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**FILED**

FEB 21 2019

CLERK, U.S. DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA  
BY \_\_\_\_\_ DEPUTY CLERK

6 Attorneys for Plaintiff  
United States of America  
7

8 IN THE UNITED STATES DISTRICT COURT  
9 EASTERN DISTRICT OF CALIFORNIA

10 UNITED STATES OF AMERICA,  
11 Plaintiff,  
12 v.

CASE NO. 2:19 - CR - 0035 GEB

14 HENRY BENSON and  
ROSELLE CIPRIANO,  
15 Defendants.  
16  
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21 U.S.C. §§ 846, 841(a)(1) – Conspiracy to  
Distribute, Manufacture, and to Possess with Intent to  
Distribute Methamphetamine; 21 U.S.C. § 841(a)(1)  
– Distribution of Methamphetamine (Three Counts);  
21 U.S.C. § 841(a)(1) – Possession with Intent to  
Distribute Methamphetamine; 18 U.S.C. § 924(c) –  
Possession of a Firearm in Furtherance of a Drug  
Trafficking Crime; 18 U.S.C. § 922(g) – Felon in  
Possession of a Firearm; 21 U.S.C. § 853(a), 18  
U.S.C. § 924(d)(1) and 28 U.S.C. § 2461(c) –  
Criminal Forfeiture

18  
19 INDICTMENT

20 COUNT ONE: [21 U.S.C. §§ 846, 841(a)(1) – Conspiracy to Distribute, Manufacture, and Possess with  
Intent to Distribute Methamphetamine]  
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22 The Grand Jury charges: T H A T

23 HENRY BENSON and  
ROSELLE CIPRIANO,  
24

25 defendants herein, between a date unknown to the grand jury, but no later than June 14, 2018, and  
26 continuing through on or about February 7, 2019, in Solano County, State and Eastern District of  
27 California, and elsewhere, did knowingly and intentionally conspire and agree with each other and with  
28 persons known and unknown to the Grand Jury to distribute, manufacture, and possess with intent to

1 distribute at least 500 grams of a mixture and substance containing a detectable amount of  
2 methamphetamine, a Schedule II Controlled Substance, in violation of Title 21, United States Code,  
3 Sections 846 and 841(a)(1).

4 COUNT TWO: [21 U.S.C. § 841(a)(1) – Distribution of Methamphetamine]

5 The Grand Jury further charges: T H A T

6 HENRY BENSON and  
7 ROSELLE CIPRIANO,

8 defendants herein, on or about June 14, 2018, in Solano County, State and Eastern District of California,  
9 did knowingly and intentionally distribute at least 50 grams of a mixture and substance containing a  
10 detectable amount of methamphetamine, a Schedule II Controlled Substance, in violation of Title 21,  
11 United States Code, Section 841(a)(1) and Title 18, United States Code, Section 2.

12 COUNT THREE: [21 U.S.C. § 841(a)(1) – Distribution of Methamphetamine]

13 The Grand Jury further charges: T H A T

14 HENRY BENSON and  
15 ROSELLE CIPRIANO,

16 defendants herein, on or about July 3, 2018, in Solano County, State and Eastern District of California,  
17 did knowingly and intentionally distribute at least 500 grams of a mixture and substance containing a  
18 detectable amount of methamphetamine, a Schedule II Controlled Substance, in violation of Title 21,  
19 United States Code, Section 841(a)(1) and Title 18, United States Code, Section 2.

20 COUNT FOUR: [21 U.S.C. § 841(a)(1) – Distribution of Methamphetamine]

21 The Grand Jury further charges: T H A T

22 HENRY BENSON and  
23 ROSELLE CIPRIANO,

24 defendants herein, on or about July 27, 2018, in Solano County, State and Eastern District of California,  
25 did knowingly and intentionally distribute at least 500 grams of a mixture and substance containing a  
26 detectable amount of methamphetamine, a Schedule II Controlled Substance, in violation of Title 21,  
27 United States Code, Section 841(a)(1) and Title 18, United States Code, Section 2.

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1 COUNT FIVE: [21 U.S.C. § 841(a)(1) – Possession with Intent to Distribute Methamphetamine]

2 The Grand Jury further charges: T H A T

3 HENRY BENSON and  
4 ROSELLE CIPRIANO,

5 defendants herein, on or about February 7, 2019, in Solano County, State and Eastern District of  
6 California, did knowingly and intentionally possess with intent to distribute at least 500 grams of a  
7 mixture and substance containing a detectable amount of methamphetamine, a Schedule II Controlled  
8 Substance, in violation of Title 21, United States Code, Section 841(a)(1).

