

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

UNITED STATES OF AMERICA)

v.)

VICTOR M. MATOS and
ROBERT D. WALSTON)

) No. 08 CR 496
) Violations: Title 18, United States
) Code, Sections 2 and 1621(2); and
) Title 21, United States Code,
) Sections 841(a)(1) and 846
)

UNDER SEAL

JUDGE AMY ST. EVE

COUNT ONE MAGISTRATE JUDGE KEYS

The SPECIAL FEBRUARY 2008-2 GRAND JURY charges:

1. Beginning in or about April 2007, and continuing through at least June 16, 2007, at Chicago, in the Northern District of Illinois, Eastern Division, and elsewhere,

VICTOR M. MATOS and
ROBERT D. WALSTON,

defendants herein, did conspire and agree with each other, and with others known and unknown to the Grand Jury, to knowingly and intentionally distribute and possess with intent to distribute a controlled substance, namely, 5 kilograms or more of mixtures and substances containing cocaine, a Schedule II Narcotic Drug Controlled Substance, in violation of Title 21, United States Code, Section 841(a)(1).

2. It was part of the conspiracy that in about April 2007, defendant VICTOR M. MATOS contacted Individual A to inquire whether Individual A could obtain a quantity of cocaine for distribution.

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3. It was further a part of the conspiracy that between April and June 2007, defendant VICTOR M. MATOS communicated by telephone with Individual A and Individual B to inquire regarding Individual A's and Individual B's ability to obtain 5 kilograms or more of cocaine for distribution, and to discuss such other matters including the timing and cost of such distribution. During such multiple telephone conversations, defendant MATOS used coded language including, but not limited to, terms such as "champion," "artists," "musicians," and "concerts" to refer to cocaine.

4. It was further a part of the conspiracy that on two occasions, in May and June 2007, defendant VICTOR M. MATOS and defendant ROBERT D. WALSTON traveled from Chicago, Illinois, to the Houston, Texas area to meet with Individual A and Individual B and to discuss the purchase from them of a quantity of cocaine, including the timing, cost, and quantity of such purchase.

5. It was further a part of the conspiracy that defendant ROBERT D. WALSTON obtained personal loans in order to fund his and defendant VICTOR M. MATOS' purchase of cocaine from Individual A and Individual B.

6. It was further a part of the conspiracy that defendant ROBERT D. WALSTON engaged in financial transactions, in order to raise sufficient funds to purchase cocaine from Individual A and Individual B. Such financial transactions included, but were not limited to:

a. On or about May 31, 2007, defendant ROBERT D. WALSTON obtained a cashier's check for \$60,148.59, made payable to himself, as the

distribution of a loan he obtained to finance his and defendant VICTOR M. MATOS' purchase of cocaine.

b. On about May 31, 2007, defendant ROBERT D. WALSTON endorsed this cashier's check, deposited it into his checking account at the Amalgamated Bank, Chicago, Illinois, and withdrew approximately \$9,900 in cash.

c. On about June 1, 2007, defendant ROBERT D. WALSTON wrote check number 2159 on his Amalgamated Bank checking account to Individual C for \$9,000, and caused Individual C to cash this check at the Amalgamated Bank on this same day.

d. On about June 4, 2007, defendant ROBERT D. WALSTON wrote check number 2160 on his Amalgamated Bank checking account to "Cash" for \$9,000, and cashed this check at the Amalgamated Bank on this same day.

e. On about June 5, 2007, defendant ROBERT D. WALSTON wrote check numbers 2161 and 2162 on his Amalgamated Bank checking account to Individual C, each for \$9,500, and caused Individual C to cash these checks at the Amalgamated Bank on June 6 and 7, 2007.

f. On about June 6, 2007, defendant ROBERT D. WALSTON wrote check number 2163 on his Amalgamated Bank checking account to "Cash" for \$9,900, and cashed this check at the Amalgamated Bank on this same day.

g. On about June 8, 2007, defendant ROBERT D. WALSTON wrote check number 2164 on his Amalgamated Bank checking account to "Cash" for \$3,000, and cashed this check at the Amalgamated Bank on this same day.

