

AUG 18 2009

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

MAGISTRATE JUDGE NOLAN

JUDGE GOTTSCHALL

UNITED STATES OF AMERICA)

vs.)

MALEK RAFATI and
TAHA ZAID)

No. 09 CR 420

Violation: Title 21, United States
Code, Section 846

UNDER SEAL

Superseding Indictment

The SPECIAL FEBRUARY 2008-2 GRAND JURY charges:

Beginning in approximately 2006 through April 2009, at Chicago, in the Northern
District of Illinois, Eastern Division, and elsewhere,

MALEK RAFATI and
TAHA ZAID,

defendants herein, conspired with each other and with others known and unknown to the
Grand Jury, knowingly and intentionally to possess with intent to distribute and to distribute
controlled substances, namely, 5 kilograms or more of mixtures and substances containing
a detectable amount of cocaine, a Schedule II Narcotic Drug Controlled Substance, in
violation of Title 21, United States Code, Section 841(a)(1);

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

FORFEITURE ALLEGATION

The SPECIAL FEBRUARY 2008-2 GRAND JURY further charges:

1. The allegations of this Indictment are re-alleged and fully incorporated herein for the purpose of alleging forfeiture to the United States pursuant to Title 21, United States Code, Section 853.

2. As a result of his violation of Title 21, United States Code, Sections 846 of the foregoing indictment,

MALEK RAFATI and
TAHA ZAID,

defendants herein, shall forfeit to the United States, pursuant to Title 21, United States Code, 853(a): (1) any and all property constituting and derived from any proceeds the defendant obtained, directly and indirectly, as a result of the violation; and (2) any and all of property used, and intended to be used, in any manner or part, to commit and facilitate the commission of the offenses charged in the indictment.

3. The interests of the defendant subject to forfeiture pursuant to Title 21, United States Code, Section 853, include, but is not limited to:

a. Any United States currency representing the proceeds of the narcotics distribution organization, totaling no less than \$1,800,000;

4. If any of the property subject to forfeiture and described above, as a result of any act or omission by 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,

the United States of America shall be entitled to forfeiture of substitute property under the provisions of Title 21, United States Code, Section 853(p).

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

A TRUE BILL:

FOREPERSON

UNITED STATES ATTORNEY