

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

SEALED

UNITED STATES OF AMERICA

v.

CASE NO. 8:18-cr-564-T-33AAS
21 U.S.C. § 846
18 U.S.C. § 1512(a)(1)(C)

ROBERT LEE WARD and
DALTON KELVIN MCGRUFF

INDICTMENT

The Grand Jury charges:

COUNT ONE

Drug Trafficking Conspiracy

The Conspiracy

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CLERK US DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA FLORIDA

FILED

1. Beginning on an unknown date, which was no later than on or about January 1, 1996, and continuing until on or about the date of the instant indictment, in the Middle District of Florida and elsewhere, the defendants,

ROBERT LEE WARD and
DALTON KELVIN MCGRUFF,

did knowingly and willfully conspire with each other and other persons, both known and unknown to the grand jury, to distribute five kilograms or more of a mixture and substance containing a detectable amount of cocaine, a

Schedule II controlled substance, contrary to the provisions of 21 U.S.C. § 841(a)(1).

Manner and Means of the Conspiracy

2. It was part of the conspiracy that the defendants and their coconspirators would and did acquire, manufacture, possess, distribute, and otherwise deal in cocaine.

3. It was further part of the conspiracy that the defendants and their coconspirators would and did use businesses, including Kimmie's Pool Hall and Kimmie's Accessories and More, in Fort Myers, Florida, to arrange and conduct cocaine transactions.

4. It was further part of the conspiracy that the defendants and their coconspirators would and did sell cocaine in and around Fort Myers, Florida, Panama City, Florida, and elsewhere.

5. It was further part of the conspiracy that the defendants and their coconspirators would and did use storage facilities, including but not limited to a facility in Tampa, Florida, to conceal cocaine and cocaine proceeds.

6. It was further part of the conspiracy that the defendants and their coconspirators would and did threaten to kill and kill suspected and actual confidential informants.

7. It was further part of the conspiracy that the defendants and their coconspirators would and did misrepresent, conceal, and hide, and cause to be misrepresented, concealed, and hidden, acts performed in furtherance of the conspiracy.

Acts in Furtherance of the Conspiracy

8. In furtherance of the conspiracy, and to effectuate the objects thereof, the defendants and their coconspirators committed the following overt acts, among others, in the Middle District of Florida and elsewhere:

a. On or about December 14, 2011, through on or about November 20, 2012, coconspirators sold cocaine to confidential informants in Lee County, Florida;

b. On or about July 27, 2012, then-coconspirator Kristopher O'Neil Smith sold cocaine to buyers in Lee County, Florida;

c. On or about August 30, 2012, the defendant, ROBERT LEE WARD, sold cocaine to M.T., a confidential informant, in Lee County, Florida;

d. In or around September 2012, the defendant, ROBERT LEE WARD, directed coconspirators and members of his drug trafficking organization, and others, to kill M.T., a confidential informant;

e. In or around December 2012, the defendant, ROBERT LEE WARD, directed coconspirators and members of his drug trafficking organization, and others, to kill Kristopher O'Neil Smith, a confidential informant;

f. On or about January 7, 2013, at the direction of ROBERT LEE WARD, a coconspirator shot and killed Kristopher O'Neil Smith, a confidential informant, in Lee County, Florida;

g. On or about December 13, 2013, the defendants, ROBERT LEE WARD and DALTON KELVIN MCGRUFF, did possess with intent to distribute cocaine, in and around Panama City, Florida; and

h. On or about February 21, 2014, the defendant, ROBERT LEE WARD, did possess approximately \$200,820 in Tampa, Florida.

All in violation of 21 U.S.C. §§ 846 and 841(b)(1)(A)(ii).

COUNT TWO
Tampering with an Informant by Killing

On or about January 7, 2013, in the Middle District of Florida, the defendant,

ROBERT LEE WARD,

did knowingly and willfully aid, abet, command, induce, procure, and cause others, known and unknown to the Grand Jury, to shoot and kill Kristopher O'Neil Smith, a confidential informant, with the intent to prevent the

communication by Kristopher O'Neil Smith to a law enforcement officer and judge of the United States of information relating to the commission and possible commission of a Federal offense, to wit: the drug trafficking conspiracy described in Count One above, which allegations the Grand Jury does reallege and incorporate herein by reference.