9 COUNT SIX: [18 U.S.C. § 924(c) – Possession of a Firearm in Furtherance of a Drug Trafficking  
10 Crime]

11 The Grand Jury further charges: T H A T

12 HENRY BENSON and  
13 ROSELLE CIPRIANO,

14 defendants herein, on or about February 7, 2019, in Solano County, State and Eastern District of  
15 California, did knowingly possess a firearm, specifically, a Savage Arms Stevens Model 320 12-gauge  
16 shotgun, with serial number 121017J, in furtherance of a drug trafficking crime which may be  
17 prosecuted in a court of the United States, that is, (1) conspiracy to distribute and manufacture  
18 methamphetamine, (2) distribution of methamphetamine, and (3) possession with intent to distribute  
19 methamphetamine, in violation of Title 21, United States Code, Sections 841(a)(1) and 846, as charged  
20 in Counts One through Five of this Indictment, all in violation of Title 18, United States Code, Section  
21 924(c)(1).

22 COUNT SEVEN: [18 U.S.C. § 922(g)(1) – Felon in Possession of Firearm]

23 The Grand Jury further charges: T H A T

24 HENRY BENSON,

25 defendant herein, on or about February 7, 2019, in Solano County, State and Eastern District of  
26 California, having been convicted of a crime punishable by a term of imprisonment exceeding one year,  
27 that is: Possession of Marijuana for Sale, in violation of California Health and Safety Code section  
28 11379, on or about May 16, 2003, in Solano County, California, did knowingly possess a firearm,

1 specifically, a Savage Arms Stevens Model 320 12-gauge shotgun, with serial number 121017J, in and  
2 affecting commerce, in that said firearm had previously been transported in interstate and foreign  
3 commerce, in violation of Title 18, United States Code, Section 922(g)(1).

4 FORFEITURE ALLEGATION: [21 U.S.C. § 853(a), 18 U.S.C. § 924(d)(1) and 28 U.S.C. § 2461(c) –  
5 Criminal Forfeiture]

6 1. Upon conviction of one or more of the offenses alleged in Counts One through Five of  
7 this Indictment, defendants HENRY BENSON and ROSELLE CIPRIANO shall forfeit to the United  
8 States pursuant to Title 21, United States Code, Section 853(a), the following property:

9 a. All right, title, and interest in any and all property involved in violations of Title  
10 21, United States Code, Section 841(a)(1), or conspiracy to commit such offenses, for which the  
11 defendants are convicted, and all property traceable to such property, including the following: all real or  
12 personal property, which constitutes or is derived from proceeds obtained, directly or indirectly, as a  
13 result of such offenses; and all property used, or intended to be used, in any manner or part to commit or  
14 to facilitate the commission of the offenses.

15 b. A sum of money equal to the total amount of proceeds obtained as a result of the  
16 offenses, or conspiracy to commit such offenses, for which the defendants are convicted.

17 2. Upon conviction of the offenses alleged in Counts Six and Seven of this Indictment,  
18 defendants HENRY BENSON and ROSELLE CIPRIANO shall forfeit to the United States pursuant to  
19 Title 18, United States Code, Section 924(d)(1) and Title 28, United States Code, Section 2461(c), any  
20 firearms and ammunition involved in or used in the knowing commission of the offenses.

21 3. If any property subject to forfeiture, as a result of the offenses alleged in Counts One  
22 through Seven of this Indictment, for which the defendants are convicted:

23 a. cannot be located upon the exercise of due diligence;

24 b. has been transferred or sold to, or deposited with, a third party;

25 c. has been placed beyond the jurisdiction of the Court;

26 d. has been substantially diminished in value; or

27 e. has been commingled with other property which cannot be divided without  
28 difficulty;

1 it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p) and Title 28,  
2 United States Code, Section 2461(c), to seek forfeiture of any other property of the defendants, up to the  
3 value of the property subject to forfeiture.  
4

5 A TRUE BILL.

6 **/s/ Signature on file w/AUSA**

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8 FOREPERSON

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10 McGREGOR W. SCOTT  
11 United States Attorney  
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No. 2:19 - CR - 0035 GEB

**UNITED STATES DISTRICT COURT**

*Eastern District of California*

*Criminal Division*

THE UNITED STATES OF AMERICA

vs.