7. It was further a part of the conspiracy that defendant VICTOR M. MATOS, defendant ROBERT D. WALSTON, and Individual D offered Individual A and Individual B tractor trailer trucks as partial payment for the purchase of cocaine from Individual A and Individual B, and defendant MATOS and Individual D took Individual A to inspect the tractor trailer trucks he offered as partial payment.

8. It was further a part of the conspiracy that defendant VICTOR M. MATOS and defendant ROBERT D. WALSTON raised and transported approximately \$135,000 in cash from Chicago, Illinois, to Houston, Texas, as intended payment for the purchase of cocaine from Individual A and Individual B.

9. It was further a part of the conspiracy that, when the \$135,000 in cash was seized by law enforcement officials, defendant VICTOR M. MATOS and defendant ROBERT D. WALSTON lied regarding the purpose of the money, and claimed it was for the purchase of trucks when, in fact, it was for the purchase of a quantity of cocaine.

10. It was further a part of the conspiracy that defendant VICTOR M. MATOS and defendant ROBERT D. WALSTON did misrepresent, conceal, and hide, and cause to be misrepresented, concealed, and hidden the acts taken in furtherance of the conspiracy and the purposes of those acts.

All in violation of Title 21, United States Code, Section 846.

COUNT TWO

The SPECIAL FEBRUARY 2008-2 GRAND JURY further charges:

Beginning in or about April 2007, and continuing through approximately June 16, 2007, at Chicago, in the Northern District of Illinois, Eastern Division, and elsewhere,

VICTOR M. MATOS and
ROBERT D. WALSTON,

defendants herein, did attempt to knowingly and intentionally possess with intent to distribute a controlled substance, namely, 5 kilograms or more of mixtures and substances containing cocaine, a Schedule II Narcotic Drug Controlled Substance;

In violation of Title 21, United States Code, Section 841(a)(1) and Title 18, United States Code, Section 2.

COUNT THREE

The SPECIAL FEBRUARY 2008-2 GRAND JURY further charges:

1. On or about March 7, 2008, defendant ROBERT D. WALSTON, as the Claimant in *United States of America v. \$135,000 U.S. Currency* (Civil Action No. 4:08-CV-364, S.D.TX.), submitted "Answer to Verified Complaint for Civil Forfeiture *in Rem*," which he verified was true and correct, and which included certain answers, to wit:

PARAGRAPH 1: This is a civil action in rem brought to enforce the provisions of 21 U.S.C. § 881(a)(6) which provides for the forfeiture of property used or intended to be used in exchange for controlled substances, or represents proceeds of trafficking in controlled substances, or was used or intended to be used to facilitate a violation of Title II of the Controlled Substance Act, 21 U.S.C. §§ 801 et seq.

ANSWER: The Claimant admits that the action is brought pursuant to the statute alleged, *but denies that the seized property was used or intended to be used in exchange for controlled substances.*

* * *

PARAGRAPH 3: The Defendant Currency is subject to forfeiture as drug proceeds, currency used or intended to be used in exchange for a controlled substance, or currency used to facilitate a violation of the Controlled Substances Act.

ANSWER: *Claimant denies the allegations in paragraph 3.*

* * *

PARAGRAPH 9: In May and June 2007, Matos and Walston drove to Houston from Chicago and met with one or more individuals to negotiate the purchase of 80 kilograms of cocaine.

ANSWER: Claimant admits that he has driven to Houston, Texas with Matos. *Claimant denies he negotiated any deal for the purchase of cocaine.*

PARAGRAPH 10: During their June stay in Houston, Walston flew to Chicago and back to obtain more money for the cocaine purchase. He purchased one-way flights to Chicago and back to Houston. Walston later gave untruthful statements to Immigration and Customs Enforcement (ICE) agents regarding his recent travels to Houston. He denied ever flying to Houston, and he claimed his last trip to Houston occurred a long time ago when he was a commercial truck driver, rather than in May 2007.

