

FILED 22 AUG '12 14:28 USDC-ORP

UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
PORTLAND DIVISION

UNITED STATES OF AMERICA

3:12-CR-00392-MO

v.

SUPERSEDING INDICTMENT

COLT WINSLOW HEARD,
FRANCISCO GARCIA-SOTO,
PAUL GLEN MCCLENDON,
CESAR BARRAZA-MACIAS,
BENITO M. RAMIREZ,
LAMBERTO CHAIREZ-SOTO,
FIDEL L. TORRES,
RODNEY GAYLIN TATE,
DELITA LORRAINE CULLEN,
CHARLES JOE JONES,
JENNIFER MARIE JONES,
LANDON LEE SCHAB,
JENNIFER BURT,
MELINDA LOVE BELL,
TROY DANIEL MCDONALD,
JEFFERY LEE AUSTIN,
KAISHIA BRIANNA WILLIAMS,
TIMOTHY WAYNE TORGERSON, and
LORENA BARRAZA

18 U.S.C. § 2
18 U.S.C. § 922(k)
18 U.S.C. § 924(a)(1)(B)
18 U.S.C. § 924(c)(1)(A)
21 U.S.C. § 841(a)(1)
21 U.S.C. § 841(b)(1)(A)(viii)
21 U.S.C. § 841(b)(1)(B)(vii)
21 U.S.C. § 841(b)(1)(C)
21 U.S.C. § 843(b)
21 U.S.C. § 846
21 U.S.C. § 853

Defendants.

GRAND JURY CHARGES:

COUNT 1

[Conspiracy to Distribute Controlled Substances and to Use Communication Facilities]

Beginning on or before May 1, 2011, and continuing through the date of this indictment, in the District of Oregon and elsewhere, defendants **COLT WINSLOW HEARD,**

FRANCISCO GARCIA-SOTO, PAUL GLEN MCCLENDON, CESAR BARRAZA-MACIAS, BENITO M. RAMIREZ, LAMBERTO CHAIREZ-SOTO, FIDEL L. TORRES, RODNEY GAYLIN TATE, DELITA LORRAINE CULLEN, CHARLES JOE JONES, JENNIFER MARIE JONES, LANDON LEE SCHAB, JENNIFER BURT, MELINDA LOVE BELL, TROY DANIEL MCDONALD, JEFFERY LEE AUSTIN, KAISHIA BRIANNA WILLIAMS and TIMOTHY WAYNE TORGERSON, did knowingly and willfully combine, conspire, confederate, and agree together and with persons whose identities are known and unknown to the grand jury to carry out the following objects in furtherance of the conspiracy and in violation of Title 21, United States Code, Section 846.

OBJECTS OF THE CONSPIRACY

A. **Possession with Intent to Distribute Methamphetamine:** The conspirators agreed to possess with intent to distribute 50 grams or more of methamphetamine, or 500 grams or more of a mixture or substance containing a detectible amount of methamphetamine, a Schedule II controlled substance, in violation of Title 21, United States Code, Sections 841(a)(1) and (b)(1)(A)(viii).

B. **Distribution of Methamphetamine:** The conspirators agreed to distribute 50 grams or more of methamphetamine, or 500 grams or more of a mixture or substance containing a detectible amount of methamphetamine, a Schedule II controlled substance, in violation of Title 21, United States Code, Sections 841(a)(1) and (b)(1)(A)(viii).

C. **Possession with Intent to Distribute Marijuana:** The conspirators agreed to possess with intent to distribute 100 kilograms or more of a mixture or substance containing a

detectible amount of marijuana or 100 or more marijuana plants, a Schedule I controlled substance, in violation of Title 21, United States Code, Sections 841(a)(1) and (b)(1)(B)(vii).

D. Distribution of Marijuana: The conspirators agreed to distribute 100 kilograms or more of a mixture or substance containing a detectible amount of marijuana or 100 or more marijuana plants, a Schedule I controlled substance, in violation of Title 21, United States Code, Sections 841(a)(1) and (b)(1)(B)(vii).

E. Possession with Intent to Distribute Heroin: The conspirators agreed to possess with intent to distribute heroin, a Schedule I controlled substance, in violation of Title 21, United States Code, Sections 841(a)(1) and (b)(1)(C).

F. Distribution of Heroin: The conspirators agreed to distribute heroin, a Schedule I controlled substance, in violation of Title 21, United States Code, Sections 841(a)(1) and (b)(1)(C).

