

# United States District Court

FOR THE  
NORTHERN DISTRICT OF CALIFORNIA

VENUE: SAN FRANCISCO

FILED  
2012 MAY - 1 P 12:42  
RECEIVED BY THE CLERK OF THE COURT  
U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,  
V.

ELLA MAE SIMPSON

CR 11-832 SI

DEFENDANT(S).

## SUPERSEDING INDICTMENT

### VIOLATIONS:

21 U.S.C. § 846 – Conspiracy to Possess with Intent to Distribute and to Distribute Oxycodone; 21 U.S.C. §§ 841(a)(1) & (b)(1)(C) – Possession with Intent to Distribute and Distribution of Oxycodone; 18 U.S.C. § 922(g)(1) – Felon in Possession and Receipt of Firearm; 21 U.S.C. § 853 – Criminal Forfeiture; and 18 U.S.C. § 924(d)(1) – Forfeiture of a Firearm

A true bill.

Julia M...  
Foreman

Filed in open court this 1st day of

May 2012  
K. L. Rom KAREN L. ROM

JOSEPH C. SPERO Clerk  
UNITED STATES MAGISTRATE JUDGE

Bail, \$ no pr...

**DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURT**

BY:  COMPLAINT  INFORMATION  INDICTMENT  
 SUPERSEDING

**OFFENSE CHARGED**

Ct. 1 - 21 U.S.C. Section 846, Conspiracy to Possess with Intent to Distribute and to Distribute Oxycodone; Cts. 2-4, 21 U.S.C. Sections 841(a)(1) & (b)(1)(C) Possession with Intent to Distribute and Distribution of Oxycodone; Ct. 5, 21 U.S.C. Sections 841(a)(1) & (b)(1)(C) Possession with Intent to Distribute Oxycodone; Ct. 6, 18 U.S.C. Section 922(g)(1), Felon in Possession and Receipt of Firearm

Petty  
 Minor  
 Misdemeanor  
 Felony

**PENALTY:** Cts. 1-5 --21 U.S.C. sections 846, 841(a)(1) & (b)(1)(C): max. sentence of 20 years, 3 years supervised release, \$1,000,000 fine, and \$100 special assessment; Ct. 6 -- 18 U.S. C. section 922(g)(1): max. sentence of 10 years, 3 years supervised release, \$250,000 fine, and \$100 special assessment

Name of District Court, and/or Judge/Magistrate Location  
**NORTHERN DISTRICT OF CALIFORNIA**

**DEFENDANT - U.S.**

▶ **ELLA MAE SIMPSON**

DISTRICT COURT NUMBER  
**No. CR 11-0832 SI**

**FILED**  
2012 MAY - 1 P 12:11  
CLERK OF DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

**PROCEEDING**

Name of Complainant Agency, or Person (& Title, if any)

person is awaiting trial in another Federal or State Court, give name of court

this person/proceeding is transferred from another district per (circle one) FRCrp 20, 21, or 40. Show District

this is a re prosecution of charges previously dismissed which were dismissed on motion of:

U.S. ATTORNEY  DEFENSE

SHOW  
DOCKET NO.

this prosecution relates to a pending case involving this same defendant

MAGISTRATE  
CASE NO.

prior proceedings or appearance(s) before U.S. Magistrate regarding this defendant were recorded under

Name and Office of Person Furnishing Information on this form Melinda Haag

U.S. Attorney  Other U.S. Agency

Name of Assistant U.S. Attorney (if assigned) Katherine B. Dowling

**DEFENDANT**

**IS NOT IN CUSTODY**

- Has not been arrested, pending outcome of this proceeding.
- 1)  If not detained give date any prior summons was served on above charges.
- 2)  Is a Fugitive
- 3)  Is on Bail or Release from (show District)

Northern District of California

**IS IN CUSTODY**

- 4)  On this charge
- 5)  On another conviction }  Federal  State
- 6)  Awaiting trial on other charges
- If answer to (6) is "Yes", show name of institution

