IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

UNITED STATES OF AMERICA, **Plaintiff,** **v.** **ERIC A. AQUINO GARCIA,** **Defendant.**	**INFORMATION** **CRIMINAL NO. 24-365 (GMM)** **VIOLATIONS:** **Counts 1-3:** **21 U.S.C. §§ 331(k), 352(f)(1) and 333(a)(2).** **(Misbranding of prescription drugs with intent to mislead and defraud)** **Count 4:** **21 U.S.C. §§ 331(t), 353(e)(1)(A), and 333(b)(1)(D).** **(Unlicensed Wholesale Distribution of Prescription Drugs)** **Forfeiture Allegations** 21 U.S.C. § 334, 28 U.S.C. § 2461, 18 U.S.C. §982(a)(1), (a)(7) **FOUR COUNTS**

THE UNITED STATES ATTORNEY CHARGES:

GENERAL ALLEGATIONS

At all times material to this Information and within the District of Puerto Rico:

1. From on or about 2018 until on or about November 14, 2023, defendant ERIC A. AQUINO-GARCIA has been an unlicensed wholesale distributor of prescription drugs to multiple buyers, suppliers and pharmacies who have been willingly engaged in the purchase of misbranded and diverted prescription drugs for subsequent sale to patients/beneficiaries of said pharmacies that included causing that material false and fraudulent claims were submitted to Commercial, Medicare and Medicaid healthcare benefit plans.

2. From on or about 2018 until on or about November 14, 2023, ERIC A. AQUINO-GARCIA was a member of a network of individuals and pharmacy owners who knowingly and willfully conspire, combine, confederate, and agree amongst themselves and others, known and unknown, to be

involved in the unlicensed wholesale distribution and selling of misbranded and diverted prescription drugs.

3. At all times relevant to this Information, Defendant ERIC A. AQUINO-GARCIA did not have a wholesale distributor license for prescription drugs.

4. During the period of April 2018 to May 4, 2024, defendant Eric Aquino-Garcia and others unlawfully enrich themselves in the amount of **$13,954,271.30** by selling and distributing misbranded and diverted drugs.

5. Defendant Eric Aquino-Garcia and others resold, delivered, and shipped the misbranded and diverted drugs to pharmacies located throughout the District of Puerto Rico, which billed health care benefit programs, including Medicare and Medicaid, for the drugs and dispensed the drugs to unsuspected consumers.

6. Defendant Eric Aquino-Garcia and others unlawfully enrich themselves by submitting or causing to be submitted false and fraudulent claims by the pharmacies (*Farmacia Monte Verde, Farmacia Santa Olaya, Farmacia Unity, Super Farmacia San Antonio, Farmacia Brisas del Mar and others*) to Medicare and Medicaid through submissions to MCS, MMM and SSS for misbranded medications for Medicare and Medicaid beneficiaries, in the amount of approximately **$7,657,158.44** for misbranded and diverted medications, causing Medicare to disburse approximately **$4,757,399.52** and Medicaid to disburse approximately **$2,389,413.20** for such claims.

7. From on or about January 2018 to November 2023, defendant Eric Aquino-Garcia provided as a "business practice" a receipt to all the individuals whom he sold the misbranded and diverted prescription drugs. Each receipt contained an order number, the balance for each transaction and the carrying balance from any previous transaction owed by that buyer.

8. The Food and Drug Administration ("FDA") was the federal agency charged with the responsibility of protecting the health and safety of the American public by, among other things,

enforcing the provisions of the Federal Food, Drug, and Cosmetic Act ("FDCA"), 21 U.S.C. §§ 301 *et seq.* One purpose of the FDCA was to ensure that drugs sold for consumption or administration to humans were authentic, properly labeled, had been handled and maintained according to FDA requirements and industry standards, had been in the possession of properly licensed entities, and had a verified chain of custody.

9. Diversion refers to processes by which prescription drugs are removed from, and then reintroduced into the legitimate chain of licensed wholesale distribution. Once a prescription drug is diverted outside of the regulated distribution channels, it becomes difficult, if not impossible, for regulators such as the FDA, law enforcement, or end-users to know whether the prescription drug package actually contains the correct drug or the correct dose. Law enforcement officers, regulators, and end users would not know whether the prescription drug was altered, stored in improper conditions, or had its potency adversely affected.

