

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

- - - - - X
:
UNITED STATES OF AMERICA :
:
- v. - : SUPERSEDING INDICTMENT
: S3 19 Cr. 96 (JSR)
:
SYDNEY SCALES, :
a/k/a "Sid," :
a/k/a "Moe Black," and :
ERNEST HORGE, :
a/k/a "Ern," :
a/k/a "Mack," :
:
Defendants. :
- - - - - X

COUNT ONE
(Narcotics Conspiracy)

The Grand Jury charges:

1. From at least in or about 2016 up to and including in or about 2019, in the Southern District of New York and elsewhere, SYDNEY SCALES, a/k/a "Sid," a/k/a "Moe Black," and ERNEST HORGE, a/k/a "Ern," a/k/a "Mack," 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 SYDNEY SCALES, a/k/a "Sid," a/k/a "Moe Black," and ERNEST HORGE, a/k/a "Ern," a/k/a "Mack," 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 substances that SYDNEY SCALES, a/k/a "Sid," a/k/a "Moe Black," and ERNEST HORGE, a/k/a "Ern," a/k/a "Mack," the defendants, conspired to distribute and possess with intent to distribute were: (1) 280 grams and more of mixtures and substances containing a detectable amount of cocaine base, in violation of Title 21, United States Code, Section 841(b)(1)(A); (2) 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); (3) one kilogram and more of mixtures and substances containing a detectable amount of heroin, in violation of Title 21, United States Code, Section 841(b)(1)(A); (4) mixtures and substances containing a detectable amount of fentanyl, and (5) mixtures and substances containing a detectable amount of marijuana, in violation of Title 21, United States Code, Section 841(b)(1)(D).

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

COUNT TWO
(Conspiracy to Commit Murder for Hire)

The Grand Jury further charges:

4. In or about June 2017, in the Southern District of New York and elsewhere, SYDNEY SCALES, a/k/a "Sid," a/k/a "Moe Black," the defendant, and others known and unknown,

knowingly did combine, conspire, confederate, and agree together and with each other to travel in and cause another to travel in interstate commerce, and to use and cause another to use the mail and a facility of interstate commerce, with intent that a murder be committed in violation of the laws of a State and of the United States as consideration for the receipt of, and as consideration for a promise and agreement to pay, a thing of pecuniary value, to wit, SCALES agreed to compensate other individuals in return for their locating and killing at least one rival drug dealer, and SCALES and his co-conspirators used cellphones to communicate about their progress.

(Title 18, United States Code, Section 1958.)

COUNT THREE
(Murder While Engaged in a Narcotics Conspiracy)

The Grand Jury further charges:

5. On or about June 9, 2017, in the Southern District of New York, SYDNEY SCALES, a/k/a "Sid," a/k/a "Moe Black," the defendant, while engaging in an offense punishable under Title 21, United States Code, Section 841(b)(1)(A), namely, a conspiracy to distribute 280 grams and more of mixtures and substances containing a detectable amount of cocaine base, in a form commonly known as "crack," five kilograms and more of mixtures and substances containing a detectable amount of cocaine, and one kilogram and more of mixtures and substances

containing a detectable amount of heroin, intentionally killed and counseled, commanded, induced, procured, and caused the intentional killing of Joshua Lopez, in the vicinity of 1135 East Tremont Avenue, Bronx, New York, and aided and abetted the same, to wit, SCALES caused another person to shoot at rival drug dealers in the vicinity of 1135 East Tremont Avenue, Bronx, New York, causing the death of Joshua Lopez.

(Title 21, United States Code, Section 848(e)(1)(A);
Title 18, United States Code, Section 2.)

COUNT FOUR
(Murder Through Use of a Firearm)

The Grand Jury further charges:

6. On or about June 9, 2017, in the Southern District of New York, SYDNEY SCALES, a/k/a "Sid," a/k/a "Moe Black," 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 narcotics conspiracy charged in Count One of this Indictment, did use and carry firearms, and in furtherance of such crime, did possess firearms, and did aid and abet the use, carrying, and possession of firearms, and in the course of that 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 did and abet the same, to wit, SCALES caused another person to shoot at rival

drug dealers in the vicinity of 1135 East Tremont Avenue, Bronx, New York, causing the death of Joshua Lopez.

(Title 18, United States Code, Sections 924(j)(1) and 2.)

COUNT FIVE
**(Using, Carrying, Possessing,
Brandishing, and Discharging Firearms)**

The Grand Jury further charges:

7. From at least in or about 2016 up to and including in or about 2019 – on occasions other than the murder of Joshua Lopez on or about June 9, 2017, as charged in Count Four of this Indictment – in the Southern District of New York and elsewhere, SYDNEY SCALES, a/k/a "Sid," a/k/a "Moe Black," 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 narcotics distribution conspiracy charged in Count One of this Indictment, knowingly did use and carry firearms, and in furtherance of such crime, did possess firearms, and did aid and abet the use, carrying, and possession of firearms, some of which were brandished and discharged.

