

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

UNITED STATES OF AMERICA : **CRIMINAL NO.** _____
v. : **DATE FILED:** _____
MICHAEL KATZIN : **VIOLATIONS:**
: **18 U.S.C. § 2118(d)**
: **(conspiracy to commit pharmacy burglary -**
: **1 count)**
: **18 U.S.C. § 846 (conspiracy to possess with**
: **intent to distribute controlled substances - 1**
: **count))**
: **18 U.S.C. § 2118(b)**
: **(pharmacy burglary - 1 count)**
: **21 U.S.C. § 841(a)(1)**
: **(possession with intent to distribute**
: **controlled substances - 1 count)**
: **18 U.S.C. § 2 (aiding and abetting)**
: **Notice of forfeiture**

SUPERSEDING INDICTMENT

COUNT ONE

THE GRAND JURY CHARGES THAT:

1. From on or about November 18, 2010 to on or about December 16, 2010, in Philadelphia, Feasterville-Trevose, and Hamburg, in the Eastern District of Pennsylvania, and elsewhere, defendant

MICHAEL KATZIN

conspired and agreed with Harry Katzin and Mark Katzin, both charged elsewhere, and others known and unknown to the grand jury, to, without authority, enter the business premises of a person registered with the Drug Enforcement Administration under 21 U.S.C. § 822, that is, Rite Aid pharmacies, with intent to steal materials and compounds containing any quantity of a controlled substance, including amphetamine salts, dextroamphetamine, fentanyl,

methylphenidate, dexamethylphenidate, morphine sulfate, meperidine, oxymorphone, tapentadol, codeine sulfate, hydromorphone, hydrocodone, hydrocodone APAP, hydrocodone chlorpheniramine, oxycodone, and oxycodone APAP, each a Schedule II controlled substance; and whose replacement value was not less than \$500, in violation of Title 18, United States Code, Section 2118(b).

MANNER AND MEANS

It was part of the conspiracy that:

2. Defendant MICHAEL KATZIN, Harry Katzin and Mark Katzin, both charged elsewhere, and another known to the grand jury ("Person #1") traveled from Philadelphia to Rite Aid pharmacies that were closed for business in suburban and rural areas outside Philadelphia at nighttime, in the early morning hours, to burglarize the closed businesses and steal Schedule II and other controlled substances for distribution to others.

3. One of the burglars acted as a lookout while the others entered the premises of the Rite Aid pharmacies to steal Schedule II and other controlled substances.

4. After defendant MICHAEL KATZIN, Harry Katzin, Mark Katzin, and Person #1 took the Schedule II and controlled substances from a Rite Aid pharmacy, defendant KATZIN and the others transported the controlled substances from the Rite Aid pharmacy to other locations where they intended to distribute the controlled substances to others for profit.

OVERT ACTS

In furtherance of the conspiracy and to accomplish its object, defendant MICHAEL KATZIN, and others known to the grand jury, committed the following overt acts, among others, in Philadelphia, Feasterville-Trevose, and Hamburg, in the Eastern District of Pennsylvania and elsewhere:

The attempted burglary of the Rite Aid pharmacy in Feasterville-Trevose

1. On or about November 18, 2010, at approximately 1:44 a.m., defendant MICHAEL KATZIN, Harry Katzin, and Person #1 drove in a 2001 Dodge Caravan to the rear parking lot at the Trevose Plaza shopping center, where a Rite Aid Pharmacy is located at 1852 Brownsville Rd, Feasterville-Trevose, Pennsylvania.

2. Upon their arrival at the Trevose Plaza parking lot, defendant MICHAEL KATZIN, Harry Katzin, and Person #1 parked the 2001 Dodge Caravan in the parking lot behind the stores in the shopping plaza.

3. Defendant MICHAEL KATZIN, Harry Katzin, and Person #1 brought with them burglary tools and clothing to facilitate burglary, including numerous pairs of mechanic type work gloves, a black baseball cap, a strap-on head lamp, tools and power tools.

The burglary of the Rite Aid pharmacy in Hamburg

4. On or about December 15, 2010, defendant MICHAEL KATZIN, Harry Katzin, and Mark Katzin left Philadelphia and traveled in a 2001 Dodge Caravan in the direction of a Rite Aid Pharmacy located at 807 S. 4th Street, Hamburg, Pennsylvania.

5. During the trip from Philadelphia to Hamburg, defendant MICHAEL KATZIN, Harry Katzin, and Mark Katzin transported numerous burglary tools and articles of clothing to facilitate the burglary of the Rite Aid pharmacy, which included crow bars, power drills, cutting saws, gloves, and dark-colored hats, gloves, shirts and pants.

6. Upon their arrival at the Rite Aid pharmacy located at 807 S. 4th Street in Hamburg, Pennsylvania, in the early morning hours of December 16, 2010, defendant MICHAEL KATZIN, Harry Katzin, and Mark Katzin disabled the electronic alarm system to the Rite Aid pharmacy, and then waited for a law enforcement response.

