

Presented to the Court by the foreman of the Grand Jury in open Court, in the presence of the Grand Jury and FILED in the U.S. DISTRICT COURT at Seattle, Washington

June 23, 2021

WILLIAM M. McCOOL, Clerk

By Shawn Kattar Deputy

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF WASHINGTON AT SEATTLE

UNITED STATES OF AMERICA,

No. CR21-108 RSM

Plaintiff,

INDICTMENT

v.

- 1. CRESENCIO MORENO AGUIRRE,
2. RAFAEL RAMIREZ,
3. SAMUEL DUARTE AVILA,
4. SERGIO REYES-PINA,
5. ELYAS MOHAMED KEROW,
6. DAVID WILLIAM ARMER,
7. BRETT DAVID RADCLIFF,
8. HERBERT DEAN SCOTT JR., and
9. VIET PHI NGUYEN,

Defendants.

The Grand Jury charges that:

COUNT 1

Conspiracy to Distribute Controlled Substances

Beginning at a time unknown and continuing until on or about June 23, 2021, in King and Pierce Counties, within the Western District of Washington, and elsewhere, CRESENCIO MORENO AGUIRRE, RAFAEL RAMIREZ, SAMUEL DUARTE AVILA, SERGIO REYES-PINA, ELYAS MOHAMED KEROW, DAVID WILLIAM ARMER, BRETT DAVID RADCLIFF, HERBERT DEAN SCOTT JR., and VIET PHI

1 NGUYEN, and others known and unknown, including conspirators charged in separate
2 indictments under the captions *United States v. Calvert-Majors et al.*, CR21-053 RSM,
3 *United States v. Lumumba-Olabisi et al.*, CR21-056 RSM, *United States v. Snipes et al.*,
4 CR21-057 RSM, and *United States v. McGee et al.*, CR21-058 RSM, and an indictment
5 returned this same day in *United States v. Arambula et al.*, did knowingly and
6 intentionally conspire to distribute substances controlled under Title 21, United States
7 Code, Section 812, Schedules I and II, including cocaine and cocaine base in the form of
8 crack cocaine, contrary to the provisions of Title 21, United States Code.

9 ***Specific Quantity Allegations as to Cocaine***

10 With respect to Defendants CRESENCIO MORENO AGUIRRE, RAFAEL
11 RAMIREZ, SAMUEL DUARTE AVILA, SERGIO REYES-PINA, ELYAS
12 MOHAMED KEROW, DAVID WILLIAM ARMER, BRETT DAVID RADCLIFF, and
13 HERBERT DEAN SCOTT JR., their conduct as members of the conspiracy charged in
14 Count 1, which includes the reasonably foreseeable conduct of other members of the
15 conspiracy charged in Count 1, involved 500 grams or more of a mixture or substance
16 containing a detectable amount of cocaine, in violation of Title 21, United States Code,
17 Section 841(b)(1)(A).

18 All in violation of Title 21, United States Code, Sections 841(a)(1), 841(b)(1), and
19 846.

20 **ASSET FORFEITURE ALLEGATION**

21 All of the allegations contained in this Indictment are realleged and incorporated
22 by reference for the purpose of alleging forfeiture.

23 **Count 1**

24 ***Conspiracy to Distribute Controlled Substances***

25 Upon conviction of the offense alleged in Count 1, the defendants CRESENCIO
26 MORENO AGUIRRE, RAFAEL RAMIREZ, SAMUEL DUARTE AVILA, SERGIO
27 REYES-PINA, ELYAS MOHAMED KEROW, DAVID WILLIAM ARMER, BRETT
28 DAVID RADCLIFF, HERBERT DEAN SCOTT JR., and VIET PHI NGUYEN shall

1 each forfeit to the United States, pursuant to Title 21, United States Code, Section 853,
2 any property that constitutes or is traceable to proceeds of the offense, as well as any
3 property that facilitated the offense. This property includes, but is not limited to, a sum
4 of money reflecting the proceeds the relevant defendant obtained from the offense.
5

6 **Substitute Assets.** If any of the above-described forfeitable property, as a result
7 of any act or omission of the defendant,

- 8 a. cannot be located upon the exercise of due diligence;
- 9 b. has been transferred or sold to, or deposited with, a third party;
- 10 c. has been placed beyond the jurisdiction of the Court;
- 11 d. has been substantially diminished in value; or,
- 12 e. has been commingled with other property which cannot be divided without
13 difficulty;

14 ///

15 ///

1 it is the intent of the United States to seek the forfeiture of any other property of the
2 defendant, up to the value of the above-described forfeitable property, pursuant to
3 Title 21, United States Code, Section 853(p).
4

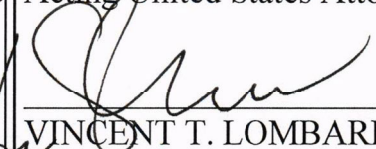
5 A TRUE BILL:

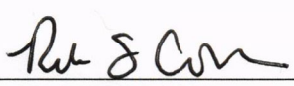
6
7 DATED: 6/23/2021


8 *Signature of the Foreperson redacted*
9 *pursuant to the policy of the Judicial*
10 *Conference of the United States*

11 _____
12 FOREPERSON

13 
14 _____
15 TESSA M. GORMAN
16 Acting United States Attorney

17 
18 _____
19 VINCENT T. LOMBARDI
20 Assistant United States Attorney

21 
22 _____
23 ERIN H. BECKER
24 Assistant United States Attorney

25 
26 _____
27 LYNDISIE SCHMALZ
28 Assistant United States Attorney