

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA

- v. -

JAMES FELTON,
JAMES DIAZ,
 a/k/a "Chunky,"
ANDRE FELTON,
 a/k/a "Dre,"
EZEKIEL BURLEY,
 a/k/a "Ezekiel McCall,"
 a/k/a "Zeke,"
 a/k/a "Ziggy,"
URIAH BROWN,
 a/k/a "Scooter,"
BRADFORD CANNON,
 a/k/a "Brad,"
WILLIE REEVES,
 a/k/a "Willie Reed,"
 a/k/a "Willow,"
HAROLD FIELDS,
 a/k/a "Howie,"
 a/k/a "HD,"
ROBERT BRENT,
 a/k/a "Ready,"
DASHAUN MCDONALD,
 a/k/a "Dayday,"
MATTHEW TORRES,
 a/k/a "Mac Mittens,"
 a/k/a "Green Eyes,"
TYRONE TURNER,
 a/k/a "Skrap,"
KENDRICK MCCRAY,
 a/k/a "Kenny,"
GINGER DIAZ,
 a/k/a "George," and
JOSE SANDOVAL,
 a/k/a "Shorty,"

Defendants.

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SEALED
SUPERSEDING INDICTMENT

S2 17 Cr. 21 (WHP)

COUNT ONE
(Narcotics Conspiracy)

The Grand Jury charges:

1. From at least in or about 2010 up to and including at least in or about February 2017, in the Southern District of New York and elsewhere, JAMES FELTON, JAMES DIAZ, a/k/a "Chunky," ANDRE FELTON, a/k/a "Dre," EZEKIEL BURLEY, a/k/a "Ezekiel McCall," a/k/a "Zeke," a/k/a "Ziggy," URIAH BROWN, a/k/a "Scooter," BRADFORD CANNON, a/k/a "Brad," WILLIE REEVES, a/k/a "Willie Reed," a/k/a "Willow," HAROLD FIELDS, a/k/a "Howie," a/k/a "HD," ROBERT BRENT, a/k/a "Ready," DASHAUN MCDONALD, a/k/a "Dayday," MATTHEW TORRES, a/k/a "Mac Mittens," a/k/a "Green Eyes," TYRONE TURNER, a/k/a "Skrap," KENDRICK MCCRAY, a/k/a "Kenny," GINGER DIAZ, a/k/a "George," and JOSE SANDOVAL, a/k/a "Shorty," 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 JAMES FELTON, JAMES DIAZ, a/k/a "Chunky," ANDRE FELTON, a/k/a "Dre," EZEKIEL BURLEY, a/k/a "Ezekiel McCall," a/k/a "Zeke," a/k/a "Ziggy," URIAH BROWN, a/k/a "Scooter," BRADFORD CANNON, a/k/a "Brad," WILLIE REEVES, a/k/a "Willie Reed," a/k/a "Willow," HAROLD FIELDS, a/k/a "Howie," a/k/a "HD," ROBERT BRENT, a/k/a "Ready," DASHAUN MCDONALD, a/k/a "Dayday," MATTHEW

TORRES, a/k/a "Mac Mittens," a/k/a "Green Eyes," TYRONE TURNER, a/k/a "Skrap," KENDRICK MCCRAY, a/k/a "Kenny," GINGER DIAZ, a/k/a "George," and JOSE SANDOVAL, a/k/a "Shorty," 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 JAMES FELTON, JAMES DIAZ, a/k/a "Chunky," ANDRE FELTON, a/k/a "Dre," EZEKIEL BURLEY, a/k/a "Ezekiel McCall," a/k/a "Zeke," a/k/a "Ziggy," URIAH BROWN, a/k/a "Scooter," BRADFORD CANNON, a/k/a "Brad," WILLIE REEVES, a/k/a "Willie Reed," a/k/a "Willow," HAROLD FIELDS, a/k/a "Howie," a/k/a "HD," ROBERT BRENT, a/k/a "Ready," DASHAUN MCDONALD, a/k/a "Dayday," MATTHEW TORRES, a/k/a "Mac Mittens," a/k/a "Green Eyes," TYRONE TURNER, a/k/a "Skrap," KENDRICK MCCRAY, a/k/a "Kenny," GINGER DIAZ, a/k/a "George," and JOSE SANDOVAL, a/k/a "Shorty," the defendants, conspired 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) a quantity of cocaine, in violation of Title 21, United States Code, Section 841(b)(1)(C); (3) a quantity of heroin, in violation of Title 21, United States Code, Section 841(b)(1)(C);

and (4) a quantity of marijuana, in violation of Title 21, United States Code, Section 841(b)(1)(D).

