

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

- - - - - X

UNITED STATES OF AMERICA

- v. -

INDICTMENT

12 Cr.

JUAN FERNANDEZ,
a/k/a "Tito,"

RAMON MORALES,
a/k/a "Seven,"

ODELL SCARBOROUGH,
a/k/a "O,"

YEMALIA AYALA,
a/k/a "Maggie,"

ANGEL ALICEA,
EMMANUEL MILLER,
a/k/a "Man,"

ROBERT RIVERA,
a/k/a "Little Tito,"

EUGENE MILLER,
a/k/a "Gene,"

EDWARD BROWN,
a/k/a "Ed,"

LAMONT ROBINSON,
a/k/a "Slappy,"
a/k/a "Snow,"

JAMES MILLER,
a/k/a "Popeye,"

ALBERTO BAJANA,

MIGUEL OTERO,
a/k/a "Buddha,"

BRYAN CUMMINGS,
a/k/a "Dirt,"

JOSE VALDEZ,
a/k/a "Gordo,"
a/k/a "Fatman,"

DENNIS SANDERS,
a/k/a "D,"

NATHANIEL JOHNSON,
a/k/a "Sex Money,"

KRISTOPHER MEADE,

ROLANDO MONTES,
a/k/a "Tes," and

RICKY WALKER,

Defendants.

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12 CRIM445

COUNT ONE

The Grand Jury charges:

1. From at least in or about December 2011, up to and including in or about June 2012, in the Southern District of New York and elsewhere, JUAN FERNANDEZ, a/k/a "Tito," RAMON MORALES, a/k/a "Seven," ODELL SCARBOROUGH, a/k/a "O," YEMALIA AYALA, a/k/a "Maggie," ANGEL ALICEA, EMMANUEL MILLER, a/k/a "Man," ROBERT RIVERA, a/k/a "Little Tito," EUGENE MILLER, a/k/a "Gene," EDWARD BROWN, a/k/a "Ed," LAMONT ROBINSON, a/k/a "Slappy," a/k/a "Snow," JAMES MILLER, a/k/a "Popeye," ALBERTO BAJANA, MIGUEL OTERO, a/k/a "Buddha," BRYAN CUMMINGS, a/k/a "Dirt," JOSE VALDEZ, a/k/a "Fatman," a/k/a "Gordo," DENNIS SANDERS, a/k/a "D," NATHANIEL JOHNSON, a/k/a "Sex Money," KRISTOPHER MEADE, ROLANDO MONTES, a/k/a "Tes," and RICKY WALKER, the defendants, 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 JUAN FERNANDEZ, a/k/a "Tito," RAMON MORALES, a/k/a "Seven," ODELL SCARBOROUGH, a/k/a "O," YEMALIA AYALA, a/k/a "Maggie," ANGEL ALICEA, EMMANUEL MILLER, a/k/a "Man," ROBERT RIVERA, a/k/a "Little Tito," EUGENE MILLER, a/k/a "Gene," EDWARD BROWN, a/k/a "Ed," LAMONT ROBINSON, a/k/a "Slappy," a/k/a "Snow," JAMES MILLER, a/k/a

"Popeye," ALBERTO BAJANA, MIGUEL OTERO, a/k/a "Buddha," BRYAN CUMMINGS, a/k/a "Dirt," JOSE VALDEZ, a/k/a "Fatman," a/k/a "Gordo," DENNIS SANDERS, a/k/a "D," NATHANIEL JOHNSON, a/k/a "Sex Money," KRISTOPHER MEADE, ROLANDO MONTES, a/k/a "Tes," and RICKY WALKER, the defendants, and others known and unknown, would and did distribute and possess with the intent to distribute controlled substances, in violation of 21 U.S.C. § 841(a)(1).

3. The controlled substances involved in the offense were (1) 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 21 U.S.C. § 841(b)(1)(A); (2) mixtures and substances containing a detectable amount of cocaine, in violation of 21 U.S.C. § 841(b)(1)(C); (3) mixtures and substances containing a detectable amount of marijuana, in violation of 21 U.S.C. § 841(b)(1)(D); (4) mixtures and substances containing 3-4-Methylenedioxymethamphetamine (MDMA), which is commonly known as "ecstasy," in violation of 21 U.S.C. §§ 812, 841(a)(1) and 841(b)(1)(C); and (5) oxycodone/roxicodone, a Schedule II controlled substance, in violation of 21 U.S.C. §§ 812, 841(a)(1) and 841(b)(1)(C).

