

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

- - - - - X
:
:
UNITED STATES OF AMERICA :
:
- v. - :
:
JOHN McGUIGAN, :
a/k/a "Jack," :
a/k/a "Rico," :
a/k/a "White Boy," :
DUANE KIRBY, :
a/k/a "Ace," :
a/k/a "Eddie," :
a/k/a "Flea," :
a/k/a "Montana," :
DESMEN AGOSTO, :
a/k/a "Feddi Green," :
CHRISTOPHER ANDERSON, :
a/k/a "Bo," :
a/k/a "Drama," :
DARIUS MONROE, :
a/k/a "Boosie," :
a/k/a "Loso," and :
CHRISTOPHER SHELP, :
a/k/a "Silence," :
:
Defendants. :
:
- - - - - X

SEALED
INDICTMENT
18 Cr. 585

COUNT ONE

The Grand Jury charges:

1. From in or about 2016, up to and including in or about 2018, in the Southern District of New York and elsewhere, JOHN McGUIGAN, a/k/a "Jack," a/k/a "Rico," a/k/a "White Boy," DUANE KIRBY, a/k/a "Ace," a/k/a "Eddie," a/k/a "Flea," a/k/a "Montana," DESMEN AGOSTO, a/k/a "Feddi Green," CHRISTOPHER

ANDERSON, a/k/a "Bo," a/k/a "Drama," DARIUS MONROE, a/k/a "Boosie," a/k/a "Loso," and CHRISTOPHER SHELP, a/k/a "Silence," 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.

2. It was a part and an object of the conspiracy that JOHN MCGUIGAN, a/k/a "Jack," a/k/a "Rico," a/k/a "White Boy," DUANE KIRBY, a/k/a "Ace," a/k/a "Eddie," a/k/a "Flea," a/k/a "Montana," DESMEN AGOSTO, a/k/a "Feddi Green," CHRISTOPHER ANDERSON, a/k/a "Bo," a/k/a "Drama," DARIUS MONROE, a/k/a "Boosie," a/k/a "Loso," and CHRISTOPHER SHELP, a/k/a "Silence," the defendants, and others known and unknown, would and did distribute and possess with intent to distribute a controlled substance, in violation of Title 21, United States Code, Section 841(a)(1).

3. The controlled substance that JOHN MCGUIGAN, a/k/a "Jack," a/k/a "Rico," a/k/a "White Boy," DUANE KIRBY, a/k/a "Ace," a/k/a "Eddie," a/k/a "Flea," a/k/a "Montana," DESMEN AGOSTO, a/k/a "Feddi Green," CHRISTOPHER ANDERSON, a/k/a "Bo," a/k/a "Drama," DARIUS MONROE, a/k/a "Boosie," a/k/a "Loso," and CHRISTOPHER SHELP, a/k/a "Silence," the defendants, conspired to distribute and possess with the intent to distribute was one kilogram and more of mixtures and substances containing a

detectable amount of heroin, in violation of 21 U.S.C. § 841(b)(1)(A).

4. During the period charged in the Indictment, the conspiracy (the "McGuigan Drug Trafficking Organization" or the "McGuigan DTO") was led by JOHN MCGUIGAN, a/k/a "Jack," a/k/a "Rico," a/k/a "White Boy," the defendant.

5. During the period charged in the Indictment, the defendants distributed heroin in and around Orange County, New York.

OVERT ACTS

6. In furtherance of the conspiracy and to effect the illegal object thereof, the following overt acts, among others, were committed in the Southern District of New York and elsewhere:

a. On or about March 16, 2017, JOHN MCGUIGAN, a/k/a "Jack," a/k/a "Rico," a/k/a "White Boy," the defendant, arranged for his co-conspirator, DUANE KIRBY, a/k/a "Ace," a/k/a "Eddie," a/k/a "Flea," a/k/a "Montana," the defendant, to deliver heroin belonging to the McGuigan DTO to an undercover law enforcement officer ("UC-1") in Orange County, New York.

