

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Criminal Case No. 13-cr-00161-REB

UNITED STATES OF AMERICA,

Plaintiff,

v.

1. MARCO ONTIVEROS,
a/k/a "Chino,"
2. PEDRO LUJANO-GONZALEZ,
3. CARLOS SALCIDO-GARCIA,
4. CARLOS ANTILLON-FERNANDEZ,
5. ERNESTO GARCIA,
a/k/a "Yogui,"
6. JOSE GUADALUPE MORALES-MARTINEZ,
a/k/a "Negro,"
7. BERNARDINO GAMILLO,
a/k/a "Mateo,"
a/k/a "Sobrino,"
8. JUAN SANDOVAL,
9. JESUS GARCIA-SALAS,
a/k/a "Don Chuy,"

Defendants.

INDICTMENT

21 U.S.C. § 846

21 U.S.C. §§ 841(a)(1), 841(b)(1)(A)(ii)(II), 841(b)(1)(B)(ii)(II) and 841(b)(1)(C)

21 U.S.C. § 843(b)

THE GRAND JURY CHARGES:

COUNT ONE

From on or about August 2012, through on or about April 23, 2013, both dates being approximate and inclusive, within the State and District of Colorado and elsewhere, the

defendants:

MARCO ONTIVEROS,
PEDRO LUJANO-GONZALEZ,
CARLOS SALCIDO-GARCIA,
CARLOS ANTILLON-FERNANDEZ,
ERNESTO GARCIA,
JOSE GUADALUPE MORALES-MARTINEZ,
BERNARDINO GAMILLO,
JUAN SANDOVAL, and
JESUS GARCIA-SALAS,

did knowingly and intentionally conspire with each other and with others known and unknown to the Grand Jury, to knowingly and intentionally distribute and possess with the intent to distribute 5 kilograms or more of a mixture or substance containing a detectable amount of cocaine, a Schedule II controlled substance.

All in violation of Title 21, United States Code, Sections 846, and 841(a)(1) and 841(b)(1)(A)(ii)(II).

COUNT TWO

On or about October 17, 2012, within the State and District of Colorado, the defendants, PEDRO LUJANO-GONZALEZ, CARLOS SALCIDO-GARCIA, CARLOS ANTILLON-FERNANDEZ, and JESUS GARCIA-SALAS, did knowingly and intentionally distribute and possess with the intent to distribute 500 grams or more but less than 5 kilograms of a mixture or substance containing a detectable amount of cocaine, a Schedule II controlled substance.

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

COUNT THREE

On or about October 17, 2012, within the State and District of Colorado, the defendants, PEDRO LUJANO-GONZALEZ and CARLOS ANTILLON-FERNANDEZ, did knowingly and intentionally use a communication facility, the telephone, in committing and in facilitating the commission of the offense of conspiracy to distribute and possess with the intent to distribute 5 kilograms or more of a mixture or substance containing a detectable amount of cocaine, a Schedule II controlled substance, as alleged in Count One of this indictment.

All in violation of Title 21, United States Code, Section 843(b).

COUNT FOUR

On or about October 17, 2012, within the State and District of Colorado, the defendants, PEDRO LUJANO-GONZALEZ and CARLOS SALCIDO-GARCIA, did knowingly and intentionally use a communication facility, the telephone, in committing and in facilitating the commission of the offense of conspiracy to distribute and possess with the intent to distribute 5 kilograms or more of a mixture or substance containing a detectable amount of cocaine, a Schedule II controlled substance, as alleged in Count One of this indictment.

All in violation of Title 21, United States Code, Section 843(b).

COUNT FIVE

On or about October 17, 2012, within the State and District of Colorado, the defendants, PEDRO LUJANO-GONZALEZ and CARLOS ANTILLON-FERNANDEZ, did knowingly and intentionally use a communication facility, the telephone, in committing and in facilitating the commission of the offense of conspiracy to distribute and possess with the intent to distribute 5

kilograms or more of a mixture or substance containing a detectable amount of cocaine, a Schedule II controlled substance, as alleged in Count One of this indictment.

All in violation of Title 21, United States Code, Section 843(b).

COUNT SIX

On or about December 9, 2012, within the State and District of Colorado, the defendants, MARCO ONTIVEROS and CARLOS SALCIDO-GARCIA, did knowingly and intentionally use a communication facility, the telephone, in committing and in facilitating the commission of the offense of conspiracy to distribute and possess with the intent to distribute 5 kilograms or more of a mixture or substance containing a detectable amount of cocaine, a Schedule II controlled substance, as alleged in Count One of this indictment.

All in violation of Title 21, United States Code, Section 843(b).

COUNT SEVEN

On or about December 14, 2012, within the State and District of Colorado, the defendants, MARCO ONTIVEROS and CARLOS SALCIDO-GARCIA, did knowingly and intentionally use a communication facility, the telephone, in committing and in facilitating the commission of the offense of conspiracy to distribute and possess with the intent to distribute 5 kilograms or more of a mixture or substance containing a detectable amount of cocaine, a Schedule II controlled substance, as alleged in Count One of this indictment.

All in violation of Title 21, United States Code, Section 843(b).

COUNT EIGHT

On or about December 16, 2012, within the State and District of Colorado, the defendants, MARCO ONTIVEROS and CARLOS SALCIDO-GARCIA, did knowingly and intentionally use a communication facility, the telephone, in committing and in facilitating the

commission of the offense of conspiracy to distribute and possess with the intent to distribute 5 kilograms or more of a mixture or substance containing a detectable amount of cocaine, a Schedule II controlled substance, as alleged in Count One of this indictment.

All in violation of Title 21, United States Code, Section 843(b).

COUNT NINE

On or about December 22, 2012, within the State and District of Colorado, the defendants, MARCO ONTIVEROS and CARLOS SALCIDO-GARCIA, did knowingly and intentionally use a communication facility, the telephone, in committing and in facilitating the commission of the offense of conspiracy to distribute and possess with the intent to distribute 5 kilograms or more of a mixture or substance containing a detectable amount of cocaine, a Schedule II controlled substance, as alleged in Count One of this indictment.

