

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

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| <b>UNITED STATES OF AMERICA</b>            | <b>:</b> | <b>DATE FILED:</b> _____   |
| <b>v.</b>                                  | <b>:</b> | <b>CRIMINAL NO.</b> _____  |
| <b>ALBERTO FIGUEROA,</b><br>a/k/a "Lucky," | <b>:</b> | <b>VIOLATIONS:</b>   |
| <b>JOSE LABOY,</b><br>a/k/a "Monkey,"      | <b>:</b> | <b>21 U.S.C. § 846 (conspiracy to distribute</b><br><b>50 grams or more of cocaine base</b><br><b>("crack") - 1 count)</b>     |
| <b>JOHN LABOY,</b><br>a/k/a "Gordo,"       | <b>:</b> | <b>21 U.S.C. § 841(a)(1) (distribution of</b><br><b>cocaine base ("crack") - 16 counts)</b>                                    |
| <b>VICTORIA RODRIGUEZ</b>                  | <b>:</b> | <b>21 U.S.C. § 860(a) (distribution of cocaine</b><br><b>base ("crack") within 1000 feet of a school</b><br><b>- 8 counts)</b> |
|  | <b>:</b> | <b>18 U.S.C. § 2 (aiding and abetting)</b>   |
|  | <b>:</b> | <b>Notice of forfeiture</b>  |

**INDICTMENT**

**COUNT ONE**

**THE GRAND JURY CHARGES THAT:**

1. From on or about December 7, 2009, to on or about April 13, 2010, in the Eastern District of Pennsylvania, defendants

**ALBERTO FIGUEROA**  
a/k/a "Lucky,"  
**JOSE LABOY,**  
a/k/a "Monkey,"  
**JOHN LABOY,**  
a/k/a "Gordo," and  
**VICTORIA RODRIGUEZ**

conspired and agreed, together and with persons known and unknown to the grand jury, to knowingly and intentionally distribute 50 grams or more, that is, at least 128 grams, of a mixture and substance containing a detectable amount of cocaine base ("crack" and "crack 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 part of the conspiracy that:

2. Defendants ALBERTO FIGUEROA, JOSE LABOY, JOHN LABOY, and VICTORIA RODRIGUEZ, and others known and unknown to the grand jury, worked together to sell crack cocaine to customers in the Allentown, Pennsylvania area in exchange for U.S. currency in the form of cash.

\_\_\_\_\_ 3. Many of the crack cocaine sales conducted by defendants ALBERTO FIGUEROA, JOSE LABOY, JOHN LABOY, and VICTORIA RODRIGUEZ took place at or inside the residences located at 739 Cedar Street in Allentown, Pennsylvania, and 228 North Second Street in Catasauqua, Pennsylvania.

4. Defendants ALBERTO FIGUEROA, JOSE LABOY, JOHN LABOY, and VICTORIA RODRIGUEZ, and others known and unknown to the grand jury, including their crack cocaine customers routinely communicated with each other by cellular telephone to arrange crack cocaine sales.

## **OVERT ACTS**

In furtherance of the conspiracy and to accomplish its object, defendants ALBERTO FIGUEROA, JOSE LABOY, JOHN LABOY, and VICTORIA RODRIGUEZ, and others known and unknown to the grand jury, committed the following overt acts, among others, in Allentown, in the Eastern District of Pennsylvania and elsewhere:

### **The December 7, 2009 Sale of Crack Cocaine**

\_\_\_\_\_ On or about December 7, 2009:

1. Defendant JOSE LABOY met Person # 1 known to the grand jury (Person # 1) at 739 Cedar Street in Allentown, Pennsylvania, and sold Person # 1 approximately 6.8 grams of crack cocaine, in exchange for \$300 in cash.

### **The December 9, 2009 Sale of Crack Cocaine**

On or about December 9, 2009:

2. After being contacted by Person # 1 to purchase crack cocaine, defendant JOSE LABOY told Person #1 that he needed to obtain crack cocaine from his source in order to facilitate the sale.

3. Defendant JOSE LABOY subsequently drove Person #1 from Allentown to a residence located at 228 North Second Street in Catasuaqua, Pennsylvania. When they arrived, defendant JOSE LABOY informed Person #1 that the crack cocaine was inside the 228 North Second Street residence. Person # 1 then paid \$300 in cash to defendant JOSE LABOY for the crack cocaine.

