

No.

CR12 00769 EJD PSG

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

SAN JOSE DIVISION

THE UNITED STATES OF AMERICA

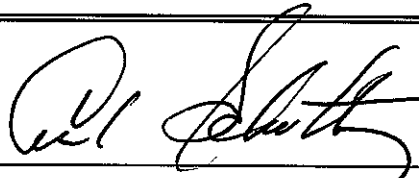
vs.

RUDY MARTINEZ

INDICTMENT

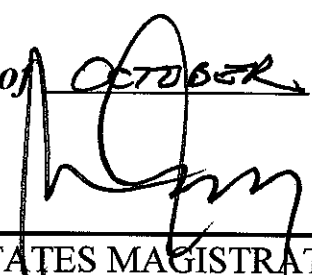
SEE ATTACHMENT

A true bill.


Foreperson

Filed in open court this 24TH day of OCTOBER

A.D. 2012


UNITED STATES MAGISTRATE JUDGE

NO Bail Arrest Warrant

 **Bail. \$** _____

DOCUMENT NO.	C9A's INITIALS
	
DISTRICT COURT CRIMINAL CASE PROCESSING	

ATTACHMENT TO INDICTMENT COVER

U.S.

v.

RUDY MARTINEZ

COUNT ONE: 21 U.S.C. § 841(a)(1) – Possession With Intent to Distribute Methamphetamine

COUNT TWO: 21 U.S.C. § 841(a)(1) – Possession With Intent to Distribute Heroin

COUNT THREE: 21 U.S.C. § 841(a)(1) – Possession With Intent to Distribute Cocaine

COUNT FOUR: 21 U.S.C. § 860(a) – Possession With Intent to Distribute Methamphetamine within 1000 feet of a Playground

COUNT FIVE: 21 U.S.C. § 860(a) – Possession With Intent to Distribute Heroin within 1000 feet of a Playground

COUNT SIX: 21 U.S.C. § 860(a) – Possession With Intent to Distribute Cocaine within 1000 feet of a Playground

MELINDA HAAG (CABN 132612)
United States Attorney

FILED

2012 OCT 24 P 3:48

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

SEALED BY ORDER
OF THE COURT

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

RUDY MARTINEZ,

Defendant.

CR12 00769

VIOLATIONS: 21 U.S.C. § 841(a)(1) –
Possession With Intent to Distribute
Methamphetamine; 21 U.S.C. § 841(a)(1) –
Possession With Intent to Distribute Heroin;
21 U.S.C. § 841(a)(1) – Possession With
Intent to Distribute Cocaine; 21 U.S.C. §
860(a) – Possession With Intent to
Distribute Methamphetamine within 1000
feet of a Playground; 21 U.S.C. § 860(a) –
Possession With Intent to Distribute Heroin
within 1000 feet of a Playground; 21 U.S.C.
§ 860(a) – Possession With Intent to
Distribute Cocaine within 1000 feet of a
Playground; 21 U.S.C. § 853 (a)(2); 21
U.S.C. § 853– Forfeiture

(SAN JOSE VENUE)

INDICTMENT

The Grand Jury charges:

COUNT ONE: (21 U.S.C. § 841(a)(1) – Possession With Intent to Distribute
Methamphetamine)

On or about July 19, 2012, in the Northern District of California, the defendant,

RUDY MARTINEZ,

INDICTMENT

1 did knowingly and intentionally possess with the intent to distribute, and distribute, a Schedule II
 2 controlled substance, specifically, 5 grams or more of methamphetamine, its salts, isomers, and
 3 salts of its isomers;

4 All in violation of Title 21, United States Code, Sections 841(a)(1) and
 5 841(b)(1)(B)(viii).

6 COUNT TWO: (21 U.S.C. § 841(a)(1) – Possession With Intent to Distribute Heroin)

7 On or about July 19, 2012, in the Northern District of California, the defendant,

8 RUDY MARTINEZ,

9 did knowingly and intentionally possess with the intent to distribute, and distribute, a Schedule II
 10 controlled substance, specifically, 100 grams or more of a mixture or substance containing a
 11 detectable amount of heroin;

12 All in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(B)(i).

13 COUNT THREE: (21 U.S.C. § 841(a)(1) – Possession With Intent to Distribute Cocaine)

14 On or about July 19, 2012, in the Northern District of California, the defendant,

15 RUDY MARTINEZ,

16 did knowingly and intentionally possess with the intent to distribute, and distribute, a Schedule II
 17 controlled substance, specifically, a mixture or substance containing a detectable amount of
 18 cocaine, its salts, isomers, and salts of its isomers;

