

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA :

- v. - :

INDICTMENT

ERICSON VARGAS CARDONA, :
a/k/a "Sebastian," :
a/k/a "Sebas," :

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Defendant. :

- - - - - x

COUNT ONE

The Grand Jury charges:

1. From at least in or about 2000, up to and including on or about August 8, 2012, in Colombia and elsewhere, ERICSON VARGAS CARDONA, a/k/a "Sebastian," a/k/a "Sebas," the defendant, who will be arrested and first brought to the Southern District of New York, and others known and unknown, intentionally and knowingly did combine, conspire, confederate, and agree together and with each other to violate the narcotics laws of the United States.

2. It was a part and an object of the conspiracy that ERICSON VARGAS CARDONA, a/k/a "Sebastian," a/k/a "Sebas," the defendant, and others known and unknown, would and did import into the United States from a place outside thereof a controlled substance, in violation of Title 21, United States Code, Sections 812, 952(a), and 960(a)(1).

3. It was further a part and an object of the conspiracy that ERICSON VARGAS CARDONA, a/k/a "Sebastian," a/k/a "Sebas," the defendant, and others known and unknown, would and did distribute a controlled substance, intending and knowing that such substance would be imported into the United States from a place outside thereof, and into waters within a distance of 12 miles of the coast of the United States, in violation of Title 21, United States Code, Sections 812, 959(a), and 960(a)(3).

4. The controlled substance involved in the offense was five kilograms and more of mixtures and substances containing a detectable amount of cocaine, in violation of Title 21, United States Code, Section 960(b)(1)(B)(ii).

(Title 21, United States Code, Section 963;
Title 18, United States Code, Section 3238.)

COUNT TWO

The Grand Jury further charges:

5. From at least in or about 2000, up to and including on or about August 8, 2012, in the Southern District of New York and elsewhere, ERICSON VARGAS CARDONA, a/k/a "Sebastian," a/k/a "Sebas," the defendant, who will be first brought to and arrested in the Southern District of New York, and others known and unknown, intentionally and knowingly did combine, conspire, confederate, and agree together and with each other to violate the narcotics laws of the United States.

6. It was a part and an object of the conspiracy that ERICSON VARGAS CARDONA, a/k/a "Sebastian," a/k/a "Sebas," the defendant, and others known and unknown, would and did distribute and possess with the intent to distribute a controlled substance, in violation of Title 21, United States Code, Section 841(a)(1).

7. The controlled substance involved in the offense was five kilograms and more of mixtures and substances containing a detectable amount of cocaine, in violation of Title 21, United States Code, Section 841(b)(1)(A)(ii)(II).

(Title 21, United States Code, Section 846;
Title 18, United States Code, Section 3238.)

COUNT THREE

The Grand Jury further charges:

8. From at least in or about 2000, up to and including on or about August 8, 2012, in Colombia and elsewhere, ERICSON VARGAS CARDONA, a/k/a "Sebastian," a/k/a "Sebas," the defendant, who will be first brought to and arrested in the Southern District of New York, during and in relation to a drug-trafficking crime for which he may be prosecuted in a court of the United States, namely, the narcotics conspiracy charged in Count One of this Indictment, knowingly did use and carry a firearm, and, in furtherance of such crime, did possess a firearm, and did aid and abet the use, carrying, and possession of firearms, including semiautomatic assault weapons, machineguns and destructive devices, which were discharged and which were

equipped with firearm silencers and firearm mufflers, to wit, firearms including M60 machineguns, AUG assault rifles, rocket-propelled-grenades and grenade launchers, submachineguns, pistols, shotguns, revolvers, and firearm silencers.

(Title 18, United States Code, Sections 924(c)(1)(A)(iii), 924(c)(1)(B)(i), 924(c)(1)(B)(ii), 3238, and 2.)

COUNT FOUR

The Grand Jury further charges:

9. From at least in or about 2000, up to and including on or about August 8, 2012, in Colombia and elsewhere, ERICSON VARGAS CARDONA, a/k/a "Sebastian," a/k/a "Sebas," the defendant, who will be first brought to and arrested in the Southern District of New York, knowingly carried an explosive during the commission of a felony which may be prosecuted in a court of the United States, to wit, the narcotics conspiracy charged in Count One of this Indictment, and did aid and abet the use and carrying of an explosive, to wit, explosives including explosive compounds, grenades, rocket-propelled grenades, electric detonators, and manual detonators.

(Title 18, United States Code, Sections 844(h), 3238, and 2.)

FIRST FORFEITURE ALLEGATION

10. As a result of committing one or more of the controlled substance offenses alleged in Counts One and Two of this Indictment, ERICSON VARGAS CARDONA, a/k/a "Sebastian," a/k/a "Sebas," the defendant, shall forfeit to the United States, pursuant to Title 21, United States Code, Sections 853 and 970, any and all property constituting or derived from any proceeds he obtained directly or indirectly as a result of one or more of said violations and any and all property used or intended to be used in any manner or part to commit and to facilitate the commission of one or more of the violations alleged in Counts One and Two of this Indictment.

Substitute Asset Provision

11. If any of the property described above as being subject to forfeiture, as a result of any act or omission of ERICSON VARGAS CARDONA, a/k/a "Sebastian," a/k/a "Sebas," the defendant,

- 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 subdivided without difficulty, it is the intention of the United States, pursuant to Title 21, United States Code, Section 853(p), to seek forfeiture of any other property of VARGAS CARDONA up to the value of the above forfeitable property.

(Title 21, United States Code, Sections 853 and 970.)

SECOND FORFEITURE ALLEGATION

12. As a result of committing the explosives offense alleged in Count Four of this Indictment, ERICSON VARGAS CARDONA, a/k/a "Sebastian," a/k/a "Sebas," the defendant, shall forfeit to the United States, pursuant to Title 18, United States Code, Section 844(c), any explosive materials involved, used, or intended to be used in the commission of the violation alleged in Count Four of this Indictment.

FOREPERSON

Preet Bharara
PREET BHARARA
United States Attorney

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(21 U.S.C. §§ 846 & 963; 18 U.S.C.
§§ 844(h), 924(c), 3238 & 2)

PREET BHARARA

United States Attorney

A TRUE BILL

  Foreperson