4. Defendant JOSE LABOY took the \$300 and went inside 228 North Second Street, met with defendant ALBERTO FIGUEROA, and obtained approximately 6.5

grams of crack cocaine. Defendant JOSE LABOY then returned to his vehicle and gave Person #1 the crack cocaine.

5. Defendant JOSE LABOY told Person #1 that he had received the crack cocaine from defendant ALBERTO FIGUEROA, and that he was also delivering crack cocaine to customers in Allentown for defendant FIGUEROA.

**The December 10, 2009 Sale of Crack Cocaine**

6. On or about December 10, 2009, after being supplied with crack cocaine by defendant ALBERTO FIGUEROA, defendant JOSE LABOY met Person # 1 at 739 Cedar Street in Allentown, where defendant JOSE LABOY sold Person # 1 approximately 27.5 grams of crack cocaine, in exchange for \$1,000 in cash.

**The December 17, 2009 Sale of Crack Cocaine**

On or about December 17, 2009:

7. Defendant JOSE LABOY told Person # 1 that defendant ALBERTO FIGUEROA had crack cocaine available for sale and defendant FIGUEROA would sell Person #1 the crack cocaine himself.

8. Person # 1 went to 739 Cedar Street in Allentown and met defendant JOSE LABOY, who stated that defendant ALBERTO FIGUEROA had already dropped off the crack cocaine but had left. Defendant JOSE LABOY then sold Person #1 approximately 7.6 grams of crack cocaine in exchange for \$500 in cash.

**The December 18, 2009 Sale of Crack of Cocaine**

9. On or about December 18, 2009, after defendant JOSE LABOY told Person #1 that defendant ALBERTO FIGUEROA had more crack cocaine available for sale,

Person #1 went to 739 Cedar Street in Allentown and met defendant JOSE LABOY. Inside the residence, defendant JOSE LABOY sold Person #1 approximately 10 grams of crack cocaine, in exchange for \$500 in cash. During the transaction, defendants ALBERTO FIGUEROA and JOHN LABOY were in the kitchen cooking powder cocaine into crack cocaine.

**The December 23, 2009 Sale of Crack Cocaine**

10. On or about December 23, 2009, defendant ALBERTO FIGUEROA, accompanied by defendant VICTORIA RODRIGUEZ, drove to Person #1's residence in Allentown and sold Person #1 approximately 6 grams of crack cocaine, in exchange for \$300 in cash.

**The December 31, 2009 Sale of Crack Cocaine**

11. On or about December 31, 2009, defendants ALBERTO FIGUEROA and VICTORIA RODRIGUEZ drove to Person #1's residence and parked their vehicle outside the residence. While defendants FIGUEROA and RODRIGUEZ were still in their vehicle, Person #1 went up to the vehicle and handed defendant FIGUEROA \$300 in cash and was given approximately 5.4 grams of crack cocaine.

**The January 8, 2010 Sale of Crack Cocaine**

On or about January 8, 2010:

12. Defendant ALBERTO FIGUEROA, accompanied by defendant VICTORIA RODRIGUEZ, drove to Person #1's residence. Defendant FIGUEROA went inside the residence and sold Person #1 approximately 2.3 grams of crack cocaine in exchange for \$140 in cash.

13. While inside the residence, defendant ALBERTO FIGUEROA told Person #1 that defendant JOSE LABOY owed him (defendant FIGUEROA) money, and that JOSE LABOY was claiming that he could not pay the debt because Person #1 owed JOSE LABOY money. Person #1 told defendant FIGUEROA that JOSE LABOY's claim was not true; and explained that when Person #1 had purchased an ounce of crack cocaine from defendant JOSE LABOY in December 2009, defendant JOSE LABOY had given Person #1 less than an ounce of crack cocaine. Defendant FIGUEROA told Person #1 that he had given defendant JOSE LABOY a full ounce to give to Person #1 for the transaction.

**The January 15, 2010 Sale of Crack Cocaine**

14. On or about January 15, 2010, defendant ALBERTO FIGUEROA drove to Person # 1's residence in Allentown and sold Person #1 approximately 4.7 grams of crack cocaine in exchange for \$300 in cash.

**The February 5, 2010 Sale of Crack Cocaine**

15. On or about February 5, 2010, defendant ALBERTO FIGUEROA, accompanied by an individual unknown to the grand jury, drove to Person #1's residence in Allentown and sold Person #1 approximately 5.7 grams of crack cocaine, in exchange for \$300 in cash.

