

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT GREENEVILLE**

UNITED STATES OF AMERICA,	)	
	:	
	)	
Plaintiff,	:	
	)	
v.	:	No. 2:10-CR-87
	)	JUDGE GREER
	:	
JOHNNY CARL GROOMS and	)	
ROSALBA IBARRA GROOMS,	:	
	)	
Defendants.	)	

INDICTMENT

The Grand Jury charges:

COUNT ONE

From on or about the month of January 2007, and continuing to on or about August 1, 2010, within the Eastern District of Tennessee, and elsewhere, the defendants, JOHNNY CARL GROOMS and ROSALBA IBARRA GROOMS, and other persons known and unknown to the grand jury, did knowingly, intentionally and without authority combine, conspire, confederate and agree with each other and with diverse other persons to commit the following offenses against the United States of America: the distribution and possession with the intent to distribute oxycodone, a Schedule II controlled substance, in violation of Title 21, United States Code, Section 841(a)(1).

PURPOSE

The conspiracy consisted of the defendants, JOHNNY CARL GROOMS and ROSALBA IBARRA GROOMS, and other persons known and unknown to the grand jury, whose primary purpose was to expand and promote an illegal business activity deriving profits from the illegal

distribution and possession with the intent to distribute oxycodone and other controlled substances.

METHODS AND MEANS

To accomplish the purpose of the conspiracy, the defendants, JOHNNY CARL GROOMS and ROSALBA IBARRA GROOMS, and other persons known and unknown to the grand jury, used the following methods and means, among others:

a. Acts involving the felonious distribution and possession with the intent to distribute oxycodone within the Eastern District of Tennessee and elsewhere, in violation of Title 21, United States Code, Section 841(a)(1).

b. Acts of knowingly and intentionally traveling in interstate commerce with the intent to promote, manage, facilitate and carry on an illegal business activity, to wit: the conspiracy to distribute and possess with the intent to distribute and the distribution of oxycodone in violation of Title 18, United States Code, Section 1952(a).

c. Acts of knowingly and intentionally using a communication facility, to wit: a telephone, to commit, cause, and facilitate violations of Title 21, United States Code, Section 841(a)(1), and Section 846, that is to distribute a quantity of oxycodone, a Schedule II controlled substance, and the conspiracy to distribute and possess with the intent to distribute oxycodone, a Schedule II controlled substance in violation of Title 21, United States Code, Section 843(b).

d. Acts of conducting financial transactions knowing that the property involved represented proceeds of some form of unlawful activity with the intent to promote the carrying on of specified unlawful activity, that is, the unlawful distribution and possession with intent to distribute oxycodone and the conspiracy to distribute and possess with the intent to distribute oxycodone, a Schedule II controlled substance.

e. It was further a part of the conspiracy that during the time period between approximately the month of January 2007, and continuing until approximately August 1, 2010, the defendants, JOHNNY CARL GROOMS and ROSALBA IBARRA GROOMS, and others would travel by automobile and airplane from the Eastern District of Tennessee to various locations in the State of Florida and elsewhere to obtain quantities of oxycodone for further transportation and distribution of the oxycodone in the Eastern District of Tennessee.

f. It was further a part of the conspiracy that during the time period between approximately the month of January 2007, and continuing until approximately August 1, 2010, the defendant, JOHNNY CARL GROOMS, and others, unlawfully sold, distributed, and received oxycodone and other controlled substances at the Park Entrance Grocery and other locations in Cocke County, Tennessee, to include distributing oxycodone in exchange for ginseng, firearms, and cash.

All in violation of Title 21, United States Code, §§ 846 and 841(b)(1)(C).

COUNT TWO

On or about February 3, 2009, in the Eastern District of Tennessee and elsewhere, the defendant, JOHNNY CARL GROOMS, aided and abetted by and aiding and abetting others known and unknown to the grand jury, traveled in interstate commerce from the State of Tennessee to the State of Florida, with the intent to promote, manage, establish, carry on and facilitate the promotion, management, establishment and carrying on of an unlawful activity, that is, a business enterprise involving distribution and possession with intent to distribute controlled substances in violation of Title 21, United States Code, Section 846, and thereafter performed and attempted to perform an act to promote, manage, establish and carry on, and to facilitate the promotion, management,

establishment and carrying on of such unlawful activity, all in violation of Title 18, United States Code, Section 1952(a)(3) and Section 2.

