

CJR/SNB:USAO#2018R00111 IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND
2019 FEB 21 PM 5:22

UNITED STATES OF AMERICA

v.

CLERK'S OFFICE
AT BALTIMORE

BY

M DEF'D

Criminal No. CLR-19-082

LEKEITH DION MITCHELL,

* (Conspiracy to Distribute and Possess
* with Intent to Distribute Fentanyl, 21
* U.S.C. §§ 846, 841(a)(1); Possession with
* Intent to Distribute Fentanyl, 21 U.S.C.
* § 841(a)(1); Maintaining Drug-Involved
* Premises; 21 U.S.C. § 856(a)(1);
* Possession of Firearm in Furtherance of
* Drug Trafficking Crime, 18 U.S.C. §
* 924(c); Felon In Possession, 18 U.S.C. §
* 922(g)(1); Aiding and Abetting, 18
* U.S.C. § 2; Forfeiture, 21 U.S.C. § 853,
* 28 U.S.C. § 2461(c), and 18 U.S.C.
* § 924(d)))

GARY LEE WASHINGTON,

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JOENNA MARIE NICEWARNER,

DUSTIN RAY STIPES,

LAMA JUNIOR JEAN-PIERRE,

NYANA ANGELINA CHEESE,

Defendants

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INDICTMENT

The Grand Jury for the District of Maryland charges:

COUNT ONE

From in or about September, 2018, and continuing through December, 2018, in the

District of Maryland and elsewhere,

LEKEITH DION MITCHELL,

GARY LEE WASHINGTON,

JOENNA MARIE NICEWARNER,

DUSTIN RAY STIPES,

LAMA JUNIOR JEAN-PIERRE,

and
NYANA ANGELINA CHEESE,

the defendants herein, did knowingly and willfully combine, conspire, confederate and agree with persons known and unknown to the Grand Jury, to knowingly and intentionally distribute and possess with the intent to distribute a quantity of a mixture or substance containing a detectable amount of fentanyl, a Schedule II controlled substance, in violation of Title 21, United States Code Section 841(a)(1).

21 U.S.C. §§ 841, 846.

Quantity of Controlled Substances Involved in the Conspiracy

With respect to: **LEKEITH DION MITCHELL, GARY LEE WASHINGTON, JOENNA MARIE NICEWARNER, and DUSTIN RAY STIPES**, the quantity of the controlled substance in the conspiracy attributable to each of them as a result of their own conduct, and the conduct of other conspirators reasonably foreseeable to them, is 400 grams or more of a mixture or substance containing a detectable amount of fentanyl, a Schedule II controlled substance, in violation of 21 U.S.C. § 841(b)(1)(A);

With respect to: **LAMA JUNIOR JEAN-PIERRE and NYANA ANGELINA CHEESE**, the quantity of the controlled substance in the conspiracy attributable to them as a result of their own conduct, and the conduct of other conspirators reasonably foreseeable to them, is 40 grams or more of a mixture or substance containing a detectable amount of fentanyl, a Schedule II controlled substance, in violation of 21 U.S.C. § 841(b)(1)(B).

COUNT TWO

The Grand Jury for the District of Maryland further charges that:

On or about December 17, 2018, in the District of Maryland,

LEKEITH DION MITCHELL,

the defendant herein, did knowingly, intentionally, and unlawfully possess with the intent to distribute 400 grams or more of a mixture or substance containing a detectable amount of fentanyl, a Schedule II controlled substance.

21 U.S.C. § 841(a)(1)

18 U.S.C. § 2

COUNT THREE

The Grand Jury for the District of Maryland further charges that:

On or about December 17, 2018, in the District of Maryland,

LEKEITH DION MITCHELL,

the defendant herein, did knowingly and unlawfully use and maintain the premises at 12821 Little Elliott Drive, Apartment 6, Hagerstown, Maryland, for the purpose of manufacturing, storing, distributing, and using fentanyl, a Schedule II controlled substance.

