

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

- - - - - X
UNITED STATES OF AMERICA

- v. -

SEALED
INDICTMENT

16 Cr.

CHARLES KENYATTA,

a/k/a "Charlie Cee,"

KASEEM WILSON,

a/k/a "Kas,"

a/k/a "Brown,"

EFRAIN SANCHEZ,

a/k/a "Solo,"

SAMUEL RIVERA,

a/k/a "Jazz,"

a/k/a "Mulah,"

a/k/a "Sammy,"

FNU LNU,

a/k/a "Sha,"

KENYATTA FURS,

a/k/a "Kenny Gilmore,"

IVETTE COLON,

WILLIAM ROBERTS,

a/k/a "Mel Black,"

TERRELL BLAND,

a/k/a "Relly Rell,"

a/k/a "Cash,"

DAVON STEWART,

a/k/a "Q,"

MARCUS TOXEY,

a/k/a "Bee Bee,"

16 CRIM 273

CARL ZELLER,	:
a/k/a "Tone,"	:
SHARON HILL,	:
BRYAN DAFFIN,	:
a/k/a "Q,"	:
a/k/a "BJ,"	:
ABRAHAM CUCUTA,	:
a/k/a "Holiday," and	:
BISHAUNTI POLAND,	:
a/k/a "Bino,"	:
Defendants.	:
-----	X

COUNT ONE

(Conspiracy to Distribute Narcotics)

The Grand Jury charges:

Background

1. The New York City Housing Authority ("NYCHA") operates, among others, two housing developments in the East Harlem neighborhood of Manhattan, New York: the East River Houses ("East River") and the Metro North Plaza ("Metro North").

2. From at least in or about 2012, up to and including in or about April 2016, in the Southern District of New York and elsewhere, CHARLES KENYATTA, a/k/a "Charlie Cee," KASEEM WILSON, a/k/a "Kas," a/k/a "Brown," EFRAIN SANCHEZ, a/k/a "Solo," SAMUEL RIVERA, a/k/a "Jazz," a/k/a "Mulah," a/k/a "Sammy," FNU LNU, a/k/a "Sha," KENYATTA FURS, a/k/a "Kenny Gilmore," IVETTE COLON, WILLIAM ROBERTS, a/k/a "Mel Black,"

TERRELL BLAND, a/k/a "Relly Rell," a/k/a "Cash," DAVON STEWART, a/k/a "Q," MARCUS TOXEY, a/k/a "Bee Bee," CARL ZELLER, a/k/a "Tone," SHARON HILL, BRYAN DAFFIN, a/k/a "Q," a/k/a "BJ," ABRAHAM CUCUTA, a/k/a "Holiday," and BISHAUNTI POLAND, a/k/a "Bino," the defendants (collectively, the "Defendants"), and others known and unknown, conspired to distribute significant amounts of narcotics, including crack cocaine, heroin, and marijuana, in and around, among other places, East River and Metro North.

3. The Defendants and others working with them operated a drug trafficking organization (the "East River DTO"), which distributed narcotics on a daily basis.

4. The East River DTO sold narcotics in locations around Manhattan including, for example, on public streets, inside public housing developments, and in the vicinity of New York City schools.

~~5. Members of the East River DTO had access to~~
firearms and engaged in acts of violence to, among other reasons, protect and maintain their drug business.

MEANS AND METHODS OF THE CONSPIRACY

6. Members of the East River DTO operated in concert to sell narcotics, employing the following means and methods, among others.

7. Members of the East River DTO fulfilled different roles within the DTO. Among other roles, certain of the Defendants regularly sold narcotics to retail customers in hand-to-hand drug transactions; other of the Defendants obtained wholesale supplies of drugs and supervised the packaging of drugs into retail distribution packages; other of the Defendants managed the distribution of retail packages to the street-level sellers and were responsible for collecting the proceeds of the drug transactions.

8. CHARLES KENYATTA, a/k/a "Charlie Cee," the defendant, supervised other members of the East River DTO and coordinated the supply of narcotics to other drug dealers in the East River DTO. KENYATTA has described, in substance and in part, how he had access to suppliers of wholesale quantities of crack cocaine and marijuana, and how other East River DTO members were able to take advantage of KENYATTA's connections to obtain and sell narcotics. KENYATTA has also boasted, in substance and in part, that he was a significant member of a subset of the Bloods street gang (the "Bloods"), and that he wielded considerable influence over the Bloods' narcotics trafficking and violent activity in Harlem.

9. CHARLES KENYATTA, a/k/a "Charlie Cee," the defendant, also worked directly with other members of the East River DTO to distribute narcotics. For example, KENYATTA has

discussed, in substance and in part, arranging sales of narcotics for EFRAIN SANCHEZ, a/k/a "Solo," the defendant. Furthermore, KENYATTA has directed another member of the East River DTO to accompany him on narcotics deliveries.

