

FILED

UNITED STATES DISTRICT COURT
ALBUQUERQUE, NEW MEXICO

IN THE UNITED STATES DISTRICT COURT

JAN 24 2012 *doz*

FOR THE DISTRICT OF NEW MEXICO

MATTHEW J. DYKMAN
CLERK

UNITED STATES OF AMERICA,)
)
Plaintiff,)

vs.)

OSCAR L. PORTILLO SR.,)
MATTHEW PORTILLO,)
SANDRA L. PORTILLO,)
a/k/a Sandra Pettit,)
OSCAR PORTILLO JR.,)
CESAR RAMOS,)
FERNANDO A. RAMOS,)
a/k/a "Freddie,")
NATASHA N. CORONADO, and)
RUBEN ORTIZ-RIVERA,)
a/k/a Ruben Rivera-Ortiz,)

Defendants.)

CRIMINAL NO. 12-132

Count 1: 21 U.S.C. § 846: Conspiracy

Count 2: 21 U.S.C. § 856(a)(1): Maintaining a Place for Storing and Distributing Narcotics; 18 U.S.C. § 2: Aiding and Abetting

Counts 3, 5, 9, 21 : 21 U.S.C. §§ 841(a)(1) and (b)(1)(C): Distribution of Cocaine; 18 U.S.C. § 2: Aiding and Abetting

Counts 4, 6, 7, 8, 10, 16, 22 and 23: 18 U.S.C. § 1956(a)(3)(A): Money Laundering; 18 U.S.C. § 2: Aiding and Abetting

Count 11: 18 U.S.C. § 1956(h): Conspiracy to Launder Money

Counts 12, 13 and 14: 18 U.S.C. § 1956(a)(3)(B): Money Laundering; 18 U.S.C. § 2: Aiding and Abetting

Count 15: 21 U.S.C. §§ 841(a)(1) and (b)(1)(C): Distribution of Heroin; 18 U.S.C. § 2: Aiding and Abetting

Counts 17, 18, 19 and 20: 21 U.S.C. § 843(b): Use of a Communication Facility to Further the Commission of a Drug Trafficking Crime; 18 U.S.C. § 2: Aiding and Abetting

Count 24: 21 U.S.C. §§ 841(a)(1) and (b)(1)(C): Possession with Intent to Distribute Cocaine; 18 U.S.C. § 2: Aiding and Abetting

INDICTMENT

The Grand Jury charges:

Count 1

From on or about September 13, 2011, and continuing to on or about January 24, 2012, in Doña Ana County, in the District of New Mexico, and elsewhere, the defendants, **OSCAR L. PORTILLO SR., MATTHEW PORTILLO, SANDRA L. PORTILLO, a/k/a Sandra Pettit, OSCAR PORTILLO JR., CESAR RAMOS, FERNANDO A. RAMOS, a/k/a "Freddie," NATASHA N. CORONADO, and RUBEN ORTIZ-RIVERA, a/k/a Ruben Rivera-Ortiz,** unlawfully, knowingly and intentionally did combine, conspire, confederate and agree with each other and with other persons whose names are known and unknown to the Grand Jury to commit the following offense against the United States, to wit: distribution of a controlled substance, 500 grams and more of a mixture and substance containing a detectable amount of cocaine, contrary to 21 U.S.C. §§ 841(a)(1) and (b)(1)(B), and distribution of a controlled substance, a mixture and substance containing a detectable amount of heroin, contrary to 21 U.S.C. §§ 841(a)(1) and (b)(1)(C).

Overt Acts

In furtherance of the conspiracy, and to accomplish the objectives of the conspiracy, the following overt acts, among others, were committed:

Overt Act One

On September 13, 2011, a Confidential Source purchased approximately one ounce of cocaine for \$600 from Oscar Portillo, Sr. at Pettit Farms in Anthony, New Mexico.

Overt Act Two

On September 16, 2011, Cesar Ramos provided Matthew Portillo and Oscar Portillo Sr. with approximately five ounces of cocaine in a Lowe's parking lot in El Paso, Texas.