19 All in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(C).

20 COUNT FOUR: (21 U.S.C. § 860(a) – Possession With Intent to Distribute Methamphetamine
 21 within 1000 feet of a Playground)

22 On or about July 19, 2012, in the Northern District of California, the defendant,

23 RUDY MARTINEZ,

24 did knowingly and intentionally possess with the intent to distribute, and distribute, a Schedule II
 25 controlled substance in violation of Title 21, United States Code Section 841(a)(1), specifically,
 26 5 grams or more of methamphetamine, its salts, isomers, and salts of its isomers, within 1,000
 27 feet of the real property comprising a playground known as Central Park, located at 301 Dakota
 28 Avenue, in Santa Cruz, California;

1 All in violation of Title 21, United States Code, Section 860(a) and 841(a)(1).

2 COUNT FIVE: (21 U.S.C. § 860(a) – Possession With Intent to Distribute Heroin within 1000
3 feet of a Playground)

4 On or about July 19, 2012, in the Northern District of California, the defendant,

5 RUDY MARTINEZ,

6 did knowingly and intentionally possess with the intent to distribute, and distribute, a Schedule II
7 controlled substance, in violation of Title 21, United States Code Section 841(a)(1),
8 specifically, 100 grams or more of heroin, within 1,000 feet of the real property comprising a
9 playground known as Central Park, located at 301 Dakota Avenue, in Santa Cruz, California;

10 All in violation of Title 21, United States Code, Section 860(a) and 841(a)(1).

11 COUNT SIX: (21 U.S.C. § 860(a) – Possession With Intent to Distribute Cocaine within 1000
12 feet of a Playground)

13 On or about July 19, 2012, in the Northern District of California, the defendant,

14 RUDY MARTINEZ,

15 did knowingly and intentionally possess with the intent to distribute, and distribute, a Schedule II
16 controlled substance in violation of Title 21, United States Code Section 841(a)(1), specifically,
17 cocaine, its salts, isomers, and salts of its isomers, within 1,000 feet of the real property
18 comprising a playground known as Central Park, located at 301 Dakota Avenue, in Santa Cruz,
19 California;

20 All in violation of Title 21, United States Code, Section 860(a) and 841(a)(1).

21
22 FORFEITURE ALLEGATION: (21 U.S.C. § 853(a)(1) and (2))

23 The allegations contained in Counts 1-6 of this Indictment are re-alleged and by this
24 reference and fully incorporated herein for the purpose of alleging forfeiture pursuant to the
25 provisions of 21 U.S.C. § 853(a)(1) and (2).

26 Upon a conviction for the offenses alleged in Counts 1-6 above, defendant,

27 RUDY MARTINEZ,

28 shall forfeit to the United States, pursuant to 21 U.S.C. § 853(a)(1) and (2), any property

1 constituting, or derived from, any proceeds the person obtained, directly or indirectly, as a result
2 of the violation and any property used, or intended to be used, in any manner or part, to commit,
3 or to facilitate the commission of the said violation, including but not limited to the following
4 property:

- 5 a. 2007 Toyota Tundra truck, CA license plate 8R85921;
6 b. \$12,715.00 cash;

7
8 If, as a result of any act or omission of the defendant, any of said property

- 9 a. cannot be located upon the exercise of due diligence;
10 b. has been transferred or sold to or deposited with, a third person;
11 c. has been placed beyond the jurisdiction of the Court;
12 d. has been substantially diminished in value; or
13 e. has been commingled with other property which cannot be divided without
difficulty;

14 any and all interest defendant has in any other property (not to exceed the value of the above
15 forfeitable property) shall be forfeited to the United States;

16 All in violation of Title 21, United States Code, Sections 853(a)(1) and (2).

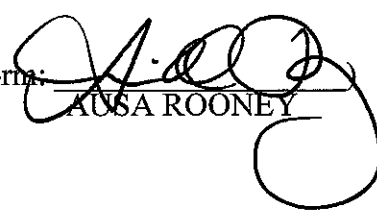
17
18 DATED: 10/24/2012

A TRUE BILL

19
20 
FOREPERSON

21 MELINDA HAAG
22 United States Attorney

23 
24 JEFFREY D. NEDROW
25 Chief, San Jose Branch Office

26
27 (Approved as to form: 
AUSA ROONEY

28
INDICTMENT

AO 257 (Rev. 6/78)

DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURTBY: ☐ COMPLAINT ☐ INFORMATION ☒ INDICTMENT
☐ SUPERSEDINGName of District Court, and/or Judge/Magistrate Location
NORTHERN DISTRICT OF CALIFORNIA**OFFENSE CHARGED**

SEE ATTACHMENT

- ☐
- Petty
-
- ☐
- Minor
-
- ☐
- Misdemeanor
-
- ☒
- Felony

PENALTY:

SEE ATTACHEMENT

DEFENDANT - U.S.

