONDELLO** and **ERIC JAMES RUIZ**, unlawfully, knowingly and intentionally distributed a controlled substance, a mixture and substance containing a detectable amount of methamphetamine.

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

Count 5

On or about May 30, 2014, in Grant County, in the District of New Mexico, the defendants, **JUDAH GRANDE MONDELLO** and **ERIC JAMES RUIZ**, unlawfully, knowingly and intentionally distributed a controlled substance, 5 grams and more of methamphetamine.

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

Count 6

On or about August 23, 2014, in Grant County, in the District of New Mexico, the defendants, **JUDAH GRANDE MONDELLO**, **ERIC JAMES RUIZ**, **FREDDY J. LUCERO**, and **TOBY CHAPIN PADILLA**, unlawfully, knowingly and intentionally distributed a controlled substance, a mixture and substance containing a detectable amount of methamphetamine.

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

Count 7

On or about August 23, 2014, in Grant County, in the District of New Mexico, the defendants, **JUDAH GRANDE MONDELLO** and **ERIC JAMES RUIZ**, unlawfully, knowingly and intentionally did use a communication facility, to wit: a telephone, to further the commission of a drug trafficking crime, to wit: conspiracy to possess with intent to distribute a controlled substance, contrary to 21 U.S.C. § 846.

In violation of 21 U.S.C. § 843(b) and 18 U.S.C. § 2.

Count 8

On or about December 5, 2014, in Grant County and Doña Ana County, in the District of New Mexico, the defendants, **TOBY CHAPIN PADILLA** and **DANIEL LEE JACQUEZ**, unlawfully, knowingly and intentionally did use a communication facility, to wit: a telephone, to

further the commission of a drug trafficking crime, to wit: conspiracy to possess with intent to distribute a controlled substance, contrary to 21 U.S.C. § 846.

In violation of 21 U.S.C. § 843(b) and 18 U.S.C. § 2.

Count 9

On or about December 5, 2014, in Grant County, in the District of New Mexico, the defendants, **TOBY CHAPIN PADILLA** and **FREDDY J. LUCERO**, unlawfully, knowingly and intentionally did use a communication facility, to wit: a telephone, to further the commission of a drug trafficking crime, to wit: conspiracy to possess with intent to distribute a controlled substance, contrary to 21 U.S.C. § 846.

In violation of 21 U.S.C. § 843(b) and 18 U.S.C. § 2.

Count 10

On or about December 6, 2014, in Grant County, in the District of New Mexico, the defendants, **DANIEL LEE JACQUEZ** and **TOBY CHAPIN PADILLA**, unlawfully, knowingly and intentionally did use a communication facility, to wit: a telephone, to further the commission of a drug trafficking crime, to wit: conspiracy to possess with intent to distribute a controlled substance, contrary to 21 U.S.C. § 846.

In violation of 21 U.S.C. § 843(b) and 18 U.S.C. § 2.

Count 11

On or about December 10, 2014, in Grant County, in the District of New Mexico, the defendants, **DANIEL LEE JACQUEZ** and **TOBY CHAPIN PADILLA**, unlawfully, knowingly and intentionally did use a communication facility, to wit: a telephone, to further the commission of a drug trafficking crime, to wit: conspiracy to possess with intent to distribute a controlled substance, contrary to 21 U.S.C. § 846.

In violation of 21 U.S.C. § 843(b) and 18 U.S.C. § 2.

Count 12

On or about December 15, 2014, in Grant County, in the District of New Mexico, the defendant, **TOBY CHAPIN PADILLA**, unlawfully, knowingly and intentionally did use a communication facility, to wit: a telephone, to further the commission of a drug trafficking crime, to wit: conspiracy to possess with intent to distribute a controlled substance, contrary to 21 U.S.C. § 846.

In violation of 21 U.S.C. § 843(b) and 18 U.S.C. § 2.

Count 13

On or about December 18, 2014, in Grant County, in the District of New Mexico, the defendant, **TOBY CHAPIN PADILLA**, unlawfully, knowingly and intentionally possessed with intent to distribute a controlled substance, 50 grams and more of methamphetamine.

