

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA :
 :
 - v. - :
 :
ALEX FISHMAN, :
KOSTYANTYN MELNYK, and :
STEVEN FISHMAN, :
 :
Defendants. :
 :
----- X

SEALED INDICTMENT

17 Cr.

COUNT ONE

(Conspiracy to Commit Offenses Against the United States:
Trafficking Contraband Tobacco)

The Grand Jury charges:

1. From at least in or about March 2016, up to and including in or about May 2017, in the Southern District of New York and elsewhere, ALEX FISHMAN, KOSTYANTYN MELNYK, and STEVEN FISHMAN, the defendants, and others known and unknown, willfully and knowingly did combine, conspire, confederate and agree together and with each other to commit offenses against the United States, to wit, to violate Title 18, United States Code, Sections 2342.

2. It was a part and an object of the conspiracy that ALEX FISHMAN, KOSTYANTYN MELNYK, and STEVEN FISHMAN, the defendants, and others known and unknown, would and did ship, transport, receive, possess, sell, distribute, and purchase contraband cigarettes and contraband smokeless tobacco, as defined

in Title 18 United States Code, Section 2341, in violation of Title 18, United States Code, Section 2342.

3. In furtherance of the conspiracy and to effect the illegal objects thereof, the following overt act, among others, was committed in the Southern District of New York and elsewhere:

a. On or about April 13, 2017, ALEX FISHMAN, KOSTYANTYN MELNYK, and STEVEN FISHMAN, the defendants, met a confidential source ("CS-1") in the vicinity of Greenwich Street and Chambers Street in Manhattan, New York. During the meeting, ALEX FISHMAN and MELNYK received approximately fifteen cases of purportedly stolen cigarettes in total from CS-1 and, in exchange, STEVEN FISHMAN provided CS-1 with a plastic bag containing approximately \$42,680.

(Title 18, United States Code, Section 371.)

FORFEITURE ALLEGATION

4. As a result of committing the offense charged in Count One of this Indictment, ALEX FISHMAN, KOSTYANTYN MELNYK, and STEVEN FISHMAN, the defendants, shall forfeit to the United States, pursuant to Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461, any and all property, real or personal, that constitutes or is derived from proceeds traceable to the commission of the offense charged in Count One of this Indictment.

Substitute Assets Provision

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

- 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) and Title 28, United States Code, Section 2461(c), to seek forfeiture of any other property of the defendant up to the value of the above forfeitable property.

(Title 18, United States Code, Section 981;
Title 21, United States Code, Section 853; and
Title 28, United States Code, Section 2461.)


FOREPERSON



JOON H. KIM
Acting United States Attorney

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(18 U.S.C. § 371.)

JOON H. KIM

Acting United States Attorney.


foreperson.