Overt Act Three

On September 16, 2011, Oscar Portillo Sr. and Matthew Portillo sold five ounces of cocaine to an Undercover Agent for \$3,000 at Pettit Farms in Anthony, New Mexico

Overt Act Four

On September 20, 2011, Oscar Portillo Sr. called the Undercover Agent to inquire as to whether the Undercover Agent liked the cocaine sold to her on September 16, 2011, and to ask when the Undercover Agent would be returning to Anthony, New Mexico.

Overt Act Five

On September 26, 2011, Oscar Portillo Sr. agreed to sell the Undercover Agent five additional ounces of cocaine and instructed the Undercover Agent to use "pecan pies" as code words for cocaine when the Undercover Agent wanted to order additional cocaine over the telephone.

Overt Act Six

On September 28, 2011, Oscar Portillo Sr. and Matthew Portillo sold the Undercover Agent five ounces of cocaine for \$3,000 and provided the Undercover Agent an additional two ounces of cocaine with the understanding that she would pay for them in approximately one week.

Overt Act Seven

On September 28, 2011, Matthew Portillo told the Undercover Agent that Oscar Portillo Sr. had instructed him to tell the Undercover Agent to mail the money owed for the additional two ounces of cocaine as a money order.

Overt Act Eight

On October 5, 2011, Oscar Portillo Sr. told a Confidential Source that Matthew Portillo and Oscar Portillo, Jr., had traveled to Fort Stockton, Texas, where they were going to "pick up" (referring to picking up cocaine) from their uncle.

Overt Act Nine

On October 7, 2011, Oscar Portillo Sr. picked up two money orders totaling \$1,200 from the United States Post Office, in Anthony, New Mexico, which were sent by the Undercover Agent as payment for the two additional ounces of cocaine provided to the Undercover Agent on September 28, 2011.

Overt Act Ten

On October 11, 2011, Oscar Portillo Sr. cashed the two money orders at Chase Bank in El Paso, Texas.

Overt Act Eleven

On November 4, 2011, Oscar Portillo Sr. sold the Undercover Agent five ounces of cocaine for \$3,000 and provided the Undercover Agent an additional four ounces of cocaine with the understanding that she would pay for the additional four ounces at a later date.

Overt Act Twelve

On November 4, 2011, Oscar Portillo Sr. told the Undercover Agent to make out the money orders for the \$2,400 owed to him to the business name (Pettit Farms and Nursery) so that the money could not be traced to him personally.

Overt Act Thirteen

On November 4, 2011, at the direction of Oscar Portillo, Sr., Sandra Portillo provided the Undercover Agent with a fraudulent receipt/invoice showing that the Undercover Agent had paid \$2,400 for pecan trees from Pettit Farms and Nursery and that the Undercover Agent still owed \$2,600 for the pecan trees.

Overt Act Fourteen

On November 4, 2011, Sandra Portillo told the Undercover Agent to include the false invoice with the money order when she sent them the money so that it would look like the money was coming to the business in case they got caught.

Overt Act Fifteen

On November 5, 2011, approximately ten minutes after the Undercover Agent departed Pettit Farms, Oscar Portillo, Sr. called Cesar Ramos and indicated that he had "the ones" that he owed Cesar Ramos.

Overt Act Sixteen

On November 12, 2011, Oscar Portillo, Sr. spoke with the Undercover Agent who indicated that she was ready to purchase another seven ounces of cocaine and then called Oscar Ramos and told Oscar Ramos that they needed to order the same thing that they had been ordering, "another seven."

Overt Act Seventeen

On November 17, 2011, Oscar Portillo, Sr. received at the United States Post Office in Anthony, New Mexico, the three money orders, numbered 9493402908 for \$1,000, 9493402909 for

\$1,000, and 9493402910 for \$400, that were sent to him by an FBI agent in Denver on behalf of the Undercover Agent.

Overt Act Eighteen

On November 18, 2011, Sandra Portillo deposited those same three money orders into the Pettit Farms and Nursery bank account in El Paso, Texas.