All in violation of Title 21, United States Code, Section 843(b).

COUNT TEN

On or about January 2, 2013, within the State and District of Colorado, the defendants, MARCO ONTIVEROS and CARLOS SALCIDO-GARCIA, did knowingly and intentionally use a communication facility, the telephone, in committing and in facilitating the commission of the offense of conspiracy to distribute and possess with the intent to distribute 5 kilograms or more of a mixture or substance containing a detectable amount of cocaine, a Schedule II controlled substance, as alleged in Count One of this indictment.

All in violation of Title 21, United States Code, Section 843(b).

COUNT ELEVEN

On or about February 2, 2013, within the State and District of Colorado, the defendants, CARLOS SALCIDO-GARCIA and JOSE GUADALUPE MORALES-MARTINEZ, did

knowingly and intentionally use a communication facility, the telephone, in committing and in facilitating the commission of the offense of conspiracy to distribute and possess with the intent to distribute 5 kilograms or more of a mixture or substance containing a detectable amount of cocaine, a Schedule II controlled substance, as alleged in Count One of this indictment.

All in violation of Title 21, United States Code, Section 843(b).

COUNT TWELVE

On or about March 5, 2013, within the State and District of Colorado, the defendant, JOSE GUADALUPE MORALES-MARTINEZ, did knowingly and intentionally distribute and possess with the intent to distribute less than 500 grams of a mixture or substance containing a detectable amount of cocaine, a Schedule II controlled substance.

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

COUNT THIRTEEN

On or about March 5, 2013, within the State and District of Colorado, the defendant, JOSE GUADALUPE MORALES-MARTINEZ, being at that time an alien (a person who is not a citizen or national of the United States) who was illegally and unlawfully present in the United States, did unlawfully and knowingly possess a firearm in and affecting commerce.

All in violation of Title 18, United States Code, Section 922(g)(5).

COUNT FOURTEEN

On or about March 5, 2013, within the State and District of Colorado, the defendants, ERNESTO GARCIA and JUAN SANDOVAL, did knowingly and intentionally use a communication facility, the telephone, in committing and in facilitating the commission of the offense of conspiracy to distribute and possess with the intent to distribute 5 kilograms or more

of a mixture or substance containing a detectable amount of cocaine, a Schedule II controlled substance, as alleged in Count One of this indictment.

All in violation of Title 21, United States Code, Section 843(b).

COUNT FIFTEEN

On or about April 6, 2013, within the State and District of Colorado, the defendants, PEDRO LUJANO-GONZALEZ and JUAN SANDOVAL, did knowingly and intentionally use a communication facility, the telephone, in committing and in facilitating the commission of the offense of conspiracy to distribute and possess with the intent to distribute 5 kilograms or more of a mixture or substance containing a detectable amount of cocaine, a Schedule II controlled substance, as alleged in Count One of this indictment.

All in violation of Title 21, United States Code, Section 843(b).

COUNT SIXTEEN

On or about January 17, 2013, within the State and District of Colorado, the defendants, PEDRO LUJANO-GONZALEZ and BERNARDINO GAMILLO, did knowingly and intentionally use a communication facility, the telephone, in committing and in facilitating the commission of the offense of conspiracy to distribute and possess with the intent to distribute 5 kilograms or more of a mixture or substance containing a detectable amount of cocaine, a Schedule II controlled substance, as alleged in Count One of this indictment.

All in violation of Title 21, United States Code, Section 843(b).

FORFEITURE ALLEGATION

The allegations contained in Counts One through Thirty of this Indictment are hereby re-alleged and incorporated by reference for the purpose of alleging forfeiture pursuant to the provisions of 21 U.S.C. § 853.

Upon conviction of the violations alleged in Counts One through Sixteen of this Indictment involving violations of 21 U.S.C. §§ 846, 841(a)(1), 841(b)(1)(A)(viii), 21 U.S.C. § 843(b), 21 U.S.C. § 860a, 21 U.S.C. § 861(a)(1), and 1956(h) the defendants: MARCO ONTIVEROS, PEDRO LUJANO-GONZALEZ, CARLOS SALCIDO-GARCIA, CARLOS ANTILLON-FERNANDEZ, ERNESTO GARCIA, JOSE GUADALUPE MORALES-MARTINEZ, BERNARDINO GAMILLO, JUAN SANDOVAL, and JESUS GARCIA-SALAS, shall forfeit to the United States, pursuant to Title 21, United States Code, Section 853 any and all of the defendants' right, title and interest in all property constituting and derived from any proceeds obtained directly and indirectly as a result of such offense, and in all property used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of such offense, including, but not limited to a money judgment in the amount of proceeds obtained by the conspiracy and by the defendants.

If any of the property 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 which cannot be subdivided 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 said defendants up to the value of the forfeitable property.

A TRUE BILL:

Ink signature on file in the Clerk's Office
GRAND JURY FOREPERSON

APPROVED:

JOHN F. WALSH
United States Attorney

BY: s/ Kasandra R. Carleton
KASANDRA R. CARLETON
Assistant United States Attorney
U.S. Attorney's Office
1225 17th Street, Suite 700
Denver, CO. 80202
Telephone (303) 454-0124
Fax (303) 454-0401
Kasandra.Carleton@usdoj.gov
Attorney For Government

DEFENDANT 1: MARCO ONTIVEROS,
a/k/a "Chino"

YOB: 1976

ADDRESS: Arvada, Colorado

COMPLAINT FILED? YES NO

OFFENSE: **COUNT ONE:** Title 21, United States Code, Sections 846 and 841(a)(1) and (b)(1)(A)(ii)(II) - did knowingly and intentionally conspire to knowingly and intentionally distribute and possess with the intent to distribute 5 kilograms or more of a mixture or substance containing a detectable amount of cocaine, a Schedule II controlled substance

