

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

- - - - - x
:
UNITED STATES OF AMERICA :
:
- v. - : SUPERSEDING
: INDICTMENT
:
ROGER KEY : R-S9 12 Cr. 712 (SHS)
a/k/a "Luchie," :
:
Defendant. :
- - - - - x

COUNT ONE

NARCOTICS OFFENSES

The Grand Jury charges:

1. From at least in or about 2009, up to and including at least in or about September 2012, in the Southern District of New York and elsewhere, ROGER KEY, a/k/a "Luchie," the defendant, 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 ROGER KEY, a/k/a "Luchie," the defendant, and others known and unknown, would and did distribute and possess with intent to distribute a controlled substance in violation of 21 U.S.C. § 841(a)(1).

3. The controlled substances that ROGER KEY, a/k/a "Luchie," the defendant, conspired to distribute and possess with intent to distribute were (a) five kilograms and more of mixtures and substances containing a detectable amount of cocaine, in violation of 21 U.S.C. § 841(b)(1)(A) and (b) 280 grams and more of mixtures and substances containing a detectable amount of cocaine base, in a form commonly known as "crack," in violation of Title 21, United States Code, Section 841(b)(1)(A).

(Title 21, United States Code, Section 846.)

COUNT TWO

FIREARMS CHARGE IN CONNECTION WITH COUNT ONE

The Grand Jury further charges:

4. From at least in or about 2009, up to and including at least in or about September 2012, in the Southern District of New York and elsewhere, ROGER KEY, a/k/a "Luchie," the defendant, 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 firearms, and, in

furtherance of such crime, did possess firearms, and did aid and abet the use, carrying, and possession of firearms.

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

COUNT THREE

MURDER-FOR-HIRE CONSPIRACY

The Grand Jury further charges:

5. From in or about October 2011, through in or about December 2011, in the Southern District of New York and elsewhere, ROGER KEY, a/k/a "Luchie," the defendant, and others known and unknown, willfully and knowingly did combine, conspire, confederate, and agree together and with each other to use and cause another to use a facility of interstate commerce, with intent that a murder be committed in violation of the laws of any State and the United States as consideration for the receipt of, and as consideration for a promise and agreement to pay, a thing of pecuniary value, to wit, in exchange for a promise of payment to another co-conspirator not named as a defendant herein ("CC-1"), KEY agreed with CC-1 and others in the Bronx, New York, to kill another individual ("Victim-1"), which arrangements depended in part upon communications by cellular telephones operating on interstate networks, and which resulted in another co-conspirator not named as a defendant

herein ("CC-2") shooting, and causing the personal injury of, another individual ("Victim-2") in Brooklyn, New York.

(Title 18, United States Code, Section 1958.)

COUNT FOUR

ATTEMPTED MURDER-FOR-HIRE

The Grand Jury further charges:

6. On or about November 16, 2011, in the Southern District of New York and elsewhere, ROGER KEY, a/k/a "Luchie," the defendant, willfully and knowingly did use and cause another to use a facility of interstate commerce, with intent that a murder be committed in violation of the laws of any State and the United States as consideration for the receipt of, and as consideration for a promise and agreement to pay, a thing of pecuniary value, to wit, in exchange for a promise of payment to a co-conspirator not named as a defendant herein ("CC-1"), KEY directed a co-conspirator not named as a defendant herein ("CC-2") and CC-1 in the Bronx, New York, to kill Victim-1, which arrangements depended in part upon communications by cellular telephones operating on interstate networks, and which resulted in CC-2 shooting, and causing the personal injury of, Victim-2 in Brooklyn, New York.

(Title 18, United States Code, Sections 1958 and 2.)

COUNT FIVE

FIREARMS CHARGE IN CONNECTION WITH COUNTS THREE AND FOUR

The Grand Jury further charges:

7. On or about November 16, 2011, in the Southern District of New York and elsewhere, ROGER KEY, a/k/a "Luchie," the defendant, during and in relation to a crime of violence for which he may be prosecuted in a court of the United States, namely, the murder-for-hire conspiracy charged in Count Three of this Indictment and the attempted murder-for-hire charged in Count Four 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 a firearm, which was discharged.

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

COUNT SIX

MURDER-FOR-HIRE CONSPIRACY

The Grand Jury further charges:

8. In or about September 2010, in the Southern District of New York and elsewhere, ROGER KEY, a/k/a "Luchie," the defendant, and others known and unknown, willfully and knowingly did combine, conspire, confederate, and agree together and with each other to use and cause another to use a facility

of interstate commerce, with intent that a murder be committed in violation of the laws of any State and the United States as consideration for the receipt of, and as consideration for a promise and agreement to pay, a thing of pecuniary value, to wit, KEY directed another co-conspirator not named as a defendant herein ("CC-3"), in exchange for a promise to pay things of value to CC-3 and others known and unknown to kill Terry Harrison, a/k/a "T-Money," which arrangements depended in part upon communications by cellular telephones operating on interstate networks, and which resulted in the killing of Harrison in the Bronx, New York.