All in violation of 18 U.S.C. §§ 1512(a)(1)(C) and 2.

SPECIAL FINDINGS AS TO ROBERT LEE WARD

Count Two of the Indictment is realleged and incorporated by reference as though fully set forth herein. As to Count Two of the Indictment, alleging the murder of Kristopher O'Neil Smith, the defendant, ROBERT LEE WARD:

- a. Was 18 years of age or older at the time of the offense;
- b. Intentionally killed the victim, Kristopher O'Neil Smith (18 U.S.C. § 3591(a)(2)(A));
- c. Intentionally and specifically engaged in an act of violence, knowing that the act created a grave risk of death to a person, other than one of the participants in the offense, such that participation in the act constituted a reckless disregard for human life and the victim

Kristopher O'Neil Smith died as a direct result of the act (18 U.S.C. § 3591(a)(1)(D));

d. Intentionally participated in an act, contemplating that the life of a person would be taken or intending that lethal force could be used in connection with a person, other than one of the participants in the offenses, and Kristopher O'Neil Smith died as a direct result of the act (18 U.S.C. § 3591(a)(2)(C));

e. Procured the commission of the offense by payment, or promise of payment, or anything of pecuniary value (18 U.S.C. § 3592(c)(7)); and

f. Committed the offense after substantial planning and premeditation to cause the death of a person (18 U.S.C. § 3592(c)(9)).

FORFEITURE

1. The allegations contained in Counts One and Two are incorporated by reference for the purpose of alleging forfeiture pursuant to the provisions of 18 U.S.C. § 981(a)(1)(C), 21 U.S.C. § 853 and 28 U.S.C. § 2461(c).

2. Upon conviction of a violation of 21 U.S.C. § 846, the defendants,

ROBERT LEE WARD and
DALTON KELVIN MCGRIFF,

shall forfeit to the United States, pursuant to 21 U.S.C. §§ 853(a)(1) and (2), any property constituting, or derived from, any proceeds the defendants obtained, directly or indirectly, as a result of such violation, and any property used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of, such violation.

3. Upon a conviction of 18 U.S.C. § 1512, the defendant,

ROBERT LEE WARD,

shall forfeit to the United States, pursuant to 18 U.S.C. § 981(a)(1)(C) and 28 U.S.C. § 2461(c), any property, real or personal, which constitutes or is derived from proceeds traceable to the offense.

4. The property to be forfeited includes, but is not limited to, an order of forfeiture in the amount of proceeds obtained from the offenses.

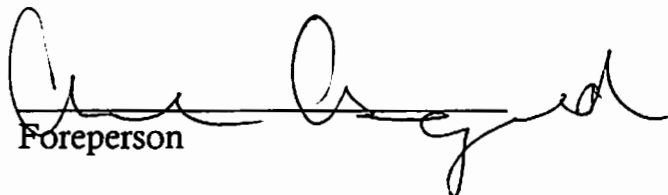
5. If any of the property described above, as a result of any act or omission of the defendants:

- 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;

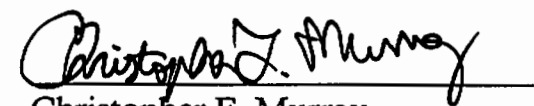
the United States shall be entitled to forfeiture of substitute property under the provisions of 21 U.S.C. § 853(p), directly as incorporated by 28 U.S.C. § 2461(c).

A TRUE BILL,


Foreperson

MARIA CHAPA LOPEZ
United States Attorney

By: 
Michael C. Sinacore
Assistant United States Attorney

By: 
Christopher F. Murray
Assistant United States Attorney
Chief, Violent Crimes & Narcotics Section

UNITED STATES DISTRICT COURT
Middle District of Florida
Tampa Division

THE UNITED STATES OF AMERICA

vs.

ROBERT LEE WARD and
DALTON KELVIN MCGRIFF

INDICTMENT

Violations: 21 U.S.C. § 846
18 U.S.C. § 1512(a)(1)(C)

A true bill,


Foreperson

Filed in open court this 27th day
of November 2018.

Clerk

Bail \$ _____
