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F.# 2009R01065/OCDETF# NY-NYE-616

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

U.S. DISTRICT COURT  
EASTERN DISTRICT  
OF NEW YORK

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UNITED STATES OF AMERICA

SUPERSEDING  
INDICTMENT

– against –

HECTOR BELTRAN LEYVA,  
  
Defendant.

Cr. No. 09-466 (S-2)(SLT)  
(T. 21, U.S.C., §§ 848(a),  
848(b), 848(c), 848(e)(1)(A),  
853(a), 853(p), 959(c),  
960(b)(1)(B)(ii) and  
963; T. 18, U.S.C., §§ 2,  
3238 and 3551 et seq.)

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THE GRAND JURY CHARGES:

INTRODUCTION

At all times relevant to this Indictment, unless otherwise indicated:

1. Since the late 1980s, the Mexican Federation, also known as the “Federation,” “La Federacion,” the “Sinaloa Cartel” and the “Alliance,” existed as an organized crime syndicate founded upon longstanding relationships between Mexico’s major drug trafficking kingpins. The Federation functioned as a council with representatives from the respective drug trafficking organizations of its principal leaders, the defendant HECTOR BELTRAN LEYVA, as well as his brother Arturo Beltran Leyva, Ignacio Coronel Villareal, also known as “El Nacho,” Joaquin Guzman Loera, also known as “El Chapo,” Ismael Zambada Garcia, also known as “El Mayo,” and others. The vast majority of drugs trafficked

by the Federation were imported into the United States, where the drugs were consumed. The Federation's drug sales in the United States generated billions of dollars in profit. The drug proceeds were then laundered back to Mexico; often the drug money was physically transported from the United States to Mexico in vehicles containing hidden compartments and through other clandestine means.

2. The Federation operated through cooperative arrangements and close coordination with South American cocaine sources of supply. Through a network of corrupt police and political contacts, the Federation directed a large scale narcotics transportation network involving the use of land, air and sea transportation assets, shipping multi-ton quantities of cocaine from South America, through Central America and Mexico, and finally into the United States. Historically, the Federation coordinated its criminal activities, shared and controlled Mexico's trafficking routes, resolved conflicts over territory, minimized inter-organization violence and ensured its common political and judicial protection. This alliance also extended to combatting rival drug cartels together. Specifically, in the mid-2000s, the Federation was in conflict with the Gulf Cartel and Los Zetas. Many murders and acts of violence resulted from this rivalry.

3. Beginning in and around 2008, conflicts developed between the defendant HECTOR BELTRAN LEYVA and other drug trafficking kingpins within the Federation. A series of internal wars occurred and, as a result, the Federation dissolved. The defendant's faction of the Federation became known as the Beltran Leyva Organization, which continued to operate as one of the largest drug trafficking organizations in the world. The vast

majority of drugs trafficked by the Beltran Leyva Organization were imported into the United States, where the drugs were consumed. The Beltran Leyva Organization's drug sales in the United States generated billions of dollars in profit. The drug proceeds were then laundered back to Mexico.

4. The defendant HECTOR BELTRAN LEYVA employed "sicarios," or hitmen, who carried out hundreds of acts of violence, including murders, assaults, kidnappings, assassinations and acts of torture at the direction of the defendant. The defendant directed and ordered these acts of violence for a variety of reasons, including but not limited to:

a. Promoting and enhancing the prestige, reputation and position of the Beltran Leyva Organization with respect to rival criminal organizations, including other drug trafficking organizations;

b. Preserving and protecting and expanding the power, territory and criminal ventures of the Beltran Leyva Organization, including but not limited to the Beltran Leyva Organization's control of drug trafficking routes over the U.S.-Mexico border;

c. Keeping victims and rivals in fear of the Beltran Leyva Organization and its members and associates;

d. Dissuading Mexican law enforcement officers, members of the Mexican military and other public officials in Mexico from enforcing Mexican drug laws and disrupting the Beltran Leyva Organization's activities;

e. Enforcing discipline amongst its members and associates by punishing disloyalty and failure;

f. Enriching the members and associates of the Beltran Leyva Organization through criminal activity, including narcotics trafficking;

g. Protecting members of the Sinaloa Cartel from arrest and prosecution by silencing potential witnesses and retaliating against anyone who provided information or assistance to law enforcement authorities; and

h. Paying retribution to elected and public officials and others for failing to provide services to the Beltran Leyva Organization.

5. The defendant HECTOR BELTRAN LEYVA was one of the principal leaders of the Beltran Leyva Organization.

COUNT ONE  
(Continuing Criminal Enterprise)

6. The allegations contained in paragraphs one through five are realleged and incorporated as if fully set forth in this paragraph.

