

FILED

NOV 03 2011

U. S. DISTRICT COURT  
EASTERN DISTRICT OF MO

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

UNITED STATES OF AMERICA, )  
 )  
 Plaintiff, )  
 )  
 v. )  
 )  
 OSCAR GARDEA, and )  
 MARGARITO GARDEA, )  
 )  
 Defendants. )

4:11-cr-00464-ERW

INDICTMENT

COUNT I

The Grand Jury charges that:

Beginning at a time unknown to this Grand Jury, but including October, 2010, and continuing through the date of this indictment, with the exact dates unknown to this Grand Jury, in the Eastern District of Missouri, and elsewhere, the defendants,

**OSCAR GARDEA, and  
MARGARITO GARDEA,**

and **FELIX RODRIGUEZ-ARREOLA** a/k/a "El Don," "Viejon," **MISAEL LOPEZ-RICO**, a/k/a "Axel Diaz-Chico," "Gordo," did knowingly, unlawfully, and intentionally combine, conspire, confederate, and agree together with each other and with others known and unknown, to commit the following offense against the United States: to distribute cocaine, a Schedule II controlled substance, in violation of Title 21, United States Code, Sections 841(a)(1) and 846; and the quantity of a mixture or substance containing cocaine involved in the offense was five kilograms or more, making the offense punishable under Title 21, United States Code, Section 841(b)(1)(A)(ii).

**FORFEITURE ALLEGATION**

The Grand Jury further finds by probable cause that:

1. Pursuant to Title 21, United States Code, Section 853(a), upon conviction of an offense in violation of Title 21, United States Code, Sections 841(a)(1) and 846 as set forth in Count I, the defendants shall forfeit to the United States of America any property, constituting, or derived from, any proceeds the defendants obtained, directly or indirectly, as a result of such violation/s and any property used, or intended to be used, in any manner or part to commit or to facilitate the commission of such violations.

Subject to forfeiture upon a conviction of Count I is a sum of money equal to the total property constituting, or derived from, any proceeds obtained directly or indirectly as a result of such violations.

2. The specific property subject to forfeiture includes, but is not limited to, the following:

- a. \$50,000 in United States currency;
- b. 2009 Chevrolet Silverado;
- c. 2005 Infiniti FX45;
- d. 2003 Volkswagen Jetta.

3. If any of the property described above, 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 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,

the United States of America will be entitled to the forfeiture of substitute property pursuant to 21 U.S.C. § 853(p).

A TRUE BILL

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FOREPERSON

RICHARD G. CALLAHAN  
United States Attorney

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JEANNETTE S. GRAVISS #541316  
Assistant United States Attorney