

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA :
 :
 - v. - :
 :
 JUSTIN ACOSTA, :
 ELEELIN DIAZ, :
 JOSE DIAZ, :
 a/k/a "Gordo," :
 CRISTIAN GARCIA, :
 KELVING HERNANDEZ, :
 FELIX JIMENEZ, :
 a/k/a "Daddy," :
 ROBERT RODRIGUEZ, :
 a/k/a "Smiley," :
 MIGUEL TORRES, :
 a/k/a "Ant," and :
 BRITNEY WORTHY, :
 :
 Defendants. :
 :
-----X

SEALED
INDICTMENT

16 Cr. ____

16 CRIM 500

THE COCAINE TRAFFICKING SCHEME

1. At all times relevant to this Indictment, JUSTIN ACOSTA, ELEELIN DIAZ, JOSE DIAZ, a/k/a "Gordo," CRISTIAN GARCIA, KELVING HERNANDEZ, FELIX JIMENEZ, a/k/a "Daddy," ROBERT RODRIGUEZ, a/k/a "Smiley," MIGUEL TORRES, a/k/a "Ant," and BRITNEY WORTHY, the defendants, and others known and unknown, were members of an organization that trafficked and distributed cocaine (the "Organization").

2. At all times relevant to this Indictment, JUSTIN ACOSTA, ELEELIN DIAZ, JOSE DIAZ, a/k/a "Gordo," CRISTIAN GARCIA, KELVING HERNANDEZ, FELIX JIMENEZ, a/k/a "Daddy," ROBERT RODRIGUEZ, a/k/a "Smiley," MIGUEL TORRES, a/k/a "Ant," and

BRITNEY WORTHY, the defendants, and others conspired in a scheme to ship large quantities of cocaine via the United States Postal Service ("USPS") from Puerto Rico to locations in the New York City area, including in Manhattan and the Bronx.

3. At all times relevant to this Indictment, the Organization shipped, trafficked, and distributed cocaine by, among other things:

a. Arranging for the shipment of cocaine from Puerto Rico to various locations in New York City via the USPS;

b. Retrieving the cocaine from various delivery locations in New York City, including Manhattan and the Bronx;

c. Transporting the cocaine to, among other locations, a storage facility located in Manhattan; and

d. Repackaging and selling the cocaine to individual customers.

4. Between at least in or about May 2015, up to and including in or about July 2016, law enforcement officers have seized over 25 kilograms of cocaine from shipments associated with the Organization.

a. At all times relevant to this indictment, JOSE DIAZ, a/k/a "Gordo," and FELIX JIMENEZ, a/k/a "Daddy," the defendants, were responsible for organizing, directing, and supervising the Organization's cocaine trafficking activities.

b. JUSTIN ACOSTA, CRISTIAN GARCIA, ROBERT RODRIGUEZ, a/k/a "Smiley," and MIGUEL TORRES, a/k/a "Ant," the defendants, were involved in facilitating, receiving, and distributing the shipment of cocaine via USPS parcels, primarily in locations in and around Manhattan. RODRIGUEZ also contacted the USPS multiple times for information on the status and location of certain parcels that contained cocaine. In communications with the USPS, including in an email RODRIGUEZ sent to the U.S. Postmaster General, RODRIGUEZ falsely asserted that one of the parcels, which he believed had been lost, contained the cremated ashes of his purportedly deceased father. In fact, that parcel had been seized and found to contain approximately two kilograms of cocaine.

c. ELEELIN DIAZ and BRITNEY WORTHY, the defendants, were involved in facilitating, receiving, and distributing the shipment of cocaine via USPS parcels, primarily in locations in and around the Bronx.

d. KELVING HERNANDEZ, the defendant, is an employee of the USPS. HERNANDEZ assisted other members of the Organization in the drug trafficking scheme by agreeing to track parcels and identifying locations to which narcotics could be sent.

COUNT ONE
(Narcotics Conspiracy)

5. From at least in or about May 2015, up to and including in or about July 2016, in the Southern District of New York and elsewhere, JUSTIN ACOSTA, ELEELIN DIAZ, JOSE DIAZ, a/k/a "Gordo," CRISTIAN GARCIA, KELVING HERNANDEZ, FELIX JIMENEZ, a/k/a "Daddy," ROBERT RODRIGUEZ, a/k/a "Smiley," MIGUEL TORRES, a/k/a "Ant," and BRITNEY WORTHY, 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.

6. It was a part and an object of the conspiracy that JUSTIN ACOSTA, ELEELIN DIAZ, JOSE DIAZ, a/k/a "Gordo," CRISTIAN GARCIA, KELVING HERNANDEZ, FELIX JIMENEZ, a/k/a "Daddy," ROBERT RODRIGUEZ, a/k/a "Smiley," MIGUEL TORRES, a/k/a "Ant," and BRITNEY WORTHY, the defendants, and others known and unknown, would and did distribute and possess with the intent to distribute a controlled substance, in violation of Title 21, United States Code, Section 841(a)(1).

7. The controlled substance that JUSTIN ACOSTA, ELEELIN DIAZ, JOSE DIAZ, a/k/a "Gordo," CRISTIAN GARCIA, KELVING HERNANDEZ, FELIX JIMENEZ, a/k/a "Daddy," ROBERT RODRIGUEZ, a/k/a "Smiley," MIGUEL TORRES, a/k/a "Ant," and BRITNEY WORTHY, the defendants, conspired to distribute and possess with the intent

to distribute was five kilograms and more of mixtures and substances containing a detectable amount of cocaine, in violation of Title 21, United States Code, Section 841(b) (1) (A).

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

FORFEITURE ALLEGATION

8. As a result of committing the controlled substance offense alleged in Count One of this Indictment, JUSTIN ACOSTA, ELEELIN DIAZ, JOSE DIAZ, a/k/a "Gordo," CRISTIAN GARCIA, KELVING HERNANDEZ, FELIX JIMENEZ, a/k/a "Daddy," ROBERT RODRIGUEZ, a/k/a "Smiley," MIGUEL TORRES, a/k/a "Ant," and BRITNEY WORTHY, 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 alleged in Count One of this Indictment.

SUBSTITUTE ASSET PROVISION

9. 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;

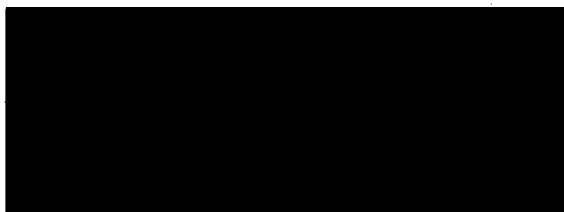
c) has been placed beyond the jurisdiction of
the Court;

d) has been substantially diminished in value; or

e) has been commingled with other property
which cannot be 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 the defendants up to the value of the above
forfeitable property.

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



Preet Bharara

PREET BHARARA
United States Attorney

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MIGUEL TORRES,
 a/k/a "Ant," and
BRITNEY WORTHY,

Defendants.

SEALED INDICTMENT

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(21 U.S.C. § 846.)

PREET BHARARA
United States Attorney


foreperson
