

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
HAMMOND DIVISION

UNITED STATES OF AMERICA

v.

JOHN SMITH;
TERRY CARLYLE

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Cause No.

2:11CR 53

21 U.S.C. § 841(a)(1)

21 U.S.C. § 846

18 U.S.C. § 924(c)(1)(A)

18 U.S.C. § 924(h)

INDICTMENT

THE GRAND JURY CHARGES:

COUNT 1

From at least December 2, 2010, the exact date being unknown to the Grand Jury, and continuing into at least March 8, 2011, both dates being approximate and inclusive, in the Northern District of Indiana and elsewhere,

JOHN SMITH
and
TERRY CARLYLE,

defendants herein, did knowingly and intentionally combine, conspire, confederate and agree one with another and with other persons known and unknown to the Grand Jury, to commit the following offense against the United States: to knowingly and intentionally possess with intent to distribute and distribute five (5) kilograms or more of a mixture and substance containing a detectable amount of cocaine, a schedule II 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.

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STEFAN J. ...
U.S. DISTRICT COURT
FOR THE NORTHERN DISTRICT
OF INDIANA

FILED

THE GRAND JURY FURTHER CHARGES:

COUNT 2

On or about January 21, 2011, in the Northern District of Indiana,

**JOHN SMITH
and
TERRY CARLYLE,**

defendants herein, did knowingly and intentionally attempt to possess with intent to distribute five (5) kilograms or more of a mixture and substance containing a detectable amount of cocaine, a schedule II controlled substance;

All in violation of Title 21, United States Code, Section 841(a)(1) and Title 21, United States Code, Section 846.

THE GRAND JURY FURTHER CHARGES:

COUNT 3

On or about January 21, 2011, in the Northern District of Indiana,

**JOHN SMITH
and
TERRY CARLYLE,**

defendants herein, did knowingly carry firearms during and in relation to a drug trafficking crime, and did possess said firearms in furtherance of a drug trafficking crime, which is a felony prosecutable in a court of the United States, specifically, violations of Title 21, United States Code, Sections 841(a)(1) and 846, as set forth in Counts 1 and 2 of this Indictment;

All in violation of Title 18, United States Code, Sections 924(c)(1)(A).

THE GRAND JURY FURTHER CHARGES:

COUNT 4

On or about February 16, 2011, in the Northern District of Indiana,

**JOHN SMITH
and
TERRY CARLYLE,**

defendants herein, did knowingly and intentionally attempt to possess with intent to distribute five (5) kilograms or more of a mixture and substance containing a detectable amount of cocaine, a schedule II controlled substance;

All in violation of Title 21, United States Code, Section 841(a)(1) and Title 21, United States Code, Section 846.

THE GRAND JURY FURTHER CHARGES:

COUNT 5

On or about February 16, 2011, in the Northern District of Indiana,

**JOHN SMITH
and
TERRY CARLYLE,**

defendants herein, did knowingly carry firearms during and in relation to a drug trafficking crime, and did possess said firearms in furtherance of a drug trafficking crime, which is a felony prosecutable in a court of the United States, specifically, violations of Title 21, United States Code, Sections 841(a)(1) and 846, as set forth in Counts 1 and 4 of this Indictment;

All in violation of Title 18, United States Code, Sections 924(c)(1)(A).

THE GRAND JURY FURTHER CHARGES:

COUNT 6

On or about March 8, 2011, in the Northern District of Indiana,

JOHN SMITH,

defendant herein, did knowingly transfer firearms, that is,

1. Century Arms, CETME, rifle, serial number C03511
2. Smith and Wesson, MP45, handgun, serial number MRL2790
3. Russian/American Armory Company, SAIGA, shotgun, serial number H09409777
4. CNROMARM, SA/CUGR, rifle, serial number 1-44246-03
5. Ruger, P345, handgun, serial number 664-83616
6. Glock, 27, handgun, serial number CXE596US
7. CNROMARM, SA/CUGR, rifle, serial number AJ-1277-81
8. GPX, WASR 10/68, rifle, serial number PV-2297-85
9. Kel-Tec, PF-9, handgun, serial number R6F44
10. Taurus, PT-140, handgun, serial number STG41560
11. Draco-C, Romarm, handgun, serial number 1968BI1660
12. Draco-C, Romarm, handgun, serial number DC-6012-10
13. Draco-C, Romarm, handgun, serial number DC-5952-10

knowing that the firearms would be used in a drug trafficking crime, that is, the conspiracy to possess with intent to distribute and distribute five (5) kilograms or more of cocaine, as described in Count 1 of the Indictment;

All in violation of Title 18, United States Code, Sections 924(h).

THE GRAND JURY FURTHER CHARGES:

COUNT 7

On or about March 8, 2011, in the Northern District of Indiana,

JOHN SMITH,

defendant herein, did knowingly carry a firearm during and in relation to a drug trafficking crime, and did possess said firearm in furtherance of a drug trafficking crime, which is a felony prosecutable in a court of the United States, specifically, a violation of Title 21, United States Code, Sections 846, as set forth in Count 1 of this Indictment;

All in violation of Title 18, United States Code, Sections 924(c)(1)(A).

FORFEITURE ALLEGATIONS

1. The allegations contained in Counts 1, 2 and 4 of this Indictment are hereby realleged and incorporated by reference for the purpose of alleging forfeitures pursuant to Title 21, United States Code, Section 853.

2. Pursuant to Title 21, United States Code, Section 853, upon conviction of an offense in violation of Title 21, United States Code, Section 841 or 846, the defendants JOHN SMITH and TERRY CARLYLE, shall forfeit to the United States of America any property constituting, or derived from, any proceeds obtained, directly or indirectly, as the result of such offenses and any property used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of, the offenses. The property to be forfeited includes, but is not limited to, the following:

- a. Cash in the amount of \$11,500.
- b. Funds on deposit in bank account number I000344464 at Indiana Members Credit Union.
- c. 2005 Ford Expedition VIN #1FMPU16575LB01923.
- d. 2006 Chevrolet Trail Blazer SS VIN #1GNET13H562240251.

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

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

the United States of America shall be entitled to forfeiture of substitute property pursuant to Title 21, United States Code, Section 853(p).

A TRUE BILL:

/s/ Foreperson
FOREPERSON

DAVID CAPP
UNITED STATES ATTORNEY

By: /s/ David J. Nozick
David J. Nozick
Assistant United States Attorney

By: /s/ Gary T. Bell
Gary T. Bell
Assistant United States Attorney