

FILED

FEB 18 2016

U. S. DISTRICT COURT  
EASTERN DISTRICT OF MO  
ST. LOUIS

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

UNITED STATES OF AMERICA, )  
 )  
 Plaintiff, )  
 )  
 v. )  
 )  
 YAKOV PISMAN, )  
 a/k/a "Yasha", )  
 a/k/a Yacov Pisman, )  
 OLEKSANDR ZYUZ, )  
 a/k/a "Sanya," )  
 SERGEI KISHCHENKO, )  
 OLEG DEYCH, )  
 SVETLANA KISHCHENKO, )  
 VOLODYMYR ZYUZ, )  
 MYKHALO ZYUZ, )  
 a/k/a "Michael," )  
 a/k/a "Misha," )  
 ALEKSANDR ARBITMAN, )  
 OLEG GODKO, )  
 JACOB SHEYN, )  
 VYACHESLAV GERSHANOVICH, )  
 a/k/a Steven Gershan, )  
 a/k/a "Slavik," )  
 INESSA VATMAN, )  
 MAX TKACH )  
 a/k/a Maksim Tkach )  
 and )  
 ROMAN KARAPCHUK, )  
 )  
 Defendants. )

No.

**4:16CR0066 RLW/JMB**

**INDICTMENT**

The Grand Jury charges that:

At all times relevant to the indictment:

### Introduction

1. Pursuant to Title 18, United States Code Section 2341, “Contraband Cigarettes” means a quantity in excess of 10,000 cigarettes (or 50 cartons of cigarettes), which bear no evidence of the payment of applicable state or local cigarette taxes in the state or locality where such cigarettes are found.

2. It is common for cigarettes to be packaged as follows: twenty (20) cigarettes in a pack and ten (10) packs of cigarettes in one carton, thirty (30) cartons in a “half case” and Sixty (60) cartons in a master case.

2. At all times relevant to the indictment, the State of Missouri, St. Louis County, Missouri, city of St. Louis, Missouri, State of New York, and the City of New York required that a tax stamp be affixed to each package of cigarettes as proof of tax payments.

3. S.C. is a national wholesale club with headquarters in Bentonville, Arkansas and with stores located throughout the United States including the States of Missouri and Georgia. Consumers may purchase products at S.C., including cigarettes provided they have a membership in S.C.

4. C.W. is a national wholesale club with headquarters in Issaquah, Washington and with stores located throughout the United States including the States of Missouri and Georgia. Consumers may purchase products at C.W., including cigarettes provided they have a membership at C.W.

5. At all times relevant to the indictment the cigarette tax in Missouri was substantially lower than the cigarette tax in New York. New York currently imposes a combined state-local tax of \$5.85 per package of cigarettes compared with Missouri which currently imposes

a combined state-local tax in the City of St. Louis of .24 cents per package and combined state-local tax in St. Louis County of .22 cents per package of cigarettes.

6. It was the purpose of the conspiracy for defendants and others known and unknown to the Grand Jury to enrich themselves by purchasing large quantities of cigarettes in Missouri and Georgia, where the state tax on cigarettes is substantially lower than in New York, transporting those cigarettes to New York, selling those cigarettes without paying the New York cigarette tax, and concealing said transactions, resulting in a substantial profit.

**COUNT ONE**

1. Paragraphs one (1) through six (6) of the Introduction to this Indictment are hereby re-alleged and incorporated by reference, as though fully set forth herein.

