

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION

NO. 5:18-CR-00425-1 (2)

UNITED STATES OF AMERICA )

v. )

INDICTMENT

BERNAVE MILLAN-RASCON )

a/k/a "Berna" )

The Grand Jury charges that:

COUNT ONE

Beginning in or about 2016, the exact date being unknown to the Grand Jury, and continuing up to and including December 19, 2016, in the Eastern District of North Carolina, and elsewhere, BERNAVE MILLAN-RASCON, also known as "Berna," defendant herein, did knowingly and intentionally combine, conspire, confederate, agree, and have a tacit understanding with other persons, known and unknown to the Grand Jury, to knowingly and intentionally distribute and possess with the intent to distribute five (5) kilograms or more of a mixture and substance containing a detectable amount of cocaine, a Schedule II controlled substance, in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(A).

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

COUNT TWO

On or about December 19, 2016, in the Eastern District of North Carolina, BERNAVE MILLAN-RASCON, also known as "Berna," defendant herein, did knowingly and intentionally possess with the intent to distribute five (5) kilograms or more of a mixture and substance containing a detectable amount of cocaine, a Schedule II controlled substance, and did counsel, command, aid, and abet another in so doing, in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(A) and Title 18, United States Code, Section 2.

### FORFEITURE NOTICE

The defendant is given notice that pursuant to the provisions of Title 21, United States Code, Section 853 all of the defendant's interest in all property specified herein is subject to forfeiture.

Upon conviction of the offense(s) set forth in Count(s) One and Two, the defendant shall forfeit to the United States any property constituting, or derived from, any proceeds the defendant obtained, directly or indirectly, as a result of the said offense(s) and any property used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of, the said offense(s).

If any of the above-described forfeitable property, as a result of any act or omission of a defendant --

- (1) cannot be located upon the exercise of due diligence;
- (2) has been transferred or sold to, or deposited with, a third party;
- (3) has been placed beyond the jurisdiction of the court;
- (4) has been substantially diminished in value; or
- (5) 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 said defendant up to the value of the forfeitable property described above.

A TRUE BILL:

**REDACTED VERSION**

Pursuant to the E-Government Act and the federal rules, the unredacted version of this document has been filed under seal.

FOREPERSON

DATE:

10/17/18

ROBERT J. HIGDON, JR.  
United States Attorney



BY: SCOTT A. LEMMON  
Assistant United States Attorney