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F. #2017R01782

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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

U.S. DISTRICT COURT
EASTERN DISTRICT
OF NEW YORK

-----X

UNITED STATES OF AMERICA

INDICTMENT

- against -

JAVIER BLACKETT,
also known as "Gutta" and "Cito,"
JOHN PAUL BALCAZAR,
also known as "Johnny,"
DAVID MALDONADO,
HASSAN MCCLEAN,
also known as "Freak,"
KEVIN RAPHAEL,
also known as "Kev," "Millz,"
"Millie" and "M,"
ANDREW ROSE,
also known as "Nice," and
TYSHEIM WARREN,
also known as "Ty,"

Cr. No. **CR 18 - 00245**
(T. 21, U.S.C., §§ 841(a)(1),
841(b)(1)(A)(iii), 841(b)(1)(B)(iii),
841(b)(1)(C), 846, 853(a) and 853(p);
T. 18, U.S.C., §§ 2 and 3551 et seq.)

CHEN, J.

ORENSTEIN, M.J.

Defendants.

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THE GRAND JURY CHARGES:

COUNT ONE

(Conspiracy to Distribute Cocaine Base)

1. In or about and between January 2017 and May 2018, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendants JAVIER BLACKETT, also known as "Gutta" and "Cito," JOHN PAUL BALCAZAR, also known as "Johnny," DAVID MALDONADO, HASSAN MCCLEAN, also known as "Freak," KEVIN RAPHAEL, also known as "Kev," "Millz," "Millie" and

“M,” ANDREW ROSE, also known as “Nice,” and TYSHEIM WARREN, also known as “Ty,” together with others, did knowingly and intentionally conspire to distribute and possess with intent to distribute a controlled substance, which offense involved a substance containing cocaine base, a Schedule II controlled substance, contrary to Title 21, United States Code, Section 841(a)(1). The amount of cocaine base involved in the conspiracy attributable to each defendant as a result of his own conduct, and the conduct of other conspirators reasonably foreseeable to him, was 280 grams or more of a substance containing cocaine base.

(Title 21, United States Code, Sections 846 and 841(b)(1)(A)(iii); Title 18, United States Code, Sections 3551 et seq.)

COUNT TWO
(Distribution of Cocaine Base)

2. On or about April 25, 2017, within the Eastern District of New York, the defendants JAVIER BLACKETT, also known as “Gutta” and “Cito,” and HASSAN MCCLEAN, also known as “Freak,” together with others, did knowingly and intentionally distribute and possess with intent to distribute a controlled substance, which offense involved a substance containing cocaine base, a Schedule II controlled substance.

(Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(C); Title 18, United States Code, Sections 2 and 3551 et seq.)

COUNT THREE
(Distribution of Cocaine Base)

3. On or about July 24, 2017, within the Eastern District of New York, the defendants JAVIER BLACKETT, also known as “Gutta” and “Cito,” and DAVID MALDONADO, together with others, did knowingly and intentionally distribute and possess

with intent to distribute a controlled substance, which offense involved 28 grams or more of a substance containing cocaine base, a Schedule II controlled substance.

(Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(B)(iii); Title 18, United States Code, Sections 2 and 3551 et seq.)

COUNT FOUR
(Distribution of Cocaine Base)

4. On or about August 17, 2017, within the Eastern District of New York, the defendants JAVIER BLACKETT, also known as “Gutta” and “Cito,” and ANDREW ROSE, also known as “Nice,” together with others, did knowingly and intentionally distribute and possess with intent to distribute a controlled substance, which offense involved 28 grams or more of a substance containing cocaine base, a Schedule II controlled substance.

(Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(B)(iii); Title 18, United States Code, Sections 2 and 3551 et seq.)

COUNT FIVE
(Distribution of Cocaine Base)

5. On or about September 13, 2017, within the Eastern District of New York, the defendant JAVIER BLACKETT, also known as “Gutta” and “Cito,” together with others, did knowingly and intentionally distribute and possess with intent to distribute a controlled substance, which offense involved 28 grams or more of a substance containing cocaine base, a Schedule II controlled substance.

(Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(B)(iii); Title 18, United States Code, Sections 2 and 3551 et seq.)

COUNT SIX
(Distribution of Cocaine Base)

6. On or about October 17, 2017, within the Eastern District of New York, the defendant JAVIER BLACKETT, also known as “Gutta” and “Cito,” together with others, did knowingly and intentionally distribute and possess with intent to distribute a controlled substance, which offense involved 28 grams or more of a substance containing cocaine base, a Schedule II controlled substance.

(Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(B)(iii); Title 18, United States Code, Sections 2 and 3551 et seq.)

COUNT SEVEN
(Distribution of Cocaine Base)

7. On or about October 25, 2017, within the Eastern District of New York, the defendant JAVIER BLACKETT, also known as “Gutta” and “Cito,” together with others, did knowingly and intentionally distribute and possess with intent to distribute a controlled substance, which offense involved 28 grams or more of a substance containing cocaine base, a Schedule II controlled substance.

(Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(B)(iii); Title 18, United States Code, Sections 2 and 3551 et seq.)

COUNT EIGHT
(Distribution of Cocaine Base)

8. On or about December 6, 2017, within the Eastern District of New York, the defendant JAVIER BLACKETT, also known as “Gutta” and “Cito,” together with others, did knowingly and intentionally distribute and possess with intent to distribute a

controlled substance, which offense involved 28 grams or more of a substance containing cocaine base, a Schedule II controlled substance.

(Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(B)(iii); Title 18, United States Code, Sections 2 and 3551 et seq.)

COUNT NINE
(Distribution of Cocaine Base)

9. On or about March 2, 2018, within the Eastern District of New York, the defendants JAVIER BLACKETT, also known as "Gutta" and "Cito," and KEVIN RAPHAEL, also known as "Kev," "Millz," "Millie" and "M," together with others, did knowingly and intentionally distribute and possess with intent to distribute a controlled substance, which offense involved 28 grams or more of a substance containing cocaine base, a Schedule II controlled substance.

(Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(B)(iii); Title 18, United States Code, Sections 2 and 3551 et seq.)

CRIMINAL FORFEITURE ALLEGATION

10. The United States hereby gives notice to the defendants that, upon their conviction of any of the offenses charged herein, the government will seek forfeiture in accordance with Title 21, United States Code, Section 853(a), which requires any person convicted of such offenses to forfeit: (a) any property constituting, or derived from, any proceeds obtained directly or indirectly as the result of such offenses, and (b) any property used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of, such offenses.

11. If any of the above-described forfeitable property, 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 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 21, United States Code, Section 853(p), to seek forfeiture of any other property of the defendants up to the value of the forfeitable property described in this forfeiture allegation.

(Title 21, United States Code, Sections 853(a) and 853(p))

A TRUE BILL

FOREPERSON

RICHARD P. DONOGHUE
UNITED STATES ATTORNEY
EASTERN DISTRICT OF NEW YORK

BY: 
ACTING UNITED STATES ATTORNEY
PURSUANT TO 28 C.F.R. O.136

No. _____

UNITED STATES DISTRICT COURT

EASTERN *District of* NEW YORK

CRIMINAL DIVISION

THE UNITED STATES OF AMERICA

vs.

JAVIER BLACKETT, et al

Defendant.

INDICTMENT

(T. 21, U.S.C., §§ 841(a)(1), 841(b)(1)(A)(iii), 841(b)(1)(B)(iii),
841(b)(1)(C), 846, 853(a) and 853(p); T. 18, U.S.C., §§ 2 and 3551 et seq.)

A true bill.

Foreperson

Filed in open court this _____ *day,*

of _____ *A.D. 20* _____

Clerk

Bail, \$ _____

Mathew S. Miller, Assistant U.S. Attorney (718) 254-6075