

FILED
U.S. DISTRICT COURT
EASTERN DISTRICT OF LA.
2018 MAR 16 P 3:21
WILLIAM W. BLEVINS
CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

FELONY

**SUPERSEDING INDICTMENT FOR VIOLATIONS OF
THE FEDERAL CONTROLLED SUBSTANCES ACT**

UNITED STATES OF AMERICA

*

CRIMINAL NO. 17-217

v.

*

SECTION: "H"

DAVID TRAN (78)

*

VIOLATIONS: 21 U.S.C. § 841(a)(1)

DAVID TRAN (86)

*

21 U.S.C. § 841(b)(1)(A)

21 U.S.C. § 841(b)(1)(B)

21 U.S.C. § 846

* * *

The Grand Jury charges that:

COUNT 1

Beginning at a date unknown but not later than May 1, 2017, and continuing to on or about the date of this Superseding Indictment, in the Eastern District of Louisiana and elsewhere, the defendants, **DAVID TRAN (78)** and **DAVID TRAN (86)**, did knowingly and intentionally combine, conspire, confederate, and agree with each other and with other persons known and unknown to the Grand Jury to manufacture, distribute, and possess with the intent to distribute one thousand (1,000) or more marijuana plants, a Schedule I drug controlled substance, in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(A); four hundred (400) grams or

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more of a mixture or substance containing a detectable amount of N-phenyl-N propanamide (fentanyl), a Schedule II drug controlled substance, in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(A); five hundred (500) grams or more of a mixture or substance containing a detectable amount of methamphetamine, a Schedule II drug controlled substance, in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(A); and one hundred (100) grams or more of a mixture or substance containing a detectable amount of heroin, a Schedule I drug controlled substance, in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(B); all in violation of Title 21, United States Code, Section 846.

COUNT 2

On or about November 7, 2017, in the Eastern District of Louisiana, the defendants, **DAVID TRAN (78)** and **DAVID TRAN (86)**, did knowingly and intentionally possess with the intent to distribute four hundred (400) grams or more of a mixture or substance containing a detectable amount of N-phenyl-N propanamide (fentanyl), a Schedule II drug controlled substance, in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(A).

COUNT 3

On or about November 7, 2017, in the Eastern District of Louisiana, the defendants, **DAVID TRAN (78)** and **DAVID TRAN (86)**, did knowingly and intentionally possess with the intent to distribute five hundred (500) grams or more of a mixture or substance containing a detectable amount of methamphetamine, a Schedule II drug controlled substance, in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(A).

COUNT 4

On or about November 7, 2017, in the Eastern District of Louisiana, the defendants, **DAVID TRAN (78)** and **DAVID TRAN (86)**, did knowingly and intentionally manufacture one

hundred (100) or more marijuana plants, a Schedule I drug controlled substance, in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(B).

NOTICE OF DRUG FORFEITURE

1. The allegations of Counts 1 through 4 of this Superseding Indictment are re-alleged and incorporated by reference as though set forth fully herein for the purpose of alleging forfeiture to the United States of America pursuant to the provisions of Title 21, United States Code, Section 853.

2. As a result of the offense alleged in Counts 1 through 4, the defendants, **DAVID TRAN (78)** and **DAVID TRAN (86)**, shall forfeit to the United States pursuant to Title 21, United States Code, Section 853, any and all property constituting or derived from any proceeds the defendants obtained directly or indirectly as a result of the said violations and any and all property used or intended to be used in any manner or part to commit and to facilitate the commission of the violations alleged in Counts 1 through 4 of this Superseding Indictment.

3. If any of the property subject to forfeiture pursuant to Paragraph 2 of this Notice of 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 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 in violation of Title 21, United States Code, Section 853.

A TRUE BILL:


FOREPERSON

DUANE A. EVANS
UNITED STATES ATTORNEY



DAVID HALLER
Assistant United States Attorney

New Orleans, Louisiana
March 16, 2018