

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
8 83201

U.S. COURTS
04 SEP 28 PM 5:25
CLERK OF COURT
CAMERON S. BURTON
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. 04-95 E BLW

SUPERCEDING 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**
19 **(8 U.S.C. §§ 1326(a) and (b)(2))**

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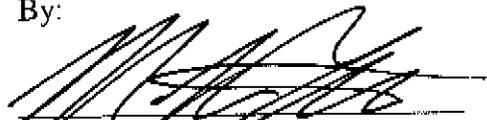
Count Two

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

On or between October 21 and 22, 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 50 grams or more of methamphetamine, or more specifically in excess of 82 grams of methamphetamine, a controlled substance, or aided and abetted the same, in violation of Title 21, United States Code, Sections 841(a)(1) and (b)(1)(A), and Title 18, United States Code, Section 2.

DATED this 28th day of September, 2004.

THOMAS E. MOSS
United States Attorney
By:



MICHAEL J. FICA
Assistant United States Attorney

A TRUE BILL:



FOREPERSON

CRIMINAL COVERSHEET

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

Juvenile: No

DEFENDANT'S
STREET ADDRESS:

Service Type: Non-Secret/Notice

DEFENSE ATTORNEY: Scott Hansen
Address: 285 NW Main
Blackfoot, Idaho
Telephone No.: (208) 478-4155

Interpreter: Yes
If yes, language: Spanish

CR 04-85 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 type="checkbox"/> Indictment	<input type="checkbox"/> Information	<input checked="" 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: 4 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 <i>ME</i>
21 U.S.C. § 841(a)(1) and 18 U.S.C. § 2	2	Drug Possession/Distribution	20 years to life incarceration and/or \$4,000,000; 7 years supervised release; and \$100 special assessment <i>ME</i>

Date: September 28, 2004

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