A. **The Conspiracy**

7. Beginning in or before 2011, with the exact date unknown to the Grand Jury and continuing through the date of this indictment, within the Eastern District of Missouri and elsewhere:

**YAKOV PISMAN, a/k/a "Yasha," a/k/a Yacov Pisman,  
OLEKSANDR ZYUZ, a/k/a "Sanya,"  
SERGEI KISHCHENKO,  
OLEG DEYCH,  
SVETLANA KISHCHENKO,  
VOLODYMYR ZYUZ,  
MYKHALO ZYUZ, a/k/a "Michael," a/k/a "Misha,"  
ALEKSANDR ARBITMAN,  
OLEG GODKO,  
JACOB SHEYN,  
VYACHESLAV GERSHANOVICH, a/k/a Steven Gershan, a/k/a "Slavik,"  
INESSA VATMAN,  
MAX TKACH, a/k/a Maksim Tkach  
and  
ROMAN KARAPCHUK,**

the defendants herein, did knowingly and willfully combine, conspire, confederate and agree with

others known and unknown to the Grand Jury, to commit certain offenses against the United States, to wit:

- a. to knowingly transport, receive, possess, sell, distribute and purchase, in excess of 10,000 contraband cigarettes, as that term is defined in Title 18, United States Code, Section 2341, to wit, a quantity of more than 10,000 cigarettes which bore no evidence of the payment of applicable state cigarette taxes in New York in violation of 18 U.S.C. § 2342(a);
- b. to engage in financial transactions knowing that the property involved in said offenses was the proceeds of some form of unlawful activity, knowing that the transactions were designed, at least in part, to promote the carrying on of the specified unlawful activity, in violation of 18 U.S.C. § 1956(a)(1)(A)(i);
- c. to engage in financial transactions knowing that the property involved in said offenses was the proceeds of some form of unlawful activity, knowing that the transactions were designed, at least in part, to conceal and disguise the nature, the location, the source, the ownership, and the control of said proceeds of the specified unlawful activity, in violation of 18 U.S.C. § 1956(a)(1)(B)(i); and

**B. Manner and Means of the Conspiracy**

In furtherance of the conspiracy and to effect the illegal objects thereof, members of the conspiracy used the following manner and means, among others:

8. It was further part of the conspiracy that the defendants and co-conspirators deposited cash into banks where cigarette buying accounts had been established in order to fund the purchase of cigarettes;

9. It was further part of the conspiracy that the defendants and co-conspirators purchased substantial quantities of cigarettes utilizing cash and/or a combination of other forms of payment in order to fund the purchase of cigarettes;

10. It was further part of the conspiracy that the defendants and co-conspirators utilized fictitious companies and corporations to purchase substantial quantities of the cigarettes.

11. It was further part of the conspiracy that the defendants and co-conspirators

developed fictitious corporations/businesses to establish bank accounts at a number of financial institutions, both in Missouri and New York of which many deposits into these accounts were typically structured (in amounts just under the mandated \$10,000.00 reporting requirements of the Bank Secrecy Act).

12. It was further part of the conspiracy that the defendants and co-conspirators obtained multiple business memberships from one or both of the S.C. or C.W. warehouse chain stores, and multiple membership cards for multiple co-conspirators.

13. It was further part of the conspiracy that once the defendants and co-conspirators obtained a membership account that had been initiated at one or both of the S.C. or C.W. warehouse chain stores, purchases were made on the membership business account at any of the store locations for that warehouse chain.

14. It was further part of the conspiracy that once the defendants and co-conspirators obtained the bulk amounts of the Missouri and/or Georgia tax stamped cigarettes they would be transported by private vehicle, rental vehicle, semi-tractor trailer, or shipped via commercial companies like UPS and FedEx.

15. It was further part of the conspiracy that the defendants and co-conspirators utilized storage facilities, as well as garages, to store and/or repackage bulk quantities of Missouri or Georgia taxed stamped cigarettes.

16. It was further part of the conspiracy that the defendants and co-conspirators utilized telephones and other means to communicate during the life of the conspiracy.

17. It was further part of the conspiracy that the defendants and co-conspirators would utilize motor vehicles and commercial airlines for the purpose of traveling throughout the United States to accomplish and attempt to accomplish the scheme.

**C. Overt Acts**

In furtherance of the conspiracy and in order to accomplish its objectives and purposes, at least one of the following overt acts, among others, was committed by one or more of the co-conspirators in the Eastern District of Missouri and elsewhere:

18. Paragraphs 7 through 17 above are hereby re-alleged and incorporated as overt acts in furtherance of this conspiracy.