G. Possession with Intent to Distribute Oxycodone: The conspirators agreed to possess with intent to distribute oxycodone, a Schedule II controlled substance, in violation of Title 21, United States Code, Sections 841(a)(1) and (b)(1)(C).

H. Distribution of Oxycodone: The conspirators agreed to distribute oxycodone, a Schedule II controlled substance, in violation of Title 21, United States Code, Sections 841(a)(1) and (b)(1)(C).

I. Possession with Intent to Distribute Hydrocodone: The conspirators agreed to possess with intent to distribute hydrocodone, a controlled substance, in violation of Title 21, United States Code, Sections 841(a)(1) and (b)(1)(C).

J. Distribution of Hydrocodone: The conspirators agreed to distribute hydrocodone, a controlled substance, in violation of Title 21, United States Code, Sections 841(a)(1) and (b)(1)(C).

K. Use of a Communication Facility: The conspirators agreed to use communication facilities, including cellular telephones, in committing, causing, or facilitating the commission of a controlled substance felony, in violation of Title 21, United States Code, Section 843(b).

COUNT 2

[Distribution of Methamphetamine]

On or about July 22, 2012, in the District of Oregon, **COLT WINSLOW HEARD** and **FRANCISCO GARCIA-SOTO**, defendants herein, knowingly and intentionally distributed 50 grams or more of a mixture or substance containing a detectable amount of methamphetamine, its salts, isomers, or salts of its isomers, a Schedule II controlled substance, all in violation of Title 18, United States Code, Section 2; Title 21, United States Code, Sections 841(a)(1) and (b)(1)(B)(viii).

COUNT 3

[Possession with Intent to Distribute Methamphetamine]

On or about July 22, 2012, in the District of Oregon, **COLT WINSLOW HEARD**, **FRANCISCO GARCIA-SOTO** and **PAUL GLEN MCCLENDON**, defendants herein, knowingly and intentionally possessed with the intent to distribute 50 grams or more of a mixture or substance containing a detectable amount of methamphetamine, its salts, isomers, or

salts of its isomers, a Schedule II controlled substance, all in violation of Title 18, United States Code, Section 2; Title 21, United States Code, Sections 841(a)(1) and (b)(1)(B)(viii).

COUNT 4

[Manufacturing Marijuana]

Beginning at a time unknown in 2012, and continuing through August 2, 2012, in the District of Oregon, defendants **CESAR BARRAZA-MACIAS** and **LORENA BARRAZA**, knowingly and intentionally manufactured marijuana, a Schedule I controlled substance, to wit: more than one hundred (100) marijuana plants, a Schedule I controlled substance, in violation of Title 18, United States Code, Section 2, and Title 21, United States Code, Sections 841(a)(1); 841(b)(1)(B)(vii).

COUNT 5

[Possession Of A Firearm During And In Relation To A Drug Trafficking Crime]

On or about August 2, 2012, within the District of Oregon and elsewhere, **CESAR BARRAZA-MACIAS** and **LORENA BARRAZA**, defendants herein, knowingly possessed a firearm, that is: one Colt Commander .45 handgun, serial number CI 22616, in furtherance of a drug trafficking crime for which they may be prosecuted in a court of the United States, that is, Manufacturing Marijuana as alleged in Count 4 of the Superseding Indictment, in violation of Title 18, United States Code, Sections 2, and 924(c)(1)(A).

COUNT 6

[Possession Of A Firearm During And In Relation To A Drug Trafficking Crime]

Beginning at a time unknown in 2012, and continuing through August 2, 2012, within the District of Oregon, and the Eastern District of Oregon, **COLT WINSLOW HEARD** and

LAMBERTO CHAIREZ-SOTO, defendants herein, knowingly possessed one or more firearms, that is:

- 1) Hi-Point Model 995 9 mmx19 Assault Rifle with loaded magazine
- 2) Take Down .410 serial number 12119B
- 3) Magnum Research Desert Eagle 9 mm with 35 rounds of ammunition, serial number 31317849
- 4) Remington Model 742 30/60 (Caliber) serial number B7220522
- 5) Single Shot 20 gauge shotgun serial number 19495B
- 6) Single Shot 12 gauge shotgun "Outlaw" serial number L1124
- 7) Interarms Model .22 ATD single shot rifle serial number 511734
- 8) Derringer .22 caliber gold and pearl pistol serial number 22457DER
- 9) Derringer .22 caliber gold and pearl pistol serial number 22458DER

in furtherance of a drug trafficking crime for which they may be prosecuted in a court of the United States, that is Conspiracy to Distribute Controlled Substances and to Use Communication Facilities, as alleged in Count 1 of this Superseding Indictment, in violation of Title 18, United States Code, Sections 2, and 924(c)(1)(A).

