

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

- - - - - x

UNITED STATES OF AMERICA :

SEALED INDICTMENT

- v. - :

22 Cr. ()

RICARDO AYALA, :

a/k/a "Richie," and :

TERRIS OLIVER, :

a/k/a "T-Bird, :

22 CRIM 378

Defendants. :

- - - - - x

COUNT ONE

(Murder While Engaged in a Narcotics Conspiracy)

The Grand Jury charges:

1. On or about March 27, 2002, in the Southern District of New York, RICARDO AYALA, a/k/a "Richie," and TERRIS OLIVER, a/k/a "T-Bird," the defendants, while engaging in an offense punishable under Title 21, United States Code, Section 841(b)(1)(A), namely, a conspiracy to distribute 280 grams and more of mixtures and substances containing a detectable amount of cocaine base, in a form commonly known as "crack," intentionally and knowingly killed, and counseled, commanded, induced, procured, and caused the intentional killing of Atari Felton, in

the vicinity of 1665 Topping Avenue, Bronx, New York, and aided and abetted the same.

(Title 21, United States Code, Section 848(e)(1)(A);
Title 18, United States Code, Section 2.)

COUNT TWO
(Murder Through Use of a Firearm)

The Grand Jury further charges:

2. On or about March 27, 2002, in the Southern District of New York, RICARDO AYALA, a/k/a "Richie," and TERRIS OLIVER, a/k/a "T-Bird," the defendants, during and in relation to a drug trafficking crime for which they may be prosecuted in a court of the United States, namely, a conspiracy to distribute mixtures and substances containing a detectable amount of crack cocaine, cocaine, heroin, and marijuana, did use and carry firearms, and in furtherance of such crime, did possess firearms, and did aid and abet the use, carrying, and possession of firearms, and in the course of that drug trafficking crime did cause the death of Atari Felton 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, AYALA and OLIVER planned and helped carry out the intentional murder of Atari Felton, during which Atari Felton was shot and killed, in the vicinity of 1665 Topping Avenue, Bronx, New York, and aided and abetted the same.

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

SPECIAL FINDINGS REGARDING THE MURDER OF ATARI FELTON

3. Counts One and Two of the Indictment are realleged and incorporated by reference as though fully set forth herein. As to Counts One and Two of the Indictment, alleging the murder of Atari Felton, RICARDO AYALA, a/k/a "Richie," and TERRIS OLIVER, a/k/a "T-Bird," the defendants:

a. were 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)).



Foreperson


DAMIAN WILLIAMS
United States Attorney

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(21 U.S.C. § 848(e)(1)(A);
18 U.S.C. §§ 924(j) and 2.)

DAMIAN WILLIAMS

United States Attorney.