19. On April 27, 2009, **Yakov Pisman** and **Jacob Sheyn** were stopped in the State of Maryland by law enforcement officers with approximately 2,791 cartons of contraband cigarettes.

20. On August 3, 2009, Ravshan R. Tursunov registered Top Cigars Supply, Inc. as a corporation in the State of Georgia, having the address of 4717 Calibre Creek Parkway, Roswell, Georgia 30076, which is a UPS store.

21. On September 15, 2009, a C.W. business account was established by Yakov Pisman and another person under the business name of Top Cigars Supply, Inc., having the address of 4717 Calibre Creek Parkway, Roswell, Georgia 30076, which is a UPS store.

22. On September 28, 2011, a S.C. business account was established by **Oleg Deych** under the business name of OD Lab dba Best Smoke Shop, having the address of 3100 River Exchange Drive, Ste. 321, Norcross, Georgia 30092.

23. On October 11, 2011, **Oleg Deych** registered Dukat Wholesale LLC as a corporation in the State of Missouri. In a Statement of Change of Business Office the address listed for Dukat Wholesale LLC was 11469 Olive Boulevard, Suite 156, Creve Coeur, Missouri 63141, which is a UPS store.

24. On October 17, 2011, a S.C. business account was established by **Oleg Deych**, under the business name of Dukat Wholesale, having the address of 9648 Olive Boulevard, St.

Louis, Missouri 63132, which is a UPS store. Membership cards on the account were issued to three people, one of which was **Oleg Deych**. At a later date **Roman Karapchuk** was added to the account.

25. On December 1, 2011, a C.W. business account was established, by **Oleg Deych**, under the business name of Dukat Wholesale, having the address of 11120 Veterans Memorial Parkway, Lake St. Louis, Missouri 63367, a self-storage facility.

26. On November 20, 2012, Nikolay Vistunov, registered Good Fellas Wholesale LLC as a corporation in the State of Missouri, having the address of 2025 Zumbahl Road, #296, St. Charles, Missouri 63303 which is a UPS store.

27. On December 13, 2012, a S.C. business account was established by Nikolay Vistunov under the business name of Good Fellas Wholesale. Membership cards on the account included **Sergei Kishchenko**.

28. On May 9, 2013, Ivan Tsytsiv registered I & T Wholesale as a corporation in the State of Missouri, having the address of 498 South 5<sup>th</sup> Street, Suite 203, St. Charles, Missouri 63301, which is a UPS Store.

29. On October 5, 2013, a S.C. business account was established under the name of I & T Wholesale located at 498 S. 5<sup>th</sup> Street, St. Charles, Missouri 63301, which is a UPS store. Account membership cards included **Sergei Kishchenko**.

30. On October 16, 2013, a C.W. business account was established under the name of I & T Wholesale located at 498 S. 5<sup>th</sup> Street, St. Charles, Missouri 63301. Account membership cards included **Sergei Kishchenko**.

31. On March 5, 2014, a S.C. business account was established under the name of Holding Cigars LLC, located at 270 Turnberry Place, #B, St. Peters, Missouri 63376. Account

membership cards included **Sergei Kishchenko**.

32. On March 5, 2014, a C.W. business account was established by Anatoliy Avramenko, under the business name of Holding Cigars LLC, with the address of 270 Turnberry Place, Apt. B, St. Peters, Missouri 63376. Account membership cards included **Sergei Kishchenko**.

33. On July 21, 2014, a S.C. business account was established by **Roman Karapchuk** under the business name of Ark Wholesale LLC, located at 2025 Zumbahl Road, Ste. #105, St. Charles, Missouri 63303, which is a UPS Store. Account membership cards included **Michael Zyuz, a/k/a Mykhaylo Zyuz**.

34. On September 5, 2014, Anatoliy Avramenko registered Holding Cigars LLC as a corporation in the State of Missouri having the address of 270 Turnberry Place, Suite B, St. Peters, Missouri 63376, which is a prior residence of **Sergei Kishchenko**.

