

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF LOUISIANA**

**INDICTMENT FOR VIOLATIONS OF  
THE FEDERAL CONTROLLED SUBSTANCES ACT  
AND FEDERAL GUN CONTROL ACT**

**UNITED STATES OF AMERICA**

**CRIMINAL DOCKET NO.**

**v.**

**SECTION:**

**JOSEPH OTERO  
SANDY ZARA**

**VIOLATIONS: 21 U.S.C. § 841 (a)(1)  
21 U.S.C. § 846  
18 U.S.C. § 924(c)(1)(A)**

\_\_\_\_\_The Grand Jury charges that:

**COUNT 1**

Beginning at a time unknown, but prior to September 30, 2008, and continuing to on or about October 1, 2008, in the Eastern District of Louisiana and elsewhere, the defendants, **JOSEPH OTERO** and **SANDY ZARA**, did knowingly and intentionally combine, conspire, confederate, and agree with each other, and with other persons known and unknown to the Grand Jury to possess with the intent to distribute 500 grams or more of a mixture or substance containing a detectable amount of cocaine hydrochloride, a Schedule II narcotic drug controlled substance, and a quantity of marijuana, a Schedule I drug controlled substance; all in violation of Title 21, United States Code, Sections 841(a)(1), 841(b)(1)(B) and (C), and 846.

## COUNT 2

On or about October 1, 2008, in the Eastern District of Louisiana, the defendant, **JOSEPH OTERO**, did knowingly possess two firearms, to wit: a Norinco SKS 7.62 caliber rifle, serial number 23180, and an Intratec TEC-DC9 9 millimeter, serial number D028785, in furtherance of a drug trafficking crime for which he may be prosecuted in a court of the United States, to wit: conspiracy to possess with intent to distribute cocaine hydrochloride and marijuana as alleged in Count 1 of this indictment in violation of Title 21, United States Code, Section 841(a)(1); all in violation of Title 18, United States Code, Section 924(c)(1)(A).

### NOTICE OF DRUG FORFEITURE

1. The allegation of Count 1 of this Indictment is realleged and incorporated by reference as though set forth fully herein for the purpose of alleging forfeiture to the United States of America pursuant to the provisions of Title 21, United States Code, Section 853.

2. As a result of the offense alleged in Count 1, the defendants, **JOSEPH OTERO** and **SANDY ZARA**, shall forfeit to the United States pursuant to Title 21, United States Code, Section 853, any and all property constituting or derived from any proceeds the defendant obtained directly or indirectly as a result of the said violation and any and all property used or intended to be used in any manner or part to commit and to facilitate the commission of the violation alleged in Count 1 of this Indictment.

3. If any of the property subject to forfeiture pursuant to Paragraph 2 of this Notice of Forfeiture, as a result of any act or omission of the defendant:

- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third person;

- 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 defendant up to the value of the above forfeitable property.

All in violation of Title 21, United States Code, Section 853.

### **NOTICE OF GUN FORFEITURE**

1. The allegation of Count 2 of this Indictment is realleged and incorporated by reference as though set forth fully herein for the purpose of alleging forfeiture to the United States of America pursuant to the provisions of Title 18, United States Code, Section 924 (d)(1) and Title 28, United States Code, Section 2461(c).

2. As a result of the offense alleged in Count 2, the defendant, **JOSEPH OTERO**, shall forfeit to the United States pursuant to Title 18, United States Code, Section 924(d)(1) and Title 28 United States Code, Section 2461, any firearm or ammunition, which was involved in or used in a knowing violation of Title 18, United States Code, Section 924(c)(1)(A), as alleged in Count 2 of the Indictment.

3. If any of the property subject to forfeiture pursuant to Paragraph 2 of this Notice of Forfeiture, as a result of any act or omission of the defendant:

- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third person;
- 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 defendant up to the value of the above forfeitable property.

All in violation of Title 18, United States Code, Section 924(c)(1)(A), and 924(d)(1).

A TRUE BILL:

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FOREPERSON

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JIM LETTEN,  
United States Attorney  
Bar Roll No. 8517

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JAN MASELLI MANN, # 9020  
Chief, Criminal Division  
Assistant United States Attorney  
Bar Roll No. 9020

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EMILY K. GREENFIELD  
Assistant United States Attorney  
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New Orleans, Louisiana  
October 9, 2008