OVERT ACTS

4. In furtherance of the conspiracy and to effect the illegal objects thereof, the following overt acts, among others, were committed in the Southern District of New York and elsewhere:

a. On or about December 8, 2011, ROLANDO MONTES, a/k/a "Tes," the defendant, was found in possession of a loaded firearm, a sawed-off shotgun, "crack" cocaine and marijuana.

b. On or about February 6, 2012, KRISTOPHER MEADE, the defendant, sold "crack" cocaine to an undercover officer in the vicinity of 480 Concord Avenue, in the Bronx, New York.

c. On or about February 15, 2012, DENNIS SANDERS, a/k/a "D," the defendant, sold "crack" cocaine to an undercover officer in the vicinity of 480 Concord Avenue, in the Bronx, New York.

d. On or about February 20, 2012, JUAN FERNANDEZ, a/k/a "Tito," the defendant, sold "crack" cocaine to an undercover officer in the vicinity of 600 Trinity Avenue, in the Bronx, New York.

e. On or about February 29, 2012, NATHANIEL JOHNSON, a/k/a "Sex Money," the defendant, sold "crack" cocaine to an undercover officer in the vicinity of 480 Concord Avenue, in the Bronx, New York.

f. On or about March 12, 2012, EDWARD BROWN, a/k/a "Ed," the defendant, met with an undercover officer regarding the

purchase of narcotics, and subsequently RAMON MORALES, a/k/a "Seven," the defendant, sold "crack" cocaine to the undercover officer in the vicinity of 480 Concord Avenue in the Bronx, New York.

g. On or about March 13, 2012, BROWN sold "crack" cocaine to an undercover officer in the vicinity of 480 Concord Avenue in the Bronx, New York.

h. On or about March 21, 2012, BRYAN CUMMINGS, a/k/a "Dirt," the defendant, and MORALES participated in a telephone conversation in which they discussed an attempt by two individuals to rob CUMMINGS of narcotics proceeds.

i. On or about March 21, 2012, MORALES contacted EMMANUEL MILLER, a/k/a "Man," the defendant, by telephone, and requested that EMMANUEL MILLER bring firearms for MORALES' use. Later that day, MORALES shot at rival drug dealers in the vicinity of 550 Cauldwell Avenue in the Bronx, New York.

j. On or about March 28, 2012, BROWN met with an undercover officer regarding the purchase of narcotics, and subsequently MORALES sold "crack" cocaine to the undercover officer in the vicinity of 550 Cauldwell Avenue in the Bronx, New York.

k. On or about April 4, 2012, EUGENE MILLER, a/k/a "Gene," the defendant, sold "crack" cocaine to a confidential informant working under the direction and supervision of law

enforcement officers in the vicinity of 480 Concord Avenue in the Bronx, New York.

l. On or about April 5, 2012, YEMALIA AYALA, a/k/a "Maggie," the defendant, and MORALES participated in a telephone conversation in which they discussed the delivery of marijuana and "crack" cocaine to be sold to customers.

m. On or about April 16, 2012, JOSE VALDEZ, a/k/a "Gordo," a/k/a "Fatman," the defendant, and MORALES participated in several telephone conversations in which VALDEZ discussed purchasing a quantity of marijuana from MORALES.

n. On or about April 18, 2012, ODELL SCARBOROUGH, a/k/a "O," the defendant, sold "crack" cocaine to an undercover officer in the vicinity of 592 Trinity Avenue in the Bronx, New York.

o. On or about April 25, 2012, MORALES and EMMANUEL MILLER participated in a telephone conversation in which they discussed the sale of "crack" cocaine by MORALES to EMMANUEL MILLER.

p. On or about April 25, 2012, JAMES MILLER, a/k/a "Popeye," the defendant, and MORALES participated in a telephone conversation in which they discussed the sale of Schedule II controlled substances.