COUNTS SIX, SEVEN, EIGHT, NINE AND TEN: Title 21, United States Code, Section 843(b) - did knowingly and intentionally use a communication facility, the telephone, in committing and in facilitating the commission of the offense of conspiracy to knowingly and intentionally distribute and possess with the intent to distribute 5 kilograms or more of a mixture or substance containing a detectable amount of cocaine

NOTICE OF FORFEITURE

LOCATION OF OFFENSE (COUNTY/STATE): Adams County, Colorado

PENALTY: **COUNT ONE:** NLT 10 years, NMT life in prison, \$4 million fine, or both; NLT 5 years supervised release, \$100 Special Assessment Fee

COUNTS SIX, SEVEN, EIGHT, NINE AND TEN: NMT 4 years imprisonment, \$250,000.00 fine, or both; NMT 1 year supervised release; and a \$100.00 Special Assessment Fee (per count)

Forfeiture

AGENT: SA Julio Tobar
FBI

AUTHORIZED BY: Kasandra Carleton
Assistant U.S. Attorney

ESTIMATED TIME OF TRIAL:

five days or less over five days other

THE GOVERNMENT

will seek detention in this case will **not** seek detention in this case

The statutory presumption of detention **is** applicable to this defendant.

OCDETF CASE: Yes - WC CO 0592

DEFENDANT 2: PEDRO LUJANO-GONZALEZ,

YOB: 1981

ADDRESS: Denver, Colorado

COMPLAINT FILED? YES NO

OFFENSE: **COUNT ONE:** Title 21, United States Code, Sections 846 and 841(a)(1) and (b)(1)(A)(ii)(II) - did knowingly and intentionally conspire to knowingly and intentionally distribute and possess with the intent to distribute 5 kilograms or more of a mixture or substance containing a detectable amount of cocaine, a Schedule II controlled substance

COUNT TWO: Title 21, United States Code, Sections 841(a)(1), and 841(b)(1)(B)(ii)(II), knowingly and intentionally distribute and possess with the intent to distribute 500 grams or more but less than 5 kilograms of a mixture or substance containing a detectable amount of cocaine, a Schedule II controlled substance

COUNTS THREE, FOUR, FIVE, FIFTEEN AND SIXTEEN: Title 21, United States Code, Section 843(b) - did knowingly and intentionally use a communication facility, the telephone, in committing and in facilitating the commission of the offense of conspiracy to knowingly and intentionally distribute and possess with the intent to distribute 5 kilograms or more of a mixture or substance containing a detectable amount of cocaine, a Schedule II controlled substance

NOTICE OF FORFEITURE

LOCATION OF OFFENSE
(COUNTY/STATE): Adams County, Colorado

PENALTY: **COUNT ONE:** NLT 10 years, NMT life in prison, \$4 million fine, or both; NLT 5 years supervised release, \$100 Special Assessment Fee

COUNT TWO: NLT 5 years, NMT 40 years in prison, \$2 million fine, or both; NLT 4 years supervised release, \$100 Special Assessment Fee

COUNTS THREE, FOUR, FIVE, FIFTEEN AND SIXTEEN: NMT 4 years imprisonment, \$250,000.00 fine, or both; NMT 1 year supervised release; and a \$100.00 Special Assessment Fee (per count)

Forfeiture

AGENT: SA Julio Tobar
FBI

AUTHORIZED
BY: Kasandra Carleton
Assistant U.S. Attorney

ESTIMATED TIME OF TRIAL:

five days or less over five days other

THE GOVERNMENT

will seek detention in this case will **not** seek detention in this case

The statutory presumption of detention **is** applicable to this defendant.

OCDETF CASE: Yes - WC CO 0592

DEFENDANT 3: CARLOS SALCIDO-GARCIA

YOB: 1976

ADDRESS: Thornton, Colorado

COMPLAINT FILED? YES NO

OFFENSE: **COUNT ONE:** Title 21, United States Code, Sections 846 and 841(a)(1) and (b)(1)(A)(ii)(II) - did knowingly and intentionally conspire to knowingly and intentionally distribute and possess with the intent to distribute 5 kilograms or more of a mixture or substance containing a detectable amount of cocaine, a Schedule II controlled substance

COUNT TWO: Title 21, United States Code, Sections 841(a)(1), and 841(b)(1)(B)(ii)(II), knowingly and intentionally distribute and possess with the intent to distribute 500 grams or more but less than 5 kilograms of a mixture or substance containing a detectable amount of cocaine, a Schedule II controlled substance

COUNTS FOUR, SIX, SEVEN, EIGHT, NINE, TEN AND ELEVEN: Title 21, United States Code, Section 843(b) - did knowingly and intentionally use a communication facility, the telephone, in committing and in facilitating the commission of the offense of conspiracy to knowingly and intentionally distribute and possess with the intent to distribute 5 kilograms or more of a mixture or substance containing a detectable amount of cocaine, a Schedule II controlled substance

NOTICE OF FORFEITURE

LOCATION OF OFFENSE
(COUNTY/STATE): Adams County, Colorado

PENALTY: **COUNT ONE:** NLT 10 years, NMT life in prison, \$4 million fine, or both; NLT 5 years supervised release, \$100 Special Assessment Fee

COUNT TWO: NLT 5 years, NMT 40 years in prison, \$2 million fine, or both; NLT 4 years supervised release, \$100 Special Assessment Fee

COUNTS FOUR, SIX, SEVEN, EIGHT, NINE, TEN AND ELEVEN: NMT 4 years imprisonment, \$250,000.00 fine, or both; NMT 1 year supervised release; and a \$100.00 Special Assessment Fee (per count)

Forfeiture

AGENT: SA Julio Tobar
FBI

AUTHORIZED
BY: Kasandra Carleton
Assistant U.S. Attorney

ESTIMATED TIME OF TRIAL:

five days or less over five days other

THE GOVERNMENT

will seek detention in this case will **not** seek detention in this case

The statutory presumption of detention **is** applicable to this defendant.

