

ORIGINAL

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

----- X
:
UNITED STATES OF AMERICA :
:
- v. - :
:
JUAN ANTONIO HERNANDEZ ALVARADO, :
a/k/a "Tony Hernandez," :
:
Defendant. :
----- X

SUPERSEDING INDICTMENT
S2 15 Cr. 379 (PKC)

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 11/21/18

COUNT ONE
(Cocaine Importation Conspiracy)

The Grand Jury charges:

OVERVIEW

1. From at least in or about 2004, up to and including in or about 2016, multiple drug-trafficking organizations in Honduras and elsewhere worked together, and with support from certain prominent public and private individuals, including Honduran politicians and law enforcement officials, to receive multi-ton loads of cocaine sent to Honduras from, among other places, Colombia via air and maritime routes, and to transport the drugs westward in Honduras toward the border with Guatemala and eventually to the United States.

2. For protection from official interference, and in order to facilitate the safe passage through Honduras of multi-

ton loads of cocaine, drug traffickers paid bribes to public officials, including certain members of the National Congress of Honduras and Honduran National Police.

3. JUAN ANTONIO HERNANDEZ ALVARADO, a/k/a "Tony Hernandez," the defendant, is a former member of the National Congress of Honduras, the brother of the current President of Honduras, and a large-scale drug trafficker who worked with other drug traffickers in, among other places, Colombia, Honduras, and Mexico, to import cocaine into the United States.

4. From at least in or about 2004, up to and including in or about 2016, JUAN ANTONIO HERNANDEZ ALVARADO, a/k/a "Tony Hernandez," the defendant, was involved in processing, receiving, transporting, and distributing multi-ton loads of cocaine that arrived in Honduras via planes, go-fast vessels, and, on at least one occasion, a submarine. HERNANDEZ ALVARADO had access to cocaine laboratories in Honduras and Colombia, at which some of the cocaine was stamped with the symbol "TH," i.e., "Tony Hernandez." HERNANDEZ ALVARADO also coordinated and, at times, participated in providing heavily armed security for cocaine shipments transported within Honduras, including by members of the Honduran National Police and drug traffickers armed with, among other weapons, machineguns.

5. As part of his drug-trafficking activities, JUAN ANTONIO HERNANDEZ ALVARADO, a/k/a "Tony Hernandez," the defendant, and his co-conspirators bribed law enforcement officials for sensitive information to protect drug shipments and solicited large bribes from major drug traffickers for HERNANDEZ ALVARADO and on behalf of one or more high-ranking Honduran politicians.

6. In or about February 2014 in Honduras, JUAN ANTONIO HERNANDEZ ALVARADO, a/k/a "Tony Hernandez," the defendant, met with Devis Leonel Rivera Maradiaga, the former leader of a violent Honduran drug-trafficking organization known as the *Cachiros*, for a meeting set up by, among others, a former member of the Honduran National Police. During part of that meeting, which was video and audio recorded, HERNANDEZ ALVARADO agreed to help Rivera Maradiaga by causing Honduran government entities to pay money owed to one or more *Cachiros* money-laundering front companies in exchange for kickback payments from Rivera Maradiaga. Rivera Maradiaga paid HERNANDEZ ALVARADO approximately \$50,000 during the meeting.

STATUTORY ALLEGATIONS

7. From at least in or about 2004, up to and including in or about 2016, in Honduras and elsewhere, and in an offense begun and committed out of the jurisdiction of any particular state or district of the United States, JUAN ANTONIO HERNANDEZ ALVARADO, a/k/a "Tony Hernandez," the defendant, and others known and

unknown, at least one of whom has been first brought to and arrested in the Southern District of New York, intentionally and knowingly combined, conspired, confederated, and agreed together and with each other to violate the narcotics laws of the United States.

8. It was a part and an object of the conspiracy that JUAN ANTONIO HERNANDEZ ALVARADO, a/k/a "Tony Hernandez," the defendant, and others known and unknown, would and did knowingly and intentionally import into the United States and into the customs territory of the United States from a place outside thereof a controlled substance, in violation of Title 21, United States Code, Sections 952(a) and 960(a)(1).

9. It was further a part and an object of the conspiracy that JUAN ANTONIO HERNANDEZ ALVARADO, a/k/a "Tony Hernandez," the defendant, and others known and unknown, would and did manufacture, distribute, and possess with intent to distribute a controlled substance, intending, knowing, and having reasonable cause to believe that such substance would be unlawfully imported into the United States and into waters within a distance of 12 miles of the coast of the United States, in violation of Title 21, United States Code, Sections 959(a) and 960(a)(3).

10. It was further a part and an object of the conspiracy that JUAN ANTONIO HERNANDEZ ALVARADO, a/k/a "Tony

COUNT TWO

(Possession of Machineguns and Destructive Devices)

The Grand Jury further charges:

12. Paragraphs 1 through 6 of this Superseding Indictment are realleged and incorporated by reference as though fully set forth herein.