Overt Act Nineteen

On November 21, 2011, Oscar Portillo, Sr. purported to sell the Undercover Agent two ounces of white heroin for \$2,500 at Pettit Farms in Anthony, New Mexico, but when the Undercover Agent later weighed out the heroin, it weighed only approximately 1.25 ounces.

Overt Act Twenty

On November 21, 2011, Oscar Portillo, Sr. called Cesar Ramos and indicated that the Undercover Agent was unhappy with the heroin even though he had turned it over to the Undercover Agent exactly as Cesar Ramos had told him to do it.

Overt Act Twenty-One

On November 21, 2011, Oscar Portillo, Sr. and Cesar Ramos agreed to return the money that the Undercover Agent had paid for the heroin or to provide the Undercover Agent with cocaine to make up for the heroin weighing less than it was supposed to.

Overt Act Twenty-Two

On November 30, 2011, Oscar Portillo, Jr. spoke on the phone with Matthew Portillo, and agreed at the direction of Matthew Portillo, to retrieve cocaine from inside the house and deliver it to someone waiting outside the house.

Overt Act Twenty-Three

On December 5, 2011, Ruben Ortiz-Rivera called Cesar Ramos and asked for cocaine so that he could supply the cocaine to another individual.

Overt Act Twenty-Four

On December 7, 2011, Matthew Portillo instructed his mother, Sandra Portillo, to weigh out two baggies of cocaine worth \$50 each, and Sandra Portillo agreed to make up the baggies of cocaine.

Overt Act Twenty-Five

On December 7, 2011, at the request of Oscar Ramos, Ruben Ortiz delivered an "order" of narcotics for Matthew Portillo at Pettit Farms in Anthony, New Mexico.

Overt Act Twenty-Six

On December 8, 2011, Cesar Ramos asked Ruben Ortiz-Rivera to pick up cocaine from Fernando Ramos and deliver it to Cesar Ramos, who would then provide some of the cocaine to Ruben Ortiz-Rivera

Overt Act Twenty-Seven

On December 10, 2011, at the request of Matthew Portillo, Natasha Coronado agreed to make up a \$20 baggie of cocaine because a person named Charles was going to come over to pick it up.

Overt Act Twenty-Eight

On December 12, 2011, Cesar Ramos asked Ruben Ortiz-Rivera to go to Pettit Farms in Anthony, New Mexico and pick up drug proceeds which Matthew Portillo had left with Oscar Portillo, Sr.

Overt Act Twenty-Nine

On December 13, 2011, Fernando Ramos and Cesar Ramos discussed the fact that Fernando Ramos had been unsuccessful in his attempts to dilute the cocaine that he had at his house and that he wanted Cesar Ramos to come and see the cocaine because some was going to be lost in the process.

Overt Act Thirty

On December 17, 2011, Fernando Ramos asked Cesar Ramos if he had money to purchase vitamins to dilute cocaine.

Overt Act Thirty-One

On December 20, 2011, Cesar Ramos told Fernando Ramos that he needed the scale and that he had asked Ruben Ortiz-Rivera to go to Fernando Ramos' house and pick it up.

Overt Act Thirty-Two

On December 23, 2011, Fernando Ramos told Cesar Ramos that he had only had one portion of cocaine and that Fernando Ramos and Cesar Ramos could divide it between themselves.

Overt Act Thirty-Three

On December 28, 2011, Cesar Ramos told Fernando Ramos that he was going to call Fabian LNU later than night to give the money to Fabian and asked Fernando Ramos if he had the money for his half of the cocaine.

Overt Act Thirty-Four

On December 30, 2011, Fernando Ramos instructed Cesar Ramos where to look to buy vitamins which they would use to dilute cocaine.

Overt Act Thirty-Five

On January 9, 2012, Oscar Portillo, Sr., sold approximately seven ounces of cocaine to an Undercover Agent for \$2,000.00, with the additional \$1,000.00 to be paid at a later date.

Overt Act Thirty-Six

On January 9, 2012, Oscar Portillo, Jr., delivered to Cesar Ramos \$1,200.00 of the \$2,000.00 provided by the Undercover Agent to O. Portillo, Sr.