b. On or about April 1, 2017, DUANE KIRBY, a/k/a "Ace," a/k/a "Eddie," a/k/a "Flea," a/k/a "Montana," the defendant, delivered heroin belonging to the McGuigan DTO to UC-1 in Orange County, New York.

c. On or about August 15, 2017, DESMEN AGOSTO, a/k/a "Feddi Green," the defendant, delivered heroin belonging to the McGuigan DTO to a confidential informant in Orange County, New York.

d. On or about April 10, 2017, CHRISTOPHER ANDERSON, a/k/a "Bo," a/k/a "Drama," delivered heroin belonging to the McGuigan DTO to a confidential informant in Orange County, New York.

e. On or about August 30, 2017, DARIUS MONROE, a/k/a "Boosie," a/k/a "Loso," the defendant, delivered heroin belonging to the McGuigan DTO to a confidential informant in Orange County, New York.

f. On or about February 8, 2017, CHRISTOPHER SHELPE, a/k/a "Silence," the defendant, delivered heroin belonging to the McGuigan DTO to UC-1 in Orange County, New York.

COUNT TWO

The Grand Jury further charges:

7. In or about February 2018, in the Southern District of New York and elsewhere, JOHN MCGUIGAN, a/k/a "Jack," a/k/a "Rico," a/k/a "White Boy," and DUANE KIRBY, a/k/a "Ace," a/k/a "Eddie," a/k/a "Flea," a/k/a "Montana," the defendants, during and in relation to a drug trafficking crime for which they may be prosecuted in a court of the United States, namely, the narcotics offense charged in Count One of this Indictment,

knowingly did use and carry a firearm, and in furtherance of such narcotics offense, knowingly did possess a firearm, to wit, a Glock, model 22, .40 caliber pistol.

(Title 18, United States Code, Sections 924(c)(1)(A)(i) and 2.)

COUNT THREE

The Grand Jury further charges:

8. On or about June 14, 2018, in the Southern District of New York, DARIUS MONROE, a/k/a "Boosie," a/k/a "Loso," the defendant, after having been convicted in a court of a crime punishable by imprisonment for a term exceeding one year, knowingly did possess, in and affecting commerce, a firearm, to wit, a Springfield Armory XD-9 9 millimeter handgun, which had been previously shipped and transported in interstate and foreign commerce.

(Title 18, United States Code, Section 922(g)(1).)

FORFEITURE ALLEGATION

9. As a result of committing the offense alleged in Count One of this Indictment, JOHN MCGUIGAN, a/k/a "Jack," a/k/a "Rico," a/k/a "White Boy," DUANE KIRBY, a/k/a "Ace," a/k/a "Eddie," a/k/a "Flea," a/k/a "Montana," DESMEN AGOSTO, a/k/a "Feddi Green," CHRISTOPHER ANDERSON, a/k/a "Bo," a/k/a "Drama," DARIUS MONROE, a/k/a "Boosie," a/k/a "Loso," and CHRISTOPHER SHELP, a/k/a "Silence," 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 obtained, directly or indirectly, as a result of said offense and any and all property used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of, said offense, including but not limited to a sum of money in United States currency representing the amount of proceeds traceable to the commission of said offense.

Substitute Assets Provision

10. 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 person;

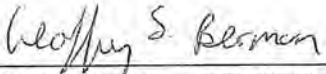
c. has been placed beyond the jurisdiction of the Court;

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 the defendants up to the value of the above forfeitable property.

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


FOREPERSON



GEOFFREY S. BERMAN
United States Attorney

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

- v. -

JOHN McGUIGAN, et al.,

Defendants.

SEALED INDICTMENT

18 Cr. _____

(18 U.S.C. §§ 922(g)(1),
924(c)(1)(A)(i), 2; 21 U.S.C. §§ 846,
841(a)(1), 841(b)(1)(A).)


Foreperson.

GEOFFREY S. BERMAN
United States Attorney.

8/15/18