Has detainer been filed?  Yes  No

} If "Yes" give date filed

DATE OF ARREST ▶ Month/Day/Year

Or... if Arresting Agency & Warrant were not

DATE TRANSFERRED TO U.S. CUSTODY ▶ Month/Day/Year

This report amends AO 257 previously submitted

**ADDITIONAL INFORMATION OR COMMENTS**

**PROCESS:**

SUMMONS  NO PROCESS\*  WARRANT

Bail Amount: \_\_\_\_\_

If Summons, complete following:

Arraignment  Initial Appearance

Defendant Address: \_\_\_\_\_

\* Where defendant previously apprehended on complaint, no new summons or warrant needed, since Magistrate has scheduled arraignment

Date/Time: \_\_\_\_\_ Before Judge: \_\_\_\_\_

Comments: \_\_\_\_\_

FILED  
2012 MAY - 1 P 12:12  
RICHARD B. HIXSON  
CLERK OF DISTRICT COURT  
SAN FRANCISCO, CALIFORNIA

1 MELINDA HAAG (CABN 132612)  
2 United States Attorney

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5  
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7  
8 UNITED STATES DISTRICT COURT  
9 NORTHERN DISTRICT OF CALIFORNIA  
10 SAN FRANCISCO DIVISION  
11

12 UNITED STATES OF AMERICA, )  
13 Plaintiff, )  
14 v. )  
15 )  
16 ELLA MAE SIMPSON, )  
17 Defendant. )  
18 )  
19 )  
20 )  
21 )

No. CR 11-0832 SI

VIOLATIONS: 21 U.S.C. § 846 –  
Conspiracy to Possess with Intent to  
Distribute and to Distribute Oxycodone;  
21 U.S.C. §§ 841(a)(1) & (b)(1)(C) –  
Possession with Intent to Distribute and  
Distribution of Oxycodone; 18 U.S.C. §  
922(g)(1) – Felon in Possession and Receipt  
of Firearm; 21 U.S.C. § 853 – Criminal  
Forfeiture; and  
18 U.S.C. § 924(d)(1) – Forfeiture of a  
Firearm

SAN FRANCISCO VENUE

22 SUPERSEDING INDICTMENT

23 The Grand Jury charges:

24 COUNT ONE: (21 U.S.C. § 846 – Conspiracy to Possess with Intent to Distribute and to  
25 Distribute Oxycodone)

26 Beginning at a time unknown to the Grand Jury, but no later than on or about April 5,  
27 2011, and continuing through June 9, 2011, both dates being approximate and inclusive, in the

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SUPERSEDING INDICTMENT  
No. CR 11-0832 SI

1 Northern District of California and elsewhere, the defendant,

2 ELLA MAE SIMPSON,

3 and others known and unknown to the Grand Jury, did knowingly and intentionally conspire to  
4 possess with intent to distribute and to distribute a substance containing oxycodone, a Schedule II  
5 controlled substance, in violation of Title 21, United States Code, Sections 846, 841(a)(1), and  
6 841(b)(1)(C).

7 COUNT TWO: (21 U.S.C. §§ 841(a)(1) & (b)(1)(C) – Possession with Intent to Distribute and  
8 Distribution of Oxycodone)

9 On or about April 5, 2011, in the Northern District of California, the defendant,

10 ELLA MAE SIMPSON,

11 did knowingly and intentionally possess with intent to distribute and distribute a substance  
12 containing oxycodone, a Schedule II controlled substance, in violation of Title 21, United States  
13 Code, Sections 841(a)(1) and 841(b)(1)(C).

14 COUNT THREE: (21 U.S.C. §§ 841(a)(1) & (b)(1)(C) – Possession with Intent to Distribute  
15 and Distribution of Oxycodone)

16 On or about June 6, 2011, in the Northern District of California, the defendant,

17 ELLA MAE SIMPSON,

18 did knowingly and intentionally possess with intent to distribute and distribute a substance  
19 containing oxycodone, a Schedule II controlled substance, in violation of Title 21, United States  
20 Code, Sections 841(a)(1) and 841(b)(1)(C).