Overt Act Thirty-Seven

On January 11, 2012, Matthew Portillo delivered drug proceeds to Cesar Ramos and Cesar Ramos provided approximately one ounce of cocaine to Matthew Portillo.

Overt Act Thirty-Eight

On January 11, 2012, Matthew Portillo and Oscar Portillo, Sr., threw approximately one ounce of cocaine out of the vehicle window when being stopped by a law enforcement officer for a traffic violation.

In violation of 21 U.S.C. § 846.

Count 2

From on or about September 13, 2011, and continuing to on or about January 24, 2012, in Doña Ana County, in the State and District of New Mexico, the defendants, **OSCAR L. PORTILLO, SR. and SANDRA L. PORTILLO, a/k/a Sandra Pettit**, did unlawfully, knowingly and intentionally maintain a place, to wit: 4855 Vinton Road, Anthony, New Mexico ("Pettit Farms"), for the purpose of storing and distributing narcotics.

In violation of 21 U.S.C. § 856(a)(1) and 18 U.S.C. § 2.

Count 3

On or about September 16, 2011, in Doña Ana County, in the District of New Mexico, and elsewhere, the defendants, **OSCAR L. PORTILLO, SR., MATTHEW PORTILLO, and CESAR RAMOS**, unlawfully, knowingly and intentionally distributed a controlled substance, a mixture and substance containing a detectable amount of cocaine.

In violation of 21 U.S.C. §§ 841(a)(1) and (b)(1)(C), and 18 U.S.C. § 2.

Count 4

On or about September 16, 2011, in Doña Ana County, in the District of New Mexico, the defendants, **OSCAR L. PORTILLO, SR. and MATTHEW PORTILLO**, with the intent to promote the carrying on of drug trafficking activity, did knowingly conduct and attempt to conduct a financial transaction affecting interstate or foreign commerce involving property represented by a law enforcement officer, to be proceeds of drug trafficking activity, to wit: receiving \$3,000.00 in purported proceeds from an undercover source.

In violation of 18 U.S.C. §§ 1956(a)(3)(A) and 2.

Count 5

On or about September 28, 2011, in Doña Ana County, in the District of New Mexico, the defendants, **OSCAR L. PORTILLO, SR. and MATTHEW PORTILLO**, unlawfully, knowingly and intentionally distributed a controlled substance, a mixture and substance containing a detectable amount of cocaine.

In violation of 21 U.S.C. §§ 841(a)(1) and (b)(1)(C), and 18 U.S.C. § 2.

Count 6

On or about September 28, 2011, in Doña Ana County, in the District of New Mexico, the defendants, **OSCAR L. PORTILLO, SR.** and **MATTHEW PORTILLO**, with the intent to promote the carrying on of drug trafficking activity, did knowingly conduct and attempt to conduct a financial transaction affecting interstate or foreign commerce involving property represented by a law enforcement officer, to be proceeds of drug trafficking activity, to wit: receiving \$3,200.00 in purported proceeds from an undercover source.

In violation of 18 U.S.C. §§ 1956(a)(3)(A) and 2.

Count 7

From on or about October 7, 2011, to on or about October 11, 2011, in Doña Ana County, in the District of New Mexico, and elsewhere, the defendant, **OSCAR L. PORTILLO, SR.**, with the intent to promote the carrying on of drug trafficking activity, did knowingly conduct and attempt to conduct a financial transaction affecting interstate or foreign commerce involving property represented by a law enforcement officer, to be proceeds of drug trafficking activity, to wit: cashing a \$1,000.00 money order.

In violation of 18 U.S.C. §§ 1956(a)(3)(A) and 2.

Count 8

From on or about October 7, 2011, to on or about October 11, 2011, in Doña Ana County, in the District of New Mexico, and elsewhere, the defendant, **OSCAR L. PORTILLO, SR.**, with the intent to promote the carrying on of drug trafficking activity, did knowingly conduct and attempt to conduct a financial transaction affecting interstate or foreign commerce involving property

represented by a law enforcement officer, to be proceeds of drug trafficking activity, to wit: cashing a \$200.00 money order.

In violation of 18 U.S.C. §§ 1956(a)(3)(A) and 2.

