

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

- - - - - X

UNITED STATES OF AMERICA :

- v. - :

**SEALED SUPERSEDING  
INDICTMENT**

JOSE CARLOS PANIAGUA :

a/k/a "Carlos," :

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a/k/a "Carlito," :

a/k/a "Cee-lo," :

JOSE OSVALDO PANIAGUA JR., :

a/k/a "Osvaldo," :

a/k/a "Calvo," :

JOSE RAFAEL PANIAGUA, :

a/k/a "Rafaelito," :

OSVALDO PANIAGUA, :

a/k/a "Nano," :

a/k/a "Viejo," :

JOAN TORRES, :

a/k/a "Ronco," :

VICTOR LUNA, and :

RAMON PICHARDO, :

a/k/a "Gallo," :

Defendants. :

:

- - - - - X

COUNT ONE

The Grand Jury charges:

1. From in or about 2008, up to and including in or about June 2014, in the Southern District of New York and elsewhere, JOSE CARLOS PANIAGUA, a/k/a "Carlos," a/k/a "Carlito," a/k/a "Cee-lo," JOSE OSVALDO PANIAGUA JR., a/k/a "Osvaldo," a/k/a "Calvo," JOSE RAFAEL PANIAGUA, a/k/a "Rafaelito," OSVALDO PANIAGUA, a/k/a "Nano," a/k/a "Viejo," JOAN

TORRES, a/k/a "Ronco," VICTOR LUNA, and RAMON PICHARDO, a/k/a "Gallo," 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.

2. It was a part and an object of the conspiracy that JOSE CARLOS PANIAGUA, a/k/a "Carlos," a/k/a "Carlito," a/k/a "Cee-lo," JOSE OSVALDO PANIAGUA JR., a/k/a "Osvaldo," a/k/a "Calvo," JOSE RAFAEL PANIAGUA, a/k/a "Rafaelito," OSVALDO PANIAGUA, a/k/a "Nano," a/k/a "Viejo," JOAN TORRES, a/k/a "Ronco," VICTOR LUNA, and RAMON PICHARDO, a/k/a "Gallo," 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).

3. The controlled substance that JOSE CARLOS PANIAGUA, a/k/a "Carlos," a/k/a "Carlito," a/k/a "Cee-lo," JOSE OSVALDO PANIAGUA JR., a/k/a "Osvaldo," a/k/a "Calvo," JOSE RAFAEL PANIAGUA, a/k/a "Rafaelito," OSVALDO PANIAGUA, a/k/a "Nano," a/k/a "Viejo," JOAN TORRES, a/k/a "Ronco," VICTOR LUNA, and RAMON PICHARDO, a/k/a "Gallo," the defendants, conspired to distribute and possess with intent to distribute was mixtures

and substances containing a detectable amount of oxycodone, in violation of Title 21, United States Code, Section 841(b)(1)(C).

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

COUNT TWO

The Grand Jury further charges:

4. From at least in or about 2008, up to and including in or about June 2014, in the Southern District of New York and elsewhere, JOSE CARLOS PANIAGUA, a/k/a "Carlos," a/k/a "Carlito," a/k/a "Cee-lo," JOSE OSVALDO PANIAGUA JR., a/k/a "Osvaldo," a/k/a "Calvo," JOSE RAFAEL PANIAGUA, a/k/a "Rafaelito," OSVALDO PANIAGUA, a/k/a "Nano," a/k/a "Viejo," and JOAN TORRES, a/k/a "Ronco," the defendants, and others known and unknown, willfully and knowingly did combine, conspire, confederate, and agree together and with each other to commit offenses against the United States, to wit, to violate Sections 331(a), 331(t), 333(a)(2), 333(b)(1)(D), and 353(e)(2)(A) and (B) of Title 21, United States Code.

5. It was a part and an object of the conspiracy that JOSE CARLOS PANIAGUA, a/k/a "Carlos," a/k/a "Carlito," a/k/a "Cee-lo," JOSE OSVALDO PANIAGUA JR., a/k/a "Osvaldo," a/k/a "Calvo," JOSE RAFAEL PANIAGUA, a/k/a "Rafaelito," OSVALDO PANIAGUA, a/k/a "Nano," a/k/a "Viejo," and JOAN TORRES, a/k/a "Ronco," the defendants, and others known and unknown, willfully and knowingly, and with the intent to defraud and mislead, would

and did introduce and deliver for introduction into interstate commerce a drug that was adulterated and misbranded, as those terms are defined in Title 21, United States Code, Sections 351(a) and 352(a), in violation of Title 21, United States Code, Sections 331(a) and 333(a)(2).

6. It was further a part and an object of the conspiracy that JOSE CARLOS PANIAGUA, a/k/a "Carlos," a/k/a "Carlito," a/k/a "Cee-lo," JOSE OSVALDO PANIAGUA JR., a/k/a "Osvaldo," a/k/a "Calvo," JOSE RAFAEL PANIAGUA, a/k/a "Rafaelito," OSVALDO PANIAGUA, a/k/a "Nano," a/k/a "Viejo," and JOAN TORRES, a/k/a "Ronco," the defendants, and others known and unknown, willfully and knowingly would and did engage in the wholesale distribution in interstate commerce of prescription drugs subject to Title 21, United States Code, Section 353(b) in a State, at a time when the defendants and their coconspirators were not licensed by that State, in accordance with the guidelines issued under Title 21, United States Code, Section 353(e)(2)(B), in violation of Title 21, United States Code, Sections 331(t), 333(b)(1)(D), and 353(e)(2)(A) and (B).

