

JUDGE VYSKOCIL

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

- v. -

NAZEEM FRANCIS,
a/k/a "Naz,"
JONATHAN COLON,
a/k/a "Johnny Blaze,"
a/k/a "JB,"
JULIO OZUNA,
a/k/a "JJ,"
a/k/a "Josh Balla,"
a/k/a "Chocolate,"
PRINCE GAINES,
a/k/a "Poodie,"
ERICK OLEAGA,
a/k/a "ED,"
KHALIL SUGGS,
a/k/a "KI," and
VICTOR MARTINEZ,
a/k/a "Vic,"

Defendants.

SEALED SUPERSEDING
INDICTMENT

(S1) 20 Cr. ____ (____)

20 CRIM 213

COUNT ONE

(Murder of Christopher Pierce)

The Grand Jury charges:

1. On or about September 3, 2018, in the Southern District of New York, NAZEEM FRANCIS, a/k/a "Naz," JONATHAN COLON, a/k/a "Johnny Blaze," a/k/a "JB," and JULIO OZUNA, a/k/a "JJ," a/k/a "Josh Balla," a/k/a "Chocolate," the defendants, and others known and unknown, willfully and knowingly, during and in relation to a crime of violence for which they may be prosecuted

in a court of the United States, namely, the attempted Hobbs Act robbery charged in Count Two of this Indictment, did use and carry firearms, and, in furtherance of such crime, did possess firearms, and in the course of that crime of violence did, through the use of a firearm, cause the death of a person, which killing is murder as defined in Title 18, United States Code, Section 1111(a), and did aid and abet the same, to wit, in the course of attempting to rob Victim-1, a marijuana dealer, a co-conspirator of FRANCIS, COLON, and OZUNA, shot and killed Christopher Pierce.

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

COUNT TWO
(Attempted Hobbs Act Robbery)

The Grand Jury further charges:

2. On or about September 3, 2018, in the Southern District of New York, NAZEEM FRANCIS, a/k/a "Naz," JONATHAN COLON, a/k/a "Johnny Blaze," a/k/a "JB," and JULIO OZUNA, a/k/a "JJ," a/k/a "Josh Balla," a/k/a "Chocolate," the defendants, and others known and unknown, unlawfully and knowingly did attempt to commit robbery, as that term is defined in Title 18, United States Code, Section 1951(b)(1), and would and did thereby obstruct, delay, and affect commerce and the movement of articles and commodities in commerce, as that term is defined in Title 18, United States Code, Section 1951(b)(3), to wit,

FRANCIS, COLON, and OZUNA attempted to rob Victim-1, a marijuana dealer, at gunpoint of narcotics, cash proceeds of narcotics sales, and valuable jewelry purchased with the proceeds of narcotics sales, and aided and abetted the same.

(Title 18, United States Code, Sections 1951 and 2.).

COUNT THREE
(Hobbs Act Robbery Conspiracy)

The Grand Jury further charges:

3. From in or about August 2018 up to and including on or about September 3, 2018, in the Southern District of New York, NAZEEM FRANCIS, a/k/a "Naz," JONATHAN COLON, a/k/a "Johnny Blaze," a/k/a "JB," and JULIO OZUNA, a/k/a "JJ," a/k/a "Josh Balla," a/k/a "Chocolate," the defendants, and others known and unknown, unlawfully and knowingly did combine, conspire, confederate, and agree together and with each other to commit robbery, as that term is defined in Title 18, United States Code, Section 1951(b)(1), and would and did thereby obstruct, delay, and affect commerce and the movement of articles and commodities in commerce, as that term is defined in Title 18, United States Code, Section 1951(b)(3), to wit, FRANCIS, COLON, and OZUNA agreed with each other and with others to rob Victim-1, a marijuana dealer, at gunpoint of narcotics, cash proceeds of narcotics sales, and valuable jewelry purchased with the proceeds of narcotics sales.

(Title 18, United States Code, Sections 1951.).

COUNT FOUR
(Narcotics Conspiracy)

The Grand Jury further charges:

4. From at least in or about 2018, up to and including in or about March 2020, in the Southern District of New York and elsewhere, JONATHAN COLON, a/k/a "Johnny Blaze," a/k/a "JB," JULIO OZUNA, a/k/a "JJ," a/k/a "Josh Balla," a/k/a "Chocolate," PRINCE GAINES, a/k/a "Poodie," ERICK OLEAGA, a/k/a "ED," KHALIL SUGGS, a/k/a "KI," and VICTOR MARTINEZ, a/k/a "Vic," 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.

