

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

- - - - - X
UNITED STATES OF AMERICA :
 :
 - v - :
 :
 ROBERT SMUTEK, :
 :
 Defendant. :
 - - - - - X

SUPERSEDING INDICTMENT
14 Cr. 722 (KMK)

COUNT ONE

(Possession of Narcotics with Intent to Distribute)

The Grand Jury charges:

1. On or about August 29, 2013, in the Southern District of New York and elsewhere, ROBERT SMUTEK, the defendant, intentionally and knowingly did distribute and possess with the intent to distribute a controlled substance analogue intended for human consumption, to wit, an amount of 1,4 butanediol, which is an analogue of gamma hydroxybutyric acid, that SMUTEK intended would be consumed.

(Title 21, United States Code, Sections 812, 813, 841(a)(1), 841(b)(1)(C), and 802(32)(A).)

COUNT TWO

(Possession of Narcotics with Intent to Distribute)

The Grand Jury charges:

2. On or about November 26, 2013, in the Southern District of New York and elsewhere, ROBERT SMUTEK, the

defendant, intentionally and knowingly did distribute and possess with the intent to distribute a controlled substance analogue intended for human consumption, to wit, an amount of 1,4 butanediol, which is an analogue of gamma hydroxybutyric acid, that SMUTEK intended would be consumed.

(Title 21, United States Code, Sections 812, 813, 841(a)(1), 841(b)(1)(C), and 802(32)(A).)

COUNT THREE

(Possession of Narcotics with Intent to Distribute)

The Grand Jury charges:

3. On or about January 2, 2014, in the Southern District of New York and elsewhere, ROBERT SMUTEK, the defendant, intentionally and knowingly did distribute and possess with the intent to distribute a controlled substance analogue intended for human consumption, to wit, an amount of 1,4 butanediol, which is an analogue of gamma hydroxybutyric acid, that SMUTEK intended would be consumed.

(Title 21, United States Code, Sections 812, 813, 841(a)(1), 841(b)(1)(C), and 802(32)(A).)

COUNT FOUR

(Possession of Narcotics with Intent to Distribute)

The Grand Jury charges:

4. On or about April 30, 2014, in the Southern District of New York and elsewhere, ROBERT SMUTEK, the

defendant, intentionally and knowingly did distribute and possess with the intent to distribute a controlled substance analogue intended for human consumption, to wit, an amount of 1,4 butanediol, which is an analogue of gamma hydroxybutyric acid, that SMUTEK intended would be consumed.

(Title 21, United States Code, Sections 812, 813, 841(a)(1), 841(b)(1)(C), and 802(32)(A).)

COUNT FIVE

(Possession of Firearm by a Convicted Felon)

The Grand Jury further charges:

5. On or about April 30, 2014, in the Southern District of New York and elsewhere, ROBERT SMUTEK, the defendant, after having been convicted in a court of a crime punishable by imprisonment for a term exceeding one year, knowingly did possess in and affecting commerce a firearm, which previously had been shipped and transported in interstate and foreign commerce, to wit, a Browning 16 gauge shotgun.

(Title 18, United States Code, Sections 922(g)(1) and 924(a)(2).)

FORFEITURE ALLEGATION AS TO COUNT ONE, COUNT TWO, COUNT THREE,

AND COUNT FOUR

6. As a result of committing the controlled substance offenses alleged in Count One, Count Two, Count Three, and Count Four of this Indictment, ROBERT SMUTEK, the defendant, shall

forfeit to the United States, pursuant to 21 U.S.C. § 853, any and all property constituting or derived from any proceeds said defendant obtained directly or indirectly as a result of the violations and any and all property used or intended to be used in any manner or part to commit or to facilitate the commission of the violations alleged in Count One, Count Two, Count Three, and Count Four of this Indictment.

Substitute Assets Provision

7. If any of the property described above as being subject to forfeiture, as a result of any act or omission of the defendant:

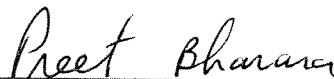
- a. cannot be located upon the exercise of due diligence;
 - b. has been transferred or sold to, or deposited with, a third person;
 - c. has been placed beyond the jurisdiction of the Court;
 - d. has been substantially diminished in value;
- or
- e. has been commingled with other property which cannot be subdivided without difficulty;

it is the intent of the United States, pursuant to 21 U.S.C. § 853(p), to seek forfeiture of any other property of the defendant up to the value of the forfeitable property.

(Title 21, United States Code, Sections 841(a)(1) and 853.)



FOREPERSON



PREET BHARARA

United States Attorney

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

- v. -

ROBERT SMUTEK,

Defendant.

SUPERSEDING INDICTMENT

S1 14 Cr. 722 (KMK)

(21 U.S.C. §§ 812, 813, 841(a)(1), 841(b)(1)(C), & 802(32)(A))
(18 U.S.C. § 922(g)(1) & 924(a)(2).)

PREET BHARARA
United States Attorney.

A TRUE BILL

Sum G. Attala

Foreperson.
