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U.S. DISTRICT COURT E.D.N.Y.

★ DEC 04 2019 ★

MPR:RCH/EMR  
F. #2019R00927

BROOKLYN OFFICE

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

----- X

UNITED STATES OF AMERICA

- against -

GENARO GARCIA LUNA,

Defendant.

----- X

THE GRAND JURY CHARGES:

INDICTMENT

**CR 19-576**

Cr. No.

(T. 18, U.S.C., §§ 2, 1001(a)(2), 3238  
and 3551 et seq.; T. 21, U.S.C., §§ 846,  
841(b)(1)(A)(ii)(II), 853(a), 853(p),  
959(d), 960(b)(1)(B)(ii), 963 and 970)

**DEARIE, J.**

**LEVY, M.J.**

COUNT ONE

(International Cocaine Distribution Conspiracy)

1. In or about and between January 2001 and the present, both dates being approximate and inclusive, within the extraterritorial jurisdiction of the United States, the defendant GENARO GARCIA LUNA, together with others, did knowingly and intentionally conspire to distribute a controlled substance, intending, knowing and having reasonable cause to believe that such substance would be unlawfully imported into the United States from a place outside thereof, which offense involved a substance containing cocaine, a Schedule II controlled substance, 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 him, was at least five kilograms or more of a substance containing cocaine.

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

COUNT TWO

(Conspiracy to Distribute and Possess with Intent to Distribute Cocaine)

2. In or about and between January 2001 and the present, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendant GENARO GARCIA LUNA, together with others, did knowingly and intentionally conspire to distribute and possess with intent to distribute one or more controlled substances, which offense involved a substance containing cocaine, a Schedule II controlled substance, contrary to Title 21, United States Code, Section 841(a)(1). 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 him, was five kilograms or more of a substance containing cocaine.

(Title 21, United States Code, Sections 846 and 841(b)(1)(A)(ii)(II); Title 18, United States Code, Sections 3551 et seq.)

COUNT THREE

(Conspiracy to Import Cocaine)

3. In or about and between January 2001 and the present, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendant GENARO GARCIA LUNA, together with others, did knowingly and intentionally conspire to import a controlled substance into the United States from a place outside thereof, which offense involved a substance containing cocaine, a Schedule II controlled substance, contrary to Title 21, United States Code, Sections 952(a) and 960(a)(1). 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 him, was five kilograms or more of a substance containing cocaine.

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

COUNT FOUR  
(Making False Statements)

4. On or about June 1, 2018, within the Eastern District of New York and elsewhere, the defendant GENARO GARCIA LUNA did knowingly and intentionally make one or more materially false, fictitious and fraudulent statements and representations, in a matter within the jurisdiction of the executive branch of the Government of the United States to wit: a statement to the United States Customs and Immigration Services (“USCIS”), in that the defendant falsely stated and represented to USCIS that he had never committed, assisted in committing, or attempted to commit a crime or offense for which he had not been arrested, when, in fact, the defendant then and there knew and believed, he had committed, assisted in committing and attempted to commit crimes and offenses for which he had not been arrested.

(Title 18, United States Code, Sections 1001(a)(2) and 3551 et seq.)

CRIMINAL FORFEITURE ALLEGATION  
AS TO COUNTS ONE THROUGH THREE

5. The United States hereby gives notice to the defendant that, upon his conviction of any of the offenses charged in Counts One through Three, the government will seek forfeiture in accordance with Title 21, United States Code, Sections 853(a) and 970, which require any person convicted of such offenses to forfeit: (a) any property constituting, or derived from, any proceeds obtained directly or indirectly as the result of such offenses,

and (b) any property used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of, such offenses.

6. If any of the above-described forfeitable property, as a result of any act or omission of the defendant:

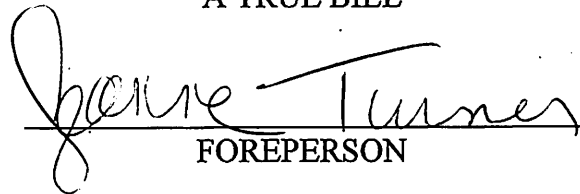
- (a) cannot be located upon the exercise of due diligence;
- (b) has been transferred or sold to, or deposited with, a third party;
- (c) has been placed beyond the jurisdiction of the court;
- (d) has been substantially diminished in value; or
- (e) has been commingled with other property which cannot 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), 853(p) and 970)

A TRUE BILL

  
FOREPERSON

  
RICHARD P. DONOGHUE  
UNITED STATES ATTORNEY  
EASTERN DISTRICT OF NEW YORK

F#: 2019R00927  
FORM DBD-34  
JUN 85

No.

**UNITED STATES DISTRICT COURT**

*EASTERN District of NEW YORK*

CRIMINAL DIVISION

THE UNITED STATES OF AMERICA

vs.

GENARO GARCIA LUNA,

Defendant.

**INDICTMENT**

(T. 18, U.S.C., §§ 1001(a)(2), 1451(e), 3238 and 3551 et seq.; T. 21,  
U.S.C., §§ 846, 841(b)(1)(A)(ii)(II), 853(a), 853(p), 959(d),  
960(b)(1)(B)(ii), 963 and 970)

*A true bill.*

  
Foreperson

Filed in open court this \_\_\_\_\_ day,

of \_\_\_\_\_ A.D. 20 \_\_\_\_\_

\_\_\_\_\_  
Clerk

Bail, \$ \_\_\_\_\_

*Michael Robotti, Ryan Harris and Erin Reid, Assistant U.S. Attorneys  
(718) 254-7000*