COUNT THREE

On or about July 13, 2009, in the Eastern District of Tennessee and elsewhere, the defendants, JOHNNY CARL GROOMS and ROSALBA IBARRA GROOMS, aided and abetted by and aiding and abetting each other and others known and unknown to the grand jury, traveled in interstate commerce from the State of Tennessee to the State of Florida, with the intent to promote, manage, establish, carry on and facilitate the promotion, management, establishment and carrying on of an unlawful activity, that is, a business enterprise involving distribution and possession with intent to distribute controlled substances in violation of Title 21, United States Code, Section 846, and thereafter performed and attempted to perform an act to promote, manage, establish and carry on, and to facilitate the promotion, management, establishment and carrying on of such unlawful activity, all in violation of Title 18, United States Code, Section 1952(a)(3) and Section 2.

COUNT FOUR

On or about September 10, 2009, in the Eastern District of Tennessee and elsewhere, the defendant, ROSALBA IBARRA GROOMS, aided and abetted by and aiding and abetting others known and unknown to the grand jury, traveled in interstate commerce from the State of Tennessee to the State of Florida, with the intent to promote, manage, establish, carry on and facilitate the promotion, management, establishment and carrying on of an unlawful activity, that is, a business enterprise involving distribution and possession with intent to distribute controlled substances in violation of Title 21, United States Code, Section 846, and thereafter performed and attempted to perform an act to promote, manage, establish and carry on, and to facilitate the promotion,

management, establishment and carrying on of such unlawful activity, all in violation of Title 18, United States Code, Section 1952(a)(3) and Section 2.

COUNT FIVE

On or about September 30, 2009, in the Eastern District of Tennessee, the defendant, JOHNNY CARL GROOMS, did knowingly and intentionally possess with the intent to distribute oxycodone, a Schedule II controlled substance, in violation of Title 21, United States Code, Sections 841(a)(1) and (b)(1)(C).

COUNT SIX

On or about September 30, 2009, in the Eastern District of Tennessee, the defendant, ROSALBA IBARRA GROOMS, did knowingly and intentionally possess with the intent to distribute oxycodone, a Schedule II controlled substance, in violation of Title 21, United States Code, Sections 841(a)(1) and (b)(1)(C).

COUNT SEVEN

From on or about January 1, 2000, the exact date being unknown to the grand jury, and continuing to on or about September 30, 2009, both dates being approximate and inclusive, in the Eastern District of Tennessee, the defendant, JOHNNY CARL GROOMS, knowingly and intentionally combined, conspired, confederated and agreed together and with other persons known and unknown to the grand jury, to commit the following offenses against the United States, that is, the distribution and possession with the intent to distribute five hundred (500) grams or more of a mixture and substance containing a detectable amount of cocaine, a Schedule II narcotic controlled substance, in violation of Title 21, United States Code, Section 841 (a)(1), all in violation of Title 21, United States Code, Section 846 and 841(b)(1)(B).

COUNT EIGHT

On or about February 11, 2009, in the Eastern District of Tennessee, the defendant, JOHNNY CARL GROOMS, did knowingly, intentionally and without authority distribute a mixture and substance containing a detectable amount of cocaine, a Schedule II controlled substance, in violation of Title 21, United States Code, Sections 841(a)(1) and (b)(1)(C).

COUNT NINE

On or about February 26, 2009, in the Eastern District of Tennessee, the defendant, JOHNNY CARL GROOMS, did knowingly, intentionally and without authority distribute a mixture and substance containing a detectable amount of cocaine, a Schedule II controlled substance, in violation of Title 21, United States Code, Sections 841(a)(1) and (b)(1)(C).

FORFEITURE ALLEGATIONS

As a result of defendants JOHNNY CARL GROOMS and ROSALBA IBARRA GROOMS' unlawful conspiracies to distribute and possess without authority and with the intent to distribute controlled substances as set forth in Counts One and Seven; and defendant JOHNNY CARL GROOMS' unlawful distribution of cocaine, a Schedule II controlled substance, as alleged in Counts Eight and Nine; and defendants JOHNNY CARL GROOMS' and ROSALBA IBARRA GROOMS' unlawful possession without authority and with intent to distribute oxycodone, a Schedule II controlled substance, as alleged in Counts Five and Six, and upon conviction of same, the defendants, JOHNNY CARL GROOMS and ROSALBA IBARRA GROOMS, shall forfeit to the United States, pursuant to Title 21, United States Code, Section 853, any interest they may have in any property used and intended to be used in any manner or part, to commit, and to facilitate the commission of a violation of Title 21, United States Code, Sections 846 and 841(a)(1), and any

property constituting or derived from any proceeds obtained directly or indirectly by the defendant as a result of the conspiracy to distribute and possess with the intent to distribute cocaine, that is, including but not limited to the following:

