

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

UNITED STATES OF AMERICA	:	CRIMINAL NO.
v.	:	DATE FILED:
EDWARD KAPLAN, a/k/a "Pooh," LEONARD MASON	:	VIOLATIONS:
	:	21 U.S.C. § 846 (conspiracy to distribute cocaine - 1 count);
	:	21 U.S.C. § 841(a)(1) (distribution of, and possession with the intent to distribute cocaine - 1 count);
	:	21 U.S.C. § 860(a) (distribution of cocaine near a school - 1 count);
	:	18 U.S.C. § 2 (aiding and abetting)

INDICTMENT

COUNT ONE

THE GRAND JURY CHARGES THAT:

1. From at least in or about December 2005 through on or about November 20, 2006, in Philadelphia and the city of Chester, in the Eastern District of Pennsylvania, and elsewhere, defendants

**EDWARD KAPLAN,
a/k/a "Pooh," and
LEONARD MASON**

conspired and agreed, together with Donald Johnson, charged elsewhere, and with others known and unknown to the grand jury, to knowingly and intentionally distribute 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), (b)(1)(A).

MANNER AND MEANS

It was apart of the conspiracy that:

2. The defendants were members of a drug organization that obtained cocaine from New York City and elsewhere and distributed cocaine in Philadelphia and the city of Chester, Pennsylvania (“Chester”), and Delaware.

3. Defendant EDWARD KAPLAN was a multi-kilogram cocaine distributor who obtained cocaine from sources of supply, including sources of supply in New York City.

4. Defendant EDWARD KAPLAN supplied other members of the conspiracy, including Donald Johnson and defendant LEONARD MASON, with wholesale quantities of cocaine on consignment and partial consignment bases.

5. At times relevant to this Indictment, defendant LEONARD MASON supplied wholesale quantities of cocaine to Donald Johnson and others.

6. Defendant LEONARD MASON traveled to New York City to obtain multi-kilogram quantities of cocaine on behalf of defendant EDWARD KAPLAN, and on his own behalf.

7. Members of the conspiracy changed the manner and form in which the cocaine was to be distributed to others, such as by re-rocking cocaine, meaning to dilute kilogram quantities of cocaine and then disguising the dilution by reforming the mixture into a “brick.”

8. The organization used “stash houses,” including an apartment located at 416 Cheltenham Avenue, 3rd floor, in Philadelphia and a house at 122 Wyneva Street in Philadelphia, to re-rock and store cocaine, and to conduct drug transactions.

9. Members of the conspiracy communicated by cellular phones in order to arrange for the distribution of cocaine between members of the conspiracy and to customers of the conspiracy.

10. Members of the conspiracy disguised the purpose of their telephonic communications by talking in cryptic and coded language.

11. Members of the conspiracy traveled to New York City to meet with their sources of supply, and communicated with other members of the conspiracy during these trips to report on their progress and coordinate the transfer of cocaine obtained in New York City.

12. Members of the conspiracy obtained a van with a secret compartment (“the van”) used to conceal cocaine and transport the cocaine to Philadelphia, Chester, and elsewhere.

13. Members of the conspiracy registered the van in the name of another person in an effort to disassociate themselves from it in the event it was seized by law enforcement authorities.

OVERT ACTS

In furtherance of the conspiracy and to accomplish its object, the following overt acts, among others, were committed in the Eastern District of Pennsylvania and elsewhere:

April 12-14, 2006: Mason and Johnson discuss cocaine transactions.

1. On or about April 12, 2006, defendant LEONARD MASON and co-conspirator Donald Johnson, charged elsewhere, discussed meeting regarding a cocaine transaction.

2. On or about April 13, 2006, defendant LEONARD MASON, after

informing Donald Johnson that defendant MASON was going away for a few days, agreed to speak later in person as Johnson was then in the company of a third party.

3. On or about April 14, 2006, defendant LEONARD MASON and Donald Johnson discussed meeting regarding a cocaine transaction.

**April 19, 2006 through April 24, 2006:
Mason to travels to New York to get cocaine from a New York source of supply.**

4. On or about April 19, 2006, defendant LEONARD MASON told defendant EDWARD KAPLAN that he spoke with “Lil” and stated that he would be leaving the following day and would keep defendant KAPLAN abreast of his travels.

5. On or about April 20, 2006, defendant EDWARD KAPLAN asked defendant LEONARD MASON about money for a cocaine transaction.

6. On or about April 23, 2006, defendant LEONARD MASON told defendant EDWARD KAPLAN that he had not yet departed.

7. On or about April 24, 2006, defendant LEONARD MASON told EDWARD KAPLAN that he was at “Odie’s” house, and defendants MASON and KAPLAN discussed whether defendant MASON obtained the vehicle keys.

8. On or about April 24, 2006, defendant EDWARD KAPLAN asked defendant LEONARD MASON if he conveyed defendant KAPLAN’S instructions to the source of supply and defendants MASON and KAPLAN discussed the vehicle.

9. On or about April 24, 2006, defendant LEONARD MASON told defendant EDWARD KAPLAN that the source never met with defendant MASON despite defendant MASON’S efforts, and defendant KAPLAN expressed his disappointment.

April 21, 2006: Kaplan discusses an individual known to the grand jury with Johnson.

10. On or about April 21, 2006, in a telephone conversation, defendant EDWARD KAPLAN told Donald Johnson that because he was concerned that he never heard from an individual unknown to the grand jury, and hoped that that individual did not get stopped by the police, instructed Johnson to call that individual on behalf of defendant KAPLAN.