Count 9

On or about November 4, 2011, in Doña Ana County, in the District of New Mexico, the defendant, **OSCAR L. PORTILLO, SR.**, unlawfully, knowingly and intentionally distributed a controlled substance, a mixture and substance containing a detectable amount of cocaine.

In violation of 21 U.S.C. §§ 841(a)(1) and (b)(1)(C), and 18 U.S.C. § 2.

Count 10

On or about November 4, 2011, in Doña Ana County, in the District of New Mexico, the defendants, **OSCAR L. PORTILLO, SR. and SANDRA L. PORTILLO, a/k/a Sandra Pettit**, with the intent to promote the carrying on of drug trafficking activity, did knowingly conduct and attempt to conduct a financial transaction affecting interstate or foreign commerce involving property represented by a law enforcement officer to be proceeds of drug trafficking activity, to wit: receiving \$3,000.00 in purported proceeds from an undercover source.

In violation of 18 U.S.C. §§ 1956(a)(3)(A) and 2.

Count 11

From on or about November 4, 2011, to on or about November 18, 2011, in Doña Ana County, in the District of New Mexico and elsewhere, the defendants, **OSCAR L. PORTILLO SR. and SANDRA L. PORTILLO, a/k/a Sandra Pettit**, did knowingly combine, conspire, and agree with each other and with other persons known and unknown to the Grand Jury to commit offenses against the United States in violation of 18 U.S.C. § 1956, to wit: knowingly conducting and

attempting to conduct financial transactions affecting interstate commerce and foreign commerce, which transactions involved property represented by a law enforcement officer to be proceeds of a specified unlawful activity, that is, drug trafficking, knowing that the transactions were designed in whole or in part to conceal and disguise the nature, location, source, ownership, and control of the proceeds of specified unlawful activity, and that while conducting and attempting to conduct such financial transactions, believed that the property involved in the financial transactions represented the proceeds of some form of unlawful activity, contrary to 18 U.S.C. § 1956(a)(3)(B).

In violation of 18 U.S.C. § 1956(h).

Count 12

From on or about November 17, 2011, to on or about November 18, 2011, in Doña Ana County, in the District of New Mexico, and elsewhere, the defendants, **OSCAR L. PORTILLO, SR. and SANDRA L. PORTILLO, a/k/a Sandra Pettit**, with the intent to conceal and disguise the nature of drug trafficking activity, did knowingly conduct and attempt to conduct a financial transaction affecting interstate or foreign commerce involving property represented by a law enforcement officer, to be proceeds of drug trafficking activity, to wit: signing for and depositing a \$1,000.00 money order into a business account.

In violation of 18 U.S.C. §§ 1956(a)(3)(B) and 2.

Count 13

From on or about November 17, 2011, to on or about November 18, 2011, in Doña Ana County, in the District of New Mexico, and elsewhere, the defendants, **OSCAR L. PORTILLO, SR. and SANDRA L. PORTILLO, a/k/a Sandra Pettit**, with the intent to conceal and disguise the nature of drug trafficking activity, did knowingly conduct and attempt to conduct a financial

transaction affecting interstate or foreign commerce involving property represented by a law enforcement officer, to be proceeds of drug trafficking activity, to wit: signing for and depositing a \$1,000.00 money order into a business account.

In violation of 18 U.S.C. §§ 1956(a)(3)(B) and 2.

Count 14

From on or about November 17, 2011, to on or about November 18, 2011, in Doña Ana County, in the District of New Mexico, and elsewhere, the defendants, **OSCAR L. PORTILLO, SR. and SANDRA L. PORTILLO**, a/k/a **Sandra Pettit**, with the intent to conceal and disguise the nature of drug trafficking activity, did knowingly conduct and attempt to conduct a financial transaction affecting interstate or foreign commerce involving property represented by a law enforcement officer, to be proceeds of drug trafficking activity, to wit: signing for and depositing a \$400.00 money order into a business account.

In violation of 18 U.S.C. §§ 1956(a)(3)(B) and 2.