q. On or about April 26, 2012, LAMONT ROBINSON, a/k/a "Slappy," a/k/a "Snow," the defendant, and MORALES

participated in a telephone conversation in which ROBINSON asked MORALES for a quantity of marijuana to sell to a customer.

r. On or about May 2, 2012, ROBERT RIVERA, a/k/a "Little Tito," the defendant, and MORALES participated in a telephone conversation in which MORALES directed RIVERA to give marijuana to a customer.

s. On or about May 12, 2012, ALBERTO BAJANA, the defendant, and MORALES participated in a telephone conversation in which BAJANA told MORALES that BAJANA had a source for 3,4-methylenedioxymethamphetamine (MDMA), commonly known as "ecstasy."

t. On or about May 19, 2012, MIGUEL OTERO, a/k/a "Buddha," the defendant, and MORALES participated in a telephone conversation in which they discussed the sale of "crack" cocaine.

u. On or about May 27, 2012, ANGEL ALICEA, the defendant, and AYALA participated in a telephone conversation in which ALICEA asked AYALA for a quantity of "crack" cocaine to sell to a customer.

v. On or about May 29, 2012, RICKY WALKER, the defendant, sold "crack" cocaine to an undercover officer in the vicinity of 525 Jackson Avenue in the Bronx, New York.

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

COUNT TWO

The Grand Jury further charges:

5. From at least in or about January 2012, up to and including June 2012, in the Southern District of New York, JUAN FERNANDEZ, a/k/a "Tito," RAMON MORALES, a/k/a "Seven," ODELL SCARBOROUGH, a/k/a "O," EMMANUEL MILLER, a/k/a "Man," EDWARD BROWN, a/k/a "Ed," and ROLANDO MONTES, a/k/a "Tes," the defendants, during and in relation to a drug trafficking crime for which they may be prosecuted in a court of the United States, namely, the offense charged in Count One of this Indictment, knowingly did use and carry firearms, and, in furtherance of such crime, did possess firearms, to wit, FERNANDEZ, MORALES, SCARBOROUGH, EMMANUEL MILLER, BROWN, and MONTES, the defendants, used, carried, possessed, and discharged firearms or aided and abetted the use, carrying, possession and discharge of firearms at rival drug dealers in the vicinity of 480 Concord Avenue, Bronx, New York, during and in relation to a conspiracy to distribute "crack" cocaine, marijuana, MDMA, and other controlled substances.

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

FORFEITURE ALLEGATIONS

6. As a result of committing the controlled substance offense alleged in Count One of this Indictment, JUAN FERNANDEZ,

a/k/a "Tito," RAMON MORALES, a/k/a "Seven," ODELL SCARBOROUGH, a/k/a "O," YEMALIA AYALA, a/k/a "Maggie," ANGEL ALICEA, EMMANUEL MILLER, a/k/a "Man," ROBERT RIVERA, a/k/a "Little Tito," EUGENE MILLER, a/k/a "Gene," EDWARD BROWN, a/k/a "Ed," LAMONT ROBINSON, a/k/a "Slappy," a/k/a "Snow," JAMES MILLER, a/k/a "Popeye," ALBERTO BAJANA, MIGUEL OTERO, a/k/a "Buddha," BRYAN CUMMINGS, a/k/a "Dirt," JOSE VALDEZ, a/k/a "Fatman," a/k/a "Gordo," DENNIS SANDERS, a/k/a "D," NATHANIEL JOHNSON, a/k/a "Sex Money," KRISTOPHER MEADE, ROLANDO MONTES, a/k/a "Tes," and RICKY WALKER, the defendants, shall forfeit to the United States pursuant to 21 U.S.C. § 853, any and all property constituting or derived from any proceeds the said defendants obtained directly or indirectly as a result of the said violation 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 violation alleged in Count One of this Indictment.

7. If any of the above-described forfeitable property, 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 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 intent of the United States, pursuant to 21 U.S.C. § 853(p), to seek forfeiture of any other property of said defendants up to the value of the above forfeitable property.

(Title 21, United States Code, Sections 841(a)(1), 846, and 853.)



Preet Bhaurara

PREET BHARARA *my*
United States Attorney

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INDICTMENT

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(21 U.S.C. §§ 841, 846 and 853)

PREET BHARARA
United States Attorney.

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