

RLC:WMN  
F.#2007R0845, 2009R0737/OCDETF #NY-NYE-474

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK  
- - - - - X

UNITED STATES OF AMERICA

S U P E R S E D I N G  
I N D I C T M E N T

- against -

Cr. No. 08-186 (S-2) (JBW)  
(T. 21, U.S.C., §§  
841(a)(1),  
841(b)(1)(A)(ii)(II), 846,  
848(a), 848(c), 853,  
952(a), 959(c), 960(a)(1),  
960(a)(3),  
960(b)(1)(B)(ii) and 963;  
T. 18, U.S.C., §§ 2, 982,  
1956(h) and 3551 et seq.)

ESTEBAN RODRIGUEZ-OLIVERA,  
also known as  
"Humberto," "La Papa,"  
"El Guero" and  
"Peligros,"  
LUIS RODRIGUEZ-OLIVERA,  
also known as "El Guero,"  
"El Guerito," "Lucho"  
and "Peli Rojo,"



Defendants.

- - - - - X

THE GRAND JURY CHARGES:

COUNT ONE  
(Continuing Criminal Enterprise)

1. On or about and between January 1, 1996 and June 6, 2008, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendant LUIS RODRIGUEZ-OLIVERA, also known as "El Guero," "El Guerito," "Lucho" and "Peli Rojo," did knowingly and intentionally engage in a continuing criminal enterprise, in that he committed violations of Title 21, United States Code, Sections 841(a), 846,

952(a), 959 and 963, including violations one through <sup>ten</sup>~~eleven~~ set forth below, which violations were part of a continuing series of violations of those statutes undertaken by the defendant LUIS RODRIGUEZ-OLIVERA, in concert with five or more other persons, with respect to whom the defendant LUIS RODRIGUEZ-OLIVERA occupied a position of organizer, supervisor and manager, and from which continuing series of violations the defendant LUIS RODRIGUEZ-OLIVERA obtained substantial income and resources. The continuing series of violations, as defined by Title 21, United States Code, Section 848(c), includes the following violations set forth below:

Violations One, Two and Three  
(Importation of Cocaine)

2. In or about the dates set forth below, within the Eastern District of New York and elsewhere, the defendant LUIS RODRIGUEZ-OLIVERA, together with others, did knowingly and intentionally import a controlled substance into the United States from a place outside thereof, which offense involved five kilograms or more of a substance containing cocaine, a Schedule II controlled substance, in violation of Title 21, United States Code, Sections 952(a) and 960(b)(1)(B)(ii), and Title 18, United States Code, Section 2.

Violation	APPROXIMATE DATE(S)
One	1998
Two	August 2005
Three	September 2005

Violations Four, Five and Six  
(Possession of Cocaine with Intent to Distribute)

3. In or about the dates set forth below, within the Eastern District of New York and elsewhere, the defendant LUIS RODRIGUEZ-OLIVERA, together with others, did knowingly and intentionally possess with intent to distribute a controlled substance, which offense involved five kilograms or more of a substance containing cocaine, a Schedule II controlled substance, in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(A)(ii)(II), and Title 18, United States Code, Section 2.

Violation	APPROXIMATE DATE(S)
Four	1998
Five	August 2005
Six	September 2005

Violation Seven  
(Cocaine Importation Conspiracy)

4. On or about and between January 1, 1996 and June 6, 2008, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendant LUIS RODRIGUEZ-OLIVERA, together with others, did knowingly and intentionally conspire to import a controlled substance into the

United States from a place outside thereof, which offense involved five kilograms or more of a substance containing cocaine, a Schedule II controlled substance, in violation of Title 21, United States Code, Section 952(a).

Violation Eight  
(International Distribution Conspiracy)

5. On or about and between January 1, 1996 and June 6, 2008, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendant LUIS RODRIGUEZ-OLIVERA, together with others, did knowingly and intentionally conspire to distribute a controlled substance, intending and knowing that such substance would be imported into the United States from a place outside thereof, which offense involved five kilograms or more of a substance containing cocaine, a Schedule II controlled substance, in violation of Title 21, United States Code, Section 959(a) and 963.

Violation Nine  
(Cocaine Distribution Conspiracy)

6. On or about and between January 1, 1996 and June 6, 2008, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendant LUIS RODRIGUEZ-OLIVERA, together with others, did knowingly and intentionally conspire to distribute and possess with intent to distribute a controlled substance, which offense involved five kilograms or more of a substance containing cocaine, a Schedule

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

Violation Ten  
(Attempt to Launder Money)

7. In or about October 2005, within the Eastern District of New York and elsewhere, the defendant LUIS RODRIGUEZ-OLIVERA, together with others, did knowingly and intentionally attempt to transport, transmit and transfer funds from a place in the United States to and through a place outside the United States, to wit: Mexico, with the intent to promote the carrying on of specified unlawful activity, to wit: narcotics trafficking, in violation of Title 18, United States Code, Section 1956(a)(2)(A).