OCDETF CASE: Yes - WC CO 0592

DEFENDANT 4: CARLOS ANTILLON-FERNANDEZ,

YOB: 1990

ADDRESS: Boulder County Jail

COMPLAINT FILED? YES NO

OFFENSE: **COUNT ONE:** Title 21, United States Code, Sections 846 and 841(a)(1) and (b)(1)(A)(ii)(II) - did knowingly and intentionally conspire to knowingly and intentionally distribute and possess with the intent to distribute 5 kilograms or more of a mixture or substance containing a detectable amount of cocaine, a Schedule II controlled substance

COUNT TWO: Title 21, United States Code, Sections 841(a)(1), and 841(b)(1)(B)(ii)(II), knowingly and intentionally distribute and possess with the intent to distribute 500 grams or more but less than 5 kilograms of a mixture or substance containing a detectable amount of cocaine, a Schedule II controlled substance

COUNTS THREE AND FIVE: Title 21, United States Code, Section 843(b) - did knowingly and intentionally use a communication facility, the telephone, in committing and in facilitating the commission of the offense of conspiracy to knowingly and intentionally distribute and possess with the intent to distribute 5 kilograms or more of a mixture or substance containing a detectable amount of cocaine, a Schedule II controlled substance

NOTICE OF FORFEITURE

LOCATION OF OFFENSE

(COUNTY/STATE): Adams County, Colorado

PENALTY: **COUNT ONE:** NLT 10 years, NMT life in prison, \$4 million fine, or both; NLT 5 years supervised release, \$100 Special Assessment Fee

COUNT TWO: NLT 5 years, NMT 40 years in prison, \$2 million fine, or both; NLT 4 years supervised release, \$100 Special Assessment Fee

COUNTS THREE AND FIVE: NMT 4 years imprisonment, \$250,000.00 fine, or both; NMT 1 year supervised release; and a \$100.00 Special Assessment Fee (per count)

Forfeiture

AGENT: SA Julio Tobar
FBI

AUTHORIZED
BY: Kasandra Carleton
Assistant U.S. Attorney

ESTIMATED TIME OF TRIAL:

five days or less over five days other

THE GOVERNMENT

will seek detention in this case will **not** seek detention in this case

The statutory presumption of detention **is** applicable to this defendant.

OCDETF CASE: Yes - WC CO 0592

DEFENDANT 5: ERNESTO GARCIA,

YOB: 1982

ADDRESS: Denver, Colorado

COMPLAINT FILED? YES NO

OFFENSE: **COUNT ONE:** Title 21, United States Code, Sections 846 and 841(a)(1) and (b)(1)(A)(ii)(II) - did knowingly and intentionally conspire to knowingly and intentionally distribute and possess with the intent to distribute 5 kilograms or more of a mixture or substance containing a detectable amount of cocaine, a Schedule II controlled substance

COUNT FOURTEEN: Title 21, United States Code, Section 843(b) - did knowingly and intentionally use a communication facility, the telephone, in committing and in facilitating the commission of the offense of conspiracy to knowingly and intentionally distribute and possess with the intent to distribute 5 kilograms or more of a mixture or substance containing a detectable amount of cocaine, a Schedule II controlled substance

NOTICE OF FORFEITURE

LOCATION OF OFFENSE
(COUNTY/STATE): Adams County, Colorado

PENALTY: **COUNT ONE:** NLT 10 years, NMT life in prison, \$4 million fine, or both; NLT 5 years supervised release, \$100 Special Assessment Fee

COUNT FOURTEEN: NMT 4 years imprisonment, \$250,000.00 fine, or both; NMT 1 year supervised release; and a \$100 Special Assessment Fee

Forefeiture

AGENT: SA Julio Tobar
FBI

AUTHORIZED BY: Kasandra Carleton
Assistant U.S. Attorney

ESTIMATED TIME OF TRIAL:

five days or less over five days other

THE GOVERNMENT

will seek detention in this case will **not** seek detention in this case

The statutory presumption of detention **is** applicable to this defendant.

OCDETF CASE: Yes - WC CO 0592

DEFENDANT 6: JOSE GUADALUPE MORALES-MARTINEZ,
a/k/a “Negro”

YOB: 1969

ADDRESS: USMS custody

COMPLAINT FILED? YES NO

OFFENSE: **COUNT ONE:** Title 21, United States Code, Sections 846 and 841(a)(1) and (b)(1)(A)(ii)(II) - did knowingly and intentionally conspire to knowingly and intentionally distribute and possess with the intent to distribute 5 kilograms or more of a mixture or substance containing a detectable amount of cocaine, a Schedule II controlled substance

COUNT ELEVEN: Title 21, United States Code, Section 843(b) - did knowingly and intentionally use a communication facility, the telephone, in committing and in facilitating the commission of the offense of conspiracy to knowingly and intentionally distribute and possess with the intent to distribute 5 kilograms or more of a mixture or substance containing a detectable amount of cocaine, a Schedule II controlled substance

COUNT TWELVE: Title 21, United States Code, Sections 841(a)(1), and 841(b)(1)(C), knowingly and intentionally distribute and possess with the intent to distribute less than 500 grams of a mixture or substance containing a detectable amount of cocaine, a Schedule II controlled substance

COUNT THIRTEEN: Title 18, United States Code, Section 922(g)(5), possession of a firearm by an illegal alien

NOTICE OF FORFEITURE

LOCATION OF OFFENSE
(COUNTY/STATE): Adams County, Colorado

PENALTY: **COUNT ONE:** NLT 10 years, NMT life in prison, \$4 million fine, or both; NLT 5 years supervised release, \$100 Special Assessment Fee

COUNT ELEVEN: NMT 4 years imprisonment, \$250,000.00 fine, or both; NMT 1 year supervised release; and a \$100 Special Assessment Fee

COUNT TWELVE: NMT 20 years in prison, \$1 million fine, or both;
NLT 3 years supervised release, \$100 Special Assessment Fee

COUNT THIRTEEN: NMT 10 years in prison, \$250,000 fine, or both;
NLT 3 years supervised release, \$100 Special Assessment Fee

Forfeiture

AGENT: SA Julio Tobar
FBI

AUTHORIZED
BY: Kasandra Carleton
Assistant U.S. Attorney

ESTIMATED TIME OF TRIAL:

five days or less over five days other

THE GOVERNMENT

will seek detention in this case will **not** seek detention in this case

The statutory presumption of detention **is** applicable to this defendant.