**The February 26, 2010 Sale of Crack Cocaine by Figueroa**

\_\_\_\_\_ 16. On or about February 26, 2010, after defendant ALBERTO FIGUEROA agreed to sell crack cocaine to Person #1 at the residence, located at 228 North Second Street in Catasauqua, defendant VICTORIA RODRIGUEZ met Person #1 at the residence and sold Person #1 approximately 10.8 grams of crack cocaine in exchange for \$500 in cash.

**The February 26, 2010 Sale of Crack Cocaine by John Laboy**

17. On or about February 26, 2010, defendant JOHN LABOY met Person #1 in the vicinity of 739 Cedar Street in Allentown, where defendant LABOY sold Person #1 approximately 10.3 grams of crack cocaine in exchange for \$550 in cash. During the transaction, JOHN LABOY told Person #1 that he was supplying defendant ALBERTO FIGUEROA with powder cocaine.

**The March 9, 2010 Sale of Crack Cocaine**

18. On or about March 9, 2010, defendant JOHN LABOY met Person #1 at 739 Cedar Street in Allentown, where defendant LABOY sold Person #1 approximately 1.5 grams of crack cocaine, which had been supplied to him by defendant ALBERTO FIGUEROA, in exchange for \$100 in cash.

**The March 17, 2010 Sale of Crack Cocaine**

19. On or about March 17, 2010, defendant JOHN LABOY, accompanied by a male individual unknown to the grand jury, met Person #1 in the 700 block of Cedar Street in Allentown, entered the residence at 739 Cedar Street, and sold Person #1 approximately 6.6 grams of crack cocaine in exchange for \$300 in cash.

**The March 27, 2010 Sale of Crack Cocaine**

On or about March 27, 2010:

20. When Person #1 contacted defendant JOSE LABOY and asked to purchase crack cocaine, defendant JOSE LABOY told Person #1 that he was with defendant JOHN LABOY, and would contact Person #1 soon to arrange the sale of crack cocaine.

21. A short time later, defendant JOHN LABOY contacted Person #1, asked how much crack cocaine Person #1 wanted, and was told that Person #1 wanted to purchase \$140 worth of crack cocaine.

22. Defendant JOHN LABOY met Person #1 near 739 Cedar Street in Allentown, where defendant JOHN LABOY sold Person #1 approximately 3.2 grams of crack cocaine in exchange for \$140 in cash.

**The April 13, 2010 Sale of Crack Cocaine**

On or about April 13, 2010:

23. Defendant JOHN LABOY sold Person #1 approximately 13.3 grams of crack cocaine in exchange for \$500 in cash in the vicinity of 739 Cedar Street in Allentown.

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

**COUNT TWO**

**THE GRAND JURY FURTHER CHARGES THAT:**

On or about December 7, 2009, in Allentown, in the Eastern District of Pennsylvania, defendant

**JOSE LABOY,  
a/k/a “Monkey,”**

knowingly and intentionally distributed 5 grams or more, that is, approximately 6.8 grams, of a mixture and substance containing a detectable amount of cocaine base (“crack”), a Schedule II controlled substance.

In violation of Title 21, United States Code, Section 841(a)(1), (b)(1)(B).

**COUNT THREE**

**THE GRAND JURY FURTHER CHARGES THAT:**

On or about December 7, 2009, in Allentown, in the Eastern District of Pennsylvania, defendant

**JOSE LABOY,  
a/k/a “Monkey,”**

knowingly and intentionally distributed 5 grams or more, that is, approximately 6.8 grams, of a mixture and substance containing a detectable amount of cocaine base (“crack”), a Schedule II controlled substance, within 1,000 feet of the real property comprising the Washington Elementary School, a public elementary school, located at 837 North Ninth Street in Allentown, 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 FOUR**

**THE GRAND JURY FURTHER CHARGES THAT:**

On or about December 9, 2009, in Catasauqua, in the Eastern District of Pennsylvania, defendants

**ALBERTO FIGUEROA,  
a/k/a “Lucky,” and  
JOSE LABOY,  
a/k/a “Monkey,”**

knowingly and intentionally distributed, and aided and abetted the distribution of, 5 grams or more, that is, approximately 6.5 grams, of a mixture and substance containing a detectable amount of cocaine base (“crack”), 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 FIVE**

**THE GRAND JURY FURTHER CHARGES THAT:**

On or about December 9, 2009, in Catasuaqua, in the Eastern District of Pennsylvania, defendants

**ALBERTO FIGUEROA,  
a/k/a “Lucky,” and  
JOSE LABOY,  
a/k/a “Monkey,”**

knowingly and intentionally distributed, and aided and abetted the distribution of, 5 grams or more, that is, approximately 6.5 grams, of a mixture and substance containing a detectable amount of cocaine base (“crack”), a Schedule II controlled substance, within 1,000 feet of the real property comprising the Lehigh Valley Christian High School, a private secondary school, located at 330 Howerton Road, Catasuaqua, Pennsylvania, in violation of Title 21, United States Code, Section 841(a)(1), (b)(1)(B), and Title 18, United States Code, Section 2.