7. When law enforcement did not appear in the area surrounding the Rite Aid pharmacy, Harry Katzin and Mark Katzin gained access to the interior of the Rite Aid pharmacy and store by forced entry, while defendant MICHAEL KATZIN remained in the Dodge Caravan acting as a lookout.

8. While defendant MICHAEL KATZIN remained outside the Rite Aid pharmacy acting as a lookout, Harry Katzin and Mark Katzin entered the Rite Aid pharmacy and proceeded to steal numerous Schedule II and other controlled substances, including amphetamine salts, dextroamphetamine, fentanyl, methylphenidate, dexmethylphenidate, morphine sulfate, meperidine, oxymorphone, tapentadol, codeine sulfate, hydromorphone, hydrocodone, hydrocodone APAP, hydrocodone chlorpheniramine, oxycodone, and oxycodone APAP, that had been locked in the pharmacy safe, and stored elsewhere in the store, and retail items from store shelves.

9. Upon taking possession of the controlled substances and retail items, Harry Katzin and Mark Katzin carried the stolen controlled substances and retail items to the Dodge Caravan van in the Rite Aid parking lot, where the defendant MICHAEL KATZIN, Harry Katzin, and Mark Katzin loaded the controlled substances and retail items into the Dodge Caravan.

10. When defendant MICHAEL KATZIN, Harry Katzin, and Mark Katzin completed loading the Schedule II and other controlled substances and stolen retail items into the Dodge Caravan, defendant KATZIN, Harry Katzin, and Mark Katzin departed the parking lot of the Rite Aid pharmacy in the Dodge Caravan, and began to drive in the direction of Philadelphia, Pennsylvania.

In violation of Title 21, United States Code, Section 2118(d).

COUNT TWO

THE GRAND JURY FURTHER CHARGES THAT:

1. From on or about November 18, 2010 to on or about December 16, 2010, in Philadelphia, Feasterville-Trevose, and Hamburg, in the Eastern District of Pennsylvania, and elsewhere, defendant

MICHAEL KATZIN

conspired and agreed with Harry Katzin and Mark Katzin, both charged elsewhere, and others known and unknown to the grand jury, to knowingly and intentionally possess with the intent to distribute the following controlled substances: amphetamine salts, dextroamphetamine, fentanyl, methylphenidate, dexmethylphenidate, morphine sulfate, meperidine, oxymorphone, tapentadol, codeine sulfate, hydromorphone, hydrocodone, hydrocodone APAP, hydrocodone chlorpheniramine, oxycodone, and oxycodone APAP, each a Schedule II controlled substance, in violation of Title 21, United States Code, Section 841(a)(1), (b)(1)(C).

MANNER AND MEANS

It was part of the conspiracy that:

2. Defendant MICHAEL KATZIN, Harry Katzin and Mark Katzin, both charged elsewhere, and another known to the grand jury ("Person #1") traveled from Philadelphia to Rite Aid pharmacies that were closed for business in suburban and rural areas outside Philadelphia at nighttime, in the early morning hours, to burglarize the closed businesses and steal Schedule II and other controlled substances for distribution to others.

3. One of the burglars acted as a lookout while the others entered the premises of the Rite Aid pharmacies to steal Schedule II and other controlled substances.

4. After defendant MICHAEL KATZIN, Harry Katzin, and Mark Katzin, and Person #1 took the Schedule II and controlled substances from a Rite Aid pharmacy, defendant KATZIN and the others transported the controlled substances from the Rite Aid pharmacy to other locations where they intended to distribute the controlled substances to others for profit.

OVERT ACTS

In furtherance of the conspiracy and to accomplish its object, defendant MICHAEL KATZIN, and others known to the grand jury, committed the following overt acts, among others, in Philadelphia, Feasterville-Trevose, and Hamburg, in the Eastern District of Pennsylvania and elsewhere:

The attempted burglary of the Rite Aid pharmacy in Feasterville-Trevose

1. On or about November 18, 2010, at approximately 1:44 a.m., defendant MICHAEL KATZIN, Harry Katzin, and Person #1 drove in a 2001 Dodge Caravan to the rear parking lot at the Trevose Plaza shopping center, where a Rite Aid Pharmacy is located at 1852 Brownsville Rd, Feasterville-Trevose, Pennsylvania.

2. Upon their arrival at the Trevose Plaza parking lot, defendant MICHAEL KATZIN, Harry Katzin, and Person #1 parked the 2001 Dodge Caravan in the parking lot behind the stores in the shopping plaza.

3. Defendant MICHAEL KATZIN, Harry Katzin, and Person #1 brought with them burglary tools and clothing to facilitate burglary, including numerous pairs of mechanic type work gloves, a black baseball cap, a strap-on head lamp, tools and power tools.

The burglary of the Rite Aid pharmacy in Hamburg

4. On or about December 15, 2010, defendant MICHAEL KATZIN, Harry Katzin, and Mark Katzin left Philadelphia and traveled in a 2001 Dodge Caravan in the direction of

a Rite Aid Pharmacy located at 807 S. 4th Street, Hamburg, Pennsylvania.

