

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

UNITED STATES OF AMERICA	:	CRIMINAL NO. _____
v.	:	DATE FILED: _____
JAMES ALBERTS	:	VIOLATIONS:
ERIC MUSHRUSH	:	21 U.S.C. § 846 (conspiracy to
CHARLENE DALEY	:	manufacture 1,000 or more
CHARLES SILVANI	:	marijuana plants - 1 count)
RICHARD ROMAN	:	21 U.S.C. § 841(a)(1) (manufacture of
KEVIN KUROWSKI	:	1,000 or more marijuana plants - 1 count)
CHAD TELLMAN	:	21 U.S.C. § 841(a)(1) (possession with
NERISSA ALBERTS	:	intent to distribute 1,000 or more
DANIEL SMITH	:	marijuana plants - 1 count)
JOEL RODRIGUEZ	:	21 U.S.C. § 856(a)(1) (maintaining a
	:	place for manufacture of controlled
	:	substances - 1 count)
	:	18 U.S.C. § 2 (aiding and abetting)
	:	Notice of forfeiture

INDICTMENT

COUNT ONE

THE GRAND JURY CHARGES THAT:

1. From in or about March 2009, to on or about July 17, 2009, in Philadelphia, in the Eastern District of Pennsylvania, and elsewhere, defendants

**JAMES ALBERTS,
ERIC MUSHRUSH,
CHARLENE DALEY,
CHARLES SILVANI,
RICHARD ROMAN,
KEVIN KUROWSKI,
CHAD TELLMAN,
NERISSA ALBERTS,
DANIEL SMITH, and
JOEL RODRIGUEZ**

conspired and agreed, together and with others known and unknown to the grand jury, to

knowingly and intentionally manufacture, and possess with intent to distribute, 1,000 or more marijuana plants, containing a mixture and substance containing a detectable amount of marijuana, a Schedule I controlled substance, in violation of Title 21, United States Code, Section 841(a)(1), (b)(1)(A).

MANNER AND MEANS

It was part of the conspiracy that:

2. Defendant **JAMES ALBERTS** established and maintained a marijuana grow house operation inside the warehouse located at 2310 N. American Street in Philadelphia, Pennsylvania, in order to manufacture multi-pound quantities of marijuana intended for sale and distribution for substantial profit.

3. Defendant **JAMES ALBERTS** hired and paid defendants **ERIC MUSHRUSH** and **CHARLENE DALEY** to provide daily care, watering, and cultivation of the more than 1,000 marijuana plants regularly growing and under cultivation at the warehouse at 2310 N. American Street in Philadelphia, Pennsylvania.

4. Defendant **JAMES ALBERTS** established a marijuana plant growing and cultivation schedule at the 2310 N. American Street grow house operation in which, approximately every thirty days, from in or about March 2009 to on or about July 16, 2009, he directed that workers he hired and paid, including, defendants **ERIC MUSHRUSH**, **CHARLENE DALEY**, **CHARLES SILVANI**, **RICHARD ROMAN**, **KEVIN KUROWSKI**, **CHAD TELLMAN**, **NERISSA ALBERTS**, **DANIEL SMITH**, and **JOEL RODRIGUEZ**, conduct and carry out a harvest of all mature marijuana plants growing and under cultivation at the warehouse grow operation at 2310 N. American Street in Philadelphia, to prepare multi-

pound quantities of marijuana for sale and distribution in Philadelphia and elsewhere for profit.

5. From in or about March 2009, to on or about July 16, 2009, approximately once every thirty days, at the direction of defendant **JAMES ALBERTS**, defendants **ERIC MUSHRUSH, CHARLENE DALEY, CHARLES SILVANI, RICHARD ROMAN, KEVIN KUROWSKI, CHAD TELLMAN, NERISSA ALBERTS, DANIEL SMITH, and JOEL RODRIGUEZ** appeared at and gained entry to the warehouse at the 2310 N. American Street grow house to carry out a harvest of all mature marijuana plants under cultivation at the warehouse, and to process and package the marijuana obtained for sale and distribution.

6. Following the completion of regular marijuana harvests, defendant **JAMES ALBERTS** obtained the processed and packaged marijuana, which he sold and distributed to other persons, in pound and multi-pound quantities, for profit.