35. On September 14, 2014, Ark Wholesale was registered as a corporation in the State of Missouri by Registered Agents, Inc.

36. On December 3, 2014, **Aleksandr Arbitman** was stopped in the state of North Carolina by law enforcement officers with approximately 908 cartons of Georgia tax stamped cigarettes.

37. On March 11, 2015 **Alexandr Arbitman** was stopped in the state of Ohio by law enforcement officers with approximately 426 cartons of Missouri tax stamped cigarettes.

38. Between June 3, 2015 and June 6, 2015, **Oleksandr Zyuz** and at times, **Oleg Deych** travelled to a number of St. Louis area wholesale stores and obtained approximately 897 cartons of Missouri tax stamped cigarettes for a total cost of approximately \$40,595.79.



39. On July 13, 2015 **Max Tkach** was stopped in the state of Pennsylvania by law enforcement officers with approximately 608 cartons of Georgia tax stamped cigarettes.

40. Between August 3, 2015 and August 8, 2015, **Oleksandr Zyuz** and at times, **Roman Karapchuk** travelled to a number of St. Louis area wholesale stores and utilized various membership accounts and obtained 1573 cartons of Missouri tax stamped cigarettes for a total cost of in excess of \$72,000.00.

41. On August 4, 2015, **Inessa Vatman**, in the company of her son, utilizing a business membership account in the name I & T Wholesale, obtained approximately 210 cartons of Missouri tax stamped cigarettes for a total cost of approximately \$9,949.80 from a Chesterfield, Missouri S.C.

42. Between August 13, 2015 and August 14, 2015, **Sergei Kishchenko** and at times, **Steven Gershan** travelled to a number of St. Louis area wholesale stores and utilized various membership accounts and obtained 1580 cartons of Missouri tax stamped cigarettes with a total cost of in excess of \$60,000.

43. On August 25, 2015, **Sergei** and **Svetlana Kishchenko** discussed the possibility that law enforcement officers were following them.

44. On September 5, 2015, **Sergei** and **Svetlana Kishchenko** discussed the possibility that law enforcement officers were aware of their activities.

45. On September 20, 2015 **Sergei Kishchenko** was stopped in the state of Indiana by law enforcement officers with approximately 399 cartons of Missouri tax stamped cigarettes.

46. On October 1, 2015, **Oleksandr Zyuz**, **Volodymyr Zyuz** and **Oleg Deych** travelled to a St. Louis area wholesale store and obtained approximately 520 cartons of Missouri tax stamped cigarettes for a total cost of approximately \$24,591.

47. On October 3, 2015, **Oleksandr Zyuz** in the company of **Jacob Sheyn**, utilized a business membership account in the name of All Products Trading, and obtained 918 cartons of Georgia tax stamped cigarettes for a total cost of approximately \$43,390.73 from a Duluth, Georgia C.W. store.

48. On October 16, 2015, **Oleksandr Zyuz**, in the company of **Jacob Sheyn** and another person, utilized a business membership account in the name of All Products Trading, obtained approximately 415 cartons of Georgia tax stamped cigarettes for a total cost of approximately \$21,112.10 from a Duluth, Georgia C.W. store.

49. On October 25, 2015, **Jacob Sheyn** and **Oleg Godko** were observed to load a number of boxes into **Oleg Godko's** truck at 3100 River Exchange Drive, Norcross, Georgia 30092. The truck, operated by **Oleg Godko** departed the location travelling north on Interstate 85 into South Carolina, under constant law enforcement surveillance.

50. On October 25, 2015, **Oleg Godko** and **Yakov Pisman** discussed law enforcement surveillance.

51. On October 25, 2015, law enforcement officers conducting surveillance of 3049 Brighton 6<sup>th</sup> Street observed both **Yakov Pisman** and **Oleksandr Zyuz** exit the basement area of the address.