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

COUNT TWO  
(Cocaine Importation Conspiracy)

8. On or about and between January 1, 1996 and June 6, 2008, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendants ESTEBAN RODRIGUEZ-OLIVERA, also known as "Humberto," "La Papa," "El Guero" and "Peligros," LUIS RODRIGUEZ-OLIVERA, also known as "El Guero," "El Guerito," "Lucho" and "Peli Rojo," [REDACTED]

[REDACTED]

[REDACTED]

together with others, did knowingly and intentionally conspire to import a controlled substance into the United States from a place outside thereof, which offense involved five kilograms or more of a substance containing cocaine, a Schedule II controlled substance, in violation of Title 21, United States Code, Section 952(a).

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

COUNT THREE  
(International Distribution Conspiracy)

9. On or about and between January 1, 1996 and June 6, 2008, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendants ESTEBAN RODRIGUEZ-OLIVERA, also known as "Humberto," "La Papa," "El Guero" and "Peligros," LUIS RODRIGUEZ-OLIVERA, also known as "El Guero," "El Guerito," "Lucho" and "Peli Rojo," [REDACTED]

[REDACTED]

[REDACTED]

together with others, did knowingly and intentionally conspire to distribute a controlled substance, intending and knowing that such substance would be imported into the United States from a place outside thereof, which offense involved five kilograms or more of a substance containing cocaine, a Schedule II controlled

substance, in violation of Title 21, United States Code, Section 959(a).

(Title 21, United States Code, Sections 963, 959(c), 960(a)(3) and 960(b)(1)(B)(ii); Title 18, United States Code, Sections 3551 et seq.)

COUNT FOUR  
(Cocaine Distribution Conspiracy)

10. On or about and between January 1, 1996 and June 6, 2008, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendants ESTEBAN RODRIGUEZ-OLIVERA, also known as "Humberto," "La Papa," "El Guero" and "Peligros," LUIS RODRIGUEZ-OLIVERA, also known as "El Guero," "El Guerito," "Lucho" and "Peli Rojo," [REDACTED]

[REDACTED]  
[REDACTED]  
together with others, did knowingly and intentionally conspire to distribute and possess with intent to distribute a controlled substance, which offense involved five kilograms or more of a substance containing cocaine, a Schedule II controlled substance, in violation of Title 21, United States Code, Section 841(a)(1).

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

COUNT FIVE

(Money Laundering Conspiracy)

11. On or about and between January 1, 1996 and June 6, 2008, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendants ESTEBAN RODRIGUEZ-OLIVERA, also known as "Humberto," "La Papa," "El Guero" and "Peligros," LUIS RODRIGUEZ-OLIVERA, also known as "El Guero," "El Guerito," "Lucho" and "Peli Rojo," [REDACTED]

[REDACTED]

[REDACTED]

together with others, did knowingly and intentionally conspire to conduct financial transactions in and affecting interstate and foreign commerce, to wit: the transfer and delivery of United States currency, which in fact involved the proceeds of specified unlawful activity, to wit: narcotics trafficking, in violation of Title 21, United States Code, Sections 841(a)(1), 846, 959(a), 960(a)(1) and 963, knowing that the property involved in the financial transactions represented the proceeds of some form of unlawful activity with the intent to promote the carrying on of specified unlawful activity, in violation of Title 18, United States Code, Section 1956(a)(1)(A)(i).

(Title 18, United States Code, Sections 1956(h) and 3551 et seq.)



COUNT SIX  
(Attempted Cocaine Distribution)

12. On or about and between February 1, 2007 and September 30, 2007, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendants ESTEBAN RODRIGUEZ-OLIVERA, also known as "Humberto," "La Papa," "El Guero" and "Peligros," [REDACTED] [REDACTED] together with others, did knowingly and intentionally attempt to distribute and possess with intent to distribute a controlled substance, which offense involved five kilograms or more of a substance containing cocaine, a Schedule II controlled substance, in violation of Title 21, United States Code, Section 841(a)(1).

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

COUNTS SEVEN, EIGHT AND NINE  
(Cocaine Importation)

13. In or about the dates set forth below, within the Eastern District of New York and elsewhere, the defendant LUIS RODRIGUEZ-OLIVERA, also known as "El Guero," "El Guerito," "Lucho" and "Peli Rojo," together with others, did knowingly and intentionally import a controlled substance into the United States from a place outside thereof, which offense involved five

kilograms or more of a substance containing cocaine, a Schedule II controlled substance.