April 23, 2006: Kaplan delivers cocaine to an individual known to the grand jury

11. On or about April 23, 2006, defendant EDWARD KAPLAN and an individual known to the grand jury discussed meeting for the purpose of conducting a cocaine transaction.

12. On or about April 23, 2006, defendant EDWARD KAPLAN and an individual known to the grand jury agreed to meet.

13. On or about April 23, 2006, defendant EDWARD KAPLAN, in the vicinity of Wayne and Wyneva Streets in Philadelphia, entered a black Maxima driven by an individual known to the grand jury and occupied the Maxima for approximately four minutes.

14. On or about April 23, 2006, an individual known to the grand jury drove from the vicinity of Wayne and Wyneva Streets in Philadelphia directly to the apartment of another individual known to the grand jury, which was located in Woolwich Township, New Jersey.

15. On or about April 26, 2006, defendant EDWARD KAPLAN and an individual known to the grand jury discussed meeting in order for that individual to pay money owed to defendant KAPLAN.

April 24, 2006: Kaplan meets with an individual known to the grand jury for drug related transaction.

16. On or about April 24, 2006, defendant EDWARD KAPLAN agreed to meet an individual known to the grand jury at 2620 West 6th Street, Chester.

17. On or about April 24, 2006, defendant EDWARD KAPLAN met with two individuals known to the grand jury on the 2600 block of West 6th Street.

April 26, 2006: Mason used Johnson to contact Kaplan on behalf of himself and an individual known to the grand jury

18. On or about April 26, 2006, defendant LEONARD MASON told Donald Johnson to call defendant EDWARD KAPLAN and tell defendant KAPLAN that an individual known to the grand jury wanted to speak with defendant KAPLAN.

19. On or about April 26, 2006, Donald Johnson called defendant EDWARD KAPLAN, at the behest of defendant LEONARD MASON, and told defendant KAPLAN that an individual known to the grand jury wanted defendant KAPLAN to call him.

May 21-22, 2006: Mason supplies Johnson.

20. On or about May 21, 2006, defendant LEONARD MASON and Donald Johnson discussed meeting that day.

21. On or about May 21, 2006, Donald Johnson made several deliveries of cocaine to individuals known and unknown to the grand jury.

22. On or about May 22, 2006, defendant LEONARD MASON met with and spoke to defendant EDWARD KAPLAN and an individual unknown to the grand jury in Philadelphia.

23. On or about May 22, 2006, Donald Johnson met with defendant LEONARD MASON at 9th and Wilson Streets in Chester.

May 24-25, 2006: Kaplan supplies an individual known to the grand jury with cocaine.

24. On or about May 25, 2006, Donald Johnson and an individual known to the grand jury talked about how Johnson was supposed to go fishing with defendant EDWARD KAPLAN, and that individual stated that he obtained cocaine from KAPLAN the preceding evening and wanted to show it to Johnson.

May 26, 2006: Mason offers to supply Johnson.

25. On or about May 26, 2006, Donald Johnson told defendant LEONARD MASON that he was ready to see defendant MASON whenever defendant MASON was ready and defendant MASON stated that he would meet Johnson that night or the next morning.

May 30, 2006: an individual known to the grand jury discusses supplying Johnson with cocaine obtained from Kaplan.

26. On or about May 30, 2006, an individual known to the grand jury told Donald Johnson that he spoke with defendant EDWARD KAPLAN in an effort to get cocaine from defendant KAPLAN and intended to tell defendant KAPLAN about how Johnson was having great success as a cocaine trafficker.

June 1-2, 2006: Johnson pays Mason for cocaine.

27. On or about June 1, 2006, defendant LEONARD MASON told Donald Johnson to contact defendant MASON if Johnson needed additional cocaine.

28. On or about June 1, 2006, Donald Johnson told defendant LEONARD MASON that he was trying to collect money.

29. On or about June 1, 2006, defendant LEONARD MASON met Donald Johnson in the Germantown section of Philadelphia.

June 1, 2006: An individual known to the grand jury arrested in possession of cocaine obtained from Kaplan and another individual known to the grand jury

30. On or about June 1, 2006, Donald Johnson told an individual known to the grand jury, in several telephone conversations, that Johnson was trying to get cocaine.

31. On or about June 1, 2006, Donald Johnson told individuals known and unknown to the grand jury that he had cocaine available for delivery.

32. On or about June 1, 2006, Donald Johnson met with an individual known to the grand jury at a residence on Washington Street in Chester.

33. On or about June 1, 2006, an individual known to the grand jury was in possession of approximately 112 grams of cocaine at the time he was stopped by the Pennsylvania State Police ("PSP").

34. On or about June 2, 2006, Donald Johnson told defendant LEONARD MASON that an individual known to the grand jury was arrested and that that individual would now owe Johnson for the cocaine in his possession at the time of his arrest.

35. On or about June 3, 2006, Donald Johnson told an individual known to the grand jury what happened to another individual known to the grand jury and discussed whether defendant EDWARD KAPLAN asked that first individual about money owed to defendant KAPLAN.

June 4-5, 2006: Mason delivers cocaine to Johnson.

36. On or about June 4, 2006, defendant LEONARD MASON told Donald Johnson that he would be returning to the area later that same night.

37. On or about June 4, 2006, defendant LEONARD MASON told Donald Johnson that he would meet him that night or the next morning.

38. On or about June 5, 2006, Donald Johnson told defendant LEONARD

MASON that a cocaine delivery of nine ounces was short by seven grams.

June 7, 2007: Mason seeks to collect money from Johnson owed from cocaine advances.

39. On or about June 7, 2006, defendant LEONARD MASON asked Donald Johnson for money in order for defendant MASON to be in a position to resupply Johnson as needed.