7. On or about and between January 1, 1990 and October 1, 2014, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendant HECTOR BELTRAN LEYVA, together with others, did knowingly and intentionally engage in a continuing criminal enterprise, in that the defendant HECTOR BELTRAN LEYVA committed violations of Title 21, United States Code, Sections 841(a), 846, 848(e), 952(a), 959(a), 960(a) and 963, including Violations One through Twenty-two set forth below, which violations were part of a continuing series of violations of those statutes undertaken by the defendant HECTOR BELTRAN LEYVA, in concert with five or more other

persons, with respect to whom the defendant HECTOR BELTRAN LEYVA occupied a supervisory and management position, and was a principal administrator, organizer and leader of the continuing criminal enterprise, and from which continuing series of violations the defendant HECTOR BELTRAN LEYVA obtained substantial income and resources, and which enterprise received in excess of \$10 million in gross receipts during one or more twelve-month periods for the manufacture, importation and distribution of cocaine. The violations involved at least 300 times the quantity of a substance described in Section 841(b)(1)(B) of Title 21, United States Code, to wit: 150 kilograms or more of a substance containing cocaine. The continuing series of violations, as defined by Title 21, United States Code, Section 848(c), includes Violations One through Twenty-two set forth below:

Violations One Through Nineteen  
(International Cocaine Distribution –  
Approximately 163,428 Kilograms of Cocaine)

8. On or about the dates listed below, all dates being approximate and inclusive, within the extraterritorial jurisdiction of the United States, the defendant HECTOR BELTRAN LEYVA, together with others, did knowingly and intentionally distribute a controlled substance, intending and knowing that such substance would be unlawfully imported into the United States from a place outside thereof, which offenses involved a substance containing cocaine, a Schedule II controlled substance, in the amounts listed below, in violation of Title 21, United States Code, Sections 959(a), 959(c), 960(a)(3) and 960(b)(1)(B)(ii), and Title 18, United States Code, Section 2:

<b>VIOLATION NUMBER</b>	<b>APPROXIMATE AMOUNT OF COCAINE</b>	<b>DATE(S) OF OFFENSE</b>
1	800 Kilograms	April 1990 through October 1990
2	6,000 Kilograms	September 1995 through April 1996
3	3,600 Kilograms	August 2003
4	6,000 Kilograms	November 2003
5	6,465 Kilograms	January 2004
6	8,000 Kilograms	January 2004 through February 2004
7	10,000 Kilograms	March 2004 through April 2004
8	12,000 Kilograms	March 2004
9	10,000 Kilograms	May 2004 through June 2004
10	10,000 Kilograms	July 2004
11	10,500 Kilograms	August 2004 through September 2004
12	12,000 Kilograms	August 2004 through September 2004
13	3,063 Kilograms	December 2004 through January 2005
14	2,000 Kilograms	November 2005
15	19,000 Kilograms	March 18, 2007
16	23,000 Kilograms	October 2007
17	7,000 Kilograms	2007
18	9,000 Kilograms	2007
19	5,000 Kilograms	October 2008

Violation Twenty  
(Murder Conspiracy –  
Informants and Cooperating Witnesses)

9. On or about and between January 1, 1990 and October 30, 2014, both dates being approximate and inclusive, within the extraterritorial jurisdiction of the United States, the defendant HECTOR BELTRAN LEYVA, together with others, while engaged in an offense punishable under Section 960(b)(1) of Title 21 of the United States Code, to wit: the crime charged in Count Two, did knowingly and intentionally conspire to kill and cause the intentional killing of one or more persons, to wit: individuals who agreed to become informants and cooperating witnesses for law enforcement, and such killings did result, in violation of Title 21, United States Code, Sections 848(e)(1)(A) and 846.

Violation Twenty-One  
(Murder Conspiracy – Murder of Mexican Law Enforcement and  
Military Personnel and Public Officials)

10. On or about and between January 1, 1990 and October 30, 2014, both dates being approximate and inclusive, within the extraterritorial jurisdiction of the United States, the defendant HECTOR BELTRAN LEYVA, together with others, while engaged in an offense punishable under Section 960(b)(1) of Title 21 of the United States Code, to wit: the crime charged in Count Two, did knowingly and intentionally conspire to kill and cause the intentional killing of one or more persons, to wit: members of Mexican law enforcement and military personnel and Mexican public officials, and such killings did result, in violation of Title 21, United States Code, Sections 848(e)(1)(A) and 846.

Violation Twenty-Two  
(Murder Conspiracy – Rival Drug Cartel Members)

11. On or about and between January 1, 1990 and October 1, 2014, both dates being approximate and inclusive, within the extraterritorial jurisdiction of the United States, the defendant HECTOR BELTRAN LEYVA, together with others, while engaged in an offense punishable under Section 960(b)(1) of Title 21 of the United States Code, to wit: the crime charged in Count Two, did knowingly and intentionally conspire to kill and cause the intentional killing of one or more persons, to wit: members of rival drug cartels, and such killings did result, in violation of Title 21, United States Code, Sections 848(e)(1)(A) and 846.