In violation of Title 21, United States Code, Section 860(a), and Title 18, United States Code, Section 2.

**COUNT SIX**

**THE GRAND JURY FURTHER CHARGES THAT:**

On or about December 10, 2009, in Allentown, in the Eastern District of Pennsylvania, defendants

**ALBERTO FIGUEROA,  
a/k/a “Lucky,” and  
JOSE LABOY,  
a/k/a “Monkey,”**

knowingly and intentionally distributed, and aided and abetted the distribution of, 5 grams or more, that is, approximately 27.5 grams, of a mixture and substance containing a detectable amount of cocaine base (“crack”), 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 SEVEN**

**THE GRAND JURY FURTHER CHARGES THAT:**

On or about December 10, 2009, in Allentown, in the Eastern District of Pennsylvania, defendants

**ALBERTO FIGUEROA,  
a/k/a “Lucky,” and  
JOSE LABOY,  
a/k/a “Monkey,”**

knowingly and intentionally distributed, and aided and abetted the distribution of, 5 grams or more, that is, approximately 27.5 grams, of a mixture and substance containing a detectable amount of cocaine base (“crack”), a Schedule II controlled substance, within 1,000 feet of the real property comprising the Washington Elementary School, a public elementary school, located at 837 North Ninth Street in Allentown, Pennsylvania, in violation of Title 21, United States Code, Section 841(a)(1), (b)(1)(B), and Title 18, United States Code, Section 2.

In violation of Title 21, United States Code, Section 860(a), and Title 18, United States Code, Section 2.

**COUNT EIGHT**

**THE GRAND JURY FURTHER CHARGES THAT:**

On or about December 17, 2009, in Allentown, in the Eastern District of Pennsylvania, defendants

**ALBERTO FIGUEROA,  
a/k/a “Lucky,” and  
JOSE LABOY,  
a/k/a “Monkey,”**

knowingly and intentionally distributed, and aided and abetted the distribution of, 5 grams or more, that is, approximately 7.6 grams, of a mixture and substance containing a detectable amount of cocaine base (“crack”), 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 NINE**

**THE GRAND JURY FURTHER CHARGES THAT:**

On or about December 17, 2009, in Allentown, in the Eastern District of Pennsylvania, defendants

**ALBERTO FIGUEROA,  
a/k/a “Lucky,” and  
JOSE LABOY,  
a/k/a “Monkey,”**

knowingly and intentionally distributed, and aided and abetted the distribution of, 5 grams or more, that is, approximately 7.6 grams, of a mixture and substance containing a detectable amount of cocaine base (“crack”), a Schedule II controlled substance, within 1,000 feet of the real property comprising the Washington Elementary School, a public elementary school, located at 837 North Ninth Street in Allentown, Pennsylvania, in violation of Title 21, United States Code, Section 841(a)(1), (b)(1)(B), and Title 18, United States Code, Section 2.

In violation of Title 21, United States Code, Section 860(a), and Title 18, United States Code, Section 2.

**COUNT TEN**

**THE GRAND JURY FURTHER CHARGES THAT:**

On or about December 18, 2009, in Allentown, in the Eastern District of Pennsylvania, defendants

**ALBERTO FIGUEROA,  
a/k/a “Lucky,”  
JOSE LABOY,  
a/k/a “Monkey,” and  
JOHN LABOY,  
a/k/a “Gordo,”**

knowingly and intentionally distributed, and aided and abetted the distribution of, 5 grams or more, that is, approximately 10 grams, of a mixture and substance containing a detectable amount of cocaine base (“crack”), 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 ELEVEN**

**THE GRAND JURY FURTHER CHARGES THAT:**

On or about December 18, 2009, in Allentown, in the Eastern District of Pennsylvania, defendants

**ALBERTO FIGUEROA,  
a/k/a “Lucky,”  
JOSE LABOY,  
a/k/a “Monkey,” and  
JOHN LABOY,  
a/k/a “Gordo,”**

knowingly and intentionally distributed, and aided and abetted the distribution of, 5 grams or more, that is, approximately 10 grams, of a mixture and substance containing a detectable amount of cocaine base (“crack”), a Schedule II controlled substance, within 1,000 feet of the real property comprising the Washington Elementary School, a public elementary school, located at 837 North Ninth Street in Allentown, Pennsylvania, in violation of Title 21, United States Code, Section 841(a)(1), (b)(1)(B), and Title 18, United States Code, Section 2.