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

Count 14

On or about December 18, 2014, in Grant County, in the District of New Mexico, the defendant, **TOBY CHAPIN PADILLA**, having been convicted of the following felony crimes punishable by imprisonment for a term exceeding one year:

- (1) conspiracy to distribute methamphetamine, and
- (2) distribution of five grams and more of methamphetamine,

knowingly possessed, in and affecting commerce, a firearm and ammunition:

- (1) a North American Arms .22 magnum handgun, serial number E078273; and
- (2) approximately 5 rounds of .22 magnum caliber ammunition.

In violation of 18 U.S.C. §§ 922(g)(1) and 924(a)(2).

Count 15

On or about January 8, 2015, in Grant County, in the District of New Mexico, the defendants, **GARY LEE ROMERO, JR.** and **DANIEL LEE JACQUEZ**, unlawfully,

knowingly and intentionally did use a communication facility, to wit: a telephone, to further the commission of a drug trafficking crime, to wit: conspiracy to possess with intent to distribute a controlled substance, contrary to 21 U.S.C. § 846.

In violation of 21 U.S.C. § 843(b) and 18 U.S.C. § 2.

Count 16

On or about January 10, 2015, in Grant County, in the District of New Mexico, the defendants, **DANIEL LEE JAQUEZ** and **GILBERT J. MORENO, a.k.a. "Gibby,"** unlawfully, knowingly and intentionally did use a communication facility, to wit: a telephone, to further the commission of a drug trafficking crime, to wit: conspiracy to possess with intent to distribute a controlled substance, contrary to 21 U.S.C. § 846.

In violation of 21 U.S.C. § 843(b) and 18 U.S.C. § 2.

Count 17

On or about January 11, 2015, in Grant County, in the District of New Mexico, the defendants, **DANIEL LEE JACQUEZ** and **KEVIN R. CARTER**, unlawfully, knowingly and intentionally did use a communication facility, to wit: a telephone, to further the commission of a drug trafficking crime, to wit: conspiracy to possess with intent to distribute a controlled substance, contrary to 21 U.S.C. § 846.

In violation of 21 U.S.C. § 843(b) and 18 U.S.C. § 2.

Count 18

On or about January 12, 2015, in Grant County, in the District of New Mexico, the defendants, **GARY LEE ROMERO, JR.** and **DANIEL LEE JACQUEZ**, unlawfully, knowingly and intentionally did use a communication facility, to wit: a telephone, to further the commission of a drug trafficking crime, to wit: conspiracy to possess with intent to distribute a controlled substance, contrary to 21 U.S.C. § 846.

In violation of 21 U.S.C. § 843(b) and 18 U.S.C. § 2.

Count 19

On or about January 12, 2015, in Grant County, in the District of New Mexico, the defendants, **DANIEL LEE JAQUEZ** and **GILBERT J. MORENO, a.k.a. "Gibby,"** unlawfully, knowingly and intentionally did use a communication facility, to wit: a telephone, to further the commission of a drug trafficking crime, to wit: conspiracy to possess with intent to distribute a controlled substance, contrary to 21 U.S.C. § 846.

In violation of 21 U.S.C. § 843(b) and 18 U.S.C. § 2.

Count 20

On or about January 12, 2015, in Grant County, in the District of New Mexico, the defendants, **DANIEL LEE JACQUEZ** and **ANTHONY R. DAVILA, a.k.a. "Weasel,"** unlawfully, knowingly and intentionally did use a communication facility, to wit: a telephone, to further the commission of a drug trafficking crime, to wit: conspiracy to possess with intent to distribute a controlled substance, contrary to 21 U.S.C. § 846.

In violation of 21 U.S.C. § 843(b) and 18 U.S.C. § 2.

Count 21

On or about January 13, 2015, in Grant County, in the District of New Mexico, the defendants, **DANIEL LEE JACQUEZ** and **KEVIN R. CARTER**, unlawfully, knowingly and intentionally did use a communication facility, to wit: a telephone, to further the commission of a drug trafficking crime, to wit: conspiracy to possess with intent to distribute a controlled substance, contrary to 21 U.S.C. § 846.