June 8, 2006: Mason asks Johnson to call Kaplan for Mason.

40. On or about June 8, 2006, defendant LEONARD MASON asked Donald Johnson to have defendant EDWARD KAPLAN call him.

June 9, 2006: Mason tells Johnson that he would supply Johnson with cocaine.

41. On or about June 9, 2006, defendant LEONARD MASON and Donald Johnson discussed a future cocaine transaction.

June 10, 2006: Mason waits to get cocaine to Johnson.

42. On or about June 10, 2006, defendant LEONARD MASON told Donald Johnson he was waiting to get cocaine for Johnson. .

43. On or about June 10, 2006, defendant LEONARD MASON told Donald Johnson he was going to see defendant EDWARD KAPLAN regarding a cocaine transaction, and, if unsuccessful, would proceed to New York City for the same purpose.

44. On or about June 10, 2006, defendant LEONARD MASON and defendant EDWARD KAPLAN met in the 2100 block of Cambria Street in Philadelphia and together entered a residence at 2105 Cambria Street.

45. On or about June 10, 2006, Donald Johnson told two of his distributors that he had no cocaine at that time and that he was waiting for it to be delivered to him.

46. On or about June 10, 2006, defendant LEONARD MASON drove to New

York City where he met an individual unknown to the grand jury.

47. On or about June 10, 2006, defendant LEONARD MASON, who was in possession of a package, switched cars with an individual unknown to the grand jury.

June 11, 2006: Kaplan delivers approximately 1 kilogram of cocaine to Johnson.

48. On or about June 11, 2006, Donald Johnson told an individual known to the grand jury that he presently had no cocaine, had been trying to get cocaine for three days, and would persist in his effort to obtain cocaine.

49. On or about June 11, 2006, Donald Johnson in several conversations, told individuals known and unknown to the grand jury that he presently had no cocaine.

50. On or about June 11, 2006, defendant EDWARD KAPLAN supplied Donald Johnson with approximately one kilogram of cocaine on credit.

June 12, 2006: Johnson informs others about the kilogram he obtained from Kaplan.

51. On or about June 12, 2006, Donald Johnson told an individuals known to the grand jury in separate conversations, that he received cocaine from defendant EDWARD KAPLAN.

52. On or about June 12, 2006, Donald Johnson told several of his distributors including two individuals known to the grand jury, that he had cocaine available for distribution.

June 12, 2006: Mason delivers cocaine to Johnson.

53. On or about June 12, 2006, defendant LEONARD MASON told Donald Johnson that it was dry as a desert in New York City, but that he was attempting to put something together.

54. On or about June 12, 2006, defendant LEONARD MASON told Donald

Johnson in several telephone conversations to meet defendant MASON in order to provide cocaine to Johnson.

55. On or about June 14, 2006, defendant LEONARD MASON told Donald Johnson to return the cocaine if he could not sell it fast enough because defendant MASON did not want his suppliers waiting on him.

56. On or about June 16, 2006, defendant LEONARD MASON asked Donald Johnson how he was making out with his cocaine sales, and Johnson stated that he was waiting on to receive drug proceeds.

June 18, 2006: Mason and Johnson discuss a cocaine transaction and meet.

57. On or about June 18, 2006, defendant LEONARD MASON and Donald Johnson discussed a cocaine transaction and met concerning a cocaine transaction.

June 20, 2006: Mason and Johnson discuss meeting regarding a cocaine transaction.

58. On or about June 20, 2006, defendant LEONARD MASON asked Donald Johnson how he was doing and stated that he would come to Johnson later the same day to meet Johnson's cocaine needs.

June 21-23 2006: Mason delivers cocaine to Johnson.

59. On or about June 21, 2006, defendant LEONARD MASON and Donald Johnson engaged in telephone conversations relating to a cocaine transaction.

60. On or about June 23, 2006, defendant LEONARD MASON and Donald Johnson discussed the status of the cocaine defendant MASON had recently provided to Johnson.

June 24, 2006: Mason and Johnson converse and meet pertaining to a cocaine transaction.

61. On or about June 24, 2006, defendant LEONARD MASON told Donald Johnson that he would be arriving in Chester in one and a half to two hours.

62. On or about June 24, 2006, defendant LEONARD MASON met Johnson in front of 2620 West 6th Street, Chester, PA.

June 24, 2006: Mason told Johnson he was going back to New York for additional supplies of cocaine and to pay for prior deliveries.

63. On or about June 24, 2006, defendant LEONARD MASON told Donald Johnson that he was preparing to return to New York City and asked if Johnson had heard from an individual known to the grand jury.

64. On or about June 24, 2006, Donald Johnson told defendant LEONARD MASON he had not heard from an individual known to the grand jury, and that he had already “started into” his supply of cocaine, meaning that he had already started selling the cocaine defendant MASON provided to Johnson.

65. On or about June 24, 2006, Donald Johnson and defendant LEONARD MASON discussed meeting in order to provide an individual known to the grand jury cocaine.

66. On or about June 24, 2006, defendants LEONARD MASON and Donald Johnson engaged in several telephone conversations in which they agreed to meet the following morning, in order for defendant MASON to deliver cocaine to Johnson.

67. On or about June 25, 2006, defendant LEONARD MASON left a voicemail for Donald Johnson relating to a cocaine transaction.

June 26, 2006: Mason meets Donald Johnson for a cocaine related transaction.

68. On or about June 26, 2006, defendant LEONARD MASON called Donald Johnson from New York City and told him that he was en route to meet with Johnson relating to a

cocaine transaction.