52. On November 3, 2015, **Volodymyr Zyuz**, in the company of **Oleg Deych**, utilized a business membership account in the name Ark Wholesale and obtained approximately 300 cartons of Missouri tax stamped cigarettes for a total cost of approximately \$12,872.00.

53. On November 4, 2015, **Sergei Kishchenko** and **Steven Gershan** travelled to a number of St. Louis area wholesale stores and utilized various membership accounts and obtained

approximately 1,002 cartons of Missouri tax stamped cigarettes for a total cost approximately \$45,456.31.

In violation of Title 18, United States Code, Section 371.

**COUNT TWO**

The Grand Jury further charges that:

On or about May 19, 2015, within the Eastern District of Missouri and elsewhere:

**SERGEI KISHCHENKO,**

the defendant herein, did knowingly conduct and attempt to conduct a financial transaction affecting interstate commerce, to wit, the purchase of 224 cartons of cigarettes from a S.C. store in St. Charles County, Missouri, which transaction involved the movement of funds by wire and other means, involved at least one monetary instrument, which involved the use of a financial institution which is engaged in, and the activities of which affect, interstate commerce, and involved the proceeds of a specified unlawful activity, that is, a violation of Title 18, United States Code, Section 2342(a), knowing that the transaction was designed in whole and in part to conceal and disguise the nature, location, source, ownership, and control of the proceeds of said specified unlawful activity, and knowing that the property involved in the financial transaction represented the proceeds of some form of unlawful activity.

All in violation of Title 18 United States Code Sections 1956(a)(1)(B) and 2.

**COUNT THREE**

The Grand Jury further charges that:

On or about August 14, 2015, within the Eastern District of Missouri and elsewhere:

**SERGEI KISHCHENKO,**

and

**VYACHESLAV GERSHANOVICH,  
a/k/a Steven Gershan, a/k/a "Slavik,**

the defendants herein, did knowingly conduct and attempt to conduct a financial transaction affecting interstate commerce, to wit, the purchase of 300 cartons of cigarettes from a S.C. store in St. Charles County, Missouri, which transaction involved the movement of funds by wire and other means, involved at least one monetary instrument, which involved the use of a financial institution which is engaged in, and the activities of which affect, interstate commerce, and involved the proceeds of a specified unlawful activity, that is, a violation of Title 18, United States Code, Section 2342(a), knowing that the transaction was designed in whole and in part to conceal and disguise the nature, location, source, ownership, and control of the proceeds of said specified unlawful activity, and knowing that the property involved in the financial transaction represented the proceeds of some form of unlawful activity.

All in violation of Title 18 United States Code Sections 1956(a)(1)(B) and 2.

**COUNT FOUR**

The Grand Jury further charges that:

On or about August 4, 2015, within the Eastern District of Missouri and elsewhere:

**INESSA VATMAN,**

the defendant herein, did aid and abet the commission of the offense of knowingly shipping, transporting, receiving, possessing, selling, distributing, and purchasing contraband cigarettes by purchasing 210 cartons of Missouri tax stamped cigarettes at the S.C. store in St. Louis County, Missouri.

All in violation of Title 18, United States Code, Sections 2342(a), 2344(a), and 2.

**COUNT FIVE**

The Grand Jury further charges that:

On or about August 7, 2015, within the Eastern District of Missouri and elsewhere:

**OLEKSANDR ZYUZ,  
a/k/a "Sanya,"**

the defendant herein, did aid and abet the commission of the offense of knowingly shipping, transporting, receiving, possessing, selling, distributing, and purchasing contraband cigarettes by purchasing approximately 120 cartons of Missouri tax stamped cigarettes at a C.W. store in St. Louis County, Missouri.

All in violation of Title 18, United States Code, Sections 2342(a), 2344(a), and 2.

**COUNT SIX**

The Grand Jury further charges that:

On or about August 17, 2015, within the Eastern District of Missouri and elsewhere:

**OLEKSANDR ZYUZ,  
a/k/a "Sanya,"  
and  
OLEG DEYCH**

the defendants herein, did aid and abet the commission of the offense of knowingly shipping, transporting, receiving, possessing, selling, distributing, and purchasing contraband cigarettes by purchasing approximately 684 cartons of Missouri tax stamped cigarettes at a S.C. store in St. Louis County, Missouri.