5. It was a part and an object of the conspiracy that JONATHAN COLON, a/k/a "Johnny Blaze," a/k/a "JB," JULIO OZUNA, a/k/a "JJ," a/k/a "Josh Balla," a/k/a "Chocolate," PRINCE GAINES, a/k/a "Poodie," ERICK OLEAGA, a/k/a "ED," KHALIL SUGGS, a/k/a "KI," and VICTOR MARTINEZ, a/k/a "Vic," the defendants, and others known and unknown, would and did distribute and possess with intent to distribute controlled substances, in violation of Title 21, United States Code, Section 841(a)(1).

6. The controlled substances that JONATHAN COLON, a/k/a "Johnny Blaze," a/k/a "JB," JULIO OZUNA, a/k/a "JJ," a/k/a "Josh Balla," a/k/a "Chocolate," PRINCE GAINES, a/k/a "Poodie," ERICK

OLEAGA, a/k/a "ED," KHALIL SUGGS, a/k/a "KI," and VICTOR MARTINEZ, a/k/a "Vic," the defendants, conspired to distribute and possess with the intent to distribute were (a) 28 grams and more of mixtures and substances containing a detectable amount of cocaine base in a form commonly known as "crack," in violation of Title 21, United States Code, Section 841(b)(1)(B); and (b) mixtures and substances containing a detectable amount of cocaine.

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

COUNT FIVE
(Firearms Offense)

The Grand Jury further charges:

7. On or about November 18, 2019, in the Southern District of New York, KHALIL SUGGS, a/k/a "KI," the defendant, and others known and unknown, 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 Four of this Indictment, willfully and knowingly did use and carry a firearm, and, in furtherance of such crime, did possess a firearm, which firearm was brandished, and aided and abetted the same.

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

COUNT SIX
(Hobbs Act Robbery)

The Grand Jury further charges:

8. On or about January 19, 2020, in the Southern District of New York, JULIO OZUNA, a/k/a "JJ," a/k/a "Josh Balla," a/k/a "Chocolate," the defendant, and others known and unknown, unlawfully and knowingly did commit robbery, as that term is defined in Title 18, United States Code, Section 1951(b)(1), and would and did thereby obstruct, delay, and affect commerce and the movement of articles and commodities in commerce, as that term is defined in Title 18, United States Code, Section 1951(b)(3), to wit, OZUNA robbed an individual, Victim-2, at gunpoint of an item Victim-2 had listed for sale on the social media application "Letgo," and aided and abetted the same.

(Title 18, United States Code, Sections 1951 and 2.)

COUNT SEVEN
(Hobbs Act Robbery Conspiracy)

The Grand Jury further charges:

9. In or about January 2020, in the Southern District of New York, JULIO OZUNA, a/k/a "JJ," a/k/a "Josh Balla," a/k/a "Chocolate," the defendant, and others known and unknown, unlawfully and knowingly did combine, conspire, confederate, and agree together and with each other to commit robbery, as that term is defined in Title 18, United States Code, Section 1951(b)(1), and would and did thereby obstruct, delay, and

affect commerce and the movement of articles and commodities in commerce, as that term is defined in Title 18, United States Code, Section 1951(b)(3), to wit, OZUNA agreed with others to commit a gunpoint robbery of Victim-2 who had listed an item for sale on the social media application "Letgo."

(Title 18, United States Code, Section 1951.)

COUNT EIGHT
(Firearms Offense)

The Grand Jury further charges:

10. On or about January 19, 2020, in the Southern District of New York, JULIO OZUNA, a/k/a "JJ," a/k/a "Josh Balla," a/k/a "Chocolate," the defendant, during and in relation to a crime of violence for which he may be prosecuted in a court of the United States, namely, the robbery charged in Count Six of this Indictment, knowingly did use and carry a firearm, and in furtherance of such crime, did possess a firearm, which firearm was brandished, and aided and abetted the same.

