

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

UNITED STATES OF AMERICA : Hon. Esther Salas
:
v. : Crim. No. 21-
:
OBADAH SALEH : 18 U.S.C. § 371
:

INFORMATION

The defendant having waived in open court prosecution by Indictment, the Acting United States Attorney for the District of New Jersey charges:

(Conspiracy to Traffic Contraband Cigarettes)

Background

1. At all times relevant to this Information:
 - a. Defendant OBADAH SALEH (“SALEH”) resided in New York and trafficked in contraband cigarettes with associates in New Jersey, including Omar Hamoudeh (“Hamoudeh”).
 - b. Hamoudeh, a coconspirator not charged in this Information, resided in Bergen County, New Jersey.
 - c. A “cigarette” was defined by 18 U.S.C. § 2341(1) as “(A) any roll of tobacco wrapped in paper, or any substance not containing tobacco; and (B) any roll of tobacco wrapped in any substance containing tobacco which, because of its appearance, the type of tobacco used in its filter, or its packaging and labeling, is likely to be offered to, or purchased by, consumers as a cigarette”

d. “Contraband cigarettes” was defined by 18 U.S.C. § 2341(2) as “a quantity in excess of 10,000 cigarettes which bear no evidence of the payment of applicable state or local cigarette taxes in the state or locality where such cigarettes are found, if the state or local government requires a stamp, impression, or other indication to be placed on packages or other containers of cigarettes to evidence payment of cigarette taxes”

e. Every state in the United States imposed some tax (within a wide range) on the retail sale of cigarettes. New Jersey, like all but three states, required a state tax stamp or imprint to be affixed on each individual pack of cigarettes as indicia that the state tax was paid.

f. Cigarettes, including contraband cigarettes, were commonly packaged as follows: approximately 20 cigarettes in a pack; approximately 10 packs in a carton; and approximately 50 cartons in a case. As a result, one case contained approximately 10,000 cigarettes.

g. New Jersey’s state tax rate on cigarettes was \$2.70 per pack.

The Conspiracy

2. From in or about 2014 through in or about October 2019, in the District of New Jersey and elsewhere, defendant

OBADAH SALEH

did knowingly and intentionally conspire with Hamoudeh and others to receive,

possess, and purchase contraband cigarettes, as that term is defined in Title 18, United States Code, Section 2341, which bore no evidence of the payment of cigarette taxes in the State of New Jersey, contrary to Title 18, United States Code, Section 2342(a).

The Goal of the Conspiracy

3. The goal of the conspiracy was for SALEH, Hamoudeh, and others to profit illegally by receiving, possessing, and purchasing contraband cigarettes.

Manner and Means of the Conspiracy

4. It was part of the conspiracy that:
- a. From in or about 2014 through in or about October 2019, primarily in Passaic County, New Jersey, SALEH, Hamoudeh, and others periodically purchased cases of contraband cigarettes that bore no tax stamps or imprints.
 - b. When SALEH, Hamoudeh, and others purchased these contraband cigarettes, it was represented to them that the cigarettes were stolen outside of New Jersey from large cigarette shipments from cigarette manufacturers to wholesalers.
 - c. SALEH, Hamoudeh, and others bought the contraband cigarettes with large sums of cash.

Overt Acts

5. In furtherance of the conspiracy, and to achieve its illegal objectives, SALEH, Hamoudeh, and others committed, and caused to be committed, the following acts in Passaic County, New Jersey and elsewhere:

a. On or about November 5, 2014, Hamoudeh, aided by SALEH, paid approximately \$31,500 cash for approximately 15 cases of contraband cigarettes.

b. On or about February 19, 2015, Hamoudeh, aided by SALEH, paid approximately \$28,000 cash for approximately 15 cases of contraband cigarettes.

c. On or about August 27, 2015, SALEH paid approximately \$30,000 cash for approximately 15 cases of contraband cigarettes.

d. On or about February 16, 2018, Hamoudeh, in agreement with SALEH and others, paid approximately \$30,000 for approximately 15 cases of contraband cigarettes.

In violation of Title 18, United States Code, Section 371.

FORFEITURE ALLEGATION

1. The allegations contained in this Information are re-alleged and incorporated here for the purpose of noticing forfeiture pursuant to Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461(c).

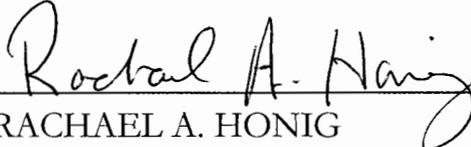
2. Upon conviction of the offense charged in this Information, defendant OBADAH SALEH shall forfeit to the United States, pursuant to Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461(c), all of his right, title, and interest in property, real or personal, which constitutes or is derived from proceeds he obtained that are traceable to the offense charged in this Information.

SUBSTITUTE ASSETS PROVISION

3. 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;

the United States shall be entitled, pursuant to 21 U.S.C. § 853(p) (as incorporated by 28 U.S.C. § 2461(c) and 18 U.S.C. § 982(b)), to forfeiture of any other property of the defendant up to the value of the above-described forfeitable property.


RACHAEL A. HONIG
Acting United States Attorney

CASE NUMBER: _____

United States District Court
District of New Jersey

UNITED STATES OF AMERICA

v.

OBADAH SALEH

INFORMATION FOR

18 U.S.C. § 371

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