A. MONEY JUDGMENT. A money judgment in the amount of \$500,000.00 in U.S. currency, said defendants, JOHNNY CARL GROOMS and ROSALBA IBARRA GROOMS, being jointly and severally liable.

If, as the result of any act or omission of the defendants, JOHNNY CARL GROOMS and ROSALBA IBARRA GROOMS, any of the property described above, (1) cannot be located upon the exercise of due diligence; (2) has been transferred or sold to or deposited with a third party; (3) has been placed beyond the jurisdiction of the Court; (4) has been substantially diminished in value; or (5) has been commingled with other property which cannot be divided without difficulty, it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p), to seek forfeiture of any other property of said defendant up to the value of the forfeitable property described above.

[Title 21, U.S.C. §§ 846, 841(a)(1), and 853]

COUNT TEN

On or about September 30, 2009, in the Eastern District of Tennessee, the defendant, JOHNNY CARL GROOMS, did knowingly possess firearms in furtherance of drug trafficking crimes for which he may be prosecuted in a court of the United States, that is, conspiracies to distribute cocaine and oxycodone, Schedule II controlled substances, in violation of Title 21, United States Code, Section 846, all in violation of Title 18, United States Code, Section 924(c)(1)(A).

FORFEITURE ALLEGATIONS

As a result of committing the violation of Title 18, United States Code, Section 924(c), as alleged in Count Ten of this Indictment, pursuant to Title 18, United States Code, Section 924(d)(1), and Title 28, United States Code, Section 2461(c), the defendant, JOHNNY CARL GROOMS, shall forfeit to the United States all firearms and ammunition involved and used in the knowing commission of the offense of Title 18, United States Code, Section 924(c).

[Title 18, United States Code, Section 924(d)(1), and Title 28, United States Code, Section 2461(c)].

COUNT ELEVEN

On or about September 30, 2009, in the Eastern District of Tennessee, the defendant, JOHNNY CARL GROOMS, having been convicted of crimes punishable by imprisonment for terms exceeding one year, did knowingly possess in commerce and affecting commerce firearms, that is,

a Savage .22 caliber rifle, serial number L330353;

a Savage .410 gauge shotgun with no serial number;

an H&R 12 gauge shotgun, serial number AM300983; and

an INA .38 caliber revolver, serial number 007986,

in violation of Title 18, United States Code, Sections 922(g)(1) and 924(a)(2).

FORFEITURE ALLEGATIONS

As a result of the commission of the felony offense alleged in Count 11 above, which is fully incorporated by reference herein, and upon conviction of the same, the defendant, JOHNNY CARL GROOMS, pursuant to Title 18, United States Code, Section 924(d)(1), and Title 28, United States Code, Section 2461(c), shall forfeit to the United States all firearms and ammunition involved and used in the knowing commission of the offense of Title 18, United States Code, Section

922(g)(1).

If any of the above-described forfeitable property, as a result of any act or omission of the defendant: (1) cannot be located upon the exercise of due diligence; (2) has been transferred or sold to, or deposited with, a third party; (3) has been placed beyond the jurisdiction of the Court; (4) has been substantially diminished in value; or (5) has been commingled with other property which cannot be divided without difficulty; it is the intent of the United States, pursuant to 18 U.S.C. § 2253, to seek forfeiture of any other property of said defendant up to the value of the forfeitable property described above.

[18 U.S.C. §§ 922(g)(1), 924(a)(2) and 924(d)(1) and 28 U.S.C. § 2461(c).]