69. On or about June 26, 2006, defendant LEONARD MASON drove from 120 Clearbrooke Court, Claymont, Delaware, to the 2600 block of West 6th Street, Chester, where he met Donald Johnson.

70. On or about June 26, 2006, Donald Johnson went to 803 West 7th Street, Chester, Pennsylvania on drug-related business.

July 3, 2006: Mason endeavors to obtain funds to purchase additional cocaine.

71. On or about July 3, 2006, defendant LEONARD MASON spoke to an individual unknown to the grand jury to arrange to collect money for drugs previously delivered to that individual and discussed providing this individual with additional amounts of cocaine.

72. On or about July 3, 2006, defendant LEONARD MASON spoke to an individual known to the grand jury pertaining the possibility of obtaining at least ½ kilogram of cocaine.

73. On or about July 3, 2006, defendant LEONARD MASON and Donald Johnson engaged in three telephone calls to arrange a meeting in order for defendant MASON to collect money Johnson owed defendant MASON for a previous cocaine transaction.

July 5, 2006: An individual known to the grand jury supplies Johnson.

74. On or about July 5, 2006, Donald Johnson met an individual known to the grand jury in the Germantown section of Philadelphia and obtained a quantity of cocaine from him before driving back to Chester.

July 8, 9 2006: Mason supplies Johnson.

75. On or about July 8 and 9, 2006, defendant LEONARD MASON and Donald Johnson engaged in five telephone calls to arrange for defendant MASON to supply a

quantity of cocaine to Johnson.

76. On or about July 10, 2006, Donald Johnson and defendant LEONARD MASON discussed how Johnson was progressing in distributing cocaine provided to him by defendant MASON.

July 11, 2006: Mason supplies Johnson.

77. On or about July 11, 2006, Donald Johnson and defendant LEONARD MASON engaged in three telephone conversations to arrange to meet in order for defendant MASON to conduct a cocaine transaction.

78. On or about July 11, 2006, Donald Johnson drove to defendant LEONARD MASON's residence.

July 12, 2006: Mason talks to an individual known to the grand jury about kilogram prices.

79. On or about July 12, 2006, defendant LEONARD MASON and an individual known to the grand jury engaged in two telephone conversations involving the current price of a kilogram of cocaine.

July 11-14, 2006: Mason obtains cocaine from New York City

80. On or about July 11, 2006, an individual unknown to the grand jury contacted defendant LEONARD MASON and informed him that he would have an additional quantity of cocaine for defendant MASON and others when he met with defendant MASON.

81. On or about July 12, 2006, defendant LEONARD MASON spoke with an individual unknown to the grand jury and advised that he would meet him within two hours to collect money from this unknown male for a cocaine transaction.

82. On or about July 12, 2006, defendant LEONARD MASON telephoned

Donald Johnson and informed him that his plans had changed and that he would now meet with him the following day relating to a cocaine transaction.

83. On or about July 12, 2006, defendant LEONARD MASON traveled to New York City to obtain cocaine for Donald Johnson and other individuals known and unknown to the grand jury.

84. On or about July 13-14, 2006, defendant LEONARD MASON and an individual unknown to the grand jury engaged in several telephone calls concerning the payment of money by defendant MASON for cocaine previously received from that individual and about obtaining more cocaine.

85. On or about July 13, 2006, defendant LEONARD MASON informed Donald Johnson in a telephone conversation that he would be in the area in approximately one hour.

86. On or about July 13, 2006, Donald Johnson drove to and entered defendant LEONARD MASON's residence.

**July 15-17, 2006: Mason collects proceeds and
arranges to obtain more cocaine in New York City.**

87. On or about July 15, 2006, Donald Johnson informed defendant LEONARD MASON in a telephone conversation that he would soon have the money to pay what he owed to defendant MASON.

88. On or about July 15, 2006, defendant LEONARD MASON spoke to an individual regarding a cocaine transaction.

89. On or about July 15, 2006, an individual unknown to the grand jury telephoned defendant LEONARD MASON and discussed the fact that defendant MASON's

price for a kilogram of cocaine was raised to \$22,000.

90. On or about July 15, 2006, defendant LEONARD MASON telephoned Donald Johnson and informed him that he wanted to obtain money Johnson owed him before he returned to New York City.

91. On or about July 15, 2006, Donald Johnson telephoned defendant LEONARD MASON and discussed meeting in order for Johnson to pay defendant MASON money he owed before defendant LEONARD MASON returned to New York City.

92. On or about July 15, 2006, Donald Johnson met with defendant LEONARD MASON.

93. On or about July 16, 2006, defendant LEONARD MASON discussed an upcoming cocaine transaction with an individual unknown to the grand jury.

94. On or about July 17, 2006, Donald Johnson and defendant LEONARD MASON engaged in several conversations regarding an upcoming cocaine transaction.

95. On or about July 17, 2006, defendant LEONARD MASON spoke to an individual unknown to the grand jury, who informed defendant MASON that he presently had cocaine available for defendant MASON and another individual.

July 18-20, 2006: Mason stopped with 3 kilograms of cocaine (and aftermath).

96. On or about July 18, 2006, defendant LEONARD MASON engaged in three telephone conversations with an individual unknown to the grand jury to arrange to meet at a specific location in New York City to conduct a cocaine transaction.

97. On or about July 19, 2006, defendant LEONARD MASON and Donald Johnson engaged in a telephone conversation in which defendant MASON informed Johnson that he had an ample supply of cocaine sufficient to meet the needs of Johnson and others.

98. On or about July 19, 2006, defendant LEONARD MASON drove a silver Town and Country minivan (“the minivan”) from New York City to Interstate 95 in Chester, while in possession of approximately three kilograms of cocaine which were concealed in a hidden compartment in the minivan.

