

NPR:DKK/GKS
F. #2017R00280

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

----- X

UNITED STATES OF AMERICA

- against -

FERNANDO MARTE,

Defendant.

----- X

THE GRAND JURY CHARGES:

COUNT ONE

(Conspiracy to Import Cocaine)

1. In or about and between January 2016 and February 2017, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendant FERNANDO MARTE, together with others, did knowingly and intentionally conspire to import a controlled substance into the United States from a place outside thereof, which offense involved a substance containing cocaine, a Schedule II controlled substance, contrary to Title 21, United States Code, Sections 952(a) and 960(a)(1). The amount of cocaine involved in the conspiracy attributable to the defendant as a result of his own conduct, and the conduct of other conspirators reasonably foreseeable to him, was five kilograms or more of a substance containing cocaine.

(Title 21, United States Code, Sections 960(b)(1)(B)(ii) and 963; Title 18, United States Code, Sections 3551 et seq.)

KORMAN, J.

REYES, M.J.

INDICTMENT

CR 17 00191

Cr. No. (T. 21, U.S.C., §§ 853(a), 853(p), 952(a),
960(a)(1), 960(b)(1)(B)(ii), 963 and 970;
T. 18, U.S.C., §§ 2 and 3551 et seq.)

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U.S. DISTRICT COURT
EASTERN DISTRICT
OF NEW YORK
CLERK

COUNT TWO
(Importation of Cocaine)

2. On or about February 7, 2017, within the Eastern District of New York and elsewhere, the defendant FERNANDO MARTE, together with others, did knowingly and intentionally import a controlled substance into the United States from a place outside thereof, which offense involved five kilograms or more of a substance containing cocaine, a Schedule II controlled substance.

(Title 21, United States Code, Sections 952(a), 960(a)(1) and 960(b)(1)(B)(ii); Title 18, United States Code, Sections 2 and 3551 et seq.)

CRIMINAL FORFEITURE ALLEGATION

3. The United States hereby gives notice to the defendant that, upon his conviction of either of the offenses charged herein, the government will seek forfeiture in accordance with Title 21, United States Code, Sections 853(a) and 970, which require 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 offense, 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.

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

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 defendant up to the value of the forfeitable property described in this forfeiture allegation.

(Title 21, United States Code, Sections 853(a), 853(p) and 970)

A TRUE BILL



FOREPERSON



BRIDGET M. ROHDE
ACTING UNITED STATES ATTORNEY
EASTERN DISTRICT OF NEW YORK

F. # 2017R00280
FORM DBD-34
JUN. 85

No. _____

UNITED STATES DISTRICT COURT

EASTERN *District of* NEW YORK

CRIMINAL DIVISION

THE UNITED STATES OF AMERICA

vs.

FERNANDO MARTE,

Defendant.

INDICTMENT

(T. 21, U.S.C., §§ 853(a), 853(p), 952(a), 960(a)(1), 960(b)(1)(B)(ii),
963 and 970; T. 18, U.S.C., §§ 2 and 3551 et seq.)

A true bill.

Jaqueline A Holmes

Foreperson

Filed in open court this _____ day,
of _____ A.D. 20 _____

Clerk

Bail, \$ _____

David K. Kessler, Assistant U.S. Attorney (718) 254-7202

CR 17 00191

INFORMATION SHEET

KORMAN, J.

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

REYES, M.J.

1. Title of Case: United States v. Fernando Marte
2. Related Magistrate Docket Number(s): 17-MJ-124 (RML)
3. Arrest Date: 2/8/2016
4. Nature of offense(s): ☒ Felony
☐ Misdemeanor
5. Related Cases - Title and Docket No(s). (Pursuant to Rule 50.3.2 of the Local E.D.N.Y. Division of Business Rules): N/A
6. Projected Length of Trial: Less than 6 weeks ☒
More than 6 weeks ☐
7. County in which crime was allegedly committed: Queens
(Pursuant to Rule 50.1(d) of the Local E.D.N.Y. Division of Business Rules)
8. Was any aspect of the investigation, inquiry and prosecution giving rise to the case pending or initiated before March 10, 2012.¹ ☐ Yes ☒ No
9. Has this indictment/information been ordered sealed? ☐ Yes ☒ No
10. Have arrest warrants been ordered? ☐ Yes ☒ No
11. Is there a capital count included in the indictment? ☐ Yes ☒ No

BRIDGET M. ROHDE
Acting United States Attorney

By: /s/ David K. Kessler
David K. Kessler
Assistant U.S. Attorney
(718) 254-7202

¹ Judge Brodie will not accept cases that were initiated before March 10, 2012.