In violation of 21 U.S.C. § 843(b) and 18 U.S.C. § 2.

Count 22

On or about January 15, 2015, in Grant County, in the District of New Mexico, the defendants, **DANIEL LEE JAQUEZ** and **GILBERT J. MORENO, a.k.a. "Gibby,"**

unlawfully, knowingly and intentionally did use a communication facility, to wit: a telephone, to further the commission of a drug trafficking crime, to wit: conspiracy to possess with intent to distribute a controlled substance, contrary to 21 U.S.C. § 846.

In violation of 21 U.S.C. § 843(b) and 18 U.S.C. § 2.

Count 23

On or about January 16, 2015, in Grant County, in the District of New Mexico, the defendants, **DANIEL LEE JACQUEZ** and **ANTHONY R. DAVILA, a.k.a. "Weasel,"** unlawfully, knowingly and intentionally did use a communication facility, to wit: a telephone, to further the commission of a drug trafficking crime, to wit: conspiracy to possess with intent to distribute a controlled substance, contrary to 21 U.S.C. § 846.

In violation of 21 U.S.C. § 843(b) and 18 U.S.C. § 2.

Count 24

On or about January 17, 2015, in Grant County, in the District of New Mexico, the defendants, **TOBY CHAPIN PADILLA** and **BERNICE HOLGUIN MIRANDA**, unlawfully, knowingly and intentionally did use a communication facility, to wit: a telephone, to further the commission of a drug trafficking crime, to wit: conspiracy to possess with intent to distribute a controlled substance, contrary to 21 U.S.C. § 846.

In violation of 21 U.S.C. § 843(b) and 18 U.S.C. § 2.

Count 25

On or about April 15, 2015, in Grant County, in the District of New Mexico, the defendant, **DANIEL LEE JACQUEZ**, unlawfully, knowingly and intentionally did use a communication facility, to wit: a telephone, to further the commission of a drug trafficking crime, to wit: conspiracy to possess with intent to distribute a controlled substance, contrary to 21 U.S.C. § 846.

In violation of 21 U.S.C. § 843(b) and 18 U.S.C. § 2.

Count 26

On or about April 16, 2015, in Grant County, in the District of New Mexico, the defendants, **DANIEL LEE JACQUEZ** and **KEVIN R. CARTER**, unlawfully, knowingly and intentionally did use a communication facility, to wit: a telephone, to further the commission of a drug trafficking crime, to wit: conspiracy to possess with intent to distribute a controlled substance, contrary to 21 U.S.C. § 846.

In violation of 21 U.S.C. § 843(b) and 18 U.S.C. § 2.

Count 27

On or about April 17, 2015, in Grant County, in the District of New Mexico, the defendants, **DANIEL LEE JACQUEZ** and **CRYSTAL MEDINA GOMEZ**, unlawfully, knowingly and intentionally did use a communication facility, to wit: a telephone, to further the commission of a drug trafficking crime, to wit: conspiracy to possess with intent to distribute a controlled substance, contrary to 21 U.S.C. § 846.

In violation of 21 U.S.C. § 843(b) and 18 U.S.C. § 2.

Count 28

On or about April 17, 2015, in Grant County, in the District of New Mexico, the defendant, **DANIEL LEE JACQUEZ**, unlawfully, knowingly and intentionally did use a communication facility, to wit: a telephone, to further the commission of a drug trafficking crime, to wit: conspiracy to possess with intent to distribute a controlled substance, contrary to 21 U.S.C. § 846.

In violation of 21 U.S.C. § 843(b) and 18 U.S.C. § 2.

Count 29

On or about April 17, 2015, in Grant County, in the District of New Mexico, the defendants, **DANIEL LEE JACQUEZ** and **LYNETTE MEDINA**, unlawfully, knowingly and intentionally did use a communication facility, to wit: a telephone, to further the commission of a drug trafficking crime, to wit: conspiracy to possess with intent to distribute a controlled substance, contrary to 21 U.S.C. § 846.

