

1 THOMAS E. MOSS  
2 UNITED STATES ATTORNEY  
3 MICHAEL J. FICA  
4 ASSISTANT UNITED STATES ATTORNEY  
5 DISTRICT OF IDAHO  
6 801 E. SHERMAN, SUITE 192  
7 POCATELLO, IDAHO 83201

U.S. COURTS  
04 APR 28 AM 9:15  
CLERK OF COURT  
CAMERON S. DUNN  
POCATELLO, IDAHO

6 UNITED STATES DISTRICT COURT FOR THE DISTRICT OF IDAHO

8 UNITED STATES OF AMERICA, )

9 Plaintiff, )

10 vs. )

11 PEDRO DUENAS-RIVERA, a.k.a. JOSE )  
12 DIAZ )

13 Defendant. )

Case No. **CR 04-0085 E BLW**

**INDICTMENT**

8 U.S.C. § 1326

6 U.S.C. § 203(3)(4) and 557

18 U.S.C. § 2

21 U.S.C. § 841(a)(1)

14  
15 **The Grand Jury charges:**

16  
17 **COUNT ONE**  
18 **Illegal Reentry**  
**(8 U.S.C. §§ 1326(a) and (b)(2))**

19 On or about October 23, 2003, in the District of Idaho, the defendant, PEDRO DUENAS-  
20 RIVERA, a.k.a. JOSE DIAZ, an alien, was found in the United States, to wit: Bonneville County,  
21 Idaho, after having been arrested and deported from the United States, at Calexico, California, on  
22 May 16, 2001, the said defendant having not obtained the consent of the Secretary of the  
23 Department of Homeland Security for reapplication for admission into the United States, in  
24 violation of Title 8, United States Code, Sections 1326(a) and (b)(2), and Title 6, United States  
25 Code, Sections 202(3)(4), and 557.

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Count Two

**DRUG POSSESSION/DISTRIBUTION**  
(21 U.S.C. §§ 841(a)(1), 18 U.S.C. § 2)

On or between October 22 and 23, 2003 in the District of Idaho, the defendant, PEDRO DUENAS-RIVERA, a.k.a. JOSE DIAZ, did knowingly and intentionally manufacture, distribute, possess with intent to manufacture, and possess with intent to distribute, a mixture or substance containing a detectable amount of methamphetamine, a controlled substance, or aided and abetted the same, in violation of Title 21, United States Code, Sections 841(a)(1), and Title 18, United States Code, Section 2.

DATED this 27<sup>TH</sup> day of April, 2004.

A TRUE BILL:

  
FOREPERSON

THOMAS E. MOSS  
United States Attorney  
By:

  
MICHAEL J. FICA  
Assistant United States Attorney

# CRIMINAL COVERSHEET

DEFENDANT'S NAME: Pedro Duenas-Rivera aka  
Jose Diaz

Juvenile: No

DEFENDANT'S  
STREET ADDRESS:

Service Type: Non-Secret/Notice

Interpreter: Yes  
If yes, language: Spanish

DEFENSE ATTORNEY: Steve Richert  
Address: 801 E. Sherman, #177  
Pocatello, Idaho  
Telephone No.: (208) 478-4155

PR 04-0085 E BLW

INVESTIGATING AGENCY & AGENT: Michael Reeves  
ICE  
(208) 525-1000

CASE INFORMATION: (List any miscellaneous, magistrate, CVB or other related defendants/case numbers.)

## CRIMINAL CHARGING INFORMATION

<input type="checkbox"/> Complaint	<input checked="" type="checkbox"/> Indictment	<input type="checkbox"/> Information	<input type="checkbox"/> Superseding Indictment
<input checked="" type="checkbox"/> Felony	<input type="checkbox"/> Class A Misdemeanor	<input type="checkbox"/> Class B or C Misdemeanor (Petty Offense)	
County of Offense: Cassia		Estimated Trial Time: 2 days	

TITLE/SECTION	COUNTS	BRIEF DESCRIPTION	PENALTIES <i>(Include Supervised Release and Special Assessments)</i>
6 U.S.C. §§ 203(3)(4) & 557 8 U.S.C. § 1326;	1	Illegal Re-entry	Up to 20 years incarceration and/or \$250,000 fine; 3 years supervised release; and \$100 special assessment
21 U.S.C. § 841(a)(1) and 18 U.S.C. § 2	2	Drug Possession/Distribution	Up to 20 years incarceration and/or \$1,000,000; at least 3 years supervised release; and \$100 special assessment

Date: April 23, 2004

AUSA: Michel J. Fica  
Telephone No.: (208) 478-4166