Count	APPROXIMATE DATE(S)
Seven	1998
Eight	August 2005
Nine	September 2005

(Title 21, United States Code, Sections 952(a), 960(a)(1) and 960(b)(1)(B)(ii); Title 18, United States Code, Sections 2 and 3551 et seq.)

COUNTS TEN, ELEVEN AND TWELVE  
(Possession of Cocaine with Intent to Distribute)

14. In or about the dates set forth below, within the Eastern District of New York and elsewhere, the defendant LUIS RODRIGUEZ-OLIVERA, also known as "El Guero," "El Guerito," "Lucho" and "Peli Rojo," together with others, did knowingly and intentionally possess with intent to distribute a controlled substance, which offense involved five kilograms or more of a substance containing cocaine, a Schedule II controlled substance.

Violation	APPROXIMATE DATE(S)
Ten	1998
Eleven	August 2005
Twelve	September 2005

(Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(A)(ii)(II); Title 18, United States Code, Sections 2 and 3551 et seq.)

COUNT THIRTEEN  
(Attempted Money Laundering)

15. In or about October 2005, within the Eastern District of New York and elsewhere, the defendant LUIS RODRIGUEZ-OLIVERA, also known as "El Guero," "El Guerito," "Lucho" and "Peli Rojo," together with others, did knowingly and intentionally attempt to transport, transmit and transfer funds from a place in the United States to and through a place outside the United States, to wit: Mexico, with the intent to promote the carrying on of specified unlawful activity, to wit: narcotics trafficking.

(Title 18, United States Code, Sections 1956(a)(2)(A),  
2 and 3551 et seq.)

CRIMINAL FORFEITURE ALLEGATION AS TO COUNT ONE  
(Continuing Criminal Enterprise)

16. The United States hereby gives notice to the defendants charged in Count One that, upon their conviction of such offense, the government will seek forfeiture in accordance with Title 21, United States Code, Section 853, which requires any person convicted of such offenses to forfeit any property constituting, or derived from, proceeds the defendants obtained, directly or indirectly, as the result of such offense, any property used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of such offenses, 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, a sum of money equal to at least approximately \$50,000,000 in United States currency for which the defendants are jointly and severally liable.

17. If any of the above-described forfeitable 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 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 defendants up to the value of the forfeitable property described in this forfeiture allegation.

(Title 21, United States Code, Section 853)

CRIMINAL FORFEITURE ALLEGATION AS TO  
COUNTS TWO THROUGH FOUR AND SIX THROUGH TWELVE  
(Narcotics Violations)

18. The United States hereby gives notice to the defendants charged in Counts Two through Four and Six through Twelve that, upon their conviction of any such offense, the government will seek forfeiture in accordance with Title 21, United States Code, Section 853, which requires any person convicted of such offenses to forfeit any property constituting, or derived from, proceeds the defendants 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, a sum of money equal to at least approximately \$50,000,000 in United States currency for which the defendants are jointly and severally liable.

19. If any of the above-described forfeitable 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 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 defendants up to the value of the forfeitable property described in this forfeiture allegation.

(Title 21, United States Code, Section 853)

CRIMINAL FORFEITURE ALLEGATION AS TO COUNTS FIVE AND THIRTEEN  
(Money Laundering)

20. The United States hereby gives notice to the defendants charged in Counts Five and Thirteen that, upon their conviction of such offense, the government will seek forfeiture in accordance with Title 18, United States Code, Section 982, of all property involved in such offense of conviction in violation of Title 18, United States Code, Section 1956, or conspiracy to commit such offenses, and all property traceable to such property as a result of the defendants conviction of Count ~~Four~~ <sup>Five and Thirteen</sup> of this Indictment, including but not limited to, a sum of money equal to at least approximately \$50,000,000 in United States currency for which the defendants are jointly and severally liable.

21. If any of the above-described forfeitable 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 divided without difficulty;


it is the intent of the United States, pursuant to Title 18, United States Code, Section 982, to seek forfeiture of any other property of the defendants up to the value of the forfeitable property described in this forfeiture allegation.

(Title 18, United States Code, Section 982)

A TRUE BILL

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BENTON J. CAMPBELL  
UNITED STATES ATTORNEY  
EASTERN DISTRICT OF NEW YORK

BY:   
ACTING UNITED STATES ATTORNEY  
PURSUANT TO 28 C.F.R. 0.126