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

COUNT SIX
**(Using, Carrying, Possessing,
Brandishing, and Discharging Firearms)**

The Grand Jury further charges:

8. From at least in or about 2016 up to and including in or about 2019 ERNEST HORGE, a/k/a "Ern," a/k/a "Mack," 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 narcotics distribution conspiracy charged in Count One of this Indictment, knowingly did use and carry firearms, and in furtherance of such crime, did possess firearms, and did aid and abet the use, carrying, and possession of firearms, some of which were brandished and discharged.

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

COUNT SEVEN
(Distribution of a Controlled Substance)

The Grand Jury further charges:

9. On or about January 17, 2019, in the Southern District of New York, SYDNEY SCALES, a/k/a "Sid," a/k/a "Moe Black," the defendant, intentionally and knowingly did distribute and possess with intent to distribute a controlled substance, to wit, mixtures and substances containing a detectable amount of cocaine base in a form commonly referred to as "crack."

(Title 21, United States Code,
Sections 812, 841(a)(1), and 841(b)(1)(C).)

COUNT EIGHT
(Distribution of a Controlled Substance)

The Grand Jury further charges:

10. On or about January 24, 2019, in the Southern District of New York, SYDNEY SCALES, a/k/a "Sid," a/k/a "Moe Black," the defendant, intentionally and knowingly did distribute and possess with intent to distribute a controlled substance, to wit, mixtures and substances containing a detectable amount of cocaine base in a form commonly referred to as "crack."

(Title 21, United States Code,
Sections 812, 841(a)(1), and 841(b)(1)(C).)

COUNT NINE
(Distribution of a Controlled Substance)

The Grand Jury further charges:

11. On or about November 29, 2018, in the Southern District of New York, ERNEST HORGE, a/k/a "Ern," a/k/a "Mack," the defendant, intentionally and knowingly did distribute and possess with intent to distribute a controlled substance, to wit, mixtures and substances containing a detectable amount of cocaine base in a form commonly referred to as "crack."

(Title 21, United States Code,
Sections 812, 841(a)(1), and 841(b)(1)(C).)

COUNT TEN
(Distribution of a Controlled Substance)

The Grand Jury further charges:

12. On or about February 7, 2019, in the Southern District of New York, ERNEST HORGE, a/k/a "Ern," a/k/a "Mack," the defendant, intentionally and knowingly did distribute and possess with intent to distribute a controlled substance, to wit, mixtures and substances containing a detectable amount of cocaine base in a form commonly referred to as "crack."

(Title 21, United States Code,
Sections 812, 841(a)(1), and 841(b)(1)(C).)

FORFEITURE ALLEGATION

13. As a result of committing the controlled substance offenses alleged in Counts One, Seven, and Eight of this Indictment, SYDNEY SCALES, a/k/a "Sid," a/k/a "Moe Black," the defendant, shall forfeit to the United States, pursuant to 21 U.S.C. § 853, any and all property constituting or derived from any proceeds the defendant obtained directly or indirectly as a result of the said violations 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 violations alleged in Counts One, Seven, and Eight of this Indictment, including but not limited to a sum in United States currency representing the amount of all proceeds obtained as a result of the controlled

substance offenses alleged in Counts One, Seven, and Eight of this Indictment.

14. As a result of committing the controlled substance offenses alleged in Counts One, Nine, and Ten of this Indictment, ERNEST HORGE, a/k/a "Ern," a/k/a "Mack," the defendant, shall forfeit to the United States, pursuant to 21 U.S.C. § 853, any and all property constituting or derived from any proceeds the defendant obtained directly or indirectly as a result of the said violations 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 violations alleged in Counts One, Nine, and Ten of this Indictment, including but not limited to a sum in United States currency representing the amount of all proceeds obtained as a result of the controlled substance offenses alleged in Counts One, Nine, and Ten of this Indictment.

Substitute Asset Provision

15. 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 18 U.S.C. § 982(b) and 21 U.S.C. § 853(p) to seek forfeiture of any other property of the defendants up to the value of the above forfeitable property.

(Title 18, United States Code, Section 982; Title 21, United States Code, Section 853.)


FOREPERSON

AUDREY STRAUSS
Acting United States Attorney

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SUPERSEDING INDICTMENT

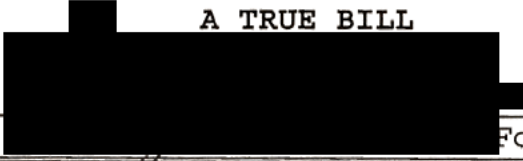
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(Title 21, United States Code,
Sections 841, 846, and 848(e);
Title 18, United States Code, Sections
924(c), 924(j), 1958, and 2.)

AUDREY STRAUSS

Acting United States Attorney.

A TRUE BILL

 Foreperson.