#### OVERT ACTS

7. In furtherance of the conspiracy and to effect the illegal object thereof, the following overt acts, among others, were committed in the Southern District of New York and elsewhere:

a. On or about December 17, 2012, in the Southern District of New York, JOSE RAFAEL PANIAGUA, a/k/a "Rafaelito," the defendant, purchased prescription medication from another person who was not a licensed distributor.

b. In or about March 2014, in the Southern District of New York, JOAN TORRES, a/k/a "Ronco," the defendant, possessed a list of prescription medications and their sale price.

c. In or about March 2014, in the Southern District of New York, OSVALDO PANIAGUA, a/k/a "Nano," a/k/a "Viejo," possessed prescription medication for redistribution without a license.

d. In or about April 2014, in the Southern District of New York, JOSE OSVALDO PANIAGUA JR., a/k/a "Osvaldo," a/k/a "Calvo," possessed prescription medication for redistribution without a license.

e. In or about May 2014, in the Southern District of New York, JOSE CARLOS PANIAGUA, a/k/a "Carlos," a/k/a "Carlito," a/k/a "Cee-lo," and JOSE RAFAEL PANIAGUA, the defendants, possessed and transported prescription medication without a license.

(Title 18, United States Code, Section 371)

COUNT THREE

The Grand Jury further charges:

8. In or about October 2010, in the Southern District of New York and elsewhere, JOSE CARLOS PANIAGUA, a/k/a "Carlos," a/k/a "Carlito," a/k/a "Cee-lo," JOSE OSVALDO PANIAGUA JR., a/k/a "Osvaldo," a/k/a "Calvo," and JOSE RAFAEL PANIAGUA, a/k/a "Rafaelito," the defendants, and others known and unknown, willfully and knowingly did combine, conspire, confederate, and agree together and with each other to violate Section 1958 of Title 18, United States Code.

9. It was a part and an object of the conspiracy that JOSE CARLOS PANIAGUA, a/k/a "Carlos," a/k/a "Carlito," a/k/a "Cee-lo," JOSE OSVALDO PANIAGUA JR., a/k/a "Osvaldo," a/k/a "Calvo," and JOSE RAFAEL PANIAGUA, a/k/a "Rafaelito," the defendants, and others known and unknown, willfully and knowingly, would and did cause another to travel in interstate and foreign commerce, and would and did use and cause another to use a facility of interstate and foreign commerce, with intent that a murder be committed in violation of the laws of the state of New York, as consideration for the receipt of, and as consideration for a promise and agreement to pay, a thing of pecuniary value, which resulted in personal injury to the victim (the "Victim"), to wit, JOSE CARLOS PANIAGUA, JOSE OSVALDO PANIAGUA JR., JOSE RAFAEL PANIAGUA and other individuals not

named as defendants herein hired gunmen to travel from New Jersey to New York to kill the Victim, a rival prescription drug dealer, and the gunmen then shot the Victim.

(Title 18, United States Code, Section 1958)

COUNT FOUR

The Grand Jury further charges:

10. In or about October 2010, in the Southern District of New York and elsewhere, JOSE CARLOS PANIAGUA, a/k/a "Carlos," a/k/a "Carlito," a/k/a "Cee-lo," JOSE OSVALDO PANIAGUA JR., a/k/a "Osvaldo," a/k/a "Calvo," and JOSE RAFAEL PANIAGUA, a/k/a "Rafaelito," the defendants, during and in relation to a crime of violence for which they may be prosecuted in a court of the United States, namely, the offense charged in Count Three of this Indictment, knowingly did use and carry a firearm, and, in furtherance of such crime, did possess a firearm, and did aid and abet the use, carrying, and possession of a firearm, which was discharged.

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

FORFEITURE ALLEGATION

11. As a result of committing the controlled substance offense charged in Count One of this Indictment, JOSE CARLOS PANIAGUA, a/k/a "Carlos," a/k/a "Carlito," a/k/a "Cee-lo," JOSE OSVALDO PANIAGUA JR., a/k/a "Osvaldo," a/k/a "Calvo,"

JOSE RAFAEL PANIAGUA, a/k/a "Rafaelito," OSVALDO PANIAGUA, a/k/a "Nano," a/k/a "Viejo," JOAN TORRES, a/k/a "Ronco," VICTOR LUNA, and RAMON PICHARDO, a/k/a "Gallo," 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 the defendants obtained directly or indirectly as a result of the offense 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 offense charged in Count One of this Indictment.

Substitute Assets Provision

12. If any of the above-described forfeitable property, as a result of any act or omission of JOSE CARLOS PANIAGUA, a/k/a "Carlos," a/k/a "Carlito," a/k/a "Cee-lo," JOSE OSVALDO PANIAGUA JR., a/k/a "Osvaldo," a/k/a "Calvo," JOSE RAFAEL PANIAGUA, a/k/a "Rafaelito," OSVALDO PANIAGUA, a/k/a "Nano," a/k/a "Viejo," JOAN TORRES, a/k/a "Ronco," VICTOR LUNA, and RAMON PICHARDO, a/k/a "Gallo," 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 21 U.S.C. § 853(p), to seek forfeiture of any other property of the defendants up to the value of the above forfeitable property.

(Title 21, United States Code, Section 853.)



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PREET BHARARA  
United States Attorney

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OSVALDO PANIAGUA,  
a/k/a "Nano," a/k/a "Viejo,"  
JOAN TORRES, a/k/a "Ronco,"  
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RAMON PICHARDO, a/k/a "Gallo,"  
Defendants.

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SUPERSEDING  
INDICTMENT

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(21 U.S.C. §§ 846, 853; 18 U.S.C. §§  
371, 1958)

PREET BHARARA

United States Attorney.

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Foreperson.

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