OCDETF CASE: Yes - WC CO 0592

DEFENDANT 7: BERNARDINO GAMILLO,
a/k/a "Mateo,"
a/k/a "Sobrino"

YOB: 1986

ADDRESS: Denver, Colorado

COMPLAINT FILED? YES NO

OFFENSE: **COUNT ONE:** Title 21, United States Code, Sections 846 and 841(a)(1) and (b)(1)(A)(ii)(II) - did knowingly and intentionally conspire to knowingly and intentionally distribute and possess with the intent to distribute 5 kilograms or more of a mixture or substance containing a detectable amount of cocaine, a Schedule II controlled substance

COUNT SIXTEEN: Title 21, United States Code, Section 843(b) - did knowingly and intentionally use a communication facility, the telephone, in committing and in facilitating the commission of the offense of conspiracy to knowingly and intentionally distribute and possess with the intent to distribute 5 kilograms or more of a mixture or substance containing a detectable amount of cocaine, a Schedule II controlled substance

NOTICE OF FORFEITURE

LOCATION OF OFFENSE
(COUNTY/STATE): Adams County, Colorado

PENALTY: **COUNT ONE:** NLT 10 years, NMT life in prison, \$4 million fine, or both; NLT 5 years supervised release, \$100 Special Assessment Fee
COUNT SIXTEEN: NMT 4 years imprisonment, \$250,000.00 fine, or both; NMT 1 year supervised release; and a \$100 Special Assessment Fee

Forfeiture

AGENT: SA Julio Tobar
FBI

AUTHORIZED BY: Kasandra Carleton
Assistant U.S. Attorney

ESTIMATED TIME OF TRIAL:

five days or less over five days other

THE GOVERNMENT

will seek detention in this case will **not** seek detention in this case

The statutory presumption of detention **is** applicable to this defendant.

OCDETF CASE: Yes - WC CO 0592

DEFENDANT 8: JUAN SANDOVAL,

YOB: 1992

ADDRESS: Thornton, Colorado

COMPLAINT FILED? YES NO

OFFENSE: **COUNT ONE:** Title 21, United States Code, Sections 846 and 841(a)(1) and (b)(1)(A)(ii)(II) - did knowingly and intentionally conspire to knowingly and intentionally distribute and possess with the intent to distribute 5 kilograms or more of a mixture or substance containing a detectable amount of cocaine, a Schedule II controlled substance

COUNT FOURTEEN AND FIFTEEN: Title 21, United States Code, Section 843(b) - did knowingly and intentionally use a communication facility, the telephone, in committing and in facilitating the commission of the offense of conspiracy to knowingly and intentionally distribute and possess with the intent to distribute 5 kilograms or more of a mixture or substance containing a detectable amount of cocaine, a Schedule II controlled substance

NOTICE OF FORFEITURE

LOCATION OF OFFENSE
(COUNTY/STATE): Adams County, Colorado

PENALTY: **COUNT ONE:** NLT 10 years, NMT life in prison, \$4 million fine, or both; NLT 5 years supervised release, \$100 Special Assessment Fee

COUNT FOURTEEN AND FIFTEEN: NMT 4 years imprisonment, \$250,000.00 fine, or both; NMT 1 year supervised release; and a \$100 Special Assessment Fee (per count)

Forfeiture

AGENT: SA Julio Tobar
FBI

AUTHORIZED BY: Kasandra Carleton
Assistant U.S. Attorney

ESTIMATED TIME OF TRIAL:

five days or less over five days other

THE GOVERNMENT

will seek detention in this case will **not** seek detention in this case

The statutory presumption of detention **is** applicable to this defendant.

OCDETF CASE: Yes - WC CO 0592

DEFENDANT 9: JESUS GARCIA-SALAS,

YOB: 1966

ADDRESS: Denver, Colorado

COMPLAINT FILED? YES NO

OFFENSE: **COUNT ONE:** Title 21, United States Code, Sections 846 and 841(a)(1) and (b)(1)(A)(ii)(II) - did knowingly and intentionally conspire to knowingly and intentionally distribute and possess with the intent to distribute 5 kilograms or more of a mixture or substance containing a detectable amount of cocaine, a Schedule II controlled substance

COUNT TWO: Title 21, United States Code, Sections 841(a)(1), and 841(b)(1)(B)(ii)(II), knowingly and intentionally distribute and possess with the intent to distribute 500 grams or more but less than 5 kilograms of a mixture or substance containing a detectable amount of cocaine, a Schedule II controlled substance

NOTICE OF FORFEITURE

LOCATION OF OFFENSE

(COUNTY/STATE): Adams County, Colorado

PENALTY: **COUNT ONE:** NLT 10 years, NMT life in prison, \$4 million fine, or both; NLT 5 years supervised release, \$100 Special Assessment Fee

COUNT TWO: NLT 5 years, NMT 40 years in prison, \$2 million fine, or both; NLT 4 years supervised release, \$100 Special Assessment Fee

Forfeiture

AGENT: SA Julio Tobar
FBI

AUTHORIZED

BY: Kasandra Carleton
Assistant U.S. Attorney

ESTIMATED TIME OF TRIAL:

five days or less over five days other

THE GOVERNMENT

 X will seek detention in this case will **not** seek detention in this case

The statutory presumption of detention **is** applicable to this defendant.