COUNT TWELVE

On or about November 27, 2009, in the Eastern District of Tennessee and elsewhere, the defendant, JOHNNY CARL GROOMS, did knowingly transport and sell plants, that is, approximately 6.02 pounds of *Panax quinquefolis L.*, commonly known as American ginseng, in interstate commerce, that is, between the State of Tennessee and the State of North Carolina, the plants having a market value in excess of \$350 and the defendant knowing that the plants were taken, possessed, transported, and sold in violation of and in a manner unlawful under the laws and regulations of the State of Tennessee, specifically, Tennessee Code §§ 70-8-201 *et seq.*, and Tennessee Rules & Regulations §§ 0400-06-01-.01 *et seq.*, in violation of Title 16, United States Code, Sections 3372(a)(2)(B) and 3373 (d)(1)(B).

COUNT THIRTEEN

On or about November 27, 2009, in the Eastern District of Tennessee and elsewhere, the defendant, JOHNNY CARL GROOMS, did knowingly transport and sell plants, that is,

approximately 6.09 pounds of *Panax quinquefolis L.*, commonly known as American ginseng, the plants having a market value in excess of \$350 and the defendant knowing that the plants were taken, possessed, transported, and sold in violation of and in a manner unlawful under the laws and regulations of the United States, specifically, Title 36, Code of Federal Regulations, Section 2.1(a)(1)(ii), in violation of Title 16, United States Code, Sections 3372(a)(1) and 3373 (d)(1)(B).

COUNT FOURTEEN

On or about December 30, 2009, in the Eastern District of Tennessee and elsewhere, the defendant, JOHNNY CARL GROOMS, aiding and abetting and aided and abetted by others known and unknown to the grand jury, did knowingly transport and sell plants, that is, approximately 11.38 pounds of *Panax quinquefolis L.*, commonly known as American ginseng, in interstate commerce, that is, between the State of Tennessee and the State of North Carolina, the plants having a market value in excess of \$350 and the defendant knowing that the plants were taken, possessed, transported, and sold in violation of and in a manner unlawful under the laws and regulations of the State of Tennessee, specifically, Tennessee Code §§ 70-8-201 *et seq.*, and Tennessee Rules & Regulations §§ 0400-06-01-.01 *et seq.*, in violation of Title 16, United States Code, Sections 3372(a)(2)(B) and 3373 (d)(1)(B) and Title 18, United States Code, Section 2.

COUNT FIFTEEN

On or about December 30, 2009, in the Eastern District of Tennessee and elsewhere, the defendant, JOHNNY CARL GROOMS, aiding and abetting and aided and abetted by others known and unknown to the grand jury, did knowingly transport and sell plants, that is, approximately 11.38 pounds of *Panax quinquefolis L.*, commonly known as American ginseng, the plants having a market value in excess of \$350 and the defendant knowing that the plants were taken, possessed,

transported, and sold in violation of and in a manner unlawful under the laws and regulations of the United States, specifically, Title 36, Code of Federal Regulations, Section 2.1(a)(1)(ii), in violation of Title 16, United States Code, Sections 3372(a)(1) and 3373 (d)(1)(B), and Title 18, United States Code, Section 2.

COUNT SIXTEEN

On or about January 29, 2010, in the Eastern District of Tennessee and elsewhere, the defendant, JOHNNY CARL GROOMS, did knowingly transport and sell plants, that is, approximately 3.55 pounds of *Panax quinquefolis L.*, commonly known as American ginseng, in interstate commerce, that is, between the State of Tennessee and the State of North Carolina, the plants having a market value in excess of \$350 and the defendant knowing that the plants were taken, possessed, transported, and sold in violation of and in a manner unlawful under the laws and regulations of the State of Tennessee, specifically, Tennessee Code §§ 70-8-201 *et seq.*, and Tennessee Rules & Regulations §§ 0400-06-01-.01 *et seq.*, in violation of Title 16, United States Code, Sections 3372(a)(2)(B) and 3373 (d)(1)(B).

COUNT SEVENTEEN

On or about January 29, 2010, in the Eastern District of Tennessee and elsewhere, the defendant, JOHNNY CARL GROOMS, did knowingly transport and sell plants, that is, approximately 3.55 pounds of *Panax quinquefolis L.*, commonly known as American ginseng, the plants having a market value in excess of \$350 and the defendant knowing that the plants were taken, possessed, transported, and sold in violation of and in a manner unlawful under the laws and regulations of the United States, specifically, Title 36, Code of Federal Regulations, Section 2.1(a)(1)(ii), in violation of Title 16, United States Code, Sections 3372(a)(1) and 3373 (d)(1)(B).