10. Drug diverters use a number of different methods to obtain prescription drugs at discounted prices and reintroduce them at higher prices. In a practice known as "street diversion," diverters repurchase dispensed medications from Medicaid or other patients, remove the patient labels, and reintroduce them into the wholesale market. Another common form of diversion, using closed-door pharmacies that are not open to the public, involves the unauthorized resale of pre-retail drugs that manufacturers sell at steep discounts to hospitals and other healthcare entities.

11. Under the FDCA, the term "drug" included articles that (1) were intended to be used in the diagnosis, cure, mitigation, treatment, or prevention of disease in man; or (2) were intended to affect the structure or any function of the body of man. 21 U.S.C. §§ 321(g)(1)(B) and (C).

12. The FDCA defined "label" as "a display of written, printed, or graphic matter upon the immediate container of any article." 21 U.S.C. § 321(k). The term "labeling" was defined as all labels

and other printed or graphic matter upon any article or any of its containers or wrappers or accompanying such article. 21 U.S.C. § 321(m).

13. Under the FDCA, a "prescription drug" was any drug intended for use in humans that, because of its toxicity or other potentiality for harmful effect, or the method of its use, or the collateral measures necessary for its use, was not safe for use except under the supervision of a practitioner licensed by law to administer such drug; or was limited by an approved application under section 21 U.S.C. § 355 for use under the professional supervision of a practitioner licensed by law to administer such drug. 21 U.S.C. § 353(b)(1).

14. A drug was misbranded under the FDCA if its labeling (1) lacked "adequate directions for use;" or (2) failed to bear "adequate warnings against use in those pathological conditions or by children where its use may be dangerous to health, or against unsafe dosage or methods or duration of administration or application, in such manner or form as are necessary for the protection of users." 21 U.S.C. § 352(f). By regulation, the FDA defined "adequate directions for use" as directions under which the layman could use a drug safely and for the purposes for which it was intended. 21 C.F.R. § 201.5. No directions for use whatsoever was *per se* inadequate.

15. Moreover, because a prescription drug, by definition, is safe for use only under the supervision of a licensed practitioner, there are no directions that could enable a layman to use a prescription drug safely.

16. A prescription drug was exempt from the adequate directions for use requirement under 21 U.S.C. § 352(f)(1) requirement if the drug was in the possession of a person regularly and lawfully engaged in the manufacture, transportation, storage, or wholesale distribution of prescription drugs, in the possession of a retail, hospital, or clinic pharmacy regularly and lawfully engaged in dispensing prescription drugs, or in the possession of a practitioner licensed by law to administer or prescribe such drugs. 21 C.F.R. § 201.100(a)(1). Therefore, a prescription drug that was in the possession of a person

not regularly and lawfully engaged in the wholesale distribution of prescription drugs (or not regularly and lawfully engaged in dispensing prescription drugs) would not have adequate directions for use and would be misbranded.

17. Additionally, a drug was misbranded if it was a prescription drug and was dispensed without a lawful written or oral order of a licensed practitioner. 21 USC § 353(b).

18. A prescription drug was also misbranded if, at any time prior to dispensing, the label of the drug failed to bear the phrase "Rx only." 21 U.S.C. § 353(b)(4).

19. To prevent drug diversion, the wholesale distribution of prescription drugs in the United States is subject to regulation by the FDA. Regulating the wholesale market ensures that drugs dispensed to patients are authentic (i.e., not counterfeit), properly labeled, have been handled and maintained according to industry standards and FDA requirements, that they have been in the possession of properly licensed entities, and have a verifiable chain of custody.

20. Among other requirements, the FDCA prohibited any person from engaging in the wholesale distribution of a prescription drug in any State unless such person was (1) licensed by the State from which the drug was distributed; or (2) if the State from which the drug was distributed did not have a licensure requirement, was licensed by the Secretary of Health and Human Services. 21 U.S.C. § 353(e)(1)(A). The term "State" included the Commonwealth of Puerto Rico. 21 U.S.C. § 321(a)(1). Among other things, the wholesale distribution of prescription drugs meant distribution to someone other than a consumer or patient. 21 U.S.C. § 353(e)(4).

21. At all times relevant to this Information, Puerto Rico required wholesale prescription medication distributors to have a license by the Secretary of the Department of Health of the Government of Puerto Rico. PR Laws Title 1, §410i (PR Law 247 (2004)).