Count 15

On or about November 21, 2011, in Doña Ana County, in the District of New Mexico, the defendants, **OSCAR L. PORTILLO, SR. and CESAR RAMOS**, unlawfully, knowingly and intentionally distributed a controlled substance, a mixture and substance containing a detectable amount of heroin.

In violation of 21 U.S.C. §§ 841(a)(1) and (b)(1)(C), and 18 U.S.C. § 2.

Count 16

On or about November 21, 2011, in Doña Ana County, in the District of New Mexico, the defendants, **OSCAR L. PORTILLO, SR. and CESAR RAMOS**, with the intent to promote the

carrying on of drug trafficking activity, did knowingly conduct and attempt to conduct a financial transaction affecting interstate or foreign commerce involving property represented by a law enforcement officer, to be proceeds of drug trafficking activity, to wit: receiving \$2,500.00 in purported proceeds from an undercover source.

In violation of 18 U.S.C. §§ 1956(a)(3)(A) and 2.

Count 17

On or about November 30, 2011, in Doña Ana County, in the District of New Mexico, the defendants, **OSCAR L. PORTILLO, JR. and MATTHEW PORTILLO**, unlawfully, knowingly and intentionally did use a communication facility, to wit: a telephone, to further the commission of a drug trafficking crime, to wit: conspiracy to possess with intent to distribute a controlled substance, a mixture and substance containing a detectable amount of cocaine, contrary to 21 U.S.C. § 846.

In violation of 21 U.S.C. § 843(b), and 18 U.S.C. § 2.

Count 18

On or about December 7, 2011, in Doña Ana County, in the District of New Mexico, the defendants, **SANDRA L. PORTILLO, a/k/a Sandra Pettit and MATTHEW PORTILLO**, unlawfully, knowingly and intentionally did use a communication facility, to wit: a telephone, to further the commission of a drug trafficking crime, to wit: conspiracy to possess with intent to distribute a controlled substance, a mixture and substance containing a detectable amount of cocaine, contrary to 21 U.S.C. § 846.

In violation of 21 U.S.C. § 843(b), and 18 U.S.C. § 2.

Count 19

On or about December 7, 2011, in Doña Ana County, in the District of New Mexico, the defendants, **RUBEN ORTIZ-RIVERA, a/k/a Ruben Rivera-Ortiz and CESAR RAMOS**, unlawfully, knowingly and intentionally did use a communication facility, to wit: a telephone, to further the commission of a drug trafficking crime, to wit: conspiracy to possess with intent to distribute a controlled substance, a mixture and substance containing a detectable amount of cocaine, contrary to 21 U.S.C. § 846.

In violation of 21 U.S.C. § 843(b), and 18 U.S.C. § 2.

Count 20

On or about December 10, 2011, in Doña Ana County, in the District of New Mexico, the defendants, **NATASHA N. CORONADO and MATTHEW PORTILLO**, unlawfully, knowingly and intentionally did use a communication facility, to wit: a telephone, to further the commission of a drug trafficking crime, to wit: conspiracy to possess with intent to distribute a controlled substance, a mixture and substance containing a detectable amount of cocaine, contrary to 21 U.S.C. § 846.

In violation of 21 U.S.C. § 843(b), and 18 U.S.C. § 2.

Count 21

On or about January 9, 2012, in Doña Ana County, in the District of New Mexico, the defendants, **OSCAR L. PORTILLO, SR. and CESAR RAMOS** unlawfully, knowingly and intentionally distributed a controlled substance, a mixture and substance containing a detectable amount of cocaine.

In violation of 21 U.S.C. §§ 841(a)(1) and (b)(1)(C), and 18 U.S.C. § 2.

Count 22

On or about January 9, 2012, in Doña Ana County, in the District of New Mexico, the defendants, **OSCAR L. PORTILLO, SR. and CESAR RAMOS**, with the intent to promote the carrying on of drug trafficking activity, did knowingly conduct and attempt to conduct a financial transaction affecting interstate or foreign commerce involving property represented by a law enforcement officer, to be proceeds of drug trafficking activity, to wit: receiving \$2,000.00 in purported proceeds from an undercover source.

In violation of 18 U.S.C. §§ 1956(a)(3)(A) and 2.

