

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

- - - - - X

UNITED STATES OF AMERICA

- v. -

RICARDO FERGUSON,  
a/k/a "Mayback,"

Defendant.

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SEALED INDICTMENT

22 Cr.

**22 CRIM 135**

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COUNT ONE  
(Narcotics Conspiracy)

The Grand Jury charges:

1. In or about 2019, in the Southern District of New York and elsewhere, RICARDO FERGUSON, a/k/a "Mayback," the defendant, 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.

2. It was a part and an object of the conspiracy that RICARDO FERGUSON, a/k/a "Mayback," the defendant, 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).

3. The controlled substance that RICARDO FERGUSON, a/k/a "Mayback," the defendant, conspired to distribute and

possess with intent to distribute was: 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)(C).

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

**COUNT TWO**  
**(Attempted Hobbs Act Robbery)**

The Grand Jury further charges:

4. On or about December 5, 2021, in the Southern District of New York and elsewhere, RICARDO FERGUSON, a/k/a "Mayback," the defendant, and others known and unknown, knowingly did attempt to commit robbery, as that term is defined in Title 18, United States Code, Section 1951(b)(1), and did thereby attempt to 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), and did aid and abet the same, to wit, FERGUSON and another individual attempted to rob Robert Brown, Sr. of drugs and drug proceeds in the Bronx, New York.

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

**COUNT THREE**  
**(Violence in Furtherance of a Plan to Commit Hobbs Act Robbery)**

The Grand Jury further charges:

5. On or about December 5, 2021, in the Southern District of New York and elsewhere, RICARDO FERGUSON, a/k/a

"Mayback," the defendant, and others known and unknown, knowingly did commit and threaten physical violence to any person and property in furtherance of a plan and purpose to commit robbery, as that term is defined in Title 18, United States Code, Section 1951(b)(1), 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), and did aid and abet the same, to wit, in furtherance of a plan to rob Robert Brown, Sr., of drugs and drug proceeds, FERGUSON assaulted and shot and killed Brown in the Bronx, New York.

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

**COUNT FOUR**  
**(Murder Through Use of a Firearm)**

The Grand Jury further charges:

6. On or about December 5, 2021, in the Southern District of New York, RICARDO FERGUSON, a/k/a "Mayback," the defendant, willfully and knowingly, during and in relation to a drug trafficking crime and a crime of violence for which he may be prosecuted in a court of the United States, namely, the narcotics conspiracy charged in Count One of this Indictment, the attempted robbery charged in Count Two of this Indictment, and the violence in furtherance of a plan to commit robbery charged in Count Three of this Indictment, did use and carry a

firearm, and in furtherance of such crimes, did possess a firearm, and did aid and abet the use, carrying, and possession of a firearm, and in the course of such crimes did cause the death of a person through the use of a firearm, which killing is murder as defined in Title 18, United States Code, Section 1111(a), and did and abet the same, to wit, on or about December 5, 2021, in the vicinity of Aqueduct Walk near Aqueduct Avenue and West Fordham Road in the Bronx, New York, FERGUSON shot and killed Robert Brown, Sr., a rival drug dealer, while FERGUSON and another individual attempted to rob Brown of drugs and drug proceeds.

(Title 18, United States Code, Sections 924(j)(1) and 2.)

**SPECIAL FINDINGS REGARDING THE MURDER OF ROBERT BROWN, SR.**

7. Count Four of the Indictment is realleged and incorporated by reference as though fully set forth herein. As to Count Four of the Indictment, alleging the murder of Robert Brown, Sr., RICARDO FERGUSON, a/k/a "Mayback," the defendant:

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

b. intentionally participated in an act, contemplating that the life of a person would be taken and intending that lethal force would be used in connection with a person, other than one of the participants in the offenses, and

the victim died as a direct result of the act (Title 18, United States Code, Section 3591(a)(2)(C)); and

c. 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)).

#### **FORFEITURE ALLEGATION**

13. As a result of committing the controlled substance offense alleged in Count One of the Indictment, RICARDO FERGUSON, a/k/a "Mayback," 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 the defendant obtained directly or indirectly as a result of the said violations 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 violation alleged in Count One of this Indictment, including but not limited to a sum in United States currency representing the amount of all proceeds obtained as a result of the controlled substance offense alleged in Count One of this Indictment.

Substitute Asset Provision

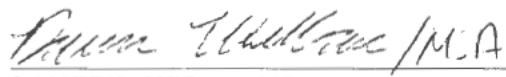
15. If any of the above-described forfeitable property, as a result of any act or omission of the defendant:

- (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 18 U.S.C. § 982(b) and 21 U.S.C. § 853(p) 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 982; Title 21, United States Code, Section 853.)

  
FOREPERSON

  
DAMIAN WILLIAMS  
United States Attorney

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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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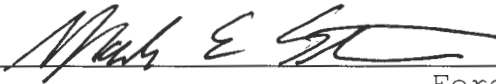
22 Cr.

(Title 21, United States Code,  
Section 846;  
Title 18, United States Code, Sections  
924(j), 1951, and 2.)

DAMIAN WILLIAMS

United States Attorney.

A TRUE BILL



Foreperson.

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03/03/22

CA

SEALED INDICTMENT FILED  
W/ ARREST WARRANT

KII PARKER  
USMJ