22. The FDCA also required product tracing for wholesale distributors and included a requirement that a wholesale distributor shall not accept ownership of a product unless the previous owner provided the following:

(a) "Transaction Information," including, among other things, (1) the proprietary or established name of the product; (2) the strength and dosage of the drug; (3) the national drug code for the product; (4) the container size; (5) the number of containers in the transaction; (6) the lot number for the drugs; and (7) the date of the transaction. 21 U.S.C. §§ 360eee(26) and 360eee-1(c)(1)(A)(i)-(iii); and

(b) A "Transaction Statement," in paper or electronic form, that the entity transferring ownership in a transaction, (1) is authorized as required under the law; (2) received the product lawfully; (3) received the "transaction information" and "transaction statement" from the prior owner of the product; (4) did not knowingly ship suspect or illegitimate product; (5) had systems and processes in place to comply with product verification requirements as dictated by the FDCA; (6) did not knowingly provide false "transaction information," and (7) did not knowingly alter the history of the drug transaction. 21 U.S.C. §§ 360eee(27) and 360eee-1(c)(1)(A)(i)-(iii).

23. In addition to the requirements for wholesale distributors, the FDCA required "dispensers" of drugs, such as retail pharmacies, not to accept ownership of prescription drugs unless the previous owner provided the "transaction information" and "transaction statement," as defined above. 21 U.S.C. § 360eee-1(d)(1)(A)(i)-(iii). A "dispenser" includes a retail pharmacy, chain pharmacies, and any other person authorized by law to dispense or administer prescription drugs. 21 U.S.C. § 360eee(3).

24. A "dispenser," such as a retail pharmacy, was also prohibited from purchasing prescription drugs other than from an authorized trading partner. 21 U.S.C. §§ 360eee-1(d)(3); 331(t). An authorized trading partner was, as relevant here, a wholesale distributor with a valid license under

state law or with the Secretary of Health and Human Services. 21 U.S.C. § 360eee(2)(B).

25. The FDCA prohibited the doing and causing of the following acts:

a. The introduction into interstate commerce of a misbranded drug. 21 U.S.C. § 331(a);

b. The doing of any act to a drug, while the drug was held for sale, after the drug's shipment in interstate commerce, which resulted in the drug being misbranded. 21 U.S.C. § 331(k);

c. The unlicensed wholesale distribution of a prescription drug. 21 U.S.C. § 331(t);

d. The failure of a "wholesale distributor" to receive from the previous owners and/or provide to subsequent purchasers an accurate "transaction statement" and "transaction information" prior to the sale of prescription drugs. 21 U.S.C. § 331(t);

e. For a "dispenser," accepting ownership of prescription drugs without an accurate "transaction information" and "transaction statement" from the seller. 21 U.S.C. § 331(t); and

f. A "dispenser" to purchase prescription drugs from an unauthorized trading partner. 21 U.S.C. § 331(t).

26. Advair, Albuterol, Alphagan, Anoro Ellipta, Arnuity Ellipta, Aspen Dexamfetamine, Atripla, Atrovent, Azopt, Bepreve, Biktarvy, Breo Ellipta, Brilinta, Budesonide, Bumetanide, Byrdureon Pen, Cialis, Chloramphenicol, Collagenase Santyl, Combigan, Combivent Respimat, Daliresp, Delstrigo, Descovy, Dovato, Edurant, Eliquis, Enbrel, Entresto, Famotidine, Farxiga, Flavfour HFA, Flovent, Fluticasone, Fluticatone, Genvoya, Glyxambi, Humalog, Humira, Humulin, Hydroxyzine Hydrochloride, Incruse Ellipta, Invokamet, Invokana, Isentress, Janumet, Januvia, Jardiance, Jentadueto, Juluca, Ketorolac, Kombliglyze, Lantus, Latuda, Levalbuterol, Linzess, Lumigan, Malarone, Methimazole, Modafinil, Mounjaro, Naltrexone, Nebivolol, Neurin, Novolog, Odefsey, Onglyza, Ozempic, Pifeltro, Premarin, Prezista, Pro Air, Qvar, Restasis, Rinvoq, Rocklatan, Rosuvastatine,

Rukobia, Rybelsus, Segluromet, Selegline, Silver, Soliqua, Spiriva, Steglatro, Stiolto Respimat, Stribild, Symbicort, Symtuza, Synjardy, Synthroid, Tivicay, Toujeo Pen, Tradjenta, Trelegy Ellipta, Tresiba, Trijardy, Triumeq, Trulicity, Ventolin, Victoza, Wixela, Xarelto, Xigduo, Zeal, among others, were approved by the FDA as prescription drugs pursuant to 21 U.S.C. § 355. All of the drugs listed above were manufactured outside of Puerto Rico.