(Title 21, United States Code, Sections 848(a), 848(b), 848(c) and 848(e)(1)(A);  
Title 18, United States Code, Sections 2 and 3551 et seq.)

COUNT TWO  
(International Cocaine Manufacture and Distribution Conspiracy)

12. The allegations contained in paragraphs one through five are realleged and incorporated as if fully set forth in this paragraph.

13. On or about and between January 1, 1990 and October 1, 2014, both dates being approximate and inclusive, within the extraterritorial jurisdiction of the United States, the defendant HECTOR BELTRAN LEYVA, together with others, did knowingly and intentionally conspire to manufacture and distribute a controlled substance, which offense involved a substance containing cocaine, a Schedule II controlled substance, intending and knowing that such substance would be unlawfully imported into the United States from a place outside thereof, contrary to Title 21, United States Code, Sections 959(a) and 960(a)(3). The



amount of cocaine involved in the conspiracy attributable to the defendant as a result of his own conduct, and the conduct of other conspirators reasonably foreseeable to them, was at least five kilograms or more of a substance containing cocaine.

(Title 21, United States Code, Sections 959(c), 960(b)(1)(B)(ii) and 963; Title 18, United States Code, Sections 3238 and 3551 et seq.)

CRIMINAL FORFEITURE ALLEGATION  
AS TO COUNT ONE  
(Continuing Criminal Enterprise)

14. The United States hereby gives notice to the defendant that, upon conviction of the offense charged in Count One, the government will seek forfeiture in accordance with Title 21, United States Code, Section 853(a), which requires any person convicted of such offense to forfeit any property constituting, or derived from, proceeds obtained, directly or indirectly, and any property used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of, such offense, and any of their interest in, claims against, and property or contractual rights affording a source of control over, the continuing criminal enterprise, including but not limited to at least approximately a sum of money equal to \$14 billion in United States currency.

15. If any of the above-described forfeitable property, 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;

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 the defendant up to the value of the forfeitable property described in this forfeiture allegation.

(Title 21, United States Code, Sections 853(a) and 853(p))

**CRIMINAL FORFEITURE ALLEGATION**

**AS TO COUNT TWO**

(International Cocaine Manufacturing and Distribution Conspiracy)

16. The United States hereby gives notice to the defendant that, upon conviction of the offense charged in Count Two, the government will seek forfeiture in accordance with Title 21, United States Code, Section 853, which requires any person convicted of such offenses to forfeit any property constituting, or derived from, proceeds obtained, directly or indirectly, and any property used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of, such offense including but not limited to at least approximately a sum of \$14 billion in United States currency.

17. If any of the above-described forfeitable property, 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;

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 the defendant up to the value of the forfeitable property described in this forfeiture allegation.

(Title 21, United States Code, Sections 853(a) and 853(p))

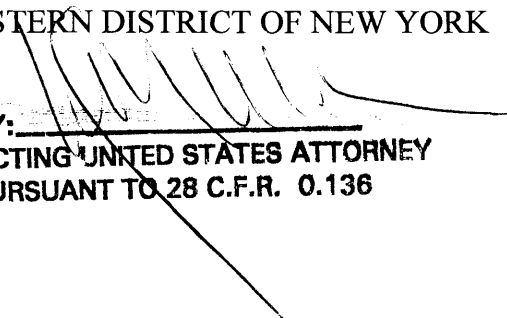
A TRUE BILL

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FOREPERSON

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KELLY T. CURRIE  
ACTING UNITED STATES ATTORNEY  
EASTERN DISTRICT OF NEW YORK

BY:   
ACTING UNITED STATES ATTORNEY  
PURSUANT TO 28 C.F.R. 0.136

F. #20\_R\_\_\_\_  
FORM DBD-34  
JUN. 85

No. 09-CR-466 (S-2)(SLT)

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**UNITED STATES DISTRICT COURT**

EASTERN *District of* NEW YORK

CRIMINAL DIVISION

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THE UNITED STATES OF AMERICA

vs.

*Hector Beltran Leyva,*

Defendant.

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**SUPERSEDING INDICTMENT**

(T. T. 21, U.S.C., §§ 848(a), 848(b), 848(c), 848(e)(1)(A), 853(a), 853(p), 959(c),  
960(b)(1)(B)(ii) and 963; T. 18, U.S.C., §§ 2, 3238 and 3551 et seq.)

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*A true bill.*

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*Foreperson*

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*Filed in open court this* ----- *day,*

*of* ----- *A.D. 20* -----

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*Clerk*

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*Bail, \$* -----

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*Gina M. Parlovecchio Assistant U.S. Attorney (718) 254-6228*