

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

- - - - -	X	
	:	
UNITED STATES OF AMERICA	:	SEALED
	:	<u>INDICTMENT</u>
- v. -	:	
	:	18 Cr. ____
FRANK BRIGHT,	:	
a/k/a "Frankie," and	:	
JOHN DUNCAN,	:	
a/k/a "Balla,"	:	
a/k/a "Moreno,"	:	
	:	
Defendants.	:	
- - - - -	X	

COUNT ONE
(Robbery Conspiracy)

The Grand Jury charges:

1. In or about December 2014, in the Southern District of New York and elsewhere, FRANK BRIGHT, a/k/a "Frankie," and JOHN DUNCAN, a/k/a "Balla," a/k/a "Moreno," the defendants, together with others known and unknown, unlawfully and knowingly did combine, conspire, confederate, and agree together and with each other to commit robbery, as that term is defined in Title 18, United States Code, Section 1951(b)(1), and would and did thereby obstruct, delay, and affect commerce and the movement of articles and commodities in commerce, as that term is defined in Title 18, United States Code, Section 1951(b)(3), to wit, BRIGHT and DUNCAN agreed to commit a gunpoint robbery of two individuals in New York, New York.

(Title 18, United States Code, Section 1951.)

COUNT TWO
(Hobbs Act Robbery)

The Grand Jury further charges:

2. On or about December 24, 2014, in the Southern District of New York and elsewhere, FRANK BRIGHT, a/k/a "Frankie," and JOHN DUNCAN, a/k/a "Balla," a/k/a "Moreno," the defendants, and others known and unknown, unlawfully and knowingly did commit robbery, as that term is defined in Title 18, United States Code, Section 1951(b)(1), and did thereby obstruct, delay, and affect commerce and the movement of articles and commodities in commerce, as that term is defined in Title 18, United States Code, Section 1951(b)(3), to wit, BRIGHT and DUNCAN robbed two individuals at gunpoint in the vicinity of St. Nicholas Avenue and West 129th Street in New York, New York.

(Title 18, United States Code, Sections 1951 and 2.)

COUNT THREE
(Use of Firearm Causing Death)

The Grand Jury further charges:

3. On or about December 24, 2014, in the Southern District of New York and elsewhere, FRANK BRIGHT, a/k/a "Frankie," and JOHN DUNCAN, a/k/a "Balla," a/k/a "Moreno," the defendants, willfully and knowingly, during and in relation to a crime of violence for which they may be prosecuted in a court of the United States, namely, the Hobbs Act robbery charged in

Count Two of this Indictment, did use and carry a firearm, and, in furtherance of such crime, did possess a firearm, and in the course of the crime did cause the death of a person through the use of a firearm, which killing is murder as defined in Title 18, United States Code, Section 1111(a), and aided and abetted the same, to wit, while BRIGHT and DUNCAN were robbing Amaury Paulino in the vicinity of St. Nicholas Avenue and West 129th Street in New York, New York, Paulino was shot and killed.

(Title 18, United States Code, Sections 924(j) and 2.)

SPECIAL FINDINGS AS TO FRANK BRIGHT

4. Count Three of the Indictment is realleged and incorporated by reference as though fully set forth herein. As to Count Three of the Indictment, alleging the murder of Amaury Paulino, the defendant FRANK BRIGHT, a/k/a "Frankie":

a. was 18 years of age or older at the time of the offense;

b. intentionally and specifically engaged in an act of violence, knowing that the act created a grave risk of death to a person, other than one of the participants in the offense, such that participation in the act constituted a reckless disregard for human life and Amaury Paulino died as a result of the act (Title 18, United States Code, Section 3591(a)(2)(D)).

SPECIAL FINDINGS AS TO JOHN DUNCAN

5. Count Three of the Indictment is realleged and incorporated by reference as though fully set forth herein. As to Count Three of the Indictment, alleging the murder of Amaury Paulino, the defendant John Duncan, a/k/a "Balla," a/k/a "Moreno":

a. was 18 years of age or older at the time of the offense;

b. intentionally and specifically engaged in an act of violence, knowing that the act created a grave risk of death to a person, other than one of the participants in the offense, such that participation in the act constituted a reckless disregard for human life and Amaury Paulino died as a result of the act (Title 18, United States Code, Section 3591(a)(2)(D)).

FORFEITURE ALLEGATION

6. As a result of committing the offenses alleged in Counts One and Two of this Indictment, FRANK BRIGHT, a/k/a "Frankie," and JOHN DUNCAN, a/k/a "Balla," a/k/a "Moreno," the defendants, shall forfeit to the United States, pursuant to Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461(c), any and all property, real and personal, that constitutes or is derived from proceeds traceable to the commission of said offenses, including but not

limited to a sum of money in United States currency representing the amount of proceeds traceable to the commission of said offenses.

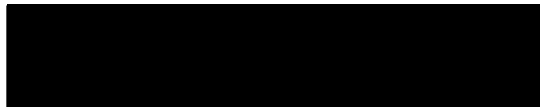
Substitute Assets Provision

7. If any of the property described above as being subject to forfeiture, 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 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) and 28 U.S.C. § 2461(c), to seek forfeiture of any other property of the defendants up to the value of the forfeitable property.

(Title 18, United States Code, Section 981;
Title 21, United States Code, Section 853(p); and
Title 28, United States Code, Section 2461(c).)



FOREPERSON

A handwritten signature in cursive script that reads "Geoffrey S. Berman".

GEOFFREY S. BERMAN
United States Attorney

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

- v. -

FRANK BRIGHT, a/k/a "Frankie," and
JOHN DUNCAN, a/k/a "Balla,"
a/k/a "Moreno,"

Defendants.

SEALED INDICTMENT

18 Cr. ____

(18 U.S.C. §§ 1951, 924(j), and 2.)

GEOFFREY S. BERMAN
United States Attorney.


FOREPERSON
