

FILED *JS*
U.S. DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

2015 JUL 24 AM 10:39

WILLIAM W. BLEVINS
CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

FELONY

**SECOND SUPERSEDING INDICTMENT FOR CONSPIRACY
TO DISTRIBUTE A CONTROLLED SUBSTANCE, DISTRIBUTION OF
A CONTROLLED SUBSTANCE, TAMPERING WITH A WITNESS AND
OBSTRUCTION OF AN OFFICIAL PROCEEDING**

UNITED STATES OF AMERICA

* CRIMINAL DOCKET NO: 14-284

v.

* SECTION: "H"

BRANDON LICCIARDI
ERIK J. NUNEZ

* VIOLATIONS: 18 U.S.C. § 1512(b)(2)(A)
18 U.S.C. § 1512(c)(1)
* 18 U.S.C. § 1512(c)(2)
* 18 U.S.C. § 1512(k)
* 18 U.S.C. § 2
21 U.S.C. § 846
* 21 U.S.C. § 841(a)(1)
21 U.S.C. § 841(b)(1)(C)
* 21 U.S.C. § 841(b)(2)
* 21 U.S.C. § 841(b)(7)(A)

* * *

The Grand Jury Charges That:

COUNT ONE

In or about December 2013, in the Eastern District of Louisiana, the defendant,
BRANDON LICCIARDI, did knowingly attempt to corruptly persuade a witness by requesting
her to not provide law enforcement officials with certain information concerning his involvement

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with the target of an investigation with the intent to cause and induce that witness to withhold testimony from an official proceeding, that is a federal grand jury; all in violation of Title 18, United States Code, Section 1512(b)(2)(A).

COUNT TWO

On or about March 4, 2014, in the Eastern District of Louisiana, the defendant, **BRANDON LICCIARDI**, did knowingly attempt to corruptly persuade a witness by requesting her to not provide law enforcement officials with certain information concerning his involvement with the target of an investigation with the intent to cause and induce that witness to withhold testimony from an official proceeding, that is, a federal grand jury; all in violation of Title 18, United States Code, Section 1512(b)(2)(A).

COUNT THREE

Between on or about October 29, 2013, and April 1, 2014, in the Eastern District of Louisiana, the defendant, **BRANDON LICCIARDI**, did corruptly attempt to obstruct, influence, and impede an official proceeding, that is, a federal grand jury, by purposely failing to provide relevant information known to him, that is, information pertaining to the sexual assault of M.B., and information pertaining to the sexual assault of G.D., and by providing false information, that is, his lack of knowledge of the term "Molly Wop," his lack of knowledge of prior drug distribution to unsuspecting women by Darren Sharper prior to September 23, 2013, and his assertion that he had never taken a drugged or drunken women to Darren Sharper's condominium, during statements he made to the New Orleans Police Department and the Orleans Parish District Attorney's Office, in violation of Title 18, United States Code, Section 1512(c)(2).

COUNT FOUR

Between on or about September 23, 2013, and December 1, 2013, said dates being approximate, in the Eastern District of Louisiana, the defendant, **ERIK J. NUNEZ**, did knowingly and intentionally combine, conspire, confederate and agree with others known and unknown to the Grand Jury, to corruptly alter, destroy, mutilate, and conceal an object, that is, a cellular telephone, and the information contained thereon, with the intent to impair the object's integrity or availability for use in an official proceeding, that is, a federal grand jury; in violation of Title 18, United States Code, Sections 1512(c)(1), all in violation of Title 18, United States Code Section 1512(k).

COUNT FIVE

From at least January 2010, up to and including May 1, 2014, said dates being approximate, in the Eastern District of Louisiana and elsewhere, the defendant, **BRANDON LICCIARDI**, did knowingly and intentionally combine, conspire, confederate and agree with others, both known and unknown to the Grand Jury, to distribute methylenedioxyphenethylamine ("MDMA," "Ecstasy"), a Schedule I drug controlled substance; and Alprazolam, Diazepam, and Zolpidem, Schedule IV drug controlled substances, with the intent to commit a crime of violence, that is, rape, contrary to the provisions of Title 21, United States Code, Sections 841(a)(1), (b)(1)(C), (b)(2) and (b)(7)(A); all in violation of Title 21, United States Code, Section 846.

COUNT SIX

On or about February 2, 2013, in the Eastern District of Louisiana, the defendant, **BRANDON LICCIARDI**, did knowingly and intentionally distribute

methylenedioxyphenethylamine (“MDMA,” “Ecstasy”), a Schedule I controlled substance; and Alprazolam and Diazepam, Schedule IV drug controlled substances, with the intent to commit a crime of violence, that is rape; all in violation of Title 21, United States Code, Sections 841(a)(1), (b)(1)(C), (b)(2) and (b)(7)(A) and Title 18, United States Code, Section 2.

COUNT SEVEN

On or about September 23, 2013, in the Eastern District of Louisiana, the defendant, **BRANDON LICCIARDI**, aiding and abetting others, did knowingly and intentionally distribute methylenedioxyphenethylamine (“MDMA,” “Ecstasy”), a Schedule I drug controlled substance, and Zolpidem, a Schedule IV drug controlled substance, with the intent to commit a crime of violence, that is rape; all in violation of Title 21, United States Code, Sections 841(a)(1), (b)(1)(C), (b)(2) and (b)(7)(A) and Title 18, United States Code, Section 2.

NOTICE OF WITNESS TAMPERING FORFEITURE

1. The allegations of Counts One through Three of this Second Superseding Indictment are realleged and incorporated by reference as though set forth fully herein for the purpose of alleging forfeiture to the United States of America pursuant to the provisions of Title 18, United States Code, Sections 1512 and 981(a)(1)(C), made applicable through Title 28, United States Code, Section 2461(c).

