

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA :
 :
 v. : Criminal No. 06-736 (RBK)
 :
 PERALTA PIMENTEL, : 18 U.S.C. §§ 922,
 a/k/a "Bolivia," : 924(c), 924(j) and 2
 FRANCISCO MARTINEZ, : 21 U.S.C. §§ 846, 843(b)
 a/k/a "Frank," : and 856
 ERASMO ROMAN, :
 a/k/a "Erasmus Pagan," :
 a/k/a "Junior," :
 JOSE ROMAN, :
 MOISES HERNANDEZ, and :
 TARRELL ALFORD :

SUPERSEDING INDICTMENT

The Grand Jury in and for the District of New Jersey,
sitting at Camden, charges:

COUNT 1

From in or about January 2006, to in or about July 2006, in
Camden County, in the District of New Jersey, and elsewhere, the
defendants,

PERALTA PIMENTEL,
a/k/a "Bolivia,"
FRANCISCO MARTINEZ,
a/k/a "Frank,"
ERASMO ROMAN,
a/k/a "Erasmus Pagan," a/k/a "Junior,"
JOSE ROMAN,
MOISES HERNANDEZ, and
TARRELL ALFORD,

did knowingly and intentionally conspire and agree with one another
and with others, including Cesar Severino, to distribute and to
possess with intent to distribute 50 grams or more of a mixture and
substance containing a detectable amount of cocaine base, commonly

known as crack cocaine, a Schedule II narcotic drug controlled substance, contrary to Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(A).

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

COUNT 2

On or about June 21, 2006, in Camden County, in the District of New Jersey, and elsewhere, the defendants,

ERASMO ROMAN,
a/k/a "Erasmus Pagan,"
a/k/a "Junior," and
JOSE ROMAN,

did knowingly and intentionally distribute and possess with intent to distribute 50 grams or more of a mixture and substance containing a detectable amount of cocaine base, commonly known as crack cocaine, a Schedule II narcotic drug controlled substance.

In violation of Title 21, United States Code, Sections 841(a)(1) & 841(b)(1)(A), and Title 18, United States Code, Section 2.

COUNT 3

On or about July 8, 2006, in Camden County, in the District of New Jersey, and elsewhere, the defendant,

MOISES HERNANDEZ,

did knowingly and intentionally possess with intent to distribute a quantity of a mixture and substance containing a detectable amount of cocaine, a Schedule II narcotic drug controlled substance.

In violation of Title 21, United States Code, Sections 841(a)(1) & 841(b)(1)(c), and Title 18, United States Code, Section 2.

COUNT 4

On or about July 8, 2006, in Camden County, in the District of New Jersey, and elsewhere, the defendant,

MOISES HERNANDEZ,

did knowingly possess, brandish and discharge a firearm, namely, a .38 caliber handgun, in furtherance of a drug trafficking crime for which he may be prosecuted in a court of the United States, specifically, the conspiracy to distribute and to possess with intent to distribute 50 grams or more of a mixture and substance containing a detectable amount of cocaine base, commonly known as crack cocaine, a Schedule II narcotic drug controlled substance, contrary to Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(A), as alleged in Count 1 of this Superseding Indictment.

In violation of Title 18, United States Code, Section 924(c)(1)(A), and Title 18, United States Code, Section 2.

COUNT 5

On or about July 8, 2006, in Camden County, in the District of New Jersey, and elsewhere, the defendant

MOISES HERNANDEZ,

did knowingly use a firearm, namely, a .38 caliber handgun, during and in relation to a drug trafficking crime for which he may be prosecuted in a court of the United States, specifically, the conspiracy to distribute and to possess with intent to distribute 50 grams or more of a mixture and substance containing a detectable amount of cocaine base, commonly known as crack cocaine, a Schedule II narcotic drug controlled substance, contrary to Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(A), as alleged in Count 1 of this Superseding Indictment and which is realleged and incorporated by reference herein, in violation of Title 18, United States Code, Section 924(c)(1)(A), and in the course of this violation did cause the death of a person, namely, Cesar Severino, which killing was a murder as defined in Title 18, United States Code, Section 1111, in that the defendant, with malice aforethought, did unlawfully kill Cesar Severino by shooting him with the firearm willfully, deliberately, maliciously, and with premeditation.

In violation of Title 18, United States Code, Sections 924(c)(1)(A), Title 18, United States Code, Section 924(j), and Title 18, United States Code, 2.

COUNT 6

On or about July 8, 2006, in Camden County, in the District of New Jersey, and elsewhere, the defendant,

MOISES HERNANDEZ,

having been convicted of a crime punishable by imprisonment for a term exceeding one year in a court in the State of New Jersey, did knowingly possess in and affecting commerce a firearm, namely, a .38 caliber handgun.

In violation of Title 18, United States Code, Sections 922(g)(1), and Title 18, United States Code, Section 2.

COUNT 7

From in or about January 2006, to in or about July 2006, in Camden County, in the District of New Jersey, and elsewhere, the defendant,

ERASMO ROMAN,
a/k/a "Erasmus Pagan,"
a/k/a "Junior,"

did knowingly open, lease, rent, use and maintain a place at 1242 N. 25th Street, Camden, New Jersey for the purpose of manufacturing, distributing and using cocaine base, commonly known as crack cocaine, a Schedule II narcotic drug controlled substance.

In violation of Title 21, United States Code, Section 856(a)(1).

