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LONG ISLAND OFFICE

RPD:JMM:jmm  
F. #2004R00494

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

----- X

UNITED STATES OF AMERICA

- against -

RODNEY ARNOLDO MORRISON,  
Defendant.

----- X

S U P E R S E D I N G  
I N D I C T M E N T

Cr. No. 04-699 (S-2) (DRH)  
(T. 18, U.S.C., §§  
844(h)(1), 844(i),  
894(a)(2), 922(g)(1),  
924(a)(2), 924(d), 1958,  
1962(c), 1962(d), 1963,  
2 and 3551 et seq.)

THE GRAND JURY CHARGES:

INTRODUCTION TO ALL COUNTS

At all times relevant to this Superseding Indictment,  
unless otherwise indicated:

The Enterprise

1. Peace Pipe Smoke Shop ("Peace Pipe") was a partnership formed under the laws of the State of New York, with a principal place of business located at 9 Squaw Lane, Mastic, New York. Peace Pipe sold cartons and cases of cigarettes that bore no evidence of the payment of applicable New York State excise or local sales taxes. Peace Pipe also operated over the Internet under the name smokersden.com.

2