10. KASEEM WILSON, a/k/a "Kas," a/k/a "Brown," the defendant, also supervised other members of the East River DTO and, at times, issued instructions concerning the DTO's operations to them. For example, WILSON has instructed EFRAIN SANCHEZ, a/k/a "Solo," the defendant, in substance and in part, to prepare crack cocaine. SANCHEZ has also asked WILSON, in substance and in part, to supply SANCHEZ with narcotics.

11. Other members of the East River DTO handled many of the day-to-day drug trafficking operations. For example, customers regularly called a phone used by EFRAIN SANCHEZ, a/k/a "Solo," the defendant, to place orders for crack cocaine, and relied on SANCHEZ to supply them with narcotics at all times. ~~SANCHEZ personally sold crack cocaine to these customers, and~~ also arranged for other members of the East River DTO, including SAMUEL RIVERA, a/k/a "Jazz," a/k/a Mulah," a/k/a "Sammy," the defendant, to sell crack cocaine on SANCHEZ's behalf.

12. MARCUS TOXEY, a/k/a "Bee Bee," the defendant, also sold crack cocaine to customers in and around East River. Likewise, other East River DTO members, such as WILLIAM ROBERTS, a/k/a "Mel Black," the defendants, also engaged in regular,

street-level, hand-to-hand sales of crack cocaine on behalf of the East River DTO.

13. In January 2016, when EFRAIN SANCHEZ, a/k/a "Solo," the defendant, was incarcerated for a parole violation and was unable to sell drugs for the East River DTO, FNU LNU, a/k/a "Sha," the defendant, took over the use of SANCHEZ's phone in order to maintain and continue the East River DTO's drug-trafficking business. FNU LNU, a/k/a "Sha," informed SANCHEZ's regular customers, in substance and in part, that FNU LNU, a/k/a "Sha," was handling SANCHEZ's drug trafficking activities while SANCHEZ was incarcerated. FNU LNU, a/k/a "Sha," discussed his temporary management of SANCHEZ's business with SANCHEZ, and also communicated regularly with SAMUEL RIVERA, a/k/a "Jazz," a/k/a "Mulah," a/k/a "Sammy," the defendant, about carrying on the business. While managing SANCHEZ's day-to-day drug trafficking activities in SANCHEZ's absence, FNU LNU, a/k/a "Sha," personally arranged to sell narcotics to customers, including within approximately one block of a New York City high school. FNU LNU, a/k/a "Sha," also directed other members of the East River DTO, including DAVON STEWART, a/k/a "Q," the defendant, to sell crack cocaine and marijuana on behalf of FNU LNU, a/k/a "Sha," the defendant, for the East River DTO.

14. Other members of the East River DTO similarly worked together to further their narcotics trafficking

operation. For example, when contacted about a potential sale of crack cocaine, TERRELL BLAND, a/k/a "Relly Rell," a/k/a "Cash," the defendant, told a drug customer, in substance and in part, that he was not available but that another member of the organization, BRYAN DAFFIN, a/k/a "Q," a/k/a "BJ," the defendant, would make the sale.

15. KENYATTA FURS, a/k/a "Kenny Gilmore," the defendant, also directed other members of the East River DTO sell crack cocaine on his behalf. For example, FURS regularly directed customers to IVETTE COLON and SHARON HILL, the defendants, and instructed COLON with respect to who should, and should not, be permitted to purchase drugs at COLON's residence. FURS also interceded when one of the drug dealers who worked underneath him in the East River DTO had a dispute with a customer about the quantity of narcotics that was owed. COLON and HILL, in turn, also facilitated narcotics transactions with ~~EFRAIN SANCHEZ, a/k/a "Solo," and FNU LNU, a/k/a "Sha," the~~ defendants,

16. East River DTO members also supplied each other with narcotics to sell. For example, CARL ZELLER, a/k/a "Tone," the defendant, in addition to selling crack cocaine himself, negotiated prices for and arranged to supply FNU LNU, a/k/a "Sha," the defendant, with narcotics. MARCUS TOXEY, a/k/a "Bee Bee," the defendant, also spoke with EFRAIN SANCHEZ, a/k/a

"Solo," the defendant, about, in substance and in part, SANCHEZ supplying TOXEY with narcotics. SANCHEZ also supplied marijuana to other members of the East River DTO for those members of the DTO to sell.

17. Members of the East River DTO possessed and used firearms, and planned and engaged in acts of violence, during the course of the conspiracy, several of which are described below, to, among other reasons, protect and maintain their drug business.

18. In or about 2015, TERRELL BLAND, a/k/a "Relly Rell," a/k/a "Cash," the defendant, posted a message to a social media account used by him in which he stated, in substance and in part, that any individual who was not associated with the East River DTO would be a "target." Also in or about 2015, BLAND was present in an apartment with two other people in which two firearms and crack cocaine were stored.