99. On or about July 19, 2006, defendant LEONARD MASON, while on route to Interstate 95 in Chester, telephoned Donald Johnson to inform him that he was approximately 40 minutes away.

100. On or about July 19, 2006, defendant LEONARD MASON telephoned Donald Johnson to inform him that he had been stopped by the police on Interstate 95 in Chester.

101. On or about July 19, 2006, defendant LEONARD MASON and Donald Johnson engaged in several telephone calls in which defendant MASON requested Johnson attempt to have an individual known to the grand jury, to whom the minivan was registered, come to his location on Interstate 95 to take possession of the minivan.

102. On or about July 19, 2006, Donald Johnson accompanied an individual known to the grand jury to defendant LEONARD MASON’s location on Interstate 95.

103. On or about July 19, 2006, defendant LEONARD MASON telephoned Donald Johnson and told him to tell the PSP that he left the PSP barracks to get something to eat for his son.

104. From on or about July 19, 2006 to on or about July 20, 2006, defendants LEONARD MASON and EDWARD KAPLAN, and Donald Johnson, engaged in a series of conversations concerning whether the PSP would search and discover the cocaine secreted in the minivan and to arrange for the return of the minivan to an individual known to the grand jury

105. On or about July 20, 2006, defendant LEONARD MASON telephoned

Donald Johnson and expressed, among other things, his concern that defendant EDWARD KAPLAN was not aware that the minivan was registered to an individual known to the grand jury

106. On or about July 20, 2006, Donald Johnson instructed an individual known to the grand jury to telephone the PSP in order to retrieve the minivan.

107. On or about July 20, 2006, defendant LEONARD MASON telephoned Donald Johnson and told him that he had now informed defendant EDWARD KAPLAN that the minivan was registered to a female not associated with Johnson, and that defendant KAPLAN advised defendant MASON to not accompany the female to whom the minivan was registered to the PSP barracks to attempt to take possession of the minivan.

108. On or about July 20, 2006, defendant LEONARD MASON and Donald Johnson engaged in a conversation in which defendant MASON told Johnson that defendant EDWARD KAPLAN had just called defendant MASON requesting that Johnson contact defendant KAPLAN, and that Johnson should tell defendant KAPLAN that he does not really know an individual known to the grand jury

109. On or about July 20, 2006, defendant LEONARD MASON engaged in a telephone conversation with an individual unknown to the grand jury in which defendant MASON told this individual that he had “some real f----- up news man I just givin’ you a heads up man”; the individual asked defendant MASON whether the girls, meaning the cocaine, were alright, to which defendant MASON replied, “no, not at all”; and in which defendant MASON told the individual not to reveal to other individuals what had happened.

110. On or about July 21, 2006, defendant LEONARD MASON engaged in two telephone conversations with an individual unknown to the grand jury in which defendant

MASON expressed puzzlement over his encounter with the PSP and stated that he was trying to get defendant EDWARD KAPLAN to provide him money to bring to this individual.

111. On or about July 22, 2006, defendant LEONARD MASON engaged in two telephone conversations with an individual unknown to the grand jury in which defendant MASON stated that he was still waiting for defendant EDWARD KAPLAN to return from a fishing trip.

August 2, 2006: Johnson facilitates drug transaction between Kaplan and an individual known to the grand jury

112. On or about August 2, 2006, an individual known to the grand jury asked Donald Johnson if he knew the whereabouts of defendant EDWARD KAPLAN.

113. On or about August 2, 2006, an individual known to the grand jury told defendant EDWARD KAPLAN that he wanted to see him.

114. On or about August 2, 2006, an individual known to the grand jury entered 2620 West 6th Street at a time when defendant EDWARD KAPLAN's vehicle was parked in the vicinity.

115. On or about August 2, 2006, defendant KAPLAN left the 2600 block of West 6th Street in Chester and went to the area of Wayne and Wyneva Streets in Philadelphia.

116. On or about August 2, 2006, an individual known to the grand jury placed several telephone calls to individuals known and unknown to the grand jury to arrange for the collection of drug proceeds.

117. On or about August 2, 2006, an individual known to the grand jury told an individual unknown to the grand jury that he had a couple of "green lights," and told an individual known to the grand jury that he was "on a mission," pursuing a cocaine transactions or transactions.

118. On or about August 2, 2006, an individual known to the grand jury called another individual known to the grand jury, and told him/her to call Donald Johnson and instruct Johnson to call "Pooh," (defendant EDWARD KAPLAN), and tell him that that individual was "up the block".

119. On or about August 2, 2006, Donald Johnson called defendant EDWARD KAPLAN and told him that an individual known to the grand jury had called Johnson and had advised Johnson that he was around there and trying to meet defendant KAPLAN.

120. On or about August 2, 2006, defendant EDWARD KAPLAN met with an individual unknown to the grand jury in a black Grand Prix bearing Pennsylvania license GGS-2855 ("the Grand Prix").

121. On or about August 2, 2006, an individual unknown to the grand jury drove the Grand Prix from the 100 block of Wyneva Avenue, and returned to the area.

122. On or about August 2, 2006, an individual known to the grand jury, driving a White Buick, followed defendant KAPLAN, who was driving a Lumina, from the vicinity of Wayne and Wyneva Avenues to Roberts Road.

123. On or about August 2, 2006, an individual known to the grand jury called an individual unknown to the grand jury and told this individual that he took a little ride and wanted to meet with this individual.

124. On or about August 2, 2006, an individual known to the grand jury called another individual known to the grand jury and arranged to meet.