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

COUNT TWO
(Murder While Engaged in Narcotics Conspiracy)

The Grand Jury further charges:

4. On or about December 11, 2016, in the Southern District of New York, JAMES FELTON, JAMES DIAZ, a/k/a "Chunky," ANDRE FELTON, a/k/a "Dre," and EZEKIEL BURLEY, a/k/a "Ezekiel McCall," a/k/a "Zeke," a/k/a "Ziggy," the defendants, while engaging in an offense punishable under Title 21, United States Code, Section 841(b)(1)(A), namely, the narcotics conspiracy charged in Count One of this Superseding Indictment, intentionally killed and counseled, commanded, induced, procured, or caused the intentional killing of an individual, resulting in such killing, and aided and abetted the same, to wit, JAMES FELTON, DIAZ, ANDRE FELTON, and BURLEY caused the death of Jose Morales, a/k/a "Benny White," by shooting Morales, and aiding and abetting the same, in the vicinity of East 175th Street and Weeks Avenue, Bronx, New York.

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

COUNT THREE
(Using, Carrying, Possessing, Brandishing,
and Discharging Firearms, Causing Death)

The Grand Jury further charges:

5. On or about December 11, 2016, in the Southern District of New York, JAMES FELTON, JAMES DIAZ, a/k/a "Chunky," ANDRE FELTON, a/k/a "Dre," and EZEKIEL BURLEY, a/k/a "Ezekiel McCall," a/k/a "Zeke," a/k/a "Ziggy," the defendants, willfully and knowingly, 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 conspiracy charged in Count One of this Superseding 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), to wit, JAMES FELTON, DIAZ, ANDRE FELTON, and BURLEY caused the death of Jose Morales, a/k/a "Benny White," by shooting Morales, and aiding and abetting the same, in the vicinity of East 175th Street and Weeks Avenue, Bronx, New York.

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

COUNT FOUR
(Using, Carrying, Possessing, Brandishing,
and Discharging Firearms)

The Grand Jury further charges:

6. From at least in or about 2010 up to and including at least in or about February 2017, and on occasions other than the murder of Jose Morales, a/k/a "Benny White," on or about December 11, 2016, in the vicinity of East 175th Street and Weeks Avenue, Bronx, New York, as charged in Counts Two and Three of this Superseding Indictment, in the Southern District of New York and elsewhere, JAMES FELTON, JAMES DIAZ, a/k/a "Chunky," and EZEKIEL BURLEY, a/k/a "Ezekiel McCall," a/k/a "Zeke," a/k/a "Ziggy," the defendants, knowingly, 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 conspiracy charged in Count One of this Superseding 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, some of which were brandished and discharged.

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

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

7. From at least in or about 2010 up to and including at least in or about February 2017, in the Southern

District of New York and elsewhere, URIAH BROWN, a/k/a "Scooter," BRADFORD CANNON, a/k/a "Brad," WILLIE REEVES, a/k/a "Willie Reed," a/k/a "Willow," HAROLD FIELDS, a/k/a "Howie," a/k/a "HD," ROBERT BRENT, a/k/a "Ready," DASHAUN MCDONALD, a/k/a "Dayday," MATTHEW TORRES, a/k/a "Mac Mittens," a/k/a "Green Eyes," TYRONE TURNER, a/k/a "Skrap," KENDRICK MCCRAY, a/k/a "Kenny," GINGER DIAZ, a/k/a "George," and JOSE SANDOVAL, a/k/a "Shorty," the defendants, knowingly, 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 conspiracy charged in Count One of this Superseding 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, some of which were brandished and discharged.