5. During the trip from Philadelphia to Hamburg, defendant MICHAEL KATZIN, Harry Katzin, and Mark Katzin transported numerous burglary tools and articles of clothing to facilitate the burglary of the Rite Aid pharmacy, which included crow bars, power drills, cutting saws, gloves, and dark-colored hats, gloves, shirts and pants.

6. Upon their arrival at the Rite Aid pharmacy located at 807 S. 4th Street in Hamburg, Pennsylvania, in the early morning hours of December 16, 2010, defendant MICHAEL KATZIN, Harry Katzin, and Mark Katzin disabled the electronic alarm system to the Rite Aid pharmacy, and then waited for a law enforcement response.

7. When law enforcement did not appear in the area surrounding the Rite Aid pharmacy, Harry Katzin and Mark Katzin gained access to the interior of the Rite Aid pharmacy and store by forced entry, while defendant MICHAEL KATZIN remained in the Dodge Caravan acting as a lookout.

8. While defendant MICHAEL KATZIN remained outside the Rite Aid pharmacy acting as a lookout, Harry Katzin and Mark Katzin entered the Rite Aid pharmacy and proceeded to steal numerous Schedule II and other controlled substances, including amphetamine salts, dextroamphetamine, fentanyl, methylphenidate, dexmethylphenidate, morphine sulfate, meperidine, oxymorphone, tapentadol, codeine sulfate, hydromorphone, hydrocodone, hydrocodone APAP, hydrocodone chlorpheniramine, oxycodone, and oxycodone APAP, that had been locked in the pharmacy safe, and stored elsewhere in the store, and retail items from store shelves.

9. Upon taking possession of the controlled substances and retail items, Harry Katzin and Mark Katzin carried the stolen controlled substances and retail items to the Dodge

Caravan van in the Rite Aid parking lot, where the defendant MICHAEL KATZIN, Harry Katzin, and Mark Katzin loaded the controlled substances and retail items into the Dodge Caravan.

10. When defendant MICHAEL KATZIN, Harry Katzin, and Mark Katzin completed loading the Schedule II and other controlled substances and stolen retail items into the Dodge Caravan, defendant KATZIN, Harry Katzin, and Mark Katzin departed the parking lot of the Rite Aid pharmacy in the Dodge Caravan, and began to drive in the direction of Philadelphia, Pennsylvania.

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

COUNT THREE

THE GRAND JURY FURTHER CHARGES THAT:

On or about December 16, 2010, in Hamburg, in the Eastern District of Pennsylvania, defendant

MICHAEL KATZIN

without authority, entered, and aided and abetted the entry of, the business premises of a person registered with the Drug Enforcement Administration under 21 U.S.C. § 822, that is, the Rite Aid Pharmacy, located at 807 South 4th Street, Hamburg, Pennsylvania, with intent to steal materials and compounds containing any quantity of a controlled substance, including amphetamine salts, dextroamphetamine, fentanyl, methylphenidate, dexmethylphenidate, morphine sulfate, meperidine, oxymorphone, tapentadol, codeine sulfate, hydromorphone, hydrocodone, hydrocodone APAP, hydrocodone chlorpheniramine, oxycodone, and oxycodone APAP; all Schedule II controlled substances; and whose replacement value was not less than \$500.

In violation of Title 18, United States Code, Sections 2118(b) and 2.

COUNT FOUR

THE GRAND JURY FURTHER CHARGES THAT:

On or about December 16, 2010, in Hamburg, in the Eastern District of Pennsylvania, defendant

MICHAEL KATZIN

knowingly and intentionally possessed with intent to distribute, and aided and abetted the possession with intent to distribute of, the following controlled substances: amphetamine salts, dextroamphetamine, fentanyl, methylphenidate, dexmethylphenidate, morphine sulfate, meperidine, oxymorphone, tapentadol, codeine sulfate, hydromorphone, hydrocodone, hydrocodone APAP, hydrocodone chlorpheniramine, oxycodone, and oxycodone APAP, each 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.

NOTICE OF FORFEITURE

THE GRAND JURY FURTHER CHARGES THAT:

1. As a result of the violations of Title 18, United States Code, Sections 2118(b), 2118(d), and 2, and Title 21, United States Code, Sections 846 and 841(a)(1), set forth in this indictment, defendant

MICHAEL KATZIN

shall forfeit to the United States of America any property, real or personal, that constitutes or is derived from proceeds traceable to the commission of such offenses.

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

- (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 28, United States Code, Section 2461(c), incorporating Title 21, United States Code, Section 853(p), to seek forfeiture of any other property of the defendant up to the value of the property subject to forfeiture.

All pursuant to Title 28, United States Code, Section 2461(c), and Title 18, United States Code, Section 981(a)(1)(C).

A TRUE BILL:

GRAND JURY FOREPERSON

A handwritten signature in blue ink, appearing to read "Christine S. Davis", is written over a horizontal line.

ZANE DAVID MEMEGER
United States Attorney