In violation of Title 21, United States Code, Section 860(a), and Title 18, United States Code, Section 2.

**COUNT TWELVE**

**THE GRAND JURY FURTHER CHARGES THAT:**

On or about December 23, 2009, in Allentown, in the Eastern District of Pennsylvania, defendants

**ALBERTO FIGUEROA,  
a/k/a “Lucky,” and  
VICTORIA RODRIGUEZ**

knowingly and intentionally distributed, and aided and abetted the distribution of, 5 grams or more, that is, approximately 6 grams, of a mixture and substance containing a detectable amount of cocaine base (“crack”), 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 THIRTEEN**

**THE GRAND JURY FURTHER CHARGES THAT:**

On or about December 31, 2009, in Allentown, in the Eastern District of Pennsylvania, defendants

**ALBERTO FIGUEROA,  
a/k/a “Lucky,” and  
VICTORIA RODRIGUEZ**

knowingly and intentionally distributed, and aided and abetted the distribution of, 5 grams or more, that is, approximately 5.4 grams, of a mixture and substance containing a detectable amount of cocaine base (“crack”), 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 FOURTEEN**

**THE GRAND JURY FURTHER CHARGES THAT:**

On or about January 8, 2010, in Allentown, in the Eastern District of Pennsylvania, defendants

**ALBERTO FIGUEROA,  
a/k/a “Lucky,” and  
VICTORIA RODRIGUEZ**

knowingly and intentionally distributed, and aided and abetted the distribution of, a mixture and substance containing a detectable amount of cocaine base (“crack”), 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 FIFTEEN**

**THE GRAND JURY FURTHER CHARGES THAT:**

On or about January 15, 2010, in Allentown, in the Eastern District of Pennsylvania, defendants

**ALBERTO FIGUEROA,  
a/k/a “Lucky,” and  
VICTORIA RODRIGUEZ**

knowingly and intentionally distributed, and aided and abetted the distribution of, a mixture and substance containing a detectable amount of cocaine base (“crack”), 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 SIXTEEN**

**THE GRAND JURY FURTHER CHARGES THAT:**

On or about February 5, 2010, in Allentown, in the Eastern District of Pennsylvania, defendant

**ALBERTO FIGUEROA,  
a/k/a “Lucky,”**

knowingly and intentionally distributed 5 grams or more, that is, approximately 5.7 grams, of a mixture and substance containing a detectable amount of cocaine base (“crack”), a Schedule II controlled substance.

In violation of Title 21, United States Code, Section 841(a)(1), (b)(1)(B).

**COUNT SEVENTEEN**

**THE GRAND JURY FURTHER CHARGES THAT:**

On or about February 26, 2010, in Catasauqua, in the Eastern District of Pennsylvania, defendants

**ALBERTO FIGUEROA,  
a/k/a “Lucky,” and  
VICTORIA RODRIGUEZ**

knowingly and intentionally distributed, and aided and abetted the distribution of, 5 grams or more, that is, approximately 10.8 grams, of a mixture and substance containing a detectable amount of cocaine base (“crack”), 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 EIGHTEEN**

**THE GRAND JURY FURTHER CHARGES THAT:**

On or about February 26, 2010, in Catasuaqua, in the Eastern District of Pennsylvania, defendants

**ALBERTO FIGUEROA,  
a/k/a “Lucky,” and  
VICTORIA RODRIGUEZ**

knowingly and intentionally distributed, and aided and abetted the distribution of, 5 grams or more, that is, approximately 10.8 grams, of a mixture and substance containing a detectable amount of cocaine base (“crack”), a Schedule II controlled substance, within 1,000 feet of the real property comprising the Lehigh Valley Christian High School, a private secondary school, located at 330 Howerton Road, Catasuaqua, Pennsylvania, in violation of Title 21, United States Code, Section 841(a)(1), (b)(1)(B), and Title 18, United States Code, Section 2.

In violation of Title 21, United States Code, Section 860(a), and Title 18, United States Code, Section 2.