Count 23

On or about January 9, 2012, in Doña Ana County, in the District of New Mexico, and elsewhere, the defendants, **OSCAR L. PORTILLO, SR., CESAR RAMOS and OSCAR PORTILLO JR.**, with the intent to promote the carrying on of drug trafficking activity, did knowingly conduct and attempt to conduct a financial transaction affecting interstate or foreign commerce involving property represented by a law enforcement officer, to be proceeds of drug trafficking activity, to wit: transporting \$1,200.00 in proceeds.

In violation of 18 U.S.C. §§ 1956(a)(3)(A) and 2.

Count 24

On or about January 11, 2012, in Doña Ana County, in the District of New Mexico, the defendants, **OSCAR L. PORTILLO, SR. and MATTHEW PORTILLO**, unlawfully, knowingly and intentionally possessed with intent to distribute a controlled substance, a mixture and substance containing a detectable amount of cocaine.

In violation of 21 U.S.C. §§ 841(a)(1) and (b)(1)(C), and 18 U.S.C. § 2.

FORFEITURE ALLEGATION

Counts 1 through 24 of this Indictment are incorporated as part of this section of the indictment as if fully re-alleged herein for the purpose of alleging forfeiture to the United States pursuant to 21 U.S.C. § 853 and 18 U.S.C. § 982(a)(1).

Upon conviction of any offense in violation of 21 U.S.C. §§ 841, 843, 846, or 856, the defendants, **OSCAR L. PORTILLO SR., MATTHEW PORTILLO, SANDRA L. PORTILLO, a/k/a Sandra Pettit, OSCAR PORTILLO JR., CESAR RAMOS, FERNANDO A. RAMOS, a/k/a "Freddie," NATASHA N. CORONADO, and RUBEN ORTIZ-RIVERA, a/k/a Ruben Rivera-Ortiz**, shall forfeit to the United States pursuant to 21 U.S.C. § 853 any property constituting, or derived from, proceeds obtained, directly or indirectly, as a result of each offense for which the Defendants are convicted, and any property used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of the said offenses.

Upon conviction of any offense in violation of 18 U.S.C. § 1956, the defendants, **OSCAR L. PORTILLO, SR., MATTHEW PORTILLO, SANDRA L. PORTILLO, a/k/a Sandra Pettit, OSCAR PORTILLO, JR., CESAR RAMOS, FERNANDO A. RAMOS, a/k/a "Freddie," NATASHA N. CORONADO, and RUBEN ORTIZ-RIVERA, a/k/a Ruben Rivera-Ortiz**, shall forfeit to the United States pursuant to 18 U.S.C. § 982(a)(1) all property, real and personal, involved in such offense, or conspiracy to commit such offense, for which the Defendants are convicted, and all property traceable to such property.

The property to be forfeited to the United States includes but is not limited to the following:

1. MONEY JUDGMENT

A sum of money equal to at least \$17,900 in U.S. currency, including any interest accruing to the date of the judgment, representing the amount of money derived from or involved in the offenses, or traceable to property involved in the offenses, for which the Defendants are jointly and severally liable.

2. REAL PROPERTY

4855 Vinton Road, Anthony, New Mexico 88021, more particularly described as:

A tract situate southwest of Anthony, Dona Ana County, New Mexico in Sections 4 and 9, T.27S., R.3E., N.M.P.M. of the U.S.R.S. Surveys as part of U.S.R.S. Tract 29-27 and being more particularly described as follows, to wit:

BEGINNING at an iron rod set at the southwest corner of the intersection of Dona Ana County Road A-048 (Greenwood Road) and the Nemexas Drain for the northeast corner of this tract, whence a brass cap found for an angle point No.7 of the New Mexico-Texas boundary bears S. 38 deg 39' 46" E., a distance of 1627.36 feet and whence the section corner common to Sections 4, 5, 8 and 9, T.27S., R.3E., N.M.P.M. of the U.S.R.S. surveys bears S. 56 deg 59' 12" W., a distance of 2440.06 feet;