125. On or about August 3, 2006, Donald Johnson called defendant EDWARD KAPLAN and told him that an individual known to the grand jury wanted to meet with him, and later told defendant KAPLAN that that individual was there.

126. On or about August 3, 2006, Donald Johnson spoke to an individual known to the grand jury and coordinated a meeting between that individual and defendant EDWARD KAPLAN.

127. On or about August 3, 2006, an individual known to the grand jury made a partial payment to defendant EDWARD KAPLAN for the cocaine he received from defendant KAPLAN on August 2, 1006.

August 16, 2006: an individual known to the grand jury tries to obtain cocaine from Kaplan.

128. On or about August 16, 2006, an individual known to the grand jury told another individual known to the grand jury to call defendant EDWARD KAPLAN and tell him that he/she was in defendant KAPLAN's neighborhood.

August 17, 2006: Johnson facilitates conversation between Kaplan and an individual known to the grand jury regarding money owed from a cocaine transaction.

129. On or about August 17, 2006, Donald Johnson was speaking to defendant EDWARD KAPLAN and, at the direction of defendant KAPLAN, an individual known to the grand jury talked to defendant KAPLAN.

130. On or about August 17, 2006, defendant EDWARD KAPLAN told an individual known to the grand jury that he was upset with an individual known to the grand jury for not paying defendant KAPLAN in a timely fashion.

131. On or about August 17, 2006, an individual known to the grand jury promised to meet with defendant EDWARD KAPLAN that night or the following day.

August 29, 2006: Kaplan tells Johnson that Johnson should cut off an individual known to the grand jury

132. On or about August 29, 2006, defendant EDWARD KAPLAN advised

Donald Johnson that he should disassociate himself from an individual known to the grand jury.

133. On or about August 29, 2006, Donald Johnson told defendant EDWARD KAPLAN that he was disassociating himself from an individual known to the grand jury.

August 29-30, 2006: Kaplan delivers cocaine to an individual unknown to the grand jury and is subsequently paid.

134. On or about August 29, 2006, defendant EDWARD KAPLAN spoke with an individual unknown to the grand jury and arranged to meet with this individual.

135. On or about August 29, 2006, defendant EDWARD KAPLAN met with an individual unknown to the grand jury the T.G.I. Fridays restaurant on City Avenue in Philadelphia.

136. On or about August 30, 2006, an individual unknown to the grand jury told defendant EDWARD KAPLAN that defendant KAPLAN could come get "this."

September 6, 2006: Johnson meets with Kaplan in the 100 block of Wyneva Street.

137. On or about September 6, 2006, Donald Johnson and defendant EDWARD KAPLAN met in the 100 block of Wyneva Street.

138. On or about September 6, 2006, Donald Johnson spoke to an individual known to the grand jury and discussed his meeting with defendant EDWARD KAPLAN.

September 14, 2006: Johnson attempts to acquire cocaine from Kaplan.

139. On or about September 14, 2006, Donald Johnson unsuccessfully attempted to contact defendant EDWARD KAPLAN via cellular telephone.

140. On or about September 14, 2006, Donald Johnson paged defendant EDWARD KAPLAN from another telephone.

141. On or about September 14, 2006, Donald Johnson and defendant

EDWARD KAPLAN agreed to, and did, meet in front of barbershop at Wayne and Wyneva Streets in Philadelphia, where they both got into the same car and traveled to 122 Wyneva Street in Philadelphia.

142. On or about September 14, 2006, Donald Johnson and defendant EDWARD KAPLAN entered 122 Wyneva and exited approximately 2 hours later, getting into the same car and traveling north on the Roosevelt Boulevard.

143. On or about September 14, 2006, Donald Johnson spoke to an individual known to the grand jury and told this individual that he had tried to obtain cocaine.

October 31, 2006: Kaplan delivers cocaine to Johnson.

144. On or about October 31, 2006, Donald Johnson contacted an individual known to the grand jury and offered to switch cars with this individual for the purpose of conducting a cocaine transaction.

145. On or about October 31, 2006, Donald Johnson told an individual known to the grand jury that he “could holler at” defendant EDWARD KAPLAN the next day for a kilogram of cocaine.

146. On or about October 31, 2006, Donald Johnson contacted an individual known to the grand jury and arranged to switch cars with this individual after learning that this individual was still operating a rental vehicle.

147. On or about October 31, 2006, an individual known to the grand jury, called Donald Johnson looking for additional supplies of cocaine from Johnson.

148. On or about October 31, 2006, Donald Johnson told an individual known to the grand jury that he was “up top,” meaning in Philadelphia and directed that individual to a barbeque grill in the back yard of 2620 West 6th Street to retrieve a supply of cocaine, where

Johnson told that individual that he kept his “burner,” meaning gun.

149. On or about November 1, 2006, Donald Johnson met with an individual known to the grand jury in the parking lot of the Sheraton Suites, Island Avenue, Philadelphia.

150. On or about November 1, 2006, Donald Johnson offered to deliver a half kilogram of cocaine to an individual known to the grand jury

151. On or about November 1, 2006, Donald Johnson told an individual known to the grand jury that he received cocaine from defendant EDWARD KAPLAN the preceding evening.

**November 7, 2006: Johnson buys a kilogram
of cocaine from Kaplan and delivers it to an individual known to the grand jury**

152. On or about November 7, 2006, Donald Johnson and an individual known to the grand jury engaged in a telephone conversation in which Johnson said he needed to switch cars prior to obtaining a kilogram of cocaine from defendant EDWARD KAPLAN which Johnson would then deliver to an individual known to the grand jury.

153. On or about November 7, 2006, Donald Johnson told an individual known to the grand jury that he was in Philadelphia for the purpose of hollering at his boy.