21 COUNT FOUR: (21 U.S.C. §§ 841(a)(1) & (b)(1)(C) – Possession with Intent to Distribute and  
22 Distribution of Oxycodone)

23 On or about June 8, 2011, in the Northern District of California, the defendant,

24 ELLA MAE SIMPSON,

25 did knowingly and intentionally possess with intent to distribute and distribute a substance  
26 containing oxycodone, a Schedule II controlled substance, in violation of Title 21, United States  
27 Code, Sections 841(a)(1) and 841(b)(1)(C).

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1 COUNT FIVE: (21 U.S.C. §§ 841(a)(1) & (b)(1)(C) – Possession with Intent to Distribute  
2 Oxycodone)

3 On or about June 9, 2011, in the Northern District of California, the defendant,  
4 ELLA MAE SIMPSON,  
5 did knowingly and intentionally possess with intent to distribute a substance containing  
6 oxycodone, a Schedule II controlled substance, in violation of Title 21, United States Code,  
7 Sections 841(a)(1) and 841(b)(1)(C).

8 COUNT SIX: (18 U.S.C. § 922(g)(1) – Felon in Possession and Receipt of Firearm)

9 On or about June 9, 2011, in the Northern District of California, the defendant,  
10 ELLA MAE SIMPSON,  
11 having been previously convicted of a crime punishable by a term of imprisonment exceeding  
12 one year, did knowingly receive and possess a firearm, specifically a Smith and Wesson .357  
13 revolver, Model 686-3, serial number BJC251, in and affecting interstate and foreign commerce,  
14 in violation of Title 18, United States Code, Section 922(g)(1).

15 FIRST FORFEITURE ALLEGATION: (21 U.S.C. § 853(a)(1) and (a)(2) – Criminal Forfeiture)

16 1. The factual allegations contained in Counts One through Six of this Indictment  
17 are re-alleged and fully incorporated here for the purpose of alleging forfeiture pursuant to the  
18 provisions of 21 U.S.C. §§ 853(a)(1) and (a)(2).

19 2. Upon a conviction of any of the offenses alleged in Counts One through Six of  
20 this Indictment, the defendant,

21 ELLA MAE SIMPSON,  
22 shall forfeit to the United States all right, title, and interest in property constituting and derived  
23 from any proceeds defendants obtained, directly or indirectly, as a result of said violations, and  
24 any property used, or intended to be used, in any manner or part, to commit or to facilitate the  
25 commission of the said violations, including but not limited to the following property:

26 a. Approximately \$235,524 in United States currency seized from  
27 366 O'Harron Drive, Hayward, California, on June 9, 2011.

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b. One Smith and Wesson .357 revolver, Model 686-3, serial number BJC251, seized from 366 O'Harron Drive, Hayward, California, on June 9, 2011.

3. If, as a result of any act or omission of the defendants, any of said property

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 divided without difficulty;

any and all interest defendants have in any other property (not to exceed the value of the above forfeitable property) shall be vested in the United States and forfeited to the United States.

All in violation of Title 21, United States Code, Section 853(a)(1), (a)(2), (p) and Rule 32.2 of the Federal Rules of Criminal Procedure.

SECOND FORFEITURE ALLEGATION: (18 U.S.C. § 924 (d)(1)) – Forfeiture of Firearms)

1. The factual allegations contained in Count Six of this Indictment are realleged and incorporated as if fully set forth here.

2. Upon a conviction for the offenses alleged in Count Six above, the defendant,

ELLA MAE SIMPSON

shall forfeit to the United States any firearm or ammunition involved in or used in any knowing violation of said offense, including but not limited to the following property:

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1 a. One Smith and Wesson .357 revolver, Model 686-3, serial number  
2 BJC251, seized from 366 O' Harron Drive, Hayward, California, on June  
3 9, 2011.

4 All in violation of Title 18, United States Code, Section 924(d)(1).


5 DATED: May 1, 2012

A TRUE BILL.

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7   
8 FOREPERSON

9 MELINDA HAAG  
10 United States Attorney

11   
12 MIRANDA KANE  
13 Chief, Criminal Division

14 (Approved as to form: )  
15 AUSA Dowling