

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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:
UNITED STATES OF AMERICA :
:
- v. - :
:
VICTOR ALMONTE and :
MICHAEL ESPOSITO, :
:
Defendants. :
x

**SEALED SUPERSEDING
INDICTMENT**

S2 21 Cr. 313 (JPO)

COUNT ONE

(Conspiracy to Distribute Controlled Substances
and a Controlled Substance Analogue)

The Grand Jury charges:

1. From at least in or about February 2019, up to and including in or about December 2021, in the Southern District of New York and elsewhere, VICTOR ALMONTE and MICHAEL ESPOSITO, the defendants, and others known and unknown, intentionally and knowingly did combine, conspire, confederate, and agree together and with each other to violate the drug laws of the United States.

2. It was a part and an object of the conspiracy that VICTOR ALMONTE and MICHAEL ESPOSITO, 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). The controlled substances that the defendants conspired to distribute and possess with intent to distribute were mixtures and substances containing a detectable amount of: (i) methyl 2-(1-(5-fluoropentyl)-1H-indole-3-carboxamido)-3,3-dimethylbutanoate (known as "5F-MDMB-PICA"), a Schedule I controlled substance, in violation of Title 21, United States Code, Section 841(b)(1)(C); (ii) N-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1-butyl-1H-indazole-3-carboxamide (known as "ADB-BUTINACA"), a positional isomer of N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-pentyl-1H-indazole-3-carboxamide (known as "AB-PINACA"), a Schedule I controlled substance, in violation of Title 21, United States Code, Section 841(b)(1)(C); and (iii) tramadol, a Schedule IV controlled substance, in violation of Title 21, United States Code, Section 841(b)(2).

3. It was further a part and an object of the conspiracy that VICTOR ALMONTE and MICHAEL ESPOSITO, the defendants, and others known and unknown, would and did distribute and possess with intent to distribute a controlled substance analogue, in violation of Title 21, United States Code, Section 841(a)(1). The controlled substance analogue that the defendants conspired to distribute and possess with intent to distribute was mixtures and substances containing a

detectable amount of 3-methyl-N-[[1-(4-penten-1-yl)-1H-indazol-3-yl]carbonyl]-L-valine, methyl ester (known as "MDMB-4en-PINACA"), a controlled substance analogue, as defined in Title 21, United States Code, Section 802(32), of methyl 2-(1-(5-fluoropentyl)-1H-indazole-3-carboxamido)-3,3-dimethylbutanoate (known as "5F-ADB" and "5F-MDMB-PINACA"), a Schedule I controlled substance, that was intended for human consumption and is treated as a Schedule I controlled substance, in violation of Title 21, United States Code, Sections 813 and 841(b)(1)(C).

4. It was further a part and an object of the conspiracy that VICTOR ALMONTE and MICHAEL ESPOSITO, the defendants, and others known and unknown, would and did deliver, distribute, and dispense a controlled substance by means of the Internet, in a manner not authorized by law, and would and did aid and abet such activity, in violation of Title 21, United States Code, Section 841(h).

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

FORFEITURE ALLEGATION

5. As a result of committing the offense alleged in Count One of this Superseding Indictment, VICTOR ALMONTE and MICHAEL ESPOSITO, 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

6. 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

A handwritten signature in cursive script, appearing to read "Damian Williams".

DAMIAN WILLIAMS
United States Attorney

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(21 U.S.C. § 846.)

DAMIAN WILLIAMS
United States Attorney

Prosecutor
