

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

v.

JYSHUN TROWER,
a/k/a "JD," and
STIVEN ARTURO MARTINEZ NIN,

Defendants.

INDICTMENT

23 Cr.

23 CRIM 673

COUNT ONE
(Unlicensed Firearms Dealing)

The Grand Jury charges:

1. From at least in or about June 5, 2023, through at least in or about September 29, 2023, in the Southern District of New York and elsewhere, JYSHUN TROWER, the defendant, not being a licensed importer, licensed manufacturer, or licensed dealer of firearms within the meaning of Chapter 44, Title 18, United States Code, willfully engaged in the business of dealing in firearms, and in the course of such business shipped, transported, and received a firearm in interstate and foreign commerce, and aided and abetted the same, to wit, TROWER illegally sold firearms in Manhattan, New York.

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

COUNT TWO
(Interstate Transportation and Distribution of Firearms)

The Grand Jury further charges:

2. From at least on or about June 5, 2023, through at least in or about September 29, 2023, in the Southern District of New York and elsewhere, JYSHUN TROWER, the defendant, not being a licensed importer, licensed manufacturer, licensed dealer, or licensed collector of

firearms within the meaning of Chapter 44, Title 18, United States Code, willfully transferred, sold, traded, gave, transported, and delivered a firearm to another individual, said person not being a licensed importer, licensed manufacturer, licensed dealer, or licensed collector of firearms within the meaning of Chapter 44, Title 18, United States Code, and knowing and with reasonable cause to believe that said person was not then residing in Virginia, the State in which the defendant was then residing, to wit, TROWER resided in Virginia and traveled to Manhattan, New York, where he sold firearms.

(Title 18, United States Code, Sections 922(a)(5) and 2.)

COUNT THREE
(Conspiracy to Distribute Narcotics)

The Grand Jury further charges:

3. From at least on or about November 16, 2023, through on or about December 14, 2023, in the Southern District of New York and elsewhere, JYSHUN TROWER and STIVEN ARTURO MARTINEZ NIN, the defendants, and others known and unknown, intentionally and knowingly combined, conspired, confederated, and agreed together and with each other to violate the narcotics laws of the United States.

4. It was a part and an object of the conspiracy that JYSHUN TROWER and STIVEN ARTURO MARTINEZ NIN, the defendants, and others known and unknown, would and did distribute and possess with intent to distribute a controlled substance, in violation of Title 21, United States Code, Section 841(a)(1).

5. The controlled substance that JYSHUN TROWER and STIVEN ARTURO MARTINEZ NIN, the defendants, conspired to distribute and possess with intent to distribute was: (i) 400 grams and more of mixtures and substances containing a detectable amount of fentanyl, and (ii) 100 grams and more of mixtures and substances containing a detectable amount of para-

fluorofentanyl, a fentanyl analogue, in violation of Title 21, United States Code, Section 841(b)(1)(A).

(Title 21, United States Code, Sections 846, 841(a)(1), and 841(b)(1)(A).)

COUNT FOUR
(Firearms Use)

The Grand Jury further charges:

6. On or about December 14, 2023, in the Southern District of New York and elsewhere, JYSHUN TOWER, 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 drug trafficking crime charged in Count Three 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.

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

COUNT FIVE
(Attempted Transfer of a Firearm for use in a Felony or Drug Trafficking Crime)

The Grand Jury further charges:

7. On or about December 14, 2023, in the Southern District of New York and elsewhere, JYSHUN TOWER, the defendant, knowingly transferred a firearm, and attempted to do the same, knowing and with reasonable cause to believe that the firearm would be used to commit a felony and a drug trafficking crime, to wit, JYSHUN TOWER sold and attempted to sell numerous firearms, including with large capacity magazines, along with fentanyl, to a purchaser in the Manhattan, New York.

(Title 18, United States Code, Sections 924(h) and 2.)

FORFEITURE ALLEGATION

8. As a result of committing the offense alleged in Counts One, Two, Four, and Five of this Indictment, JYSHUN TROWER, the defendant, shall forfeit to the United States, pursuant to Title 18, United States Code, Section 924(d)(1) and Title 28 United States Code, Section 2461(c), any and all firearms and ammunition involved in or used in or intended to be used in said offense, including but not limited to:

- a. 45 caliber rifle, serial number 4506575
- b. 9mm Glock pistol, serial number AZW195US
- c. 9mm Smith & Wesson pistol, serial number PJN5949
- d. 9mm Smith & Wesson pistol, serial number HXJ7545
- e. 9mm Taurus pistol, serial number TNI88096

9. As a result of committing the offense alleged in Count Three of this Indictment, JYSHUN TROWER and STIVEN ARTURO MARTINEZ NIN, the defendant, shall forfeit to the United States, pursuant to Title 21, United States Code, Section 853, any and all property constituting, or derived from, any proceeds obtained, directly or indirectly, as a result of said offense and any and all property used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of, said offense, including but not limited to a sum of money in United States currency representing the amount of proceeds traceable to the commission of said offense.

Substitute Assets Provision

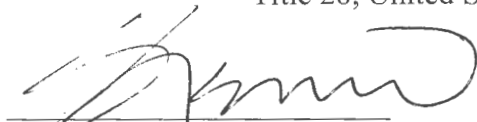
10. If any of the above-described forfeitable property, as a result of any act or omission of the defendant:

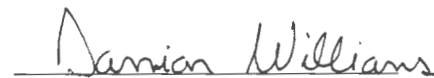
- a. cannot be located upon the exercise of due diligence;

- b. has been transferred or sold to, or deposited with, a third 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) and Title 28, United States Code, Section 2461(c), to seek forfeiture of any other property of the defendant up to the value of the above forfeitable property.

(Title 18, United States Code, Section 924;
Title 21, United States Code, Section 853; and
Title 28, United States Code, Section 2461.)


FOREPERSON


DAMIAN WILLIAMS
United States Attorney