154. On or about November 7, 2006, defendant EDWARD KAPLAN and Donald Johnson met in defendant KAPLAN’s gold Nissan Maxima, which was parked on Germantown Avenue at Bristol Street in the City of Philadelphia.

155. On or about November 7, 2006, defendant EDWARD KAPLAN and Donald Johnson exited the Maxima and went into the barbershop located at Germantown Avenue and Bristol Street.

156. On or about November 7, 2006, Donald Johnson told an individual known

to the grand jury that defendant EDWARD KAPLAN was attempting to get in contact with that individual, and that individual told Johnson he could give his/her telephone number to defendant EDWARD KAPLAN.

157. On or about November 7, 2006, Donald Johnson told an individual known to the grand jury he was still down at the barbershop at Germantown Avenue and Bristol Street an individual known to the grand jury told Johnson that he was worried about the fact that he had money on his person..

158. On or about November 7, 2006, an individual known to the grand jury met with Donald Johnson and gave him \$16,500 in exchange for a kilogram of cocaine Johnson was to provide an individual known to the grand jury later on that date.

159. On or about November 7, 2006, defendant EDWARD KAPLAN directed Donald Johnson to retrieve a kilogram of cocaine from the 3rd floor apartment at 416 Cheltenham Avenue in Philadelphia (“Cheltenham”).

160. On or about November 7, 2006, Donald Johnson retrieved approximately one kilogram of cocaine from Cheltenham and left the \$16,500 he received from an individual known to the grand jury in a drawer inside Cheltenham pursuant defendant EDWARD KAPLAN’s instructions.

161. On or about November 7, 2006, Donald Johnson and an individual known to the grand jury engaged in several telephone conversations in which they told each other their current locations and agreed to meet.

162. On or about November 7, 2006, Donald Johnson delivered approximately one kilogram of cocaine to an individual known to the grand jury

November 8, 2006: Final payment for kilogram delivered on November 7, 2006.

163. On or about November 8, 2006, Donald Johnson engaged in several telephone conversation with an individual known to the grand jury in which that individual agreed to meet Johnson in order to pay him the remainder of the money he/she owed Johnson for the kilogram of cocaine Johnson supplied to him/her on November 7, 2006.

164. On or about November 8, 2006, Donald Johnson, in the company of an individual known to the grand jury, went to the vicinity of Hansberry and Knox Streets where Johnson met an individual known to the grand jury

165. On or about November 8, 2006, an individual known to the grand jury paid \$4,000 to Donald Johnson, which was the balance he owed Johnson for the kilogram of cocaine Johnson supplied that individual on November 7, 2006, and Johnson and that individual switched cars and Johnson and an individual known to the grand jury left the area in that individual's Ford Taurus.

November 13, 2006: Kaplan delivers a kilogram of cocaine to Johnson.

166. On or about November 10, 2006, Donald Johnson engaged in a telephone call with an individual known to the grand jury in which Johnson told that individual that he would be ready to purchase more cocaine within the next couple of days.

167. On or about November 12, 2006, Donald Johnson engaged in a telephone call with an individual known to the grand jury concerning that individual purchasing cocaine from Johnson and the possibility of Johnson traveling to the Germantown section of Philadelphia on the following day.

168. On or about November 13, 2006, Donald Johnson engaged in a telephone conversation with an individual known to the grand jury in which they agreed to meet at the Lukoil gas station at Ninth Street and Highland Avenue in Chester City, Delaware County in

order for an individual known to the grand jury to pay money he owed to Johnson.

169. On or about November 13, 2006, Donald Johnson drove a white Ford Taurus to the Lukoil gas station located at 9th and Highland Streets in Chester in order to deliver cocaine to an individual known to the grand jury

170. On or about November 13, 2006, an individual known to the grand jury telephoned Donald Johnson and told Johnson to call him/her before Johnson departed the Chester City area.

171. On or about November 13, 2006, an individual known to the grand jury told Donald Johnson that he may need more cocaine from Johnson and that the cocaine he/she currently had was for another individual unknown to the grand jury.

172. On or about November 13, 2006, an individual known to the grand jury in a discussion with Donald Johnson concerning payment of money that individual owed Johnson, told Johnson that he was getting the money together and that he would contact Johnson when he had the money.

173. On or about November 13, 2006, Donald Johnson met with defendant EDWARD KAPLAN at the Headquarters store on Wayne Avenue in the City of Philadelphia.

174. On or about November 13, 2006, an individual known to the grand jury informed Donald Johnson in telephone conversation that he had a cocaine sale for Johnson.

175. On or about November 13, 2006, Donald Johnson told an individual known to the grand jury that he would contact that individual when he returned to Chester.

176. On or about November 13, 2006, Donald Johnson, while operating a white Ford Taurus, and defendant EDWARD KAPLAN, who was operating a gold Nissan Maxima, traveled to and entered 661 North 55th Street in the City of Philadelphia, where defendant

KAPLAN delivered a kilogram of cocaine to Johnson in exchange for a cash payment.

177. On or about November 13, 2006, an individual known to the grand jury told Donald Johnson that he was ready for more cocaine and that he would call Johnson back after that individual spoke to the customer who wanted to purchase the cocaine from that individual

178. On or about November 13, 2006, Donald Johnson met an individual known to the grand jury at a Lukoil gas station in Chester and delivered approximately 4 ½ ounces of cocaine to that individual.

November 20, 2006: Kaplan delivers a kilogram of cocaine to Johnson.

179. On or about November 20, 2006, Donald Johnson drove to the Germantown section of Philadelphia in order to obtain a kilogram of cocaine from defendant EDWARD KAPLAN.