HENRY BENSON and  
ROSELLE CIPRIANO

**NO PROCESS NECESSARY**

INDICTMENT

**VIOLATION(S):**

- 21 U.S.C. §§ 846, 841(a)(1) – Conspiracy to Distribute, Manufacture, and to Possess with Intent to Distribute Methamphetamine;
- 21 U.S.C. § 841(a)(1) – Distribution of Methamphetamine (Three Counts);
- 21 U.S.C. § 841(a)(1) – Possession with Intent to Distribute Methamphetamine;
- 18 U.S.C. § 924(c) – Possession of a Firearm in Furtherance of a Drug Trafficking Crime;
- 18 U.S.C. § 922(g) – Felon in Possession of a Firearm;
- 21 U.S.C. § 853(a), 18 U.S.C. § 924(d)(1) and 28 U.S.C. § 2461(c) – Criminal Forfeiture

*A true bill.*

**/s/ Signature on file w/AUSA**

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*Foreman.*

Filed in open court this 21<sup>st</sup> day

of February, A.D. 20 19

*Judge*  
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*Clerk.*

**NO PROCESS NECESSARY**

Bail, \$

*Car*  
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**Carolyn K. Detaney**  
**U.S. Magistrate Judge**  
GPO 863 525

**United States v. Henry Benson and Roselle Cipriano**  
**Penalties for Indictment**

**COUNT 1:**                   **BOTH DEFENDANTS**

VIOLATION:               21 U.S.C. §§ 846, 841(a)(1) - Conspiracy to Distribute and Manufacture Methamphetamine (at least 500 grams)

PENALTIES:               A minimum of 10 years and a maximum of up to life in prison;  
Fine of up to \$10,000,000; or both fine and imprisonment  
Supervised release of at least 5 years up to life

SPECIAL ASSESSMENT: \$100 (mandatory on each count)

**COUNT 2:**                   **BOTH DEFENDANTS**

VIOLATION:               21 U.S.C. § 841(a)(1) – Distribution of Methamphetamine (at least 50 grams)

PENALTIES:               A minimum of 5 years and maximum of up to 40 years in prison; or  
A fine of up to \$250,000; or both a fine and imprisonment  
Supervised release of at least 4 years up to life

SPECIAL ASSESSMENT: \$100 (mandatory on each count)

**COUNTS 3-4:**               **BOTH DEFENDANTS**

VIOLATION:               21 U.S.C. § 841(a)(1) – Distribution of Methamphetamine (at least 500 grams)

PENALTIES:               A minimum of 10 years and maximum of up to life prison; or  
A fine of up to \$250,000; or both a fine and imprisonment  
Supervised release of at least 5 years up to life

SPECIAL ASSESSMENT: \$100 (mandatory on each count)

**COUNT 5:**                   **BOTH DEFENDANTS**

VIOLATION:               21 U.S.C. § 841(a)(1) - Possession with Intent to Distribute Methamphetamine (at least 500 grams)

PENALTIES:               A minimum of 10 years and a maximum of up to life in prison; or  
Fine of up to \$10,000,000; or both fine and imprisonment  
Supervised release of at least 5 years up to life

SPECIAL ASSESSMENT: \$100 (mandatory on each count)

**COUNT 6:            BOTH DEFENDANTS**

VIOLATION:            18 U.S.C. § 924(c) – Possession of a firearm in furtherance of a drug trafficking crime

PENALTIES:            Mandatory consecutive five years to life in prison, consecutive to Counts One through Five;  
Fine of up to \$250,000, or both fine and imprisonment;  
Term of Supervised release of up to five years.

SPECIAL ASSESSMENT: \$100 (mandatory on each count)

**COUNT 7:            BENSON**

VIOLATION:            18 U.S.C. § 922(g) - Felon in possession of firearm

PENALTIES:            Not more than 10 years in prison,  
Not more than \$250,000 fine, or both fine and imprisonment  
Term of Supervised release of up to three years

SPECIAL ASSESSMENT: \$100 (mandatory on each count)

**FORFEITURE ALLEGATION:    BOTH DEFENDANTS**

VIOLATION:            21 U.S.C. § 853(a), 18 U.S.C. § 924(d)(1) and 28 U.S.C. § 2461(c) - Criminal Forfeiture

PENALTIES:            As stated in the charging document