OCDETF CASE: Yes - WC CO 0592

UNITED STATES DISTRICT COURT

for the
District of Colorado

United States of America
v.
1. MARCO ONTIVEROS

Case No. 13-cr-00161-REB

Defendant

ARREST WARRANT

To: Any authorized law enforcement officer

YOU ARE COMMANDED to arrest and bring before a United States magistrate judge without unnecessary delay
(name of person to be arrested) MARCO ONTIVEROS,
who is accused of an offense or violation based on the following document filed with the court:

- Indictment
- Superseding Indictment
- Information
- Superseding Information
- Complaint
- Probation Violation Petition
- Supervised Release Violation Petition
- Violation Notice
- Order of the Court

This offense is briefly described as follows:

From on or about August 2012, through on or about April 23, 2013, the defendant did knowingly and intentionally conspire to knowingly and intentionally distribute and possess with the intent to distribute 5 kilograms or more of a mixture or substance containing a detectable amount of cocaine, a Schedule II controlled substance, in violation of Title 21, United States Code, Sections 846, and 841(a)(1) and 841(b)(1)(A)(ii)(II).

Date: 04/23/2013

s/ M.J. Garcia

Issuing officer's signature

City and state: Denver, CO

Jeffrey P. Colwell, Clerk, U.S. District Court

Printed name and title

Return

This warrant was received on (date) _____, and the person was arrested on (date) _____
at (city and state) _____.

Date: _____

Arresting officer's signature

Printed name and title

UNITED STATES DISTRICT COURT

for the
District of Colorado

United States of America
v.
2. PEDRO LUJANO-GONZALEZ

Case No. 13-cr-00161-REB

Defendant

ARREST WARRANT

To: Any authorized law enforcement officer

YOU ARE COMMANDED to arrest and bring before a United States magistrate judge without unnecessary delay
(name of person to be arrested) PEDRO LUJANO-GONZALEZ,
who is accused of an offense or violation based on the following document filed with the court:

- Indictment Superseding Indictment Information Superseding Information Complaint
- Probation Violation Petition Supervised Release Violation Petition Violation Notice Order of the Court

This offense is briefly described as follows:

From on or about August 2012, through on or about April 23, 2013, the defendant did knowingly and intentionally conspire to knowingly and intentionally distribute and possess with the intent to distribute 5 kilograms or more of a mixture or substance containing a detectable amount of cocaine, a Schedule II controlled substance, in violation of Title 21, United States Code, Sections 846, and 841(a)(1) and 841(b)(1)(A)(ii)(II).

Date: 04/23/2012

s/ M.J. Garcia

Issuing officer's signature

City and state: Denver, CO

Jeffrey P. Colwell, Clerk, U.S. District Court

Printed name and title

Return

This warrant was received on (date) _____, and the person was arrested on (date) _____
at (city and state) _____.

Date: _____

Arresting officer's signature

Printed name and title

UNITED STATES DISTRICT COURT

for the

District of Colorado

United States of America

v.

3. CARLOS SALCIDO-GARCIA

Case No. 13-cr-00161-REB

Defendant

ARREST WARRANT

To: Any authorized law enforcement officer

YOU ARE COMMANDED to arrest and bring before a United States magistrate judge without unnecessary delay (name of person to be arrested) CARLOS SALCIDO-GARCIA, who is accused of an offense or violation based on the following document filed with the court:

- Indictment
- Superseding Indictment
- Information
- Superseding Information
- Complaint
- Probation Violation Petition
- Supervised Release Violation Petition
- Violation Notice
- Order of the Court

This offense is briefly described as follows:

From on or about August 2012, through on or about April 23, 2013, the defendant did knowingly and intentionally conspire to knowingly and intentionally distribute and possess with the intent to distribute 5 kilograms or more of a mixture or substance containing a detectable amount of cocaine, a Schedule II controlled substance, in violation of Title 21, United States Code, Sections 846, and 841(a)(1) and 841(b)(1)(A)(ii)(II).

Date: 04/23/2013

s/ M.J. Garcia

Issuing officer's signature

City and state: Denver, CO

Jeffrey P. Colwell, Clerk, U.S. District Court

Printed name and title

Return

This warrant was received on (date) _____, and the person was arrested on (date) _____ at (city and state) _____.

Date: _____

Arresting officer's signature

Printed name and title

UNITED STATES DISTRICT COURT

for the

District of Colorado

United States of America

v.

4. CARLOS ANTILLON-FERNANDEZ

)
)
)
)
)

Case No. 13-cr-00161-REB

Defendant

ARREST WARRANT

To: Any authorized law enforcement officer

YOU ARE COMMANDED to arrest and bring before a United States magistrate judge without unnecessary delay (name of person to be arrested) CARLOS ANTILLON-FERNANDEZ, who is accused of an offense or violation based on the following document filed with the court:

- Indictment
- Superseding Indictment
- Information
- Superseding Information
- Complaint
- Probation Violation Petition
- Supervised Release Violation Petition
- Violation Notice
- Order of the Court

This offense is briefly described as follows:

From on or about August 2012, through on or about April 23, 2013, the defendant did knowingly and intentionally conspire to knowingly and intentionally distribute and possess with the intent to distribute 5 kilograms or more of a mixture or substance containing a detectable amount of cocaine, a Schedule II controlled substance, in violation of Title 21, United States Code, Sections 846, and 841(a)(1) and 841(b)(1)(A)(ii)(II).

Date: 04/23/2013

s/ M.J. Garcia

Issuing officer's signature

City and state: Denver, CO

Jeffrey P. Colwell, Clerk, U.S. District Court

Printed name and title

Return

This warrant was received on (date) _____, and the person was arrested on (date) _____ at (city and state) _____.