In violation of 21 U.S.C. § 843(b) and 18 U.S.C. § 2.

Count 30

On or about April 17, 2015, in Grant County, in the District of New Mexico, the defendants, **DANIEL LEE JACQUEZ** and **GARY LEE ROMERO, JR.**, unlawfully, knowingly and intentionally did use a communication facility, to wit: a telephone, to further the commission of a drug trafficking crime, to wit: conspiracy to possess with intent to distribute a controlled substance, contrary to 21 U.S.C. § 846.

In violation of 21 U.S.C. § 843(b) and 18 U.S.C. § 2.

Count 31

On or about April 17, 2015, in Grant County, in the District of New Mexico, the defendant, **GILBERT J. MORENO, a.k.a. "Gibby,"** unlawfully, knowingly and intentionally did use a communication facility, to wit: a telephone, to further the commission of a drug trafficking crime, to wit: conspiracy to possess with intent to distribute a controlled substance, contrary to 21 U.S.C. § 846.

In violation of 21 U.S.C. § 843(b) and 18 U.S.C. § 2.

Count 32

On or about April 17, 2015, in Grant County, in the District of New Mexico, the defendants, **DANIEL LEE JACQUEZ** and **KEVIN R. CARTER**, unlawfully, knowingly and intentionally did use a communication facility, to wit: a telephone, to further the commission of a

drug trafficking crime, to wit: conspiracy to possess with intent to distribute a controlled substance, contrary to 21 U.S.C. § 846.

In violation of 21 U.S.C. § 843(b) and 18 U.S.C. § 2.

Count 33

On or about April 17, 2015, in Grant County, in the District of New Mexico, the defendants, **DANIEL LEE JACQUEZ** and **CRYSTAL MEDINA GOMEZ**, unlawfully, knowingly and intentionally distributed a controlled substance, a mixture and substance containing a detectable amount of methamphetamine.

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

Count 34

On or about April 17, 2015, in Grant County, in the District of New Mexico, the defendant, **KEVIN R. CARTER**, unlawfully, knowingly and intentionally possessed with intent to distribute a controlled substance, a mixture and substance containing a detectable amount of methamphetamine.

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

FORFEITURE ALLEGATION

The allegations set forth in Counts 1 through 34 of this Indictment are hereby alleged and incorporated herein by reference for the purpose of alleging forfeiture pursuant to the provision of 21 U.S.C. § 853.

Upon conviction of any offense in violation of 21 U.S.C. §§ 841 and 846, the defendants, **DANIEL LEE JACQUEZ, TOBY CHAPIN PADILLA, JUDAH GRANDE MONDELLO, ERIC JAMES RUIZ, GILBERT J. MORENO, a.k.a. "Gibby," ANTHONY R. DAVILA, a.k.a. "Weasel," GARY LEE ROMERO, JR., CRYSTAL MEDINA GOMEZ, KEVIN R. CARTER, LYNETTE MEDINA, a.k.a. "Lynette Carrasco," FREDDY J. LUCERO, and BERNICE HOLGUIN MIRANDA, a.k.a. "Bernice Holguin Ramos,"** shall forfeit to the

United States pursuant to 21 U.S.C. § 853 any property constituting, or derived from, proceeds obtained, directly or indirectly, as a result of each offense for which the defendants are convicted, and any property used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of the said offenses. The property to be forfeited includes, but is not limited to the following:

- (1) a North American Arms .22 magnum handgun, serial number E078273;
- (2) a money judgment in the amount of \$3,300 in United States Currency.

If any property being subject to forfeiture pursuant to 18 U.S.C. § 981(a)(1) and 28 U.S.C. § 2461(c), as a result of any act or omission of the defendants:

- 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 that cannot be divided without difficulty;

the United States of America shall be entitled to forfeiture of substitute property pursuant to 21 U.S.C. § 853(p).

A TRUE BILL:

/s/
FOREPERSON OF THE GRAND JURY


Assistant United States Attorney

EJW
4/28/2015