OVERT ACTS

In furtherance of the conspiracy and to accomplish its object, defendants **JAMES ALBERTS, ERIC MUSHRUSH, CHARLENE DALEY, CHARLES SILVANI, RICHARD ROMAN, KEVIN KUROWSKI, CHAD TELLMAN, NERISSA ALBERTS, DANIEL SMITH, and JOEL RODRIGUEZ**, and others known and unknown to the grand jury, committed the following overt acts, among others, in the Eastern District of Pennsylvania and elsewhere:

1. On or about July 16, 2009, defendants **JAMES ALBERTS, ERIC MUSHRUSH, CHARLENE DALEY, CHARLES SILVANI, RICHARD ROMAN, KEVIN KUROWSKI, CHAD TELLMAN, NERISSA ALBERTS, DANIEL SMITH, and JOEL RODRIGUEZ** arrived at, and entered into, the warehouse located at 2310 N. American Street in Philadelphia, Pennsylvania, to conduct and participate in the harvest of approximately 1,664 marijuana plants growing and under cultivation in a marijuana growing operation housed inside the warehouse.

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

COUNT TWO

THE GRAND JURY FURTHER CHARGES THAT:

1. Paragraphs 2 through 6 and Overt Act 1 of Count One of this indictment are incorporated here.

2. From in or about March 2009, to on or about July 16, 2009, inside 2310 N. American Street, in Philadelphia, in the Eastern District of Pennsylvania, and elsewhere, defendants

**JAMES ALBERTS,
ERIC MUSHRUSH,
CHARLENE DALEY,
CHARLES SILVANI,
RICHARD ROMAN,
KEVIN KUROWSKI,
CHAD TELLMAN,
NERISSA ALBERTS,
DANIEL SMITH, and
JOEL RODRIGUEZ**

knowingly and intentionally manufactured, and aided and abetted and willfully caused, the manufacture of, 1,000 or more marijuana plants, that is, approximately 1,664 marijuana plants, containing a mixture and substance containing a detectable amount of marijuana, a Schedule I controlled substance.

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

COUNT THREE

THE GRAND JURY FURTHER CHARGES THAT:

1. Paragraphs 2 through 6 and Overt Act 1 of Count One of this indictment are incorporated here.

2. On or about July 16, 2009, at 2310 N. American Street, in Philadelphia, in the Eastern District of Pennsylvania, defendants

**JAMES ALBERTS,
ERIC MUSHRUSH,
CHARLENE DALEY,
CHARLES SILVANI,
RICHARD ROMAN,
KEVIN KUROWSKI,
CHAD TELLMAN,
NERISSA ALBERTS,
DANIEL SMITH, and
JOEL RODRIGUEZ**

knowingly and intentionally possessed with intent to distribute, and aided and abetted and willfully caused, the possession with intent to distribute of, 1,000 or more marijuana plants, that is, approximately 1,664 marijuana plants, containing a mixture and substance containing a detectable amount of marijuana, a Schedule I controlled substance.

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

COUNT FOUR

THE GRAND JURY FURTHER CHARGES THAT:

From on or about March 2009, to on or about July 16, 2009, in Philadelphia, in the Eastern District of Pennsylvania, defendants

**JAMES ALBERTS,
ERIC MUSHRUSH, and
CHARLENE DALEY**

managed and controlled the warehouse located at 2310 N. American Street in Philadelphia, Pennsylvania, as an owner, lessee, agent, employee and/or occupant, and knowingly and intentionally made available for use this warehouse for the purpose of unlawfully manufacturing, distributing, and possessing with intent to distribute, a controlled substance, that is, marijuana, a Schedule I controlled substance.

In violation of Title 21, United States Code, Section 856(a)(2).

NOTICE OF FORFEITURE

1. As a result of the violations of Title 21, United States Code, Sections 846, 841(a)(1), and 856, set forth in this superseding indictment, defendants

**JAMES ALBERTS,
ERIC MUSHRUSH,
CHARLENE DALEY,
CHARLES SILVANI,
RICHARD ROMAN,
KEVIN KUROWSKI,
CHAD TELLMAN,
NERISSA ALBERTS,
DANIEL SMITH, and
JOEL RODRIGUEZ**

shall forfeit to the United States of America:

(a) Any property used or intended to be used, in any manner or part, to commit, or to facilitate the commission of such violations; and

(b) Any property constituting, or derived from, any proceeds obtained directly or indirectly as a result of the violations of Title 21, United States Code, as charged in this indictment.

2. If any of the property described above as being subject to forfeiture, as a result of any act of 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

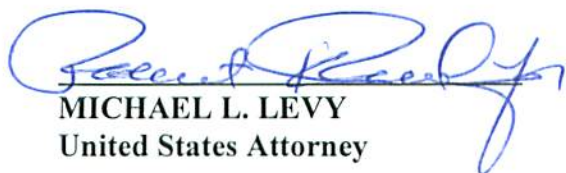
without difficulty;

it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p), to seek forfeiture of any other property of said defendants up to the value of the above forfeitable property.

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

A TRUE BILL:

FOREPERSON



MICHAEL L. LEVY
United States Attorney