All in violation of Title 18, United States Code, Sections 2342(a), 2344(a), and 2.

**COUNT SEVEN**

The Grand Jury further charges that:

On or about August 19, 2015, within the Eastern District of Missouri and elsewhere:

**OLEKSANDR ZYUZ,  
a/k/a "Sanya,"  
and  
ROMAN KARAPCHUK,**

the defendants herein, did aid and abet the commission of the offense of knowingly shipping, transporting, receiving, possessing, selling, distributing, and purchasing contraband cigarettes by purchasing approximately 165 cartons of Missouri tax stamped cigarettes at a C.W. store in St. Louis County, Missouri.

All in violation of Title 18, United States Code, Sections 2342(a), 2344(a), and 2.

**COUNT EIGHT**

The Grand Jury further charges that:

On or about August 20, 2015, within the Eastern District of Missouri and elsewhere:

**OLEKSANDR ZYUZ  
a/k/a "Sanya,"  
and  
ROMAN KARAPCHUK**

the defendants herein, did aid and abet the commission of the offense of knowingly shipping, transporting, receiving, possessing, selling, distributing, and purchasing contraband cigarettes by purchasing approximately 210 cartons of Missouri tax stamped cigarettes at a C. W. store in St. Louis County, Missouri.

All in violation of Title 18, United States Code, Sections 2342(a), 2344(a), and 2.

**COUNT NINE**

The Grand Jury further charges that:

On or about October 1, 2015, within the Eastern District of Missouri and elsewhere:

**VOLODYMYR ZYUZ,  
OLEKSANDR ZYUZ,  
a/k/a "Sanya,"  
and  
OLEG DEYCH,**

the defendants herein, did aid and abet the commission of the offense of knowingly shipping, transporting, receiving, possessing, selling, distributing, and purchasing contraband cigarettes by purchasing approximately 520 cartons of Missouri tax stamped cigarettes at a S.C. store in St. Louis County, Missouri.

All in violation of Title 18, United States Code, Sections 2342(a), 2344(a), and 2.

**COUNT TEN**

The Grand Jury further charges that:

On or about October 16, 2015, within the Eastern District of Missouri and elsewhere:

**SERGEI KISHCHENKO,  
and  
VYACHESLAV GERSHANOVICH,  
a/k/a Steven Gershan, a/k/a "Slavik"**

the defendants herein, did aid and abet the commission of the offense of knowingly shipping, transporting, receiving, possessing, selling, distributing, and purchasing contraband cigarettes by purchasing approximately 251 cartons of Missouri tax stamped cigarettes at a S.C. store in St. Charles County, Missouri.

All in violation of Title 18, United States Code, Sections 2342(a), 2344(a), and 2.

**COUNT ELEVEN**

The Grand Jury further charges that:

On or about November 3, 2015, within the Eastern District of Missouri and elsewhere:

**VOLODYMYR ZYUZ,**  
and  
**OLEG DEYCH,**

the defendants herein, did aid and abet the commission of the offense of knowingly shipping, transporting, receiving, possessing, selling, distributing, and purchasing contraband cigarettes by purchasing approximately 300 cartons of Missouri tax stamped cigarettes at a S.C. store in St. Louis County, Missouri.

All in violation of Title 18, United States Code, Sections 2342(a), 2344(a), and 2.

**COUNT TWELVE**

The Grand Jury further charges that:

On or about November 4, 2015, within the Eastern District of Missouri and elsewhere:

**SERGEI KISHCHENKO**  
and  
**VYACHESLAV GERSHANOVICH**  
**a/k/a Steven Gershan, a/k/a "Slavik,"**

the defendants herein, did aid and abet the commission of the offense of knowingly shipping, transporting, receiving, possessing, selling, distributing, and purchasing contraband cigarettes by purchasing approximately 214 cartons of Missouri tax stamped cigarettes at a S.C. store in St. Charles County, Missouri.

