

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA

- v. -

JOSHUA RODRIGUEZ,
a/k/a "Suave,"

Defendant.

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SEALED INDICTMENT

22 Cr.

22 CRIM 316

COUNT ONE
(Narcotics Conspiracy)

The Grand Jury charges:

1. From in or about 2012 up to and including October 23, 2018, in the Southern District of New York and elsewhere, JOSHUA RODRIGUEZ, a/k/a "Suave," 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 JOSHUA RODRIGUEZ, a/k/a "Suave," 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 JOSHUA RODRIGUEZ, a/k/a "Suave," the defendant, conspired to distribute and

possess with intent to distribute was 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 Controlled Substance with Intent to Distribute)

The Grand Jury further charges:

4. On or about October 23, 2018, in the Southern District of New York and elsewhere, JOSHUA RODRIGUEZ, a/k/a "Suave," the defendant, intentionally and knowingly distributed for remuneration and possessed with the intent to distribute for remuneration a controlled substance, in violation of Title 21, United States Code, Section 841(a)(1).

5. The controlled substance involved in the offense was less than 50 kilograms of marijuana, in violation of Title 21, United States Code, Section 841(b)(1)(D).

(Title 21, United States Code, Sections 812, 841(a)(1), and 841(b)(1)(D).)

COUNT THREE

(Murder Through Use of a Firearm)

The Grand Jury further charges:

6. On or about October 23, 2018, in the Southern District of New York, JOSHUA RODRIGUEZ, a/k/a "Suave," the defendant, willfully and knowingly, 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 offenses charged in Counts One and Two 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 aid and abet the same, to wit, RODRIGUEZ shot and killed a rival marijuana dealer, Jaquan Millien, and shot Millien's five-year-old son during the course of the murder, in the vicinity of the Webster Houses in the Bronx, New York.

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

SPECIAL FINDINGS REGARDING THE MURDER OF JAQUAN MILLIEN

7. Count Three of the Indictment is realleged and incorporated by reference as though fully set forth herein. As to Count Three of the Indictment, alleging the murder of Jaquan Millien, JOSHUA RODRIGUEZ, a/k/a "Suave," the defendant:

a. was 18 years of age or older at the time of the offense; 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 offense, 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 offenses alleged in Counts One and Two of this Indictment, JOSHUA RODRIGUEZ, a/k/a "Suave," 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 offenses, 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 offenses, including but not limited to a sum of money in United States currency representing the amount of proceeds traceable to the commission of said offenses.

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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(Title 21, United States Code,
Sections 846 and 841;
Title 18, United States Code, Sections
924(j) and 2.)

DAMIAN WILLIAMS

United States Attorney.

A TRUE BILL.

Foreperson.

NE
616122

Sealed Indictment Filed with
arrest warrant

Severin L. Cave
(Signed)