COUNT ONE
21 U.S.C. § 331(k); 21 U.S.C. § 333(a)(2)
(The Doing of Any Act After Shipment in Interstate Commerce that Results in the Drug Being Misbranded While Held for Sale)

The General Allegations portion of this information are hereby re-alleged and incorporated by reference as though fully set forth herein.

On August 22, 2023, in the District of Puerto Rico and within the jurisdiction of this Court, the defendant,

ERIC A. AQUINO-GARCIA

with the intent to defraud and mislead, did cause acts to be done to drugs, while the drugs were held for sale, after the drug was shipped in interstate commerce, which resulted in the drug being misbranded within the meaning of 21 U.S.C. § 353(b)(1), 21 U.S.C. § 353(b)(4), and 21 U.S.C. § 352(f), as detailed in the table below:

PRESCRIPTION DRUG	CONCENTRATION	QUANTITY
Janumet	50 / 1000 mg	300 tablets
Synthroid	75 mcg	300 tablets
Synthroid	88 mcg	309 tablets
Synthroid	50 mcg	300 tablets
Synthroid	25 mcg	309 tablets

Synthroid	100 mcg	300 tablets
Lantus (insulin injection)	100 units/mL (U-100)	10 vials
Humalog (insulin injection)	100 units/mL (U-100)	10 vials

All in violation of 21 U.S.C. §§ 331(k) and 333(a)(2), and 18 U.S.C. § 2.

COUNT TWO
21 U.S.C. § 331(k); 21 U.S.C. § 333(a)(2)
(The Doing of Any Act After Shipment in Interstate Commerce that Results in the Drug Being Misbranded While Held for Sale)

The General Allegations portion of this information are hereby re-alleged and incorporated by reference as though fully set forth herein.

On October 27, 2023, in the District of Puerto Rico and within the jurisdiction of this Court, the defendant,

ERIC A. AQUINO-GARCIA

with the intent to defraud and mislead, did cause acts to be done to drugs, while the drugs were held for sale, after the drug was shipped in interstate commerce, which resulted in the drug being misbranded within the meaning of 21 U.S.C. § 353(b)(1), 21 U.S.C. § 353(b)(4), and 21 U.S.C. § 352(f), as detailed in the table below:

PRESCRIPTION DRUG	CONCENTRATION	QUANTITY
Jentadueto	2.5 mg / 1000mg	200 talets
Janumet	50mg /1000mg	200 tablets
Glyxambi	10mg / 5 mg	100 tablets

Synthroid	88 mcg	319 tablets
Synthroid	50 mcg	318 tablets
Synthroid	125 mcg	318 tablets
Farxiga	10 mg	200 tablets
Synthroid	100 mcg	324 tablets
Synthroid	25 mcg	322 tablets
Brilinta	90 mg	100 tablets
Januvia	100 mg	100 tablets
Tradjenta	5 mg	100 tablets

All in violation of 21 U.S.C. §§ 331(k) and 333(a)(2), and 18 U.S.C. § 2.

COUNT THREE
21 U.S.C. § 331(k); 21 U.S.C. § 333(a)(2)
(The Doing of Any Act After Shipment in Interstate Commerce that Results in the Drug Being Misbranded While Held for Sale)

The General Allegations portion of this information are hereby re-alleged and incorporated by reference as though fully set forth herein.

On November 14, 2023, in the District of Puerto Rico and within the jurisdiction of this Court, the defendant,

ERIC A. AQUINO-GARCIA

with the intent to defraud and mislead, did cause acts to be done to drugs, while the drugs were held for sale, after the drug was shipped in interstate commerce, which resulted in the drug being misbranded within the meaning of 21 U.S.C. § 353(b)(1), 21 U.S.C. § 353(b)(4), and 21 U.S.C. § 352(f), as detailed

in the table below:

PRESCRIPTION DRUG	CONCENTRATION	QUANTITY
Albuterol Sulfate	90mcg	3 boxes
Atrovent HFA	17mcg	1 box
Biktarvy	50mg/200mg/25mg	26 bottles
BREO Ellipta	100mcg/25mcg	1 box
Brilinta	60mg & 90mg	12 bags
Brilinta	80mg	2 bottles
Brilinta	70mg	8 blister packs
Bydureon Bcise	2mg	7 boxes
Chloramphenicol	500mg/mL	1 bottle
Collagenase Santyl	30g	19 boxes
Daliresp	500mcg	4 bottles
Delstrigo	100mg/300mg/300mg	1 bottle
Descovy	200mg/25mg	13 bottles
Dovato	50mg/300mg	3 bottles
Edurant	25mg	1 bottle
Eliquis	2.5mg & 5mg	83 bags
Eliquis	5mg	2 bottles
Enbrel Etanercept	50mg	1 box
Farxiga	5mg & 10mg	7 bags
Farxiga	10mg	1 bottle
Flovent	44mcg, 110mcg, 220mcg	54 boxes
Flovent Diskus	100mcg, 250mcg	4 boxes
Fluticasone Propiorate	50mcg	8 boxes
Genvoya	150mg/150mg/200mg/10mg	16 bottles
Glyxambi	10mg/5mg & 25mg/5mg	12 bags
Humalog (insulin injection)	100 units/mL (U-100)	138 vials
Humalog KwikPen (insulin injection)	100 units/mL (U-100)	98 pens
Humalog Mix 50/50 (insulin injection)	100 units/mL (U-100)	39 vials
Humalog Mix 75/25 (insulin injection)	100 units/mL (U-100)	23 vials
Humulin 70/30 (insulin injection)	100 units/mL (U-100)	106 vials
Humulin 70/30 KwikPen (insulin injection)	100 units/mL (U-100)	3 pens
Humulin N (insulin injection)	100 units/mL (U-100)	7 vials
Humulin R (insulin injection)	100 units/mL (U-100)	60 vials
Insuline Glargine by Mylan (insulin injection)	100 units/mL (U-100)	1 vial
Invokamet	50mg/500mg	1 bottle

Invokamet	150mg/500mg	5 bags
Invokamet	150mg/500mg	6 bags
Invokamet	150mg/1000mg	8 bags
Invokamet XR	50mg/500mg	2 bottles
Invokamet XR	50mg/1000mg	3 bags
Invokana	100mg & 300mg	10 bags
Isentress	400mg	2 bottles
Isentress	400mg	2 boxes
Isentress HD	600mg	6 bottles
Janumet	50mg/1000mg	6 bags
Janumet XR	50mg/1000mg	2 bags
Janumet XR	100mg/1000mg	1 bottle
Januvia	25mg & 100mg	4 bags
Januvia	100mg	1 bottle
Jardiance	25mg	1 bags
Jentadueto	2.5mg/1000mg	8 bottles
Jentadueto	2.5mg/500mg, 2.5mg/850mg, & 2.5mg/1000mg	18 bags
Jentadueto XR	2.5mg/1000mg	6 bottles
Juluca	50mg/25mg	1 bottle
Kingdom Honey - Royal Honey VIP	20g	3 boxes
Kombiglyze XR	5mg/500mg	1 bag
Lantus (insulin injection)	100 units/mL (U-100)	82 vials
Lantus SoloStar Pens (insulin injection)	100 units/mL (U-100)	16 boxes
Latuda	40mg, 60mg & 80mg	4 bottles
Latuda	80mg	1 bag
Levalbuterol Tartrate HFA	45mcg	2 boxes
Linzess	145mcg	3 bottles
Naltrexone	50mg	2 bags
NovoLog (insulin injection)	100 units/mL (U-100)	4 vials
NovoLog FlexPen (insulin injection)	100 units/mL (U-100)	1 box
Odefsey	200mg/25mg/25mg	2 bottles
Onglyza	2.5mg	1 bottle
Onglyza	5mg	1 bag
Pifeltro	100mg	2 bottles
Premarin	0.3mg, 0.625mg & 1.25mg	11 bags
Prezista	600mg & 800mg	16 bottles
Restasis	0.4mL	3 boxes
Rinvoq	30mg	1 box

