

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA	:	DATE FILED: _____
	:	
v.	:	CRIMINAL NO. <u>06 - 355</u>
	:	
ROBERT KOVATTO	:	VIOLATIONS:
	:	21 U.S.C. § 846 (conspiracy to distribute and possess with intent to distribute 50 grams or more of methamphetamine (actual)- 1 count)
	:	21 U.S.C. § 841(a)(1) (distribution of methamphetamine - 2 counts)
	:	Notice of forfeiture

SUPERSEDING INFORMATION

COUNT ONE

THE UNITED STATES ATTORNEY CHARGES THAT:

1. From in or about March 2005 through in or about May 2006, in Lehigh and Berks Counties, in the Eastern District of Pennsylvania, defendant

ROBERT KOVATTO

conspired and agreed with others known and unknown to the United States Attorney, to knowingly and intentionally distribute and possess with intent to distribute 50 grams or more of a mixture and substance containing a detectable amount of methamphetamine (actual), that is, crystal methamphetamine, a Schedule II controlled substance, in violation of Title 21, United States Code, Section 841(a)(1), (b)(1)(A).

MANNER AND MEANS

It was a part of the conspiracy that:

1. Defendant ROBERT KOVATTO participated in a crystal methamphetamine distribution organization, which operated in and around Lehigh and Berks Counties, in the Eastern District of Pennsylvania, during the period March 2005 through May 2006.
2. Defendant ROBERT KOVATTO obtained various quantities of crystal methamphetamine from his supplier which defendant KOVATTO used for his personal use and for further distribution to others.
3. At the direction of defendant ROBERT KOVATTO, other individuals known to the grand jury delivered methamphetamine and collected cash payments for methamphetamine from customers.
4. Defendant ROBERT KOVATTO used a particular location, which he arranged with one of his customers to use, to stash quantities of crystal methamphetamine until he needed it for further distribution.

OVERT ACTS

In furtherance of the conspiracy, and to accomplish its objects, the following overt acts, among others, were performed by defendant ROBERT KOVATTO and others known and unknown to the grand jury, in the Eastern District of Pennsylvania and elsewhere:

1. From on or about April 20, 2005 through on or about August 1, 2005, defendant ROBERT KOVATTO distributed various quantities of crystal methamphetamine to a customer in Allentown, Pennsylvania for a total amount of approximately 122.25 grams of crystal (actual) methamphetamine.

2. On or about October 17, 2005, in Allentown, Pennsylvania, defendant ROBERT KOVATTO went to a residence in Allentown, Pennsylvania for the purpose of distributing approximately one pound (453 grams) of crystal methamphetamine (actual) to a customer.

3. On or about October 17, 2005, in Allentown, Pennsylvania, defendant ROBERT KOVATTO was in possession of approximately \$21,000 in cash which represented as a partial payment for crystal methamphetamine, which KOVATTO had just delivered to his customer in Allentown, Pennsylvania.

4. On or about May 5, 2006, defendant ROBERT KOVATTO distributed approximately 23.2 grams of methamphetamine to a customer at defendant KOVATTO's residence in Macungie, Pennsylvania.

5. On or about May 8, 2006, defendant ROBERT KOVATTO received payment of approximately \$2,200 in cash from his customer for the 23.2 grams of methamphetamine, which KOVATTO distributed on May 5, 2006.

In violation of Title 21, United States Code, Section 846.

COUNT TWO

THE UNITED STATES ATTORNEY FURTHER CHARGES THAT:

On or about October 17, 2005, in Allentown, in the Eastern District of Pennsylvania, defendant

ROBERT KOVATTO

knowingly and intentionally distributed 50 grams or more, that is, approximately 453 grams, of methamphetamine (actual), a Schedule II controlled substance.

In violation of Title 21, United States Code, Section 841(a)(1), (b)(1)(A).

COUNT THREE

THE UNITED STATES ATTORNEY FURTHER CHARGES THAT:

From on or about May 5, 2006 through on or about May 8, 2006, in Macungie, in the Eastern District of Pennsylvania, defendant

ROBERT KOVATTO

knowingly and intentionally distributed approximately 23.2 grams of a mixture and substance containing a detectable amount of methamphetamine, a Schedule II controlled substance.

In violation of Title 21, United States Code, Section 841(a)(1), (b)(1)(C).

NOTICE OF FORFEITURE

THE UNITED STATES ATTORNEY FURTHER CHARGES THAT:

As a result of the violations of Title 21, United States Code, Sections 846 and 841, as set forth in Counts One through Three of this superseding information, defendant

ROBERT KOVATTO

shall forfeit to the United States, pursuant to Title 21, United States Code, Section 853, the following property:

1. All property constituting, or derived from, any proceeds defendant ROBERT KOVATTO obtained, directly or indirectly, as the result of such violation, including but not limited to: \$21,000 in United States currency.

2. All property of the defendant which was used or intended to be used, in any manner or part, to commit, or to facilitate the commission of, these violations.

3. If any of the property described above as being subject to forfeiture, as a result of any act or omission of defendant ROBERT KOVATTO:

- (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, up to the value of the above forfeitable property, forfeiture of any other property of the defendant.

All pursuant to Title 21, United States Code, Section 853.

PATRICK L. MEEHAN
United States Attorney