Date: _____

Arresting officer's signature

Printed name and title

UNITED STATES DISTRICT COURT

for the
District of Colorado

United States of America
v.
5. ERNESTO GARCIA

Case No. 13-cr-00161-REB

Defendant

ARREST WARRANT

To: Any authorized law enforcement officer

YOU ARE COMMANDED to arrest and bring before a United States magistrate judge without unnecessary delay
(name of person to be arrested) ERNESTO GARCIA,
who is accused of an offense or violation based on the following document filed with the court:

- Indictment Superseding Indictment Information Superseding Information Complaint
- Probation Violation Petition Supervised Release Violation Petition Violation Notice Order of the Court

This offense is briefly described as follows:

From on or about August 2012, through on or about April 23, 2013, the defendant did knowingly and intentionally conspire to knowingly and intentionally distribute and possess with the intent to distribute 5 kilograms or more of a mixture or substance containing a detectable amount of cocaine, a Schedule II controlled substance, in violation of Title 21, United States Code, Sections 846, and 841(a)(1) and 841(b)(1)(A)(ii)(II).

Date: 04/23/2013

s/ M.J. Garcia

Issuing officer's signature

City and state: Denver, CO

Jeffrey P. Colwell, Clerk, U.S. District Court

Printed name and title

Return

This warrant was received on (date) _____, and the person was arrested on (date) _____
at (city and state) _____.

Date: _____

Arresting officer's signature

Printed name and title

UNITED STATES DISTRICT COURT

for the

District of Colorado

United States of America

v.

6. JOSE GUADALUPE MORALES-MARTINEZ

)
)
)
)
)
)

Case No. 13-cr-00161-REB

Defendant

ARREST WARRANT

To: Any authorized law enforcement officer

YOU ARE COMMANDED to arrest and bring before a United States magistrate judge without unnecessary delay (name of person to be arrested) JOSE GUADALUPE MORALES-MARTINEZ, who is accused of an offense or violation based on the following document filed with the court:

- Indictment
- Superseding Indictment
- Information
- Superseding Information
- Complaint
- Probation Violation Petition
- Supervised Release Violation Petition
- Violation Notice
- Order of the Court

This offense is briefly described as follows:

From on or about August 2012, through on or about April 23, 2013, the defendant did knowingly and intentionally conspire to knowingly and intentionally distribute and possess with the intent to distribute 5 kilograms or more of a mixture or substance containing a detectable amount of cocaine, a Schedule II controlled substance, in violation of Title 21, United States Code, Sections 846, and 841(a)(1) and 841(b)(1)(A)(ii)(II).

Date: 04/23/2013

s/ M.J. Garcia

Issuing officer's signature

City and state: Denver, CO

Jeffrey P. Colwell, Clerk, U.S. District Court

Printed name and title

Return

This warrant was received on (date) _____, and the person was arrested on (date) _____ at (city and state) _____.

Date: _____

Arresting officer's signature

Printed name and title

UNITED STATES DISTRICT COURT

for the

District of Colorado

United States of America

v.

7. BERNARDINO GAMILLO

)
)
)
)
)

Case No. 13-cr-00161-REB

Defendant

ARREST WARRANT

To: Any authorized law enforcement officer

YOU ARE COMMANDED to arrest and bring before a United States magistrate judge without unnecessary delay
(name of person to be arrested) BERNARDINO GAMILLO,
who is accused of an offense or violation based on the following document filed with the court:

- Indictment Superseding Indictment Information Superseding Information Complaint
- Probation Violation Petition Supervised Release Violation Petition Violation Notice Order of the Court

This offense is briefly described as follows:

From on or about August 2012, through on or about April 23, 2013, the defendant did knowingly and intentionally conspire to knowingly and intentionally distribute and possess with the intent to distribute 5 kilograms or more of a mixture or substance containing a detectable amount of cocaine, a Schedule II controlled substance, in violation of Title 21, United States Code, Sections 846, and 841(a)(1) and 841(b)(1)(A)(ii)(II).

Date: 04/23/2013

s/ M.J. Garcia

Issuing officer's signature

City and state: Denver, CO

Jeffrey P. Colwell, Clerk, U.S. District Court

Printed name and title

Return

This warrant was received on (date) _____, and the person was arrested on (date) _____
at (city and state) _____.

Date: _____

Arresting officer's signature

Printed name and title

UNITED STATES DISTRICT COURT

for the
District of Colorado

United States of America

v.

8. JUAN SANDOVAL

Case No. 13-cr-00161-REB

Defendant

ARREST WARRANT

To: Any authorized law enforcement officer

YOU ARE COMMANDED to arrest and bring before a United States magistrate judge without unnecessary delay
(name of person to be arrested) JUAN SANDOVAL,
who is accused of an offense or violation based on the following document filed with the court:

- Indictment Superseding Indictment Information Superseding Information Complaint
- Probation Violation Petition Supervised Release Violation Petition Violation Notice Order of the Court

This offense is briefly described as follows:

From on or about August 2012, through on or about April 23, 2013, the defendant did knowingly and intentionally conspire to knowingly and intentionally distribute and possess with the intent to distribute 5 kilograms or more of a mixture or substance containing a detectable amount of cocaine, a Schedule II controlled substance, in violation of Title 21, United States Code, Sections 846, and 841(a)(1) and 841(b)(1)(A)(ii)(II).

Date: 04/23/2013

s/ M.J. Garcia

Issuing officer's signature

City and state: Denver, CO

Jeffrey P. Colwell, Clerk, U.S. District Court

Printed name and title

Return

This warrant was received on (date) _____, and the person was arrested on (date) _____
at (city and state) _____.

Date: _____

Arresting officer's signature

Printed name and title

UNITED STATES DISTRICT COURT

for the
District of Colorado

United States of America

v.