All in violation of Title 18, United States Code, Sections 2342(a), 2344(a), and 2.



**COUNT THIRTEEN**

The Grand Jury further charges that:

On or about November 12, 2015, within the Eastern District of Missouri and elsewhere:

**SERGEI KISHCHENKO**  
and  
**VYACHESLAV GERSHANOVICH**  
**a/k/a Steven Gershan, a/k/a "Slavik,"**

the defendants herein, did aid and abet the commission of the offense of knowingly shipping, transporting, receiving, possessing, selling, distributing, and purchasing contraband cigarettes by purchasing approximately 670 cartons of Missouri tax stamped cigarettes at a C.W. store in St. Louis County, Missouri.

All in violation of Title 18, United States Code, Sections 2342(a), 2344(a), and 2.

**COUNT FOURTEEN**

The Grand Jury further charges that:

On or about December 20, 2015, within the Eastern District of Missouri and elsewhere:

**INESSA VATMAN,**

the defendant herein, did aid and abet the commission of the offense of knowingly shipping, transporting, receiving, possessing, selling, distributing, and purchasing contraband cigarettes by purchasing approximately 210 cartons of Missouri tax stamped cigarettes at a S.C. store in store in St. Louis County, Missouri.

All in violation of Title 18, United States Code, Sections 2342(a), 2344(a), and 2.

**FORFEITURE ALLEGATION**

1. Pursuant to Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461(c), upon conviction of a conspiracy to violate Title 18, United States

Code, Sections 1956 and 2342 as set forth in Count One, the Defendants shall forfeit to the United States of America any property, real or personal, constituting or derived from any proceeds traceable to said offense.

2. Pursuant to Title 18, United States Code, Section 982(a)(1), upon conviction of an offense in violation of Title 18, United States Code, Section 1956 as set forth in Counts Two and Three, the Defendants shall forfeit to the United States any property, real and personal, involved in the offense, and any property traceable to such property.

3. Pursuant to Title 18, United States Code, Section 981(a)(1)(C), Title 28, United States Code, Section 2461(c), and Title 49, United States Code, Section 80303, upon conviction of an offense in violation of Title 18, United States Code, Section 2342(a) as set forth in Counts Four Through Fourteen, the Defendants shall forfeit to the United States of America any property, real or personal, constituting or derived from any proceeds traceable to said offense and any aircraft, vehicle, or vessel involved in said offense.

4. Subject to forfeiture is a sum of money equal to the total value of any property, real or personal, constituting or derived from any proceeds traceable to said offense.

5. If any of the property described above, 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 party;
- 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 divided without difficulty,

the United States of America will be entitled to the forfeiture of substitute property pursuant to Title 21, United States Code, Section 853(p).

6. Pursuant to Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461(c), upon conviction of a conspiracy to violate Title 18, United States Code, Sections 1956 and 2342 as set forth in Count One, the Defendants shall forfeit to the United States of America any property, real or personal, constituting or derived from any proceeds traceable to said offense.

7. Pursuant to Title 18, United States Code, Section 982(a)(1), upon conviction of an offense in violation of Title 18, United States Code, Section 1956 as set forth in Counts Two and Three, the Defendants shall forfeit to the United States any property, real and personal, involved in the offense, and any property traceable to such property.

8. Subject to forfeiture is a sum of money equal to the total value of any property, real or personal, constituting or derived from any proceeds traceable to said offense.

9. If any of the property described above, 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 party;
- 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 divided without difficulty,

the United States of America will be entitled to the forfeiture of substitute property pursuant to Title 21, United States Code, Section 853(p).

A TRUE BILL.

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FOREPERSON

RICHARD G. CALLAHAN  
United States Attorney

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KENNETH R. TIHEN, #37325MO  
RICHARD E. FINNERAN, #60768MO  
Assistant United States Attorneys