THENCE from the place of beginning leaving the south side of Greenwood Road along the west right-of-way of Nemexas Drain the following two courses and distances:
S. 14 deg.49' 00" E., 689.30 feet to an iron rod set for an angle point of this tract and
THENCE S. 6 deg 31' 00" E., 2654.00 feet to an iron rod set for the southeast corner of this tract;

THENCE leaving the west side of the Nemexas Drain S. 82 deg 54' 00" W., 1454.61 feet to an iron rod set on the west side of an irrigation ditch for the southwest corner of this tract;

THENCE along the west side of said irrigation ditch the following four courses and distances:

N. 17 deg 38' 55" E., 64.09 feet to an iron rod found for an angle point of this tract;

THENCE N. 20 deg 44' 58" E., 526.94 feet to an iron rod set for an angle point of this tract;

THENCE N. 0 deg 07' 00" W., 1577.89 feet to an iron pipe found for an angle point of this tract and

THENCE N. 0 deg 05' 04" E., 388.62 feet to an iron rod set for the northwest corner of this tract

THENCE leaving the west side of said irrigation ditch N. 85 deg 10' 21" E., 150.01 feet to an iron rod set for a corner of this tract;

THENCE S. 1 deg 47' 19" W., 92.76 feet to an iron rod set on the south side of an irrigation ditch for a corner of this tract;

THENCE along the south side of said irrigation ditch N. 85 deg 10' 21" E., 78.12 feet to an iron rod set for a corner of this tract;

THENCE N. 6 deg 31' 00" E., 303.42 feet to an iron rod set for an angle point of this tract;

THENCE N. 14 deg 49'00" W., 694.48 feet to an iron rod set on the south side of the beforementioned Greenwood Road;

THENCE along the south side of said road N. 85 deg 10' 09" E., 50.76 feet to the place of beginning, containing 63.1569 acres of land, more or less.

SAVING AND EXCEPTING THE FOLLOWING TRACT;

A tract of land situate southwest of Anthony, Dana Ana County, New Mexico in Section 9, T.27S., R.3E., N.M.P.M. of the U.S.R.S. Surveys as part of U.S.R.S. Tract 29-27 and being more particularly described as follows, to wit:

BEGINNING at an iron rod set on the west line of the Nemexas Drain for the northeast corner of this tract, whence a brass cap found for angle point #7 of the New Mexico-Texas Boundary bears N. 81 deg 42' 37" E., 766.75 feet and whence the section corner common to Sections 4, 5, 8 and 9, T.27S., R.3E., N.M.P.M. of the U.S.R.S. Surveys bears N. 88 deg 42' 41" W., 2304.61 feet and whence the northeast corner of U.S.R.S. Tract 29-27 bears the following two courses and distances:

ALONG the west line of the Nemexas Drain N. 6 deg 31' 00" W., a distance of 719.52 feet to an iron rod and

THENCE continuing along the west line of the Nemexas Drain N. 14 deg 49' 00" W., 689.30 feet;

THENCE from the place of beginning along the west line of the Nemexas Drain S. 6 deg 31' 00" E., 208.71 feet to the southeast corner;

THENCE leaving the Nemexas Drain S. 83 deg 29' 00" W., 208.71 feet to the southwest corner of this tract;

THENCE N. 6 deg 31' 00" W., 208.71 feet to the northwest corner;

THENCE N. 83 deg 29' 00" E., 208.71 feet to the place of beginning, containing 1.0000 acres of land, more or less.

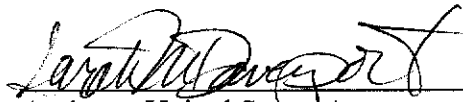
Assessor's parcel number 17-04461.

3. SUBSTITUTE ASSETS

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;
 - (e) has been commingled with other property which cannot be divided without difficulty;
- it is the intent of the United States, pursuant to 21 U.S.C. § 853(p), 18 U.S.C. § 982(b) and 28 U.S.C. § 2461(c), to seek forfeiture of any other property of the Defendants up to the value of the forfeitable property described above.

A TRUE BILL:


Assistant United States Attorney
01/24/12 4:52pm

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FOREPERSON OF THE GRAND JURY