

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA : Criminal No. 16- *CR-522(SDW)*
 :
 v. :
 : 18 U.S.C. § 922(g)(1)
 CARLOS BESS : 18 U.S.C. § 2
 : 21 U.S.C. § 841

INDICTMENT

The Grand Jury in and for the District of New Jersey, sitting at
Newark, charges:

COUNT ONE
(Felon in Possession of Firearms)

On or about July 23, 2015, in Essex County, in the District of New
Jersey, and elsewhere, the defendant,

CARLOS BESS,

having been convicted of a crime punishable by imprisonment for a term
exceeding one year in the Superior Court of New Jersey, Union County, did
knowingly possess in and affecting commerce firearms, namely the following:

- a. One Rebel Arms .223 caliber AR-15 rifle, serial number RA-00236;
and
- b. One Rebel Arms 556 caliber Rebel 15 rifle, serial number RA-
00258.

In violation of Title 18, United States Code, Section 922(g)(1).

COUNT TWO
(Distribution and Possession With Intent to Distribute Heroin)

On or about September 30, 2015, in Essex County, in the District of New Jersey, and elsewhere, the defendant,

CARLOS BESS,

did knowingly and intentionally distribute and possess with intent to distribute a quantity of a mixture and substance containing a detectable amount of heroin, a Schedule I controlled substance.

In violation of Title 21, United States Code, Sections 841(a)(1) and (b)(1)(C), and Title 18, United States Code, Section 2.

COUNT THREE
(Distribution and Possession With Intent to Distribute Heroin)

On or about December 1, 2015, in Essex County, in the District of New Jersey, and elsewhere, the defendant,

CARLOS BESS,

did knowingly and intentionally distribute and possess with intent to distribute a quantity of a mixture and substance containing a detectable amount of heroin, a Schedule I controlled substance.

In violation of Title 21, United States Code, Sections 841(a)(1) and (b)(1)(C), and Title 18, United States Code, Section 2.

COUNT FOUR
(Possession With Intent to Distribute Cocaine)

On or about December 9, 2015, in Essex County, in the District of New Jersey, and elsewhere, the defendant,

CARLOS BESS,

did knowingly and intentionally possess with intent to distribute 500 grams or more of a mixture and substance containing a detectable amount of cocaine, a Schedule II controlled substance.

In violation of Title 21, United States Code, Sections 841(a) and (b)(1)(B)(ii), and Title 18, United States Code, Section 2.

COUNT FIVE
(Possession With Intent to Distribute Heroin)

On or about December 9, 2015, in Essex County, in the District of New Jersey, and elsewhere, the defendant,

CARLOS BESS,

did knowingly and intentionally possess with intent to distribute a quantity of a mixture and substance containing a detectable amount of heroin, a Schedule I controlled substance.

In violation of Title 21, United States Code, Sections 841(a)(1) and (b)(1)(C), and Title 18, United States Code, Section 2.

COUNT SIX
(Felon in Possession of Firearms)

On or about December 9, 2015, in Essex County, in the District of New Jersey, and elsewhere, the defendant,

CARLOS BESS,

having been convicted of a crime punishable by imprisonment for a term exceeding one year in the Superior Court of New Jersey, Union County, did knowingly possess in and affecting commerce firearms, namely the following:

- a. One loaded Smith & Wesson Model 19 .357 caliber revolver, serial number 69K1928;
- b. One loaded Walther Model PK380 .380 caliber pistol, serial number PK114208;
- c. One loaded Ruger Model SR9C 9mm pistol, serial number 333-05099;
- d. One loaded Lorcin Model L380 .380 caliber pistol, serial number 505009; and
- e. One Mossberg Model 500 12-gauge shotgun, serial number U137157.

In violation of Title 18, United States Code, Section 922(g)(1).

FORFEITURE ALLEGATION AS TO COUNTS ONE AND SIX
(Felon in Possession of Firearms)

1. The allegations contained in Counts One and Six of this Indictment are hereby realleged and incorporated by reference as though set forth in full herein for the purpose of alleging forfeitures pursuant to Title 18, United States Code, Section 924(d)(1), and Title 28, United States Code, Section 2461(c).

2. Upon conviction of the offense in violation of Title 18, United States Code, Section 922(g), set forth in Counts One and Six of this Indictment, defendant Carlos Bess shall forfeit to the United States any firearms and ammunition involved in or used in the commission of that offense, including the following:

- a) One Rebel Arms .223 caliber AR-15 rifle, serial number RA-00236;
- b) One magazine containing nineteen (19) rounds of .223 caliber ammunition;
- c) One Rebel Arms 556 caliber Rebel 15 rifle, serial number RA-00258;
- d) One magazine containing twenty-two (22) rounds of .223 caliber ammunition;
- e) One loaded Smith & Wesson Model 19 .357 caliber revolver, serial number 69K1928;
- f) One loaded Walther Model PK380 .380 caliber pistol, serial number PK114208;
- g) One loaded Ruger Model SR9C 9mm pistol, serial number 333-05099;

- h) One loaded Lorcin Model L380 .380 caliber pistol, serial number 505009;
- i) One Mossberg Model 500 12-gauge shotgun, serial number U137157;
- j) Six (6) rounds of 12-gauge ammunition; and
- k) Two hundred and seventy-two (272) rounds of assorted ammunition.

All pursuant to Title 18, United States Code, Section 924(d)(1) and Title 28, United States Code, Section 2461(c).

3. If any of the property described above, 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,

the United States of America shall be entitled to forfeiture of substitute property pursuant to Title 21, United States Code, Section 853(p).

FORFEITURE ALLEGATION AS TO COUNTS TWO THROUGH FIVE
(Distribution and Possession with Intent to Distribute)

4. The allegations contained in Counts Two through Five of this Indictment are hereby realleged and incorporated by reference as though set forth in full herein for the purpose of alleging forfeitures pursuant to Title 21, United States Code, Section 853.

5. Pursuant to Title 21, United States Code, Section 853, upon conviction of an offense in violation of Title 21, United States Code, Section 841, the defendant Carlos Bess, shall forfeit to the United States of America all right, title and interest in all property constituting, or derived from, any proceeds obtained, directly or indirectly, as the result of such offense[s] and any property used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of, the offenses set forth in Counts One through Five of this Indictment.


6. If any of the property described above, 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,

the United States of America shall be entitled to forfeiture of substitute

property pursuant to Title 21, United States Code, Section 853(p).

A TRUE BILL.



PAUL J. FISHMAN
United States Attorney

FOREPERSON

CASE NUMBER: 16-CR-599(SDW)

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UNITED STATES OF AMERICA

v.

CARLOS BESS

INDICTMENT FOR

18 U.S.C. § 922(g)(1)
18 U.S.C. § 2
21 U.S.C. § 841

A True Bill,

Foreperson

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