

FILED  
UNITED STATES DISTRICT COURT  
DISTRICT OF NEW MEXICO

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO

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CLERK-LAS CRUCES

UNITED STATES OF AMERICA,

Plaintiff,

vs.

**JESSE ANTHONY LEYBA** and  
**ADAM ELLIOTT CRUZ,**

Defendants.

)  
)  
) CRIMINAL NO. 11-3144RB  
)  
) Count 1: 18 U.S.C. § 1951(a): Conspiracy  
) to Commit Interference with Interstate  
) Commerce by Robbery and Violence  
)  
) Count 2: 18 U.S.C. § 1951(a): Interference  
) with Interstate Commerce by Robbery and  
) Violence, and 18 U.S.C. § 2: Aiding and  
) Abetting, and  
)  
) Count 3: 18 U.S.C. § 924(c): Using and  
) Carrying a Firearm During and in Relation  
) to a Crime of Violence

INDICTMENT

The Grand Jury charges:

Count 1

On or about August 17, 2011, in Chaves County, in the District of New Mexico, the defendants, **JESSE ANTHONY LEYBA** and **ADAM ELLIOTT CRUZ**, did unlawfully, knowingly and intentionally combine, conspire, confederate and agree with each other to commit the following offense against the United States, interference with commerce, as that term is defined in Title 18, United States Code, Section 1951, by robbery, as that term is defined in Section 1951, in that the defendants did unlawfully conspire and agree to rob and take and obtain personal property consisting of United States currency and commodities of commerce from the presence of an employee of the Allsup's Convenience Store, located at 520 E. Second Street, Roswell, New Mexico, a business engaged in interstate commerce, against the will of the Allsup's Convenience Store

employee, by means of actual and threatened force, violence, and fear of injury to his person.

Overt Acts

In furtherance of the conspiracy, and to accomplish the objectives of the conspiracy, the following overt acts, among others, were committed on or about August 17, 2011, in Chaves County, in the District of New Mexico:

Overt Act One

**JESSE ANTHONY LEYBA** armed himself with a firearm equipped with a laser sight.

Overt Act Two

**JESSE ANTHONY LEYBA** and **ADAM ELLIOTT CRUZ** entered the Allsup's Convenience Store with the intention of robbing the store.

Overt Act Three

**ADAM ELLIOTT CRUZ** walked behind the clerk's counter in the store, accosted an Allsup's employee, and physically removed a watch and ring from an Allsup's employee's person.

Overt Act Four

**JESSE ANTHONY LEYBA** cocked his firearm and pointed the firearm at an Allsup's employee, training the firearm's red laser sight on the employee.

Overt Act Five

**JESSE ANTHONY LEYBA** and **ADAM ELLIOTT CRUZ** ordered an Allsup's employee to open the cash register.

Overt Act Six

**ADAM ELLIOTT CRUZ** reached into the cash register and stole money from the cash register.

Overt Act Seven

**JESSE ANTHONY LEYBA** and **ADAM ELLIOTT CRUZ** left the Allsup's store taking without permission the money from the cash register and two cases of beer.

In violation of 18 U.S.C. § 1951(a).

Count 2

On or about August 17, 2011, in Chaves County, in the District of New Mexico and elsewhere, the defendants, **JESSE ANTHONY LEYBA** and **ADAM ELLIOTT CRUZ**, did unlawfully obstruct, delay and affect commerce, as that term is defined in Title 18, United States Code, Section 1951, and the movement of articles and commodities in such commerce by robbery, as that term is defined in Section 1951, in that the defendants did unlawfully take and obtain personal property consisting of United States currency and commodities of commerce from the presence of an employee of the Allsup's Convenience Store, located at 520 E. Second Street, Roswell, New Mexico, a business engaged in interstate commerce, against the will of the Allsup's Convenience Store employee, by means of actual and threatened force, violence, and fear of injury to his person.

In violation of 18 U.S.C. § 1951(a) and 18 U.S.C. § 2.

Count 3

On or about August 17, 2011, in Chaves County, in the District of New Mexico, the defendant, **JESSE ANTHONY LEYBA**, knowingly used and carried a firearm during and in relation to a crime of violence for which the defendant may be prosecuted in a court of the United States, namely, Conspiracy to Commit Interference with Interstate Commerce by Robbery and Violence, and Interference with Interstate Commerce by Robbery and Violence, as charged in Counts 1 and 2.

In violation of 18 U.S.C. § 924(c).

A TRUE BILL:

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FOREPERSON OF THE GRAND JURY

Almee L. Camach  
Assistant United States Attorney  
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