COUNT 7

[Possession Of A Firearm During And In Relation To A Drug Trafficking Crime]

Beginning at a time unknown in 2011, and continuing through August 2, 2012, within the District of Oregon and elsewhere, **TIMOTHY WAYNE TORGERSON**, defendant herein, knowingly possessed one or more firearms, that is:

- 1) Raven Arms .25 caliber model P-25 silver w/wooden color grips serial number 413743
- 2) New England Arms 20 gauge SBI Shotgun "Pardner" serial number NK266088

in furtherance of a drug trafficking crime for which he may be prosecuted in a court of the United States, that is Conspiracy to Distribute Controlled Substances and to Use Communication

Facilities, as alleged in Count 1 of this Superseding Indictment, in violation of Title 18, United States Code, Section 924(c)(1)(A).

COUNT 8

[Unlawful Possession Of A Firearm By A Felon]

Beginning at a time unknown in 2012, and continuing through August 2, 2012, in the District of Oregon, defendant **COLT WINSLOW HEARD**, having been previously convicted of a crime punishable by imprisonment for a term exceeding one year, specifically Unlawful Delivery of Methamphetamine, in the Umatilla County Circuit Court for the State of Oregon Case Number CF08-0415, on or about November 24, 2008, knowingly and unlawfully possessed one or more firearms, that is:

- 1) Rossi .357 magnum by Taurus serial number ZJ430519
- 2) Semi-automatic G-41 DV WWII Rifle serial number 5474F,

which had previously been transported in interstate commerce; in violation of Title 18, United States Code, Sections 922(g)(1), 924(a)(2) , and 924(e).

COUNT 9

[Unlawful Possession Of A Firearm By A Felon]

Beginning at a time unknown in 2012, and continuing through August 2, 2012, in the District of Oregon, defendant **FRANCISCO GARCIA-SOTO**, having been previously convicted of a crime punishable by imprisonment for a term exceeding one year, specifically Attempted Murder, in the Umatilla County Circuit Court for the State of Oregon Case Number CF94-0494, on or about July 29, 1998, knowingly and unlawfully possessed one or more firearms, that is:

- 1) Rossi .357 magnum by Taurus serial number ZJ430519
- 2) Semi-automatic G-41 DV WWII Rifle serial number 5474F,

which had previously been transported in interstate commerce; in violation of Title 18, United States Code, Sections 922(g)(1), 924(a)(2) , and 924(e).

COUNT 10

[Unlawful Possession Of A Firearm By A Felon]

On or about August 2, 2012, in the District of Oregon, defendant **CHARLES JOE JONES**, having been previously convicted of a crime punishable by imprisonment for a term exceeding one year, specifically: Manufacturing Marijuana, in the Umatilla County Circuit Court for the State of Oregon Case Number CF100231 on or about April 14, 2011, knowingly and unlawfully possessed a firearm that is, one Ruger Single Six .22 caliber revolver, serial number 66-46052, which had previously been transported in interstate commerce; in violation of Title 18, United States Code, Sections 922(g)(1), 924(a)(2) , and 924(e).

COUNT 11

[Unlawful Possession Of A Firearm With An Obliterated Serial Number]

On or about August 2, 2012, in the District of Oregon, defendant **BENITO L. RAMIREZ**, knowingly possessed a firearm, that is one RG Model 23, .22 caliber firearm, that had been shipped and transported in interstate commerce, from which the manufacturer's serial number had been removed, altered and obliterated, in violation of Title 18, United States Code, Sections 922(k) and 924(a)(1)(B).