RUDY MARTINEZ

DISTRICT COURT NUMBER

CR12 00769**EJD
PSG****DEFENDANT****IS NOT IN CUSTODY**

- 1) ☒ Has not been arrested, pending outcome this proceeding.
If not detained give date any prior summons was served on above charges
- 2) ☐ Is a Fugitive
- 3) ☐ Is on Bail or Release from (show District)

IS IN CUSTODY

- 4) ☐ On this charge
- 5) ☐ On another conviction
- 6) ☐ Awaiting trial on other charges } ☐ Fed'l ☐ State
- If answer to (6) is "Yes", show name of institution

Has detainer been filed?

- ☐
- Yes
-
- ☐
- No

If "Yes" give date filed

DATE OF ARREST

Month/Day/Year

Or... if Arresting Agency & Warrant were not

Month/Day/Year

DATE TRANSFERRED TO U.S. CUSTODY☐ This report amends AO 257 previously submitted**PROCEEDING**
Name of Complainant Agency, or Person (& Title, if any)☐ person is awaiting trial in another Federal or State Court, give name of court☐ this person/proceeding is transferred from another district per (circle one) FRCrP 20, 21 or 40. Show District☐ this is a reprosecution of charges previously dismissed which were dismissed on motion of:☐ U.S. Att'y ☐ Defense☐ this prosecution relates to a pending case involving this same defendant☐ prior proceedings or appearance(s) before U.S. Magistrate regarding this defendant were recorded under

SHOW DOCKET NO.

MAGISTRATE CASE NO.

Name and Office of Person
Furnishing Information on
THIS FORM

MELINDA HAAG

☒ U.S. Att'y ☐ Other U.S. AgencyName of Asst. U.S. Att'y
(if assigned)

AMIE D. ROONEY

ADDITIONAL INFORMATION OR COMMENTS**PROCESS:**☐ SUMMONS ☐ NO PROCESS*☒ WARRANT

Bail Amount: NO BAIL

If Summons, complete following:

☐ Arraignment ☐ Initial Appearance

Defendant Address:

*Where defendant previously apprehended on complaint, no new summons or warrant needed, since Magistrate has scheduled arraignment

Date/Time:

Before Judge:

Comments:

ATTACHMENT TO PENALTY SHEET

U.S.
v.
RUDY MARTINEZ

COUNT ONE: 21 U.S.C. § 841(a)(1) – Possession With Intent to Distribute Methamphetamine

- i Imprisonment: Mandatory minimum of 5 years, Maximum 40 years
- ii. Fine: \$2,000,000 fine
- iii. Supervised release: Mandatory minimum 4 years , Maximum 5 years
- iv. Special assessment: \$100

COUNT TWO: 21 U.S.C. § 841(a)(1) – Possession With Intent to Distribute Heroin

- i Imprisonment: Mandatory minimum of 5 years, Maximum 40 years
- ii. Fine: \$2,000,000 fine
- iii. Supervised release: Mandatory minimum 4 years , Maximum 5 years
- iv. Special assessment: \$100

COUNT THREE: 21 U.S.C. § 841(a)(1) – Possession With Intent to Distribute Cocaine

- i Imprisonment: Mandatory minimum of 5 years, Maximum 40 years
- ii. Fine: \$2,000,000 fine
- iii. Supervised release: Mandatory minimum 4 years , Maximum 5 years
- iv. Special assessment: \$100

COUNT FOUR: 21 U.S.C. § 860(a) – Possession With Intent to Distribute Methamphetamine within 1000 feet of a Playground

- i Imprisonment: Mandatory minimum of 5 years, Maximum 80 years
- ii. Fine: \$4,000,000 fine
- iii. Supervised release: Mandatory minimum 8 years , Maximum 10 years
- iv. Special assessment: \$100

COUNT FIVE: 21 U.S.C. § 860(a) – Possession With Intent to Distribute Heroin within 1000 feet of a Playground

- i Imprisonment: Mandatory minimum of 5 years, Maximum 80 years
- ii. Fine: \$4,000,000 fine
- iii. Supervised release: Mandatory minimum 8 years , Maximum 10 years
- iv. Special assessment: \$100

COUNT SIX: 21 U.S.C. § 860(a) – Possession With Intent to Distribute Cocaine within 1000 feet of a Playground

- i Imprisonment: Mandatory minimum of 5 years, Maximum 80 years
- ii. Fine: \$4,000,000 fine
- iii. Supervised release: Mandatory minimum 8 years , Maximum 10 years
- iv. Special assessment: \$100