13. From at least in or about 2004, up to and including in or about 2016, in Honduras and elsewhere, and in an offense begun and committed out of the jurisdiction of any particular state or district of the United States and for which one of two or more joint offenders has been first brought to and arrested in the Southern District of New York, JUAN ANTONIO HERNANDEZ ALVARADO, a/k/a "Tony Hernandez," the defendant, during and in relation to a drug trafficking crime for which he may be prosecuted in a court of the United States, to wit, the narcotics importation conspiracy charged in Count One of this Superseding Indictment, knowingly used and carried firearms, and, in furtherance of such crime, knowingly possessed firearms, and aided and abetted the use, carrying, and possession of firearms, to wit, machineguns that were capable of automatically shooting more than one shot, without

manual reloading, by a single function of the trigger, as well as destructive devices.

(Title 18, United States Code,
Sections 924(c)(1)(A), 924(c)(1)(B)(ii), 3238, and 2.)

COUNT THREE

(Conspiracy to Possess Machineguns and Destructive Devices)

The Grand Jury further charges:

14. Paragraphs 1 through 6 of this Superseding Indictment are realleged and incorporated by reference as though fully set forth herein.

15. From at least in or about 2004, up to and including in or about 2016, in Honduras and elsewhere, and in an offense begun and committed out of the jurisdiction of any particular state or district of the United States, JUAN ANTONIO HERNANDEZ ALVARADO, a/k/a "Tony Hernandez," the defendant, and others known and unknown, at least one of whom has been first brought to and arrested in the Southern District of New York, intentionally and knowingly combined, conspired, confederated, and agreed together and with each other to violate Title 18, United States Code, Section 924(c).

16. It was a part and an object of the conspiracy that JUAN ANTONIO HERNANDEZ ALVARADO, a/k/a "Tony Hernandez," the defendant, and others known and unknown, would and did, during and

in relation to a drug trafficking crime for which they may be prosecuted in a court of the United States, to wit, the narcotics importation conspiracy charged in Count One of this Superseding Indictment, knowingly use and carry firearms, and, in furtherance of such drug trafficking crime, knowingly possess firearms, including machineguns that were capable of automatically shooting more than one shot, without manual reloading, by a single function of the trigger, as well as destructive devices, in violation of Title 18, United States Code, Sections 924(c)(1)(A)(i) and 924(c)(1)(B)(ii).

(Title 18, United States Code, Sections 924(o) and 3238.)

COUNT FOUR
(Making False Statements)

The Grand Jury further charges:

17. Paragraphs 1 through 6 of this Superseding Indictment are realleged and incorporated by reference as though fully set forth herein.

18. On or about October 25, 2016, in the Southern District of New York, Southern District of Florida, and elsewhere, JUAN ANTONIO HERNANDEZ ALVARADO, a/k/a "Tony Hernandez," the defendant, in a matter within the jurisdiction of the executive branch of the Government of the United States, knowingly and willfully falsified, concealed, and covered up by a trick, scheme,

and device a material fact, and made materially false, fictitious, and fraudulent statements and representations, to wit, during an interview with, among others, representatives of the U.S. Drug Enforcement Administration in connection with an investigation being conducted in the Southern District of New York, HERNANDEZ ALVARADO made misrepresentations in connection with the criminal conduct charged in Counts One through Three of this Superseding Indictment, including that he never accepted money from drug traffickers for any purpose and never provided assistance to drug traffickers in any way.

(Title 18, United States Code, Section 1001.)

FORFEITURE ALLEGATION
(As to Count One)

19. As a result of committing the controlled substance offense charged in Count One of this Superseding Indictment, JUAN ANTONIO HERNANDEZ ALVARADO, a/k/a "Tony Hernandez," the defendant, shall forfeit to the United States, pursuant to Title 21, United States Code, Sections 853 and 970, any and all property constituting, or derived from, any proceeds the defendant obtained, directly or indirectly, as a result of the offense, and any and all property used, or intended to be used, in any manner or part, to commit, and to facilitate the commission of the offense charged in Count One of this Superseding Indictment.

FORFEITURE ALLEGATION
(As to Counts Two and Three)

20. As a result of committing the firearms offenses charged in Counts Two and Three of this Superseding Indictment, JUAN ANTONIO HERNANDEZ ALVARADO, a/k/a "Tony Hernandez," the defendant, shall forfeit to the United States, pursuant to Title 18, United States Code, Section 924(d), all firearms and ammunition involved in and used in the commission of the offenses charged in Counts Two and Three of this Superseding Indictment.


Substitute Assets Provision

21. If any of the above-described forfeitable property, as a result of any act or omission of JUAN ANTONIO HERNANDEZ ALVARADO, a/k/a "Tony Hernandez," the defendant:

- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third person;
- 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 subdivided without difficulty,

it is the intent of the United States, pursuant to Title 21, United States Code, Sections 853(p) and 970, and Title 28, United States Code, Section 2461(c), to seek forfeiture of any other property of the defendant up to the value of the above forfeitable property.

(Title 21, United States Code, Sections 853 & 970; and Title 28, United States Code, Section 2461(c).)


FOREPERSON
Michael Kahn
11-21-18


GEOFFREY S. BERMAN
United States Attorney

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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a/k/a "Tony Hernandez,"

Defendant.

SUPERSEDING INDICTMENT


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(21 U.S.C. § 963; and
18 U.S.C. §§ 924, 1001, 3238, 2.)

GEOFFREY S. BERMAN

United States Attorney.

A TRUE BILL



Foreperson.

11-21-18

11/21/18 - Filed Sealed Superseding Indictment
aa - A/W issued
J. Petman
USMJ.