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CRIMINAL FORFEITURE – DRUG OFFENSE

Upon conviction of the controlled substance offense listed above in Count 1, **COLT WINSLOW HEARD, FRANCISCO GARCIA-SOTO, PAUL GLEN MCCLENDON, CESAR BARRAZA-MACIAS, BENITO M. RAMIREZ, LAMBERTO CHAIREZ-SOTO, FIDEL L. TORRES, RODNEY GAYLIN TATE, DELITA LORRAINE CULLEN, CHARLES JOE JONES, JENNIFER MARIE JONES, LANDON LEE SCHAB, JENNIFER BURT, MELINDA LOVE BELL, TROY DANIEL MCDONALD, JEFFERY LEE AUSTIN, KAISHIA BRIANNA WILLIAMS, and TIMOTHY WAYNE TORGERSON**, defendants herein, shall forfeit to the United States, pursuant to Title 21, United States Code, Section 853, any property constituting, or derived from, proceeds obtained, directly or indirectly, as a result of the said violation and any property used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of the said violation, including but not limited to the following assets:

1. Money Judgment

The sum of \$100,000 representing a portion of the proceeds of defendants' criminal activity, and/or was used to facilitate defendants' criminal activity, and/or was involved in defendants' criminal activity, in violation of Title 21, United States Code, Section 841(a)(1) as set forth in Count 1 of this Superseding Indictment.

CRIMINAL FORFEITURE OF FIREARMS AND AMMUNITION ALLEGATION

Upon conviction of the offense alleged in Counts 1, Conspiracy to Distribute Controlled Substances and to Use Communication Facilities of this Superseding Indictment defendants **COLT WINSLOW HEARD, FRANCISCO GARCIA-SOTO, PAUL GLEN**

MCCLENDON, CESAR BARRAZA-MACIAS, BENITO M. RAMIREZ, LAMBERTO CHAIREZ-SOTO, FIDEL L. TORRES, RODNEY GAYLIN TATE, DELITA LORRAINE CULLEN, CHARLES JOE JONES, JENNIFER MARIE JONES, LANDON LEE SCHAB, JENNIFER BURT, MELINDA LOVE BELL, TROY DANIEL MCDONALD, JEFFERY LEE AUSTIN, KAISHIA BRIANNA WILLIAMS, TIMOTHY WAYNE TORGERSO and LORENA BARRAZA, shall forfeit to the United States pursuant to Title 18, United States Code, Section 924(d) and Title 28, United States Code, Section 2461(c), all firearms and ammunition involved in the commission of the offense, including but not limited to the specifically:

- 1) One Colt Commander .45 caliber serial number CJ22616
- 2) Hi-Point Model 995 9 mmx19 Assault rifle with loaded magazine
- 3) Take Down .410 serial number 12119B
- 4) Magnum Research Desert Eagle 9 mm with 35 rounds of ammunition, serial number 31317849
- 5) Remington Model 742 30/60 caliber serial number B7220522
- 6) Single Shot 20 gauge shotgun serial number 19495B
- 7) Single Shot 12 gauge shotgun "Outlaw" serial number L1124
- 8) Interarms Model 22 ATD Single Shot rifle serial number 511734
- 9) Derringer .22 caliber gold and pearl pistol serial number 22457DER
- 10) Derringer .22 caliber gold and pearl pistol serial number 22458DER.
- 11) Magnum Research Inc, (MPLS) 40 Smith and Wesson serial number 34312883
- 12) SKS Norinco 762x59 serial number 1613029 with collapsible stock

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- 13) Rossi .357 magnum by Taurus serial number ZJ430519
- 14) Smith and Wesson Walther P22/.22 caliber firearm L355958
- 15) Field King .22 long rifle pistol serial number 357332 with home made suppressor
- 16) Black Norinco SKS 7 x 62 serial number 1402013
- 17) Harrington and Richardson 20 gauge shotgun serial AM281191
- 18) Semi-automatic G-41 DV WWII Rifle serial number 5474F
- 19) RG model 23, .22 caliber
- 20) Raven Arms .25 caliber model P-25 silver w/wooden color grips serial number 413743
- 21) New England Arms 20 gauge SBI shotgun "Pardner" serial number NK266088
- 22) And ammunition seized in connection with the above listed guns.

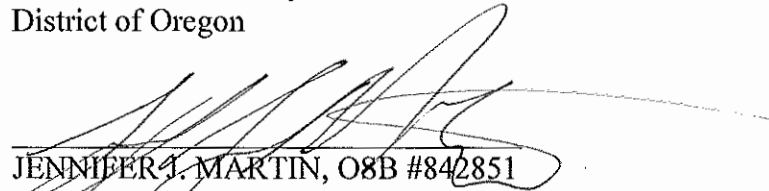
Dated this 21 day of August, 2012.

A TRUE BILL

OFFICIATING FOREPERSON

Presented by:

S. AMANDA MARSHALL
United States Attorney
District of Oregon



JENNIFER J. MARTIN, O8B #842851
KEMP STRICKLAND, OSB #961185
Assistant United States Attorneys
(503) 727-1000