

DMJ:ALB
F.# 2013R00456

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

- - - - -X

UNITED STATES OF AMERICA

- against -

GRACIA L. MAYARD and
FRANK MARINO,

Defendants.

- - - - -X

THE GRAND JURY CHARGES:

COUNT ONE

(Conspiracy to Distribute Oxycodone)

1. On or about and between January 1, 2012 and March 15, 2013, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendants GRACIA L. MAYARD and FRANK MARINO, together with others, did knowingly and intentionally conspire to distribute and possess with intent to distribute a controlled substance, which offense involved a substance containing oxycodone, a Schedule II controlled substance, contrary to Title 21, United States Code, Section 841(a)(1).

(Title 21, United States Code, Sections 846 and 841(b)(1)(C); Title 18, United States Code, Sections 3551 et seq.)

FILED
IN CLERK'S OFFICE
U.S. DISTRICT COURT, E.D.N.Y.
★ MAY 09 2013

LONG ISLAND OFFICE
SUPERSEDING
INDICTMENT

Cr. No. 13-227 (S-1) (JFB)
(T. 21, U.S.C., §§
841(a)(1), 841(b)(1)(C),
846, 853(a) and 853(p); T.
18, U.S.C., §§ 2 and 3551
et seq.)

COUNT TWO

(Distribution of a Controlled Substance)

2. On or about and between February 28, 2013 and March 13, 2013, both dates being approximate and inclusive, within the Eastern District of New York, the defendant GRACIA L. MAYARD, together with others, did knowingly and intentionally distribute and possess with intent to distribute a controlled substance, which offense involved a substance containing oxycodone, a Schedule II controlled substance.

(Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(C); Title 18, United States Code, Sections 2 and 3551 et seq.)

CRIMINAL FORFEITURE ALLEGATION

3. The United States hereby gives notice to the defendant GRACIA L. MAYARD that, upon his conviction of either of the charged offenses, the government will seek forfeiture in accordance with Title 21, United States Code, Section 853(a), which requires any person convicted of such offenses to forfeit any property constituting, or derived from, proceeds obtained, directly or indirectly, as a result of such offenses, and any property used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of such offenses.

4. If any of the above-described forfeitable property, as a result of any act or omission of the defendant GRACIA L. MAYARD:

(a) cannot be located upon the exercise of due diligence;

(b) has been transferred or sold to, or deposited with, a third party;

(c) has been placed beyond the jurisdiction of the court;

(d) has been substantially diminished in value; or

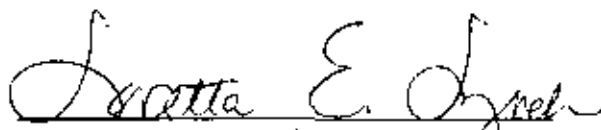
(e) has been commingled with other property which cannot be divided without difficulty;

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 such defendant up to the value of the forfeitable property described in this forfeiture allegation.

(Title 21, United States Code, Sections 853(a) and 853(p))

A TRUE BILL


FOREPERSON


LORETTA E. LYNCH
UNITED STATES ATTORNEY
EASTERN DISTRICT OF NEW YORK

