

AL:TH  
F. # 2014R00908

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA

- against -

DAMIANO ZUMMO and  
SALVATORE RUSSO,

Defendants.

----- X

THE GRAND JURY CHARGES:

COUNT ONE

(Conspiracy to Distribute and Possess with Intent to Distribute Cocaine)

1. In or about and between July 2017 and October 2017, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendants DAMIANO ZUMMO and SALVATORE RUSSO, together with others, did knowingly and intentionally conspire to distribute and possess with intent to distribute a controlled substance, which offense involved a substance containing cocaine, a Schedule II controlled substance, contrary to Title 21, United States Code, Section 841(a)(1). The amount of cocaine involved in the conspiracy attributable to each of the defendants as a result of his own conduct, and the conduct of other conspirators reasonably foreseeable to him, was five kilograms or more of a substance containing cocaine.

(Title 21, United States Code, Sections 846 and 841(b)(1)(A)(ii)(II); Title 18, United States Code, Sections 3551 et seq.)

FILED  
CLERK

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U.S. DISTRICT COURT  
EASTERN DISTRICT  
OF NEW YORK

INDICTMENT

**CR 17 601**

Cr. No. \_\_\_\_\_  
(T. 21, U.S.C., §§ 841(a)(1),  
841(b)(1)(A)(ii)(II),  
841(b)(1)(B)(ii)(II), 846, 853(a),  
853(p), 982(a)(1) and 982(b)(2); T. 18,  
U.S.C., §§ 1956(a)(3)(B), 2 and  
3551 et seq.)

**VITALIANO, J.**

**ORENSTEIN, M.J.**



COUNT TWO

(Distribution and Possession of Cocaine with Intent to Distribute)

2. On or about September 14, 2017, within the Southern District of New York, the defendants DAMIANO ZUMMO and SALVATORE RUSSO, together with others, did knowingly and intentionally distribute and possess with intent to distribute a controlled substance, which offense involved 500 grams or more of a substance containing cocaine, a Schedule II controlled substance.

(Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(B)(ii)(II);  
Title 18, United States Code, Sections 2 and 3551 et seq.)

COUNT THREE

(Money Laundering)

3. In or about and between August 2017 and October 2017, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendant DAMIANO ZUMMO did knowingly and intentionally conduct and attempt to conduct one or more financial transactions in and affecting interstate and foreign commerce involving property represented by persons at the direction of, and with the approval of, a federal official authorized to investigate violations of Title 18, United States Code, Section 1956, to be proceeds of specified unlawful activity, to wit: narcotics trafficking, in violation of Title 21, United States Code, Section 841, with the intent to conceal and disguise the nature, location, source, ownership and control of property believed to be the proceeds of specified unlawful activity.

(Title 18, United States Code, Sections 1956(a)(3)(B), 2 and 3551 et seq.)

CRIMINAL FORFEITURE ALLEGATION AS TO COUNTS ONE AND TWO

4. The United States hereby gives notice to the defendants that, upon their conviction of either of the offenses charged in Counts One or Two, the government will seek forfeiture in accordance with Title 21, United States Code, Section 853(a), which requires any person convicted of such offenses to forfeit: (a) any property constituting, or derived from, any proceeds obtained directly or indirectly as the result of such offenses, and (b) any property used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of, such offenses.

5. If any of the above-described forfeitable property, as a result of any act or omission of the defendants:

- (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;

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 the defendants up to the value of the forfeitable property described in this forfeiture allegation.

(Title 21, United States Code, Sections 853(a) and 853(p))

CRIMINAL FORFEITURE ALLEGATION AS TO COUNT THREE

6. The United States hereby gives notice to the defendant charged in Count Three that, upon his conviction of such offense, the government will seek forfeiture in accordance with Title 18, United States Code, Section 982(a)(1), which requires any person convicted of such offense to forfeit any property, real or personal, involved in such offense, or any property traceable to such property.

7. 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 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;

it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p), as incorporated by Title 18, United States Code, Section 982(b)(1), to seek forfeiture of any other property of the defendant up to the value of the forfeitable property described in this forfeiture allegation.

(Title 18, United States Code, Sections 982(a)(1) and 982(b)(1); Title 21, United States Code, Section 853(p))

A TRUE BILL

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FOREPERSON

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BRIDGET M. ROHDE  
ACTING UNITED STATES ATTORNEY  
EASTERN DISTRICT OF NEW YORK

No. \_\_\_\_\_

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**UNITED STATES DISTRICT COURT**

EASTERN *District of* NEW YORK

CRIMINAL DIVISION

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THE UNITED STATES OF AMERICA

vs.

*DAMIANO ZUMMO and SALVATORE RUSSO,*

Defendants.

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**INDICTMENT**

(T. 21, U.S.C., §§ 841(a)(1), 841(b)(1)(A)(ii)(II), 841(b)(1)(B)(ii)(II),  
846, 853(a), 853(p), 982(a)(1) and 982(b)(2); T. 18, U.S.C.,  
§§ 1956(a)(3)(B), 2 and 3551 et seq.)

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*A true bill.*

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*Foreperson*

Filed in open court this ----- day,

of ----- A.D. 20-----

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*Clerk*

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Bail, \$ -----  
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*Tanya Hajjar, Assistant U.S. Attorney (718) 254-6109*