9. JESUS GARCIA-SALAS

Case No. 13-cr-00161-REB

Defendant

ARREST WARRANT

To: Any authorized law enforcement officer

YOU ARE COMMANDED to arrest and bring before a United States magistrate judge without unnecessary delay
(name of person to be arrested) JESUS GARCIA-SALAS,
who is accused of an offense or violation based on the following document filed with the court:

- Indictment
- Superseding Indictment
- Information
- Superseding Information
- Complaint
- Probation Violation Petition
- Supervised Release Violation Petition
- Violation Notice
- Order of the Court

This offense is briefly described as follows:

From on or about August 2012, through on or about April 23, 2013, the defendant did knowingly and intentionally conspire to knowingly and intentionally distribute and possess with the intent to distribute 5 kilograms or more of a mixture or substance containing a detectable amount of cocaine, a Schedule II controlled substance, in violation of Title 21, United States Code, Sections 846, and 841(a)(1) and 841(b)(1)(A)(ii)(II).

Date: 04/23/2013

s/ M.J. Garcia

Issuing officer's signature

City and state: Denver, CO

Jeffrey P. Colwell, Clerk, U.S. District Court

Printed name and title

Return

This warrant was received on (date) _____, and the person was arrested on (date) _____
at (city and state) _____.

Date: _____

Arresting officer's signature

Printed name and title

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Criminal Case No. 13-cr-00161-REB

UNITED STATES OF AMERICA,

Plaintiff,

1. MARCO ONTIVEROS,
a/k/a "Chino,"
2. PEDRO LUJANO-GONZALEZ,
3. CARLOS SALCIDO-GARCIA,
4. CARLOS ANTILLON-FERNANDEZ,
5. ERNESTO GARCIA,
a/k/a "Yogui,"
6. JOSE GUADALUPE MORALES-MARTINEZ,
a/k/a "Negro,"
7. BERNARDINO GAMILLO,
a/k/a "Mateo,"
a/k/a "Sobrino,"
8. JUAN SANDOVAL,
9. JESUS GARCIA-SALAS,
a/k/a "Don Chuy,"

Defendants.

MOTION TO RESTRICT CASE

The United States of America, by and through John F. Walsh, United States Attorney for the District of Colorado, and Kasandra R. Carleton, Assistant United States Attorney, moves for an Order restricting this case. This motion is necessary to maintain secrecy based on concerns of flight from prosecution and other obstructive conduct.

WHEREFORE, the Government respectfully requests the entry of an Order restricting this case as to all parties with the exception of the United States Attorney's Office and members of law enforcement.

Respectfully submitted this 24th day of April, 2013.

Respectfully submitted,

John F. Walsh
UNITED STATES ATTORNEY

s/Kasandra R. Carleton
KASANDRA R. CARLETON
Assistant U.S. Attorney
U.S. Attorney's Office
1225 17th St., Ste. 700
Denver, CO 80202
Telephone: 303-454-0100
Fax: 303-454-401
E-mail: Kasandra.Carleton@usdoj.gov
Attorney for Government

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Criminal Case No. 13-cr-00161-REB

UNITED STATES OF AMERICA,

Plaintiff,

1. MARCO ONTIVEROS,
a/k/a "Chino,"
2. PEDRO LUJANO-GONZALEZ,
3. CARLOS SALCIDO-GARCIA,
4. CARLOS ANTILLON-FERNANDEZ,
5. ERNESTO GARCIA,
a/k/a "Yogui,"
6. JOSE GUADALUPE MORALES-MARTINEZ,
a/k/a "Negro,"
7. BERNARDINO GAMILLO,
a/k/a "Mateo,"
a/k/a "Sobrino,"
8. JUAN SANDOVAL,
9. JESUS GARCIA-SALAS,
a/k/a "Don Chuy,"

Defendants.

ORDER TO RESTRICT CASE

Upon the motion of the United States of America, and for good cause shown,

IT IS ORDERED that this case is restricted as to all parties with the exception of the United States Attorney's Office and members of law enforcement until further order.

DATED this ____ day of April, 2013.

UNITED STATES DISTRICT COURT
DISTRICT OF COLORADO

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Judge Robert E. Blackburn**

Criminal Case No. 13-cr-00161-REB

UNITED STATES OF AMERICA,

Plaintiff,

v.

1. MARCO ONTIVEROS,
a/k/a "Chino,"
2. PEDRO LUJANO-GONZALEZ,
3. CARLOS SALCIDO-GARCIA,
4. CARLOS ANTILLON-FERNANDEZ,
5. ERNESTO GARCIA,
a/k/a "Yogui,"
6. JOSE GUADALUPE MORALES-MARTINEZ,
a/k/a "Negro,"
7. BERNARDINO GAMILLO,
a/k/a "Mateo,"
ak/a "Sobrino,"
8. JUAN SANDOVAL, and
9. JESUS GARCIA-SALAS,
a/k/a "Don Chuy,"

Defendants.

**ORDER GRANTING MOTION TO SEAL
(Restricted Level 3)**

Blackburn, J.

The matter before me is the government's **Motion To Restrict Case** [#12]¹ filed April 24, 2013. The requirements of D.C.COLO.LCrR 47.1 have been satisfied. A showing of compelling reasons has been made. No objections have been filed. Thus,

¹ "[#12]" is an example of the convention I use to identify the docket number assigned to a specific paper by the court's electronic case filing and management system (CM/ECF). I use this convention throughout this order.

document #69 is entitled to Level 3 restriction as defined by D.C.COLO.LCrR 47.1B.4. (“Level 3 = access limited to the affected to the filing party and the court”).

THEREFORE, IT IS ORDERED as follows:

1. That government’s **Motion To Restrict Case** [#12] filed April 24, 2013, is

GRANTED;

2. That the case **SHALL BE MAINTAINED** under Level 3 restriction as defined by D.C.COLO.LCrR 47.1B.4; and

3. That this order **SHALL BE FILED** under Level 3 restriction as defined by D.C.COLO.LCrR 47.1B.4.

Dated April 24, 2013, at Denver, Colorado.

BY THE COURT:


Robert E. Blackburn
United States District Judge