19. In or about 2015, KASEEM WILSON, a/k/a "Kas," a/k/a "Brown," the defendant, possessed a firearm in the area of where the East River DTO operated and sold narcotics.

20. In or about 2015, IVETTE COLON, the defendant, informed EFRAIN SANCHEZ, a/k/a "Solo," the defendant, in substance and in part, that a certain individual ("Individual-1") had been to COLON's residence. SANCHEZ told

COLON, in substance and in part, that the next time Individual-1 visited her, COLON should try to detain Individual-1 there so that SAMUEL RIVERA, a/k/a "Jazz," a/k/a "Mulah," a/k/a "Sammy," the defendant, could assault Individual-1.

21. In or about 2016, EFRAIN SANCHEZ, a/k/a "Solo," the defendant, and a co-conspirator not named herein ("CC-1") discussed how CC-1 had violently assaulted a third individual ("Victim-1") at a store earlier that day in the vicinity of the East River Houses, and knocked out Victim-1. SANCHEZ told CC-1, in substance and in part, that SANCHEZ and others had previously confronted a member of a rival drug trafficking organization in the vicinity of a nearby NYCHA housing development.

22. In or about 2016, CHARLES KENYATTA, a/k/a "Charlie Cee," the defendant, and a co-conspirator not named herein ("CC-2") made plans to rob a man at a local barbershop who was wearing expensive jewelry. Also in or about 2016, ~~another co-conspirator told KENYATTA that he had asked others to~~ shoot or kill another individual.

23. In or about 2016, another co-conspirator not named herein ("CC-3") who is a member of the East River DTO stated to CHARLES KENYATTA, a/k/a "Charlie Cee," the defendant, in substance and in part, that CC-3 intended to exact revenge on another person because that person had pulled a gun on CC-3. CC-3 asked KENYATTA to meet him so that they could assault the

individual. CC-3 indicated that he was with KASEEM WILSON, a/k/a "Kas," a/k/a "Brown," the defendant.

STATUTORY ALLEGATIONS

24. From at least in or about 2012, up to and including in or about April 13, 2016, in the Southern District of New York and elsewhere, CHARLES KENYATTA, a/k/a "Charlie Cee," KASEEM WILSON, a/k/a "Kas," a/k/a "Brown," EFRAIN SANCHEZ, a/k/a "Solo," SAMUEL RIVERA, a/k/a "Jazz," a/k/a "Mulah," a/k/a "Sammy," FNU LNU, a/k/a "Sha," KENYATTA FURS, a/k/a "Kenny Gilmore," IVETTE COLON, WILLIAM ROBERTS, a/k/a "Mel Black," TERRELL BLAND, a/k/a "Relly Rell," a/k/a "Cash," DAVON STEWART, a/k/a "Q," MARCUS TOXEY, a/k/a "Bee Bee," CARL ZELLER, a/k/a "Tone," SHARON HILL, BRYAN DAFFIN, a/k/a "Q," a/k/a "BJ," ABRAHAM CUCUTA, a/k/a "Holiday," and BISHAUNTI POLAND, a/k/a "Bino," the defendants, and others known and unknown, intentionally and knowingly did combine, conspire, confederate and agree, together and with each other, to violate the narcotics laws of the United States.

25. It was a part and an object of the conspiracy that CHARLES KENYATTA, a/k/a "Charlie Cee," KASEEM WILSON, a/k/a "Kas," a/k/a "Brown," EFRAIN SANCHEZ, a/k/a "Solo," SAMUEL RIVERA, a/k/a "Jazz," a/k/a "Mulah," a/k/a "Sammy," FNU LNU, a/k/a "Sha," KENYATTA FURS, a/k/a "Kenny Gilmore," IVETTE COLON, WILLIAM ROBERTS, a/k/a "Mel Black," TERRELL BLAND, a/k/a "Relly

Rell," a/k/a "Cash," DAVON STEWART, a/k/a "Q," MARCUS TOXEY, a/k/a "Bee Bee," CARL ZELLER, a/k/a "Tone," SHARON HILL, BRYAN DAFFIN, a/k/a "Q," a/k/a "BJ," ABRAHAM CUCUTA, a/k/a "Holiday," and BISHAUNTI POLAND, a/k/a "Bino," the defendants, and others known and unknown, would and did distribute and possess with the intent to distribute controlled substances, in violation of Title 21, United States Code, Section 841(a)(1).