COUNTS 8 THROUGH 27

On or about the dates, and at or about the times indicated below, in Camden County, in the District of New Jersey, and elsewhere, the defendants indicated below did knowingly and intentionally use, and cause to be used, a communication facility, that is, a telephone, in facilitating a conspiracy to distribute

and to possess with intent to distribute 5 kilograms or more of a mixture and substance containing a detectable amount of cocaine and 50 grams or more of a mixture and substance containing a detectable amount of cocaine base, commonly known as crack cocaine, both Schedule II narcotic drug controlled substances, each a felony pursuant to Title 21, United States Code, Section 846:

COUNT	DATE OF OFFENSE	APPROXIMATE TIME	PLACE	DEFENDANT
8	June 13, 2006	5:12 pm	Camden, NJ	JUAN PIMENTEL speaking with Cesar Severino
9	June 19, 2006	2:45 pm	Camden, NJ	JUAN PIMENTEL speaking with Cesar Severino
10	June 19, 2006	4:10 pm	Camden, NJ	JUAN PIMENTEL speaking with Cesar Severino
11	June 20, 2006	9:44 pm	Camden, NJ	JUAN PIMENTEL speaking with Cesar Severino
12	June 20, 2006	10:48 pm	Camden, NJ	JUAN PIMENTEL speaking with Cesar Severino
13	June 21, 2006	1:04 pm	Camden, NJ	JUAN PIMENTEL speaking with Cesar Severino
14	June 22, 2006	2:17 pm	Camden, NJ	JUAN PIMENTEL speaking with Cesar Severino
15	June 22, 2006	7:25 pm	Camden, NJ	JUAN PIMENTEL speaking with Cesar Severino
16	June 23, 2006	6:27 pm	Camden, NJ	JUAN PIMENTEL speaking with Cesar Severino
17	June 20, 2006	10:16 pm	Camden, NJ	FRANCISCO MARTINEZ speaking with Cesar Severino
18	June 23, 2006	4:49 pm	Camden, NJ	FRANCISCO MARTINEZ speaking with Cesar Severino
19	June 26, 2006	5:31 pm	Camden, NJ	FRANCISCO MARTINEZ speaking with Cesar Severino
20	June 21, 2006	2:30 pm	Camden, NJ	ERASMO ROMAN speaking with Cesar Severino

COUNT	DATE OF OFFENSE	APPROXIMATE TIME	PLACE	DEFENDANT
21	June 21, 2006	7:05 pm	Camden, NJ	ERASMO ROMAN speaking with Cesar Severino
22	June 25, 2006	7:27 pm	Camden, NJ	ERASMO ROMAN speaking with Cesar Severino
23	June 21, 2006	2:10 pm	Camden, NJ	MOISES HERNANDEZ speaking with Cesar Severino
24	June 22, 2006	2:01 pm	Camden, NJ	MOISES HERNANDEZ speaking with Cesar Severino
25	June 22, 2006	7:09 pm	Camden, NJ	MOISES HERNANDEZ speaking with Cesar Severino
26	June 23, 2006	4:48 pm	Camden, NJ	MOISES HERNANDEZ speaking with Cesar Severino
27	June 25, 2006	12:06 pm	Camden, NJ	MOISES HERNANDEZ speaking with Cesar Severino

All in violation of Title 21, United States Code, Section 843(b), and Title 18, United States Code, Section 2.

NOTICE OF SPECIAL FINDINGS AS TO MOISES HERNANDEZ

The grand jury further finds as to Count 5 of this Superseding Indictment, the defendant MOISES HERNANDEZ:

a. was 18 years of age or older at the time of the offense (18 U.S.C. § 3591(a));

b. intentionally killed Cesar Severino (18 U.S.C. § 3591(a)(2)(A));

c. intentionally inflicted serious bodily injury that resulted in the death of Cesar Severino (18 U.S.C. § 3591(a)(2)(B));

d. intentionally participated in an act, contemplating that the life of a person would be taken or intending that lethal force would be used in connection with a person, other than one of the participants in the offense, and Cesar Severino died as a direct result of such act or acts (18 U.S.C. § 3591(a)(2)(C));

e. intentionally and specifically engaged in an act of violence, knowing that the act created a grave risk of death to a person, other than one of the participants in the offense, such that participation in the act constituted a reckless disregard for human life, and Cesar Severino died as a direct result of such act or acts (18 U.S.C. § 3591(a)(2)(D));

f. in the commission of killing Cesar Severino, knowingly created a grave risk of death to one or more persons in addition to the murder victim, Cesar Severino (18 U.S.C. § 3592(c)(5));

g. killed Cesar Severino after substantial planning and premeditation to cause the death of a person (18 U.S.C. §

3592(c)(9));

h. having been convicted of 2 or more State felony drug offenses punishable by a term of imprisonment of more than one year, committed on different occasions, involving the distribution of a controlled substance (18 U.S.C. § 3592(c)(10));

i. intentionally killed and attempted to kill more than one person in a single criminal episode (18 U.S.C. § 3592(c)(16)).

A TRUE BILL

FOREPERSON

CHRISTOPHER J. CHRISTIE
United States Attorney

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JOSE ROMAN,
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TARRELL ALFORD**

INDICTMENT FOR

18 U.S.C. §§ 922, 924 and 2
21 U.S.C. §§ 846, 843 and 856

A True Bill,

Foreperson

CHRISTOPHER J. CHRISTIE

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