2. As a result of the offenses alleged in Counts One through Three of this Second Superseding Indictment, the defendant, **BRANDON LICCIARDI**, shall forfeit to the United States pursuant to Title 18, United States Code, Section 981(a)(1)(C), made applicable through

Title 28, United States Code, Section 2461(c), any and all property, real or personal, which constitutes or is derived from proceeds traceable to violations of Title 18, United States Code, Section 1512.

3. If any of the property subject to forfeiture, 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 Title 21, United States Code, Section 853(p), to seek forfeiture of any other property of said defendant up to the value of the above forfeitable property.

All in violation of Title 18, United States Code, Sections 1512 and 981(a)(1)(C), made applicable through Title 28, United States Code, Section 2461(c).

NOTICE OF EVIDENCE TAMPERING FORFEITURE

1. The allegations of Count Four of this Second Superseding Indictment are realleged and incorporated by reference as though set forth fully herein for the purpose of alleging forfeiture to the United States of America pursuant to the provisions of Title 18, United States Code,

Sections 1512 and 981(a)(1)(C), made applicable through Title 28, United States Code, Section 2461(c).

2. As a result of the offense alleged in Count Four of this Second Superseding Indictment, the defendant, **ERIK J. NUNEZ**, shall forfeit to the United States pursuant to Title 18, United States Code, Section 981(a)(1)(C), made applicable through Title 28, United States Code, Section 2461(c), any and all property, real or personal, which constitutes or is derived from proceeds traceable to violations of Title 18, United States Code, Section 1512.

3. If any of the property subject to forfeiture, 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 Title 21, United States Code, Section 853(p), to seek forfeiture of any other property of said defendant up to the value of the above forfeitable property.

All in violation of Title 18, United States Code, Sections 1512 and 981(a)(1)(C), made applicable through Title 28, United States Code, Section 2461(c).

NOTICE OF DRUG FORFEITURE

1. The allegations of Counts Five through Seven of this Second Superseding Indictment are realleged and incorporated by reference as though set forth fully herein for the purpose of alleging forfeiture to the United States of America pursuant to the provisions of Title 21, United States Code, Section 853.

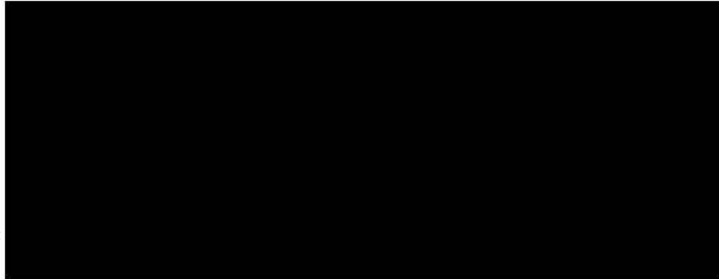
2. As a result of the offenses alleged in Counts Five through Seven of this Second Superseding Indictment, the defendant, **BRANDON LICCIARDI**, shall forfeit to the United States pursuant to Title 21, United States Code, Section 853, any and all property constituting or derived from any proceeds the 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 or to facilitate the commission of the violations alleged in Counts Five through Seven of this Second Superseding Indictment.

3. If any of the property subject to forfeiture pursuant to Paragraph 2 of this Notice of Forfeiture, as a result of any acts or omissions of the defendant, **BRANDON LICCIARDI**:

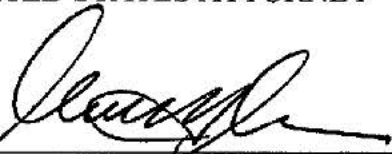
- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third person;
- c. has been placed beyond the jurisdiction of the Court;
- d. has been substantially diminished in value; or
- e. has been commingled with other property which cannot be subdivided without difficulty;

it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p), to seek forfeiture of any other property of said defendant up to the value of the above forfeitable property.


All in violation of Title 21, United States Code, Section 853.



KENNETH ALLEN POLITE, JR.
UNITED STATES ATTORNEY



MARK A. MILLER
(MO Bar No. 30488)
Assistant United States Attorney



MICHAEL E. McMAHON
(LA Bar Roll No. 10095)
Assistant United States Attorney

New Orleans, Louisiana
July 24, 2015

No. 14-284 "H"

UNITED STATES DISTRICT COURT

Eastern District of Louisiana

Criminal Division

THE UNITED STATES OF AMERICA

vs.

BRANDON LICCIARDI

ERIK J. NUNEZ

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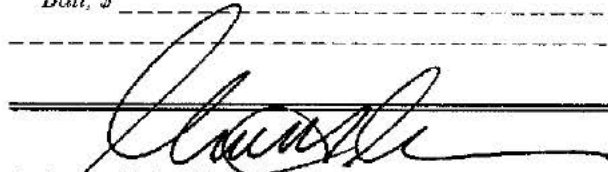
**VIOLATIONS: 18 U.S.C. § 1512(b)(2)(A); 18 U.S.C.
§ 1512(e)(1); 18 U.S.C. § 1512(e)(2); 18 U.S.C. § 1512(k);
18 U.S.C. § 2; 21 U.S.C. § 846; 21 U.S.C. § 841(a)(1);
21 U.S.C. § 841(b)(1)(C); 21 U.S.C. § 841(b)(2); and
21 U.S.C. § 841(b)(7)(A)**

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Filed in open court this _____ day of _____
A.D. 2015.

Clerk

Bail, \$ _____



Assistant United States Attorney MARK A. MILLER