26. The controlled substances that CHARLES KENYATTA, a/k/a "Charlie Cee," KASEEM WILSON, a/k/a "Kas," a/k/a "Brown," EFRAIN SANCHEZ, a/k/a "Solo," SAMUEL RIVERA, a/k/a "Jazz," a/k/a "Mulah," a/k/a "Sammy," FNU LNU, a/k/a "Sha," KENYATTA FURS, a/k/a "Kenny Gilmore," IVETTE COLON, WILLIAM ROBERTS, a/k/a "Mel Black," TERRELL BLAND, a/k/a "Relly Rell," a/k/a "Cash," DAVON STEWART, a/k/a "Q," MARCUS TOXEY, a/k/a "Bee Bee," CARL ZELLER, a/k/a "Tone," SHARON HILL, BRYAN DAFFIN, a/k/a "Q," a/k/a "BJ," ABRAHAM CUCUTA, a/k/a "Holiday," and BISHAUNTI POLAND, a/k/a

~~"Bino," the defendants, conspired to distribute and possess with~~
the intent to distribute were (i) 280 grams and more of mixtures and substances containing a detectable amount of cocaine base, in a form commonly known as "crack cocaine," in violation of Title 21, United States Code, Section 841(b)(1)(A); (ii) 100 grams and more of mixtures and substances containing a detectable amount of heroin, in violation of Title 21, United States Code, Section 841(b)(1)(B); and (iii) 50 kilograms and

more of marijuana, in violation of Title 21, United States Code, Section 841(b) (1) (C).

(Title 21, United States Code, Section 846.)

COUNT TWO

(Possession of a Firearm in Furtherance of
Narcotics Trafficking)

The Grand Jury further charges:

27. On or about April 11, 2015, in the Southern District of New York and elsewhere, KASEEM WILSON, a/k/a "Kas," a/k/a "Brown," the defendant, during and in relation to a drug trafficking crime for which he may be prosecuted in a court of the United States, namely, the narcotics conspiracy charged in Count One of this Indictment, knowingly used and carried a firearm, and, in furtherance of such crime, possessed a firearm, and aided and abetted the use, carrying, and possession of a firearm, to wit, a handgun.

(Title 18, United States Code,
Sections 924(c) (1) (A) (i) and 2.)

FORFEITURE ALLEGATIONS

28. As a result of committing the controlled substance offense alleged in Count One of this Indictment, CHARLES KENYATTA, a/k/a "Charlie Cee," KASEEM WILSON, a/k/a "Kas," a/k/a "Brown," EFRAIN SANCHEZ, a/k/a "Solo," SAMUEL RIVERA, a/k/a "Jazz," a/k/a "Mulah," a/k/a "Sammy," FNU LNU, a/k/a "Sha," KENYATTA FURS, a/k/a "Kenny Gilmore," IVETTE COLON,

WILLIAM ROBERTS, a/k/a "Mel Black," TERRELL BLAND, a/k/a "Relly Rell," a/k/a "Cash," DAVON STEWART, a/k/a "Q," MARCUS TOXEY, a/k/a "Bee Bee," CARL ZELLER, a/k/a "Tone," SHARON HILL, BRYAN DAFFIN, a/k/a "Q," a/k/a "BJ," ABRAHAM CUCUTA, a/k/a "Holiday," and BISHAUNTI POLLAND, a/k/a "Bino," the defendants, shall forfeit to the United States, pursuant to Title 21, United States Code, Section 853, any and all property constituting and derived from any proceeds the defendants obtained directly or indirectly as a result of the offense and any and all property used or intended to be used in any manner or part to commit and to facilitate the commission of the offense.

SUBSTITUTE ASSET PROVISION

29. If any of the above described forfeitable property, 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; 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 defendants up to the value of the above forfeitable property.

(Title 21, United States Code, Section 853.)

FOREPERSON✓

Preet Bharara

PREET BHARARA
United States Attorney

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

- v. -

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SAMUEL RIVERA, a/k/a "Jazz," a/k/a
"Mulah," a/k/a "Sammy," FNU LNU, a/k/a
"Sha," KENYATTA FURS, a/k/a "Kenny
Gilmore," IVETTE COLON, WILLIAM ROBERTS,
a/k/a "Mel Black," TERRELL BLAND, a/k/a
"Relly Rell," a/k/a "Cash," DAVON
STEWART, a/k/a "Q," MARCUS TOXEY, a/k/a
"Bee Bee," CARL ZELLER, a/k/a "Tone,"
SHARON HILL, BRYAN DAFFIN, a/k/a "Q,"
a/k/a "BJ," ABRAHAM CUCUTA, a/k/a
"Holiday," and BISHAUNTI POLLAND, a/k/a
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Defendants.

SEALED INDICTMENT

16 Cr.

(21 U.S.C. §§ 841(a)(1), 841(b)(1)(A),
841(b)(1)(B), 841(b)(1)(C), and 846;
18 U.S.C. §§ 924(c)(1)(A)(i) and 2.)

PREET BHARARA

United States Attorney.

A TRUE BILL

 
Foreperson.