

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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:   
UNITED STATES OF AMERICA : SEALED INDICMENT  
:   
- v. - : S1 20 Cr. 52 (DLC)  
:   
EDWARD ABREU, :   
ALICIA ARIAS, :   
LUIS FRIAS, :   
TIMOTHY WALLACE, :   
a/k/a "Larry," :   
DEREK LIVINGSTON, :   
a/k/a "Wiz," :   
CHARKEEM PAYNE, :   
a/k/a "Lite," :   
CAROL LANE, :   
TRACEY SMITH, :   
a/k/a "Trey," :   
HERMAN STEWARD, :   
TASHA BURNETT, :   
a/k/a "Dutchis," :   
TYRISS GWYNN, :   
EDGAR MONTES, :   
a/k/a "E," and :   
FERNANDO DISLA, :   
a/k/a "Lolo," :   
:   
Defendants. :   
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COUNT ONE

The Grand Jury charges:

1. From at least in or about January 2019 up to and including in or about March 2020, in the Southern District of New York and elsewhere, EDWARD ABREU, ALICIA ARIAS, LUIS FRIAS, TIMOTHY WALLACE, a/k/a "Larry," DEREK LIVINGSTON, a/k/a "Wiz," CHARKEEM PAYNE, a/k/a "Lite," CAROL LANE, TRACEY SMITH, a/k/a

"Trey," HERMAN STEWARD, TASHA BURNETT, a/k/a "Dutchis," TYRISS GWYNN, EDGAR MONTES, a/k/a "E," and FERNANDO DISLA, a/k/a "Lolo," 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 part and an object of the conspiracy that EDWARD ABREU, ALICIA ARIAS, LUIS FRIAS, TIMOTHY WALLACE, a/k/a "Larry," DEREK LIVINGSTON, a/k/a "Wiz," CHARKEEM PAYNE, a/k/a "Lite," CAROL LANE, TRACEY SMITH, a/k/a "Trey," HERMAN STEWARD, TASHA BURNETT, a/k/a "Dutchis," TYRISS GWYNN, EDGAR MONTES, a/k/a "E," and FERNANDO DISLA, a/k/a "Lolo," the defendants, and others known and unknown, would and did distribute and possess with intent to distribute controlled substances, in violation of Title 21, United States Code, Section 841(a)(1).

3. The controlled substances that EDWARD ABREU and ALICIA ARIAS, the defendants, conspired to distribute and possess with intent to distribute were 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), and 280 grams and more of mixtures and substances containing a detectable amount of cocaine base, in a form commonly known as "crack," in violation of Title 21, United States Code, Section 841(b)(1)(A).

4. The controlled substance that LUIS FRIAS, the defendant, conspired to distribute and possess with 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).

5. The controlled substances that TIMOTHY WALLACE, a/k/a "Larry," DEREK LIVINGSTON, a/k/a "Wiz," CHARKEEM PAYNE, a/k/a "Lite," CAROL LANE, and TRACEY SMITH, a/k/a "Trey," the defendants, conspired to distribute and possess with intent to distribute were 280 grams and more of mixtures and substances containing a detectable amount of cocaine base, in a form commonly known as "crack," in violation of Title 21, United States Code, Section 841(b)(1)(A), and mixtures and substances containing a detectable amount of cocaine, in violation of Title 21, United States Code, Section 841(b)(1)(C).

6. The controlled substances that HERMAN STEWARD, TASHA BURNETT, a/k/a "Dutchis," EDGAR MONTES, a/k/a "E," and FERNANDO DISLA, a/k/a "Lolo," the defendants, conspired to distribute and possess with intent to distribute were 28 grams and more of mixtures and substances containing a detectable amount of cocaine base, in a form commonly known as "crack," in violation of Title 21, United States Code, Section 841(b)(1)(B), and mixtures and substances containing a detectable amount of

cocaine, in violation of Title 21, United States Code, Section 841(b) (1) (C).

7. The controlled substance that TYRISS GWYNN, the defendant, conspired to distribute and possess with intent to distribute was mixtures and substances containing a detectable amount of cocaine base, in a form commonly known as "crack," in violation of Title 21, United States Code, Section 841(b) (1) (C).

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

COUNT TWO

The Grand Jury further charges:

8. On or about September 27, 2019, in the Southern District of New York and elsewhere, DEREK LIVINGSTON, a/k/a "Wiz," the defendant, during and in relation to a drug trafficking crime for which he may be prosecuted in a court of the United States, namely, the drug trafficking conspiracy charged in Count One of this Indictment, knowingly did use and carry a firearm, and in furtherance of such crime, did possess a firearm, and did aid and abet the same.

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

COUNT THREE

The Grand Jury further charges:

9. On or about September 27, 2019, in the Southern District of New York, DEREK LIVINGSTON, a/k/a "Wiz," the

defendant, knowing he had previously been convicted in a court of a crime punishable by imprisonment for a term exceeding one year, knowingly did possess a firearm, to wit, a nine-millimeter Luger semi-automatic pistol, and the firearm was in and affecting interstate and foreign commerce.

(Title 18, United States Code,  
Sections 922(g)(1) and 2.)

FORFEITURE ALLEGATION

10. As a result of committing the offense alleged in Count One of this Indictment, EDWARD ABREU, ALICIA ARIAS, LUIS FRIAS, TIMOTHY WALLACE, a/k/a "Larry," DEREK LIVINGSTON, a/k/a "Wiz," CHARKEEM PAYNE, a/k/a "Lite," CAROL LANE, TRACEY SMITH, a/k/a "Trey," HERMAN STEWARD, TASHA BURNETT, a/k/a "Dutchis," TYRISS GWYNN, EDGAR MONTES, a/k/a "E," and FERNANDO DISLA, a/k/a "Lolo," 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

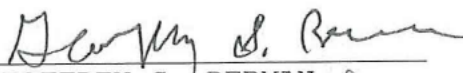
11. If any of the above-described forfeitable property, as a result of any act or omission of EDWARD ABREU, ALICIA ARIAS, LUIS FRIAS, TIMOTHY WALLACE, a/k/a "Larry," DEREK LIVINGSTON, a/k/a "Wiz," CHARKEEM PAYNE, a/k/a "Lite," CAROL LANE, TRACEY SMITH, a/k/a "Trey," HERMAN STEWART, TASHA BURNETT, a/k/a "Dutchis," TYRISS GWYNN, EDGAR MONTES, a/k/a "E," and FERNANDO DISLA, a/k/a "Lolo," 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.)

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FOREPERSON

  
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GEOFFREY S. BERMAN  
United States Attorney

Form No. USA-33s-274 (Ed. 9-25-58)

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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA

v.

EDWARD ABREU, et al.,

Defendants.

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SEALED INDICTMENT

S1 20 Cr. 52 (DLC)

(Title 18, United States Code,  
Sections 922(g)(1), 924(c), and 2, and  
Title 21, United States Code,  
Section 846.)

GEOFFREY S. BERMAN  
United States Attorney

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Foreperson

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