

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA	:	CRIMINAL NO. _____
v.	:	DATE FILED: _____
JOSE M. MELENDEZ	:	VIOLATIONS: 21 U.S.C. §841(a)(1) (Distribution of cocaine
	:	- 1 count)
	:	18 U.S.C. §924(c) (Carrying a firearm during
	:	and in relation to a drug
	:	trafficking offense
	:	- 1 count)
	:	21 U.S.C. § 853 (Criminal Forfeiture)

INDICTMENT

COUNT ONE

THE GRAND JURY CHARGES THAT:

On or about January 11, 2000, at Bethlehem, Pennsylvania, in the Eastern District of Pennsylvania, defendant

JOSE M. MELENDEZ

did knowingly and intentionally distribute approximately 85 grams of a mixture or substance containing a detectable amount of cocaine, a Schedule II narcotic drug controlled substance.

In violation of Title 21, United States Code, Section 841(a)(1).

COUNT TWO

THE GRAND JURY CHARGES THAT:

On or about January 11, 2000, at Bethlehem, Pennsylvania, in the Eastern District of Pennsylvania, defendant

JOSE M. MELENDEZ

knowingly carried a firearm, that is, a Smith and Wesson 9 millimeter semi-automatic pistol, with Model number SW9F, serial number PAC 4700, loaded with 17 rounds of ammunition, during and in relation to a drug trafficking offense for which he may be prosecuted in a court of the United States, that is, distribution of cocaine in violation of Title 21, United States Code, Section 841(a)(1), as charged in Count One of this indictment.

In violation of Title 18, United States Code, Section 924(c).

CRIMINAL FORFEITURE

THE GRAND JURY FURTHER CHARGES THAT:

1. The grand jury realleges and incorporates by reference herein the allegations of Count One of this indictment for the purposes of alleging forfeiture pursuant to the provisions of Title 21, United States Code, Section 853.

2. As a result of the violations of Title 21, United States Code, Section 841(a)(1), charged in this Indictment including, but not limited to, the violations set forth in Count One of this Indictment, defendant

JOSE M. MELENDEZ

shall forfeit to the United States of America pursuant to Title 21, United States Code, Section 853, the following property:

(A) Any and all real and/or personal property which defendant used in any manner or part to facilitate the commission of the violations of Title 21, United States Code as charged in Counts One of this Indictment, including but not limited to a Smith and Wesson 9 millimeter semi-automatic pistol, with Model number SW9F, serial number PAC 4700, loaded with 17 rounds of ammunition, seized from JOSE M. MELENDEZ on January 11, 2000.

(B) Any and all real and/or personal property which constitutes and/or is derived from proceeds obtained directly or indirectly as the result of the violations of Title 21, United States Code as charged in Counts One of this Indictment, including, but not limited to the sum of \$5,750.

3. If any of the property described above as being subject to forfeiture, as a result of any act or omission of defendants:

- (1) cannot be located upon the exercise of due diligence;
- (2) has been transferred or sold to, or deposited with, a third party;
- (3) has been placed beyond the jurisdiction of the court;
- (4) has been substantially diminished in value; or
- (5) has been commingled with other property
which cannot be divided 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.

All pursuant to Title 21, United States Code, Sections 853(a)(1), (a)(2), and (p).

A TRUE BILL:

FOREPERSON

MICHAEL R. STILES
United States Attorney