**COUNT NINETEEN**

**THE GRAND JURY FURTHER CHARGES THAT:**

On or about February 26, 2010, in Allentown, in the Eastern District of Pennsylvania, defendant

**JOHN LABOY,  
“Gordo,”**

knowingly and intentionally distributed 5 grams or more, that is, approximately 10.3 grams, of a mixture and substance containing a detectable amount of cocaine base (“crack”), a Schedule II controlled substance.

In violation of Title 21, United States Code, Section 841(a)(1), (b)(1)(B).

**COUNT TWENTY**

**THE GRAND JURY FURTHER CHARGES THAT:**

On or about February 26, 2010, in Allentown, in the Eastern District of Pennsylvania,  
defendant

**JOHN LABOY,  
“Gordo,”**

knowingly and intentionally distributed 5 grams or more, that is, approximately 10.3 grams, of a mixture and substance containing a detectable amount of cocaine base (“crack”), a Schedule II controlled substance, within 1,000 feet of the real property comprising the Washington Elementary School, a public elementary school, located at 837 North Ninth Street in Allentown, 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 TWENTY-ONE**

**THE GRAND JURY FURTHER CHARGES THAT:**

On or about March 9, 2010, in Allentown, in the Eastern District of Pennsylvania,  
defendants

**ALBERTO FIGUEROA,  
a/k/a “Lucky,” and  
JOHN LABOY,  
a/k/a “Gordo,”**

knowingly and intentionally distributed, and aided and abetted the distribution of, a mixture and substance containing a detectable amount of cocaine base (“crack”), 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 TWENTY-TWO**

**THE GRAND JURY FURTHER CHARGES THAT:**

On or about March 17, 2010, in Allentown, in the Eastern District of Pennsylvania, defendant

**JOHN LABOY,  
a/k/a "Gordo,"**

knowingly and intentionally distributed 5 grams or more, that is, approximately 6.6 grams, of a mixture and substance containing a detectable amount of cocaine base ("crack"), a Schedule II controlled substance.

In violation of Title 21, United States Code, Section 841(a)(1), (b)(1)(B).

**COUNT TWENTY-THREE**

**THE GRAND JURY FURTHER CHARGES THAT:**

On or about March 17, 2010, in Allentown, in the Eastern District of Pennsylvania, defendant

**JOHN LABOY,  
a/k/a “Gordo,”**

knowingly and intentionally distributed 5 grams or more, that is, approximately 6.6 grams, of a mixture and substance containing a detectable amount of cocaine base (“crack”), a Schedule II controlled substance, within 1,000 feet of the real property comprising the Washington Elementary School, a public elementary school, located at 837 North Ninth Street in Allentown, 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 TWENTY-FOUR**

**THE GRAND JURY FURTHER CHARGES THAT:**

On or about March 27, 2010, in Allentown, in the Eastern District of Pennsylvania, defendant

**JOHN LABOY,  
a/k/a “Gordo,”**

knowingly and intentionally distributed a mixture and substance containing a detectable amount of cocaine base (“crack”), a Schedule II controlled substance.

In violation of Title 21, United States Code, Section 841(a)(1), (b)(1)(C).

**COUNT TWENTY-FIVE**

**THE GRAND JURY FURTHER CHARGES THAT:**

On or about April 13, 2010, in Allentown, in the Eastern District of Pennsylvania,  
defendant

**JOHN LABOY,  
a/k/a “Gordo,”**

knowingly and intentionally distributed 5 grams or more, that is, approximately 13.3 grams, of a mixture and substance containing a detectable amount of cocaine base (“crack”), a Schedule II controlled substance.

In violation of Title 21, United States Code, Section 841(a)(1), (b)(1)(B).

**NOTICE OF FORFEITURE**

**THE GRAND JURY FURTHER CHARGES THAT:**

1. As a result of the violations of Title 21, United States Code, Sections 841(a)(1), 846, and 860, set forth in this indictment, defendants

**ALBERTO FIGUEROA  
a/k/a “Lucky,”  
JOSE LABOY,  
a/k/a “Monkey,”  
JOHN LABOY,  
a/k/a “Gordo,” and  
VICTORIA 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 offenses; and

(b) any property constituting, or derived from, proceeds obtained directly or indirectly from the commission of such offenses.

2. If any of the property subject to forfeiture, 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;

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:**

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**GRAND JURY FOREPERSON**

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**ZANE DAVID MEMEGER**  
**United States Attorney**