21 U.S.C. § 856(a)(1)
18 U.S.C. § 2

COUNT FOUR

The Grand Jury for the District of Maryland further charges that:

On or about December 17, 2019, in the District of Maryland,

GARY LEE WASHINGTON,

the defendant herein, did knowingly and intentionally and unlawfully possess the following firearm, to wit: a Spikes Tactical ST15 Semi-Automatic Rifle with serial # 46553, in furtherance of a drug trafficking crime for which he may be prosecuted in a court of the United States, as set forth in Count One of this Indictment, which is incorporated herein by reference.

18 U.S.C. § 924(c)

18 U.S.C. § 2

COUNT FIVE

The Grand Jury for the District of Maryland further charges that:

On or about December 17, 2018 in the District of Maryland,

GARY LEE WASHINGTON,

the defendant herein, having been previously convicted of a crime punishable by imprisonment for a term exceeding one year, did knowingly and unlawfully possess the following firearm in and affecting interstate commerce, to wit: a Spikes Tactical ST15 Semi-Automatic Rifle with serial # 46553, and a loaded magazine.

18 U.S.C. § 922(g)(1)

COUNT SIX

The Grand Jury for the District of Maryland further charges that:

On or about February 1, 2019, in the District of Maryland,

LEKEITH DION MITCHELL,

the defendant herein, having been previously convicted of a crime punishable by imprisonment for a term exceeding one year, did knowingly and unlawfully possess the following firearms in and affecting interstate commerce, to wit: a loaded Ruger P97DC (.45 ACP), serial number 663-36062; a loaded Glock 23 Gen 4 (.40 caliber), serial number UCS395; a loaded Glock 19 (9x19 caliber), serial number AFH839; and a loaded Ruger P91DC (.40 caliber) serial number 340-29233.

18 U.S.C. § 922(g)(1)

FORFEITURE

The Grand Jury further finds that:

Pursuant to Title 21 U.S.C. § 853(a), upon conviction of one or more of the Counts in this Indictment, each defendant shall forfeit to the United States of America:

- a. any property constituting, or derived from, any proceeds obtained, directly or indirectly, as the result of such violation, and
- b. any property used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of, such violation;

including, but not limited to:

- \$127,241.25, seized as part of the investigation;
- One (1) Invicta Russian Diver Watch #17667;
- One (1) Invicta Reserve Watch #90148;
- One (1) Invicta Speedway Watch #25481;
- One (1) Bulova gold color watch #21228636;
- One (1) Invicta S1 Rally model # 24224;
- One (1) Invicta Bolt Zeus model #22446;
- One (1) techno Pave No. 7758 Gold colored watch with black band;
- One (1) Rolex brand watch "Oyster" model;
- One (1) Shhors Gold colored watch with blue band model # 80082;
- One (1) gold colored watch with black band with American flag face;
- One (1) Milano Express Watch with red band;
- Joe Rodeo GTS watch in black case inside white box

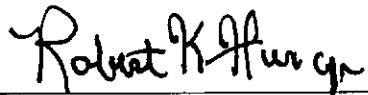
If any of the property described above as a result of any act or omission of the defendants:

- 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;

the United States of America shall be entitled to forfeiture of substitute property pursuant to 21 U.S.C. § 853(p), as incorporated by 28 U.S.C. § 2461(c) up to the value of the property charged with forfeiture above.

As a result of the offenses set forth in Counts Four, Five, and Six, of this indictment, the Defendants, **GARY LEE WASHINGTON** and **LEKEITH DION MITCHELL** shall forfeit to the United States the firearms and ammunition identified in Counts Four, Five, and Six of the indictment.

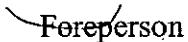
21 U.S.C. § 853; 28 U.S.C. § 2461(c); Rule 32.2(a), Fed. R. Crim. P.; 18 U.S.C. § 924(d).


Robert K. Hur
Robert K. Hur
United States Attorney

A TRUE BILL:

SIGNATURE REDACTED

Date: 2/21/19


Foreperson