ANSWER: Claimant admits flying from Houston to Chicago and back in June, 2007. *He denies the purpose of the trip was to obtain money for the purchase of cocaine. Claimant further denies he gave untruthful statements to Immigration and Customs Enforcement Agents.*

2. The italicized portions of these answers were false, for in truth and fact, defendant ROBERT D. WALSTON then and there well knew that 1) the \$135,000 was used or intended to be used in exchange for controlled substances; 2) in May and June 2007, Victor M. Matos and defendant WALSTON met with one or more individuals in Houston, Texas to negotiate the purchase of a quantity of kilograms of cocaine; and 3) defendant WALSTON had flown from Houston, Texas to Chicago, Illinois and back in June 2007 to obtain money for the purchase of cocaine, and he had made untruthful statements to ICE Agents when he denied flying back to Houston, Texas, and that his last trip to Houston, Texas had occurred a long time ago when he was a commercial truck driver, rather than in May 2007.

3. On or about March 11, 2008, at Chicago, in the Northern District of Illinois, Eastern Division, and elsewhere,

ROBERT D. WALSTON,

defendant herein, in a verification to "Answer to Verified Complaint for Civil Forfeiture *In Rem*," submitted in *United States of America v. \$135,000 U.S. Currency* (Civil Action No. 4:08-CV-364), which was pending in the United States District Court for the Southern District of Texas, knowingly and willfully subscribed as true material matters which he did not believe to be true, in that in he made the false material declarations set forth above in his answers to Paragraphs 1, 3, 9, and 10, which he knew not to be true, when in truth and fact, as defendant WALSTON then and there well knew, 1) the \$135,000 was used or intended to be used in exchange for controlled substances; 2) in May and June 2007, Victor M. Matos and defendant WALSTON met with one or more individuals in Houston, Texas to negotiate the purchase of a quantity of cocaine; and 3) defendant WALSTON had flown from Houston, Texas to Chicago, Illinois and back in June 2007 to obtain money for the purchase of cocaine, and he had made untruthful statements to ICE Agents when he denied flying back to Houston, Texas, and that his last trip to Houston, Texas, had occurred a long time ago when he was a commercial truck driver, rather than in May 2007.

All in violation of Title 18, United States Code, Section 1621(2).

FORFEITURE ALLEGATION

The SPECIAL FEBRUARY 2008-2 GRAND JURY further charges:

1. The allegations of Counts One and Two are realleged and fully incorporated herein for the purpose of alleging forfeiture to the United States pursuant to Title 21, United States Code, Section 853.

2. As a result of their violation of Title 21, United States Code, Sections 841(a)(1) and 846 of the foregoing indictment,

VICTOR M. MATOS and
ROBERT D. WALSTON,

defendants herein, shall forfeit to the United States, pursuant to Title 21, United States Code, Section 853(a)(2), any and all right, title, and interest they may have in any property, real and personal, which was used, and intended to be used, in any manner or part, to commit, and to facilitate the commission of the offenses charged in the indictment.

3. The interests of the defendants, jointly and severally, subject to forfeiture pursuant to Title 21, United States Code, Section 853, include, but are not limited to, funds in the amount of \$135,000 seized from defendant VICTOR M. MATOS and defendant ROBERT D. WALSTON on or about June 16, 2007, which represents property which was used, and intended to be used, to facilitate the commission of the offenses charged in the indictment.

4. If any of the property subject to forfeiture and described above, as a result of any act or omission by the defendants:

- 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,

the United States of America shall be entitled to forfeiture of substitute property under the provisions of Title 21, United States Code, Section 853(p).

All pursuant to Title 21, United States Code, Section 853.

A TRUE BILL:

FOREPERSON

UNITED STATES ATTORNEY