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

SPECIAL FINDINGS AS TO JAMES FELTON, JAMES DIAZ, a/k/a "Chunky,"
ANDRE FELTON, a/k/a "Dre," and EZEKIEL BURLEY, a/k/a "Ezekiel
McCall," a/k/a "Zeke," a/k/a "Ziggy"

8. Counts Two and Three of the Superseding Indictment are re-alleged and incorporated by reference as though fully set forth herein. As to Count Two, alleging a killing while engaged in a narcotics conspiracy, and Count Three, alleging the use, carrying, possession, brandishing, and discharge of firearms causing death, both stemming from the December 11, 2016 murder of Jose Morales, a/k/a "Benny White,"

the defendants JAMES FELTON, JAMES DIAZ, a/k/a "Chunky," ANDRE FELTON, a/k/a "Dre," and EZEKIEL BURLEY, a/k/a "Ezekiel McCall," a/k/a "Zeke," a/k/a "Ziggy":

a. were 18 years of age or older at the time of the offenses;

b. intentionally killed Jose Morales, a/k/a "Benny White" (Title 18, United States Code, Section 3591(a)(2)(A));

c. intentionally inflicted serious bodily injury that resulted in the death of Jose Morales, a/k/a "Benny White" (Title 18, United States Code, Section 3591(a)(2)(B));

d. intentionally participated in an act, contemplating that the life of a person would be taken or intending that lethal force would be used in connection with a person, other than one of the participants in the offense, and Jose Morales, a/k/a "Benny White," died as a direct result of the act (Title 18, United States Code, Section 3591(a)(2)(C));

e. 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 Jose Morales, a/k/a "Benny White," died as a direct result of the act (Title 18, United States Code, Section 3591(a)(2)(D));

f. in the commission of the offenses in Counts Two and Three, knowingly created a grave risk of death to one or more persons in addition to the victims of the offense (Title 18, United States Code, Section 3592(c)(5));

g. committed the offense after substantial planning and premeditation to cause the death of a person or commit an act of terrorism (Title 18, United States Code, Section 3592(c)(9)); and

h. intentionally killed or attempted to kill more than one person in a single criminal episode (Title 18, United States Code, Section 3592(c)(16)).

ADDITIONAL SPECIAL FINDINGS AS TO JAMES FELTON

9. Counts Two and Three of the Superseding Indictment are re-alleged and incorporated by reference as though fully set forth herein. As to Count Two, alleging a killing while engaged in a narcotics conspiracy, and Count Three, alleging the use, carrying, possession, brandishing, and discharge of firearms causing death, both stemming from the December 11, 2016 murder of Jose Morales, a/k/a "Benny White," the defendant JAMES FELTON:

a. had previously been convicted of violating title II or III of the Comprehensive Drug Abuse Prevention and Control Act of 1970 for which a sentence of five or more years may be imposed (Title 18, United States Code, Section 3592(c)(12)).

FORFEITURE ALLEGATION

10. As a result of committing the controlled substance offense alleged in Count One of this Superseding Indictment, JAMES FELTON, JAMES DIAZ, a/k/a "Chunky," ANDRE FELTON, a/k/a "Dre," EZEKIEL BURLEY, a/k/a "Ezekiel McCall," a/k/a "Zeke," a/k/a "Ziggy," URIAH BROWN, a/k/a "Scooter," BRADFORD CANNON, a/k/a "Brad," WILLIE REEVES, a/k/a "Willie Reed," a/k/a "Willow," HAROLD FIELDS, a/k/a "Howie," a/k/a "HD," ROBERT BRENT, a/k/a "Ready," DASHAUN MCDONALD, a/k/a "Dayday," MATTHEW TORRES, a/k/a "Mac Mittens," a/k/a "Green Eyes," TYRONE TURNER, a/k/a "Skrap," KENDRICK MCCRAY, a/k/a "Kenny," GINGER DIAZ, a/k/a "George," and JOSE SANDOVAL, a/k/a "Shorty," 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 Asset Provision

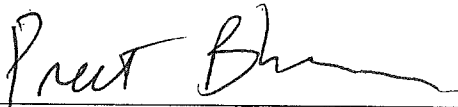
11. If any of the above-described forfeitable property, as a result of any act or omission of the defendants:

- (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 each defendant up to the value of the above forfeitable property.

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


FOREPERSON


PREET BHARARA ^{NSR}
United States Attorney

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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JOSE SANDOVAL, a/k/a "Shorty,"

Defendants.

SEALED SUPERSEDING INDICTMENT

S2 17 Cr. 21 (WHP)

(Title 21, United States Code,
Section 846 and 848(e)(1)(A); Title 18,
United States Code, Sections
924(c)(1)(A)(i), (ii), and (iii),
(c)(1)(C)(i), and (j); and 2.)

PREET BHARARA

United States Attorney.

A TRUE BILL

Foreperson.