(Title 18, United States Code, Section 1958.)

COUNT SEVEN

MURDER-FOR-HIRE

The Grand Jury further charges:

9. In or about September 2010, in the Southern District of New York and elsewhere, ROGER KEY, a/k/a "Luchie," the defendant, willfully and knowingly did use and cause another to use a facility of interstate commerce, with intent that a murder be committed in violation of the laws of any State and the United States as consideration for the receipt of, and as consideration for a promise and agreement to pay, a thing of pecuniary value, and aided and abetted the same, to wit, KEY directed CC-3, in exchange for a promise to pay things of value

to CC-3 and others known and unknown, to kill Terry Harrison, a/k/a "T-Money," which arrangements depended in part upon communications by cellular telephones operating on interstate networks, and which resulted in the killing of Harrison in the Bronx, New York.

(Title 18, United States Code, Sections 1958 and 2.)

COUNT EIGHT

MURDER IN CONNECTION WITH A DRUG CRIME

The Grand Jury further charges:

10. On or about September 10, 2010, in the Southern District of New York, while engaged in an offense punishable under Section 841(b)(1)(A) of Title 21, United States Code, namely, the narcotics conspiracy charged in Count One of this Indictment, ROGER KEY, a/k/a "Luchie," the defendant, and others known and unknown, intentionally and knowingly killed and counseled, commanded, induced, procured, and caused the intentional killing of Terry Harrison, a/k/a "T-Money," and such killing resulted.

(Title 21, United States Code, Section 848(e)(1)(A), Title 18, United States Code, Section 2.)

COUNT NINE

FIREARMS CHARGE IN CONNECTION WITH COUNTS SIX AND SEVEN

The Grand Jury further charges:

11. On or about September 10, 2010, in the Southern District of New York, ROGER KEY, a/k/a "Luchie," the defendant,

willfully and knowingly, during and in relation to a crime of violence for which he may be prosecuted in a court of the United States, namely, the murder-for-hire conspiracy charged in Count Six of this Indictment and the murder-for-hire charged in Count Seven of this Indictment, 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 a firearm, and in the course of that crime did cause the death of a person through the use of a firearm, which killing is murder as defined in Title 18, United States Code, Section 1111(a), to wit, KEY caused the death of Terry Harrison, a/k/a "T-Money," by aiding and abetting the discharge of a firearm at Harrison in the Bronx, New York.

(Title 18, United States Code, Sections 924(j)(1) and 2.)

FORFEITURE ALLEGATIONS

12. As a result of committing the controlled substance offense charged in Count One of this Indictment, ROGER KEY, a/k/a "Luchie," the defendant, shall forfeit to the United States, pursuant to Title 21, United States Code, Section 853, any and all property constituting or derived from any proceeds the defendant obtained directly or indirectly as a result of the offense and any and all property used or intended to be used in

any manner or part to commit and to facilitate the commission of the offense charged in Count One of this Indictment.

13. As a result of committing the murder-for-hire offenses charged in Counts Three and Four of this Indictment, ROGER KEY, a/k/a "Luchie," the defendant, shall forfeit to the United States pursuant to Title 18, United States Code, Section 981(a)(1)(C), and Title 28, United States Code, Section 2461, any and all property constituting or derived from any proceeds he obtained directly or indirectly as a result of the said violations and any and all property that constitutes or is derived from proceeds traceable to the commission of the violations alleged in Counts Four and Five of this Indictment.

14. As a result of committing the murder-for-hire offenses charged in Counts Six and Seven of this Indictment, ROGER KEY, a/k/a "Luchie," the defendant, shall forfeit to the United States pursuant to Title 18, United States Code, Section 981(a)(1)(C), and Title 28, United States Code, Section 2461, any and all property constituting or derived from any proceeds KEY obtained directly or indirectly as a result of the said violations and any and all property that constitutes or is derived from proceeds traceable to the commission of the violations alleged in Counts Six and Seven of this Indictment.

Substitute Assets

15. If any of the above-described forfeitable property, as a result of any act or omission of the defendant:
- a. cannot be located upon the exercise of due diligence;
 - b. has been transferred or sold to, or deposited with, 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;

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 the defendant up to the value of the forfeitable property.

(Title 18, United States Code, Section 981,
Title 28, United States Code, Section 2461, and Title 21, United
States Code, Section 853(p).)

FOREPERSON

PREET BHARARA
United States Attorney

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

- v. -

ROGER KEY
a/k/a "Luchie,"

Defendant.

SUPERSEDING INDICTMENT

(Title 21, United States Code, Sections 846 and 848(e), Title 18, United States Code, Sections 924(c), 924(j), 1958, and 2.)

PREET BHARARA
United States Attorney.