COUNT EIGHTEEN

On or about February 27, 2010, in the Eastern District of Tennessee and elsewhere, the defendant, JOHNNY CARL GROOMS, aided and abetted by and aiding and abetting others known and unknown to the grand jury, did knowingly transport and sell plants, that is, approximately 8.9 pounds of *Panax quinquefolis L.*, commonly known as American ginseng, in interstate commerce, that is, between the State of Tennessee and the State of North Carolina, the plants having a market value in excess of \$350 and the defendant knowing that the plants were taken, possessed, transported, and sold in violation of and in a manner unlawful under the laws and regulations of the State of Tennessee, specifically, Tennessee Code §§ 70-8-201 *et seq.*, and Tennessee Rules & Regulations §§ 0400-06-01-.01 *et seq.*, in violation of Title 16, United States Code, Sections 3372(a)(2)(B) and 3373 (d)(1)(B), and Title 18, United States Code, Section 2.

COUNT NINETEEN

On or about January 29, 2010, in the Eastern District of Tennessee and elsewhere, the defendant, JOHNNY CARL GROOMS, aided and abetted by and aiding and abetting others known and unknown to the grand jury, did knowingly transport and sell plants, that is, approximately 8.9 pounds of *Panax quinquefolis L.*, commonly known as American ginseng, the plants having a market value in excess of \$350 and the defendant knowing that the plants were taken, possessed, transported, and sold in violation of and in a manner unlawful under the laws and regulations of the United States, specifically, Title 36, Code of Federal Regulations, Section 2.1(a)(1)(ii), in violation of Title 16, United States Code, Sections 3372(a)(1) and 3373 (d)(1)(B), and Title 18, United States Code, Section 2.

FORFEITURE ALLEGATIONS

As a result of the commission of the offenses alleged in Counts 12 through 19 above, the allegations being fully incorporated by reference herein, and upon conviction of the same, the defendant, JOHNNY CARL GROOMS, pursuant to Title 16, United States Code, Section 3374, and Title 28, United States Code, Section 2461(c), shall forfeit to the United States: (1) all plants transported, sold, received, acquired, or purchased contrary to the provisions of Section 3372 of Title 16, United States Code, or any regulation issued pursuant thereto; and (2) all vehicles and other equipment used to aid in the transporting, selling, receiving, acquiring, or purchasing of plants in violation of Title 16, United States Code, Section 3372 as alleged above.

If any of the above-described forfeitable property, as a result of any act or omission of the defendant: (1) cannot be located upon the exercise of due diligence; (2) has been transferred or sold to, or deposited with, a third party; (3) has been placed beyond the jurisdiction of the Court; (4) has been substantially diminished in value; or (5) has been commingled with other property which cannot be divided without difficulty; it is the intent of the United States, pursuant to 18 U.S.C. § 2253, to seek forfeiture of any other property of said defendant up to the value of the forfeitable property described above.

[16 U.S.C. §§ 3372(a)(1) and (2)(B), and 28 U.S.C. § 2461(c).]

A TRUE BILL:

s/Foreperson _____
FOREPERSON

Approved:

GREGG L. SULLIVAN
Acting United States Attorney

By: s/ *M. Neil Smith*
M. NEIL SMITH
Assistant United States Attorney

U.S. ATTORNEY'S OFFICE

City: Newport

County: Cocke

Juvenile Yes X No **Matter to be Sealed:** x Yes No

Defendant Name: JOHNNY CARL GROOMS and ROSALBA IBARRA GROOMS

Total # of Counts: _____ Petty _____ Misdemeanor (Class _____) X Felony

	U.S.C. Citation(s) and Description of Offense Charged	Count(s)
Set 1	Conspiracy to distribute and possess with intent to distribute controlled substances (cocaine and Schedule II controlled substances)	1, 7
	Distribution of Schedule II controlled substances	5-6, 8-9
	Interstate travel to promote unlawful activity	2-4
	Possession of a firearm by a convicted felon	11
	Possession of a firearm in furtherance of a drug trafficking crime	10
	Illegal trafficking in wildlife (Lacey Act)	12-19

(Use tab key after entering counts to create additional rows)

Criminal Complaint Filed: Yes Case No. No X

For Informations, name of defendant's attorney:

Retained: _____ Appointed: _____

Interpreter: Yes _____ Language _____ No x

Related Case(s)—Include case number(s) and how related:

Date 8/10/2010 Signature of AUSA: s/ *M. Neil Smith*
M. Neil Smith