

★ JUN 20 2019 ★

BROOKLYN OFFICE

MEG:NEM/NJM
F. #2018R01751

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

----- X

UNITED STATES OF AMERICA

- against -

JESSIE SMITH,
KENDALL JOHNSON,
 also known as "Duke,"
TYRELL SPELLMAN,
 also known as "Rude Boy," and
SAQUAN WARLICK,
 also known as "SB,"

Defendants.

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THE GRAND JURY CHARGES:

COUNT ONE

(Conspiracy to Distribute and Possess with Intent to Distribute
Heroin, Fentanyl and Cocaine Base Near a Public Housing Facility)

1. In or about and between July 2018 and June 2019, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendants JESSIE SMITH, KENDALL JOHNSON, also known as "Duke," TYRELL SPELLMAN, also known as "Rude Boy," and SAQUAN WARLICK, also known as "SB," together with others, did knowingly and intentionally conspire to distribute and possess with intent to distribute one or more controlled substances, which offense involved (1) a substance containing heroin, a Schedule I controlled substance, (2) a substance containing fentanyl, a Schedule II controlled substance, and (3) a substance containing cocaine base, a Schedule II

INDICTMENT

Cr. No.

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

DEARIE, J.

BULSARA, M.J.

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284

controlled substance, in, on and within 1,000 feet of the real property comprising a housing facility, to wit: the Bushwick Houses, located in Brooklyn, New York and owned by a public housing authority, to wit: the New York City Housing Authority ("NYCHA"), contrary to Title 21, United States Code, Sections 841(a)(1) and 860(a).

(Title 21, United States Code, Sections 846, 841(b)(1)(C) and 860(a); Title 18, United States Code, Sections 3551 et seq.)

COUNT TWO

(Distribution and Possession with Intent to Distribute
Heroin, Fentanyl and Cocaine Base Near a Public Housing Facility)

2. In or about and between January 2009 and May 2019, both dates being approximate and inclusive, within the Eastern District of New York, the defendant JESSIE SMITH, together with others, did knowingly and intentionally distribute and possess with intent to distribute one or more controlled substances, which offense involved (1) one kilogram or more of a substance containing heroin, a Schedule I controlled substance, (2) a substance containing fentanyl, a Schedule II controlled substance, and (3) a substance containing cocaine base, a Schedule II controlled substance, in, on and within 1,000 feet of the real property comprising a housing facility, to wit: the Bushwick Houses, located in Brooklyn, New York and owned by a public housing authority, to wit: NYCHA.

(Title 21, United States Code, Sections 841(a)(1), 841(b)(1)(A)(i), 841(b)(1)(C) and 860(a); Title 18, United States Code, Sections 2 and 3551 et seq.)

COUNT THREE

(Distribution and Possession with Intent to
Distribute Cocaine Base Near a Public Housing Facility)

3. In or about and between August 2018 and January 2019, both dates being approximate and inclusive, within the Eastern District of New York, the defendant

TYRELL SPELLMAN, also known as “Rude Boy,” 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, in, on and within 1,000 feet of the real property comprising a housing facility, to wit: the Bushwick Houses, located in Brooklyn, New York and owned by a public housing authority, to wit: NYCHA.

(Title 21, United States Code, Sections 841(a)(1), 841(b)(1)(C) and 860(a);
Title 18, United States Code, Sections 2 and 3551 et seq.)

COUNT FOUR

(Distribution and Possession with Intent to Distribute
Heroin, Fentanyl and Cocaine Base Near a Public Housing Facility)

4. In or about and between August 2018 and June 2019, both dates being approximate and inclusive, within the Eastern District of New York, the defendant SAQUAN WARLICK, also known as “SB,” together with others, did knowingly and intentionally distribute and possess with intent to distribute one or more controlled substances, which offense involved (1) a substance containing heroin, a Schedule I controlled substance, (2) a substance containing fentanyl, a Schedule II controlled substance, and (3) a substance containing cocaine base, a Schedule II controlled substance, in, on and within 1,000 feet of the real property comprising a housing facility, to wit: the Bushwick Houses, located in Brooklyn, New York and owned by a public housing authority, to wit: NYCHA.

(Title 21, United States Code, Sections 841(a)(1), 841(b)(1)(C) and 860(a);
Title 18, United States Code, Sections 2 and 3551 et seq.)

COUNT FIVE

(Distribution and Possession with Intent to Distribute
Heroin, Fentanyl and Cocaine Base Near a Public Housing Facility)

5. In or about and between October 2018 and March 2019, both dates being approximate and inclusive, within the Eastern District of New York, the defendant KENDALL JOHNSON, also known as "Duke," together with others, did knowingly and intentionally distribute and possess with intent to distribute one or more controlled substances, which offense involved (1) a substance containing heroin, a Schedule I controlled substance, (2) a substance containing fentanyl, a Schedule II controlled substance, and (3) a substance containing cocaine base, a Schedule II controlled substance, in, on and within 1,000 feet of the real property comprising a housing facility, to wit: the Bushwick Houses, located in Brooklyn, New York and owned by a public housing authority, to wit: NYCHA.

(Title 21, United States Code, Sections 841(a)(1), 841(b)(1)(C) and 860(a);
Title 18, United States Code, Sections 2 and 3551 et seq.)

CRIMINAL FORFEITURE ALLEGATION

6. The United States hereby gives notice to the defendants that, upon their conviction of any of the offenses charged in Counts One through Five, 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.

7. If any of the above-described forfeitable property, as a result of any act or omission of said 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 said 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))



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

No. _____

UNITED STATES DISTRICT COURT

EASTERN *District of* NEW YORK

CRIMINAL DIVISION

THE UNITED STATES OF AMERICA

vs.

*JESSIE SMITH, KENDALL JOHNSON, also known as "Duke," TYRELL SPELLMAN,
also known as "Rude Boy," and SAQUAN WARLICK, also known as "SB,"*

Defendants.

INDICTMENT

(T. 18, U.S.C., §§ 2 and 3551 et seq.; T. 21, U.S.C., §§ 841(a)(1),
841(b)(1)(A)(i), 841(b)(1)(C), 846, 853(a), 853(p) and 860(a))

A true bill.

Filed in open court this _____ *day,*

of _____ *A.D. 20* _____

Clerk

Bail, \$ _____

Nadia E. Moore and Nicholas J. Moscow, Assistant U.S. Attorneys (718) 254-7000