180. On or about November 20, 2006, Donald Johnson met with defendant EDWARD KAPLAN in the 4600 block of Pulaski Street in the Germantown section of Philadelphia.

181. On or about November 20, 2006, Donald Johnson and defendant EDWARD KAPLAN went to 416 Cheltenham Avenue in Philadelphia, where defendant KAPLAN delivered approximately one kilogram of cocaine to Johnson.

All in violation of Title 21, United States Code, Section 846.

COUNT TWO

THE GRAND JURY FURTHER CHARGES THAT:

On or about June 5, 2006, in Philadelphia, in the Eastern District of Pennsylvania,
defendant

LEONARD MASON

knowingly and intentionally distributed, and aided and abetted the distribution of approximately
243 grams 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), (b)(1)(c), and
Title 18, United States Code, Section 2.

COUNT THREE

THE GRAND JURY FURTHER CHARGES THAT:

On or about July 19, 2006, in Philadelphia, in the Eastern District of Pennsylvania, defendant

LEONARD MASON

knowingly and intentionally possessed with the intent to distribute 500 grams or more, that is , approximately 3 kilograms, 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), (b)(1)(B).

COUNT FOUR

THE GRAND JURY FURTHER CHARGES THAT:

On or about November 7, 2006, in Philadelphia, in the Eastern District of Pennsylvania, defendant

**EDWARD KAPLAN,
aka "Pooh,"**

knowingly and intentionally distributed 500 grams or more, that is, approximately one kilogram, 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), (b)(1)(B).

COUNT FIVE

THE GRAND JURY FURTHER CHARGES THAT:

On or about November 20, 2006, in Philadelphia, in the Eastern District of Pennsylvania, defendant

**EDWARD KAPLAN,
aka "Pooh,"**

knowingly and intentionally possessed with the intent to distribute 500 grams or more, that is, approximately one kilogram, 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), (b)(1)(B), and Title 18, United States Code, Section 2.

COUNT SIX

THE GRAND JURY FURTHER CHARGES THAT:

On or about November 21, 2006, in Philadelphia, in the Eastern District of Pennsylvania, defendant

**EDWARD KAPLAN,
aka "Pooh,"**

knowingly and intentionally possessed with the intent to distribute, and aided and abetted the possession with intent to distribute approximately 381 grams 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), (b)(1)(C), and Title 18, United States Code, Section 2.

COUNT SEVEN

THE GRAND JURY FURTHER CHARGES THAT:

On or about November 21, 2006, in Philadelphia, in the Eastern District of Pennsylvania, defendant

**EDWARD KAPLAN,
aka "Pooh,"**

knowingly and intentionally possessed with the intent to distribute, and aided and abetted the possession with intent to distribute 500 grams or more, that is, approximately 600 grams, 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), (b)(1)(B), and Title 18, United States Code, Section 2.

COUNT EIGHT

THE GRAND JURY FURTHER CHARGES THAT:

On or about November 20, 2006 , in Philadelphia, in the Eastern District of Pennsylvania, defendant

EDWARD KAPLAN

knowingly and intentionally distributed 500 grams or more, that is, approximately one kilogram, of a mixture and substance containing a detectable amount of cocaine, a Schedule II controlled substance, within 1,000 feet of the real property comprising St. Helena, a private elementary school of the Archdiocese of Philadelphia, located at 6101 N. 5th Street in Philadelphia, Pennsylvania in violation of Title 21, United States Code, Section 841(a)(1), (b)(1)(B).

In violation of Title 21, United States Code, Section 860(a).

COUNT NINE

THE GRAND JURY FURTHER CHARGES THAT:

On or about November 21, 2006, in Philadelphia, in the Eastern District of Pennsylvania, defendant

EDWARD KAPLAN

knowingly and intentionally possessed with the intent to distribute, and aided and abetted the possession with intent to distribute 500 grams or more, that is, approximately 600 grams, of a mixture and substance containing a detectable amount of cocaine, a Schedule II controlled substance, within 1,000 feet of the real property comprising Filter Academics Plus, a public elementary school, located at 140 Seymour Street in Philadelphia, Pennsylvania in violation of Title 21, United States Code, Section 841(a)(1), (b)(1)(B).

In violation of Title 21, United States Code, Section 860(a).

NOTICE OF FORFEITURE

THE GRAND JURY FURTHER CHARGES THAT:

1. As a result of the violation of Title 21, United States Code, Section 841(a)(1), set forth in this superseding indictment, defendant

EDWARD KAPLAN

shall forfeit to the United States of America:

(4) any property used or intended to be used, in any manner or part, to commit, or to facilitate the commission of, such offenses, including, but not limited to:

(1) a 2004 Nissan Maxima, VIN 1N4BA41E44C895722, PA Registration GDG7561; and

(2) a silver 2002 Chrysler Town and Country Minivan bearing Pennsylvania Registration GKJ-0395, VIN No.

2C4GP44302R694736, registered to Shelly Hayes, 2714 Nolan Street, Chester, Pennsylvania.

(5) any property constituting, or derived from, proceeds obtained directly or indirectly from the commission of such offense(s), including, but not limited to, the following:

(1) \$27,520 United States Currency seized from Edward Kaplan's Nissan Maxima; and

(2) \$9,525 United States Currency seized from 122 Wyneva Street, Philadelphia, Pennsylvania.

2. If any of the property subject to forfeiture, as a result of any act or omission of the defendant(s):

- (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 forfeiture of any other property of the defendant(s) up to the value of the property subject to forfeiture.

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

A TRUE BILL:

FOREPERSON

PATRICK L. MEEHAN
United States Attorney