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

FORFEITURE ALLEGATION AS TO COUNT FOUR

11. As a result of committing the offense charged in Count Four of this Indictment, JONATHAN COLON, a/k/a "Johnny Blaze," a/k/a "JB," JULIO OZUNA, a/k/a "JJ," a/k/a "Josh Balla," a/k/a "Chocolate," PRINCE GAINES, a/k/a "Poodie," ERICK OLEAGA, a/k/a "ED," KHALIL SUGGS, a/k/a "KI," VICTOR MARTINEZ, a/k/a "Vic,"

the defendants, 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.

FORFEITURE ALLEGATION AS TO COUNT SIX

12. As a result of committing the offense alleged in Count Two of this Indictment, JULIO OZUNA, a/k/a "JJ," a/k/a "Josh Balla," a/k/a "Chocolate," the defendant, 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), any and all property, real and personal, that constitutes or is derived from proceeds traceable to 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 and the following specific property:

- a. Mike Amiri jeans;
- b. Black and gold Moose Knuckles jacket;
- c. Gold Apple iPhone; and

d. Apple Air-Pods.

Substitute Assets Provision

13. If any of the above-described forfeitable property, as a result of any act or omission of JONATHAN COLON, a/k/a "Johnny Blaze," a/k/a "JB," JULIO OZUNA, a/k/a "JJ," a/k/a "Josh Balla," a/k/a "Chocolate," PRINCE GAINES, a/k/a "Poodie," ERICK OLEAGA, a/k/a "ED," KHALIL SUGGS, a/k/a "KI," VICTOR MARTINEZ, a/k/a "Vic," 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), 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 981;
Title 21, United States Code, Section 853; and
Title 28, United States Code, Section 2461.)

SPECIAL FINDINGS AS TO NAZEEM FRANCIS

14. Count One of this Indictment is realleged and incorporated by reference as though fully set forth herein. As to Count One, alleging the murder of Christopher Pierce, the defendant NAZEEM FRANCIS, a/k/a "Naz":

a. was 18 years of age or older at the time of the offense;

b. intentionally and specifically engaged in an act of violence, knowing that the act created a grave risk of death to a person, other than one of the participants in the offense, such that participation in the act constituted a reckless disregard for human life and the victim died as a direct result of the act (Title 18, United States Code, Section 3591(a)(2)(D));

c. has previously been convicted of 2 or more Federal or State offenses, punishable by a term of imprisonment of more than 1 year, committed on different occasions, involving the infliction of, or attempted infliction of, serious bodily injury or death upon another person (Title 18, United States Code, Section 3592(c)(4)).

SPECIAL FINDINGS AS TO JONATHAN COLON

15. Count One of this Indictment is realleged and incorporated by reference as though fully set forth herein. As to Count One, alleging the murder of Christopher Pierce, the

defendant JONATHAN COLON, a/k/a "Johnny Blaze," a/k/a "JB,":

a. was 18 years of age or older at the time of the offense;

b. intentionally and specifically engaged in an act of violence, knowing that the act created a grave risk of death to a person, other than one of the participants in the offense, such that participation in the act constituted a reckless disregard for human life and the victim died as a direct result of the act (Title 18, United States Code, Section 3591(a)(2)(D)).

SPECIAL FINDINGS AS TO JULIO OZUNA

16. Count One of this Indictment is realleged and incorporated by reference as though fully set forth herein. As to Count One, alleging the murder of Christopher Pierce, the defendant JULIO OZUNA, a/k/a "JJ," a/k/a "Josh Balla," a/k/a "Chocolate,":

a. was 18 years of age or older at the time of the offense;

b. intentionally and specifically engaged in an act of violence, knowing that the act created a grave risk of death to a person, other than one of the participants in the offense, such that participation in the act constituted a reckless disregard for human life and the victim died as a

direct result of the act (Title 18, United States Code, Section
3591(a)(2)(D)).



FOREPERSON

Geoffrey S. Berman
GEOFFREY S. BERMAN *rs* /HAC
United States Attorney

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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NAZEEM FRANCIS, et al.

Defendants.

SEALED SUPERSEDING INDICTMENT

S1 20 Cr. ____ (____)

(18 U.S.C. §§ 924(c), 924(j) 1951, and 2;
21 U.S.C. § 846.)

Foreperson  GEOFFREY S. BERMAN
 United States Attorney.