Rocklatan	2.5mL	1 box
Rosuvastatin	10mg	1 bottle
Rukobia	600mg	2 bottles
Rybelsus	7mg	3 boxes
Segluromet	2.5mg/1000mg & 7.5mg/1000mg	2 bags
Segluromet	7.5mg/1000mg	3 bottles
Selegiline	5mg	1 bottle
Spiriva	18mcg	1 box
Steglatro	5mg	1 bottle
Stribild	150mg/150mg/200mg/300mg	4 bottles
Symbicort	160mcg/4.5mcg	6 boxes
Symtuza	800mg/150mg/200mg/10mg	26 bottles
Synjardy	12.5mg/1000mg	3 boxes
Synthroid	25mcg, 50mcg, 75mcg, 88mcg, 100mcg, 112mcg, 125mcg, 137mcg, 150mcg, 175mcg, & 200mcg	174 bags
Synthroid	112mcg	1 box
Tivicay	50mg	40 bottles
Toujeo Max SoloStar (insulin injection)	300 units/mL (U-300)	2 boxes
Tradjenta	5mg	3 bottles
Tradjenta	5mg	3 bags
Tresiba FlexTouch Pens (insulin injection)	100 units/mL (U-100)	9 boxes
Trijardy XR	10mg/5mg/1000mg	1 bottle
Triumeq	600mg/50mg/300mg	24 bottles
Trulicity	3mg/0.5mL	3 boxes
Wixela	500mcg/50mcg	7 boxes
Xarelto	2.5mg, 10mg & 15mg	16 bags
Xarelto	10mg & 15mg	16 bottles
Xarelto	15mg & 20mg	1 box
Xigduo XR	5mg/1000mg & 10mg/1000mg	16 bags
Other unidentified medications		58 bags
Other unidentified medications		12 bottles
Other unidentified medications		4 boxes

All in violation of 21 U.S.C. §§ 331(k) and 333(a)(2), and 18 U.S.C. § 2.

COUNT FOUR
21 U.S.C. § 331(t); 21 U.S.C. § 333(b)(1)(D)
(Unlicensed Wholesale Distribution of a Prescription Drug)

The General Allegations portion of this information are hereby re-alleged and incorporated by reference as though fully set forth herein.

Between at least January 2021 and November 14, 2023, in the District of Puerto Rico and within the jurisdiction of this Court, the defendant,

ERIC A. AQUINO-GARCIA

knowingly engaged, and caused others to engage, in the wholesale distribution of prescription drugs in Puerto Rico without being properly licensed by Puerto Rico and the Secretary of the Department of Health and Human Services,

All in violation of 21 U.S.C. §§ 331(t), 353(e)(1)(A), and 333(b)(1)(D).

FORFEITURE ALLEGATION
(21 U.S.C. § 334 and 28 U.S.C. § 2461)
Seized Misbranded Drugs

1. The allegations of this Information are hereby re-alleged and by this reference fully incorporated herein for the purpose of alleging forfeiture to the United States of America of certain property in which defendant, **ERIC A. AQUINO-GARCIA**, has an interest.

2. Upon conviction of any violation of 21 U.S.C. § 331, as alleged in this Information, pursuant to 21 U.S.C. § 334 and 28 U.S.C. § 2461(c), the defendant shall forfeit to the United States any article of food, drug, device, or cosmetic that is adulterated or misbranded when introduced into or while in interstate commerce or while held for sale after shipment in interstate commerce.

3. If any of the property described above, as a result of any act or omission of the defendant:

a. cannot be located upon exercise of due diligence;
b. has been transferred or sold to, 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 subdivided without difficulty;

the United States shall be entitled to the forfeiture of substitute property under the provisions of Title 21, United States Code, Section 853(p), as incorporated by 18 U.S.C. § 982(b)(1).

FORFEITURE ALLEGATION

18 U.S.C. §982(a)(7) and 18 U.S.C. §982(a)(1)
Money Judgment

1. The allegations of this Information are hereby re-alleged and by this reference fully incorporated herein for the purpose of alleging forfeiture to the United States of America of certain property in which defendant, **ERIC A. AQUINO-GARCIA**, has an interest, pursuant to 18 U.S.C. § 982(a)(7).

2. Upon conviction of an offense in violation of 21 U.S.C. § 331 set forth in Counts One through Four of this Information, the defendant, **ERIC A. AQUINO-GARCIA**, shall forfeit to the United States of America, pursuant to 18 U.S.C. § 982(a)(7), any property, real or personal, that constitutes or is derived, directly or indirectly, from gross proceeds traceable to the commission of the offense(s). The property to be forfeited includes, but is not limited to, the following: Money Judgement in the amount of **SEVEN HUNDRED AND FIFTY THOUSAND DOLLARS ($750.000.00)**.

3. If any of the property described above, as a result of any act or omission of the defendant:

a. cannot be located upon exercise of due diligence;
b. has been transferred or sold to, 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 subdivided without difficulty;

the United States of America shall be entitled to forfeiture of substitute property pursuant to 21 U.S.C.

§ 853(p), as incorporated by 18 U.S.C. § 982(b)(1) and 28 U.S.C. § 2461(c).

All pursuant to 18 U.S.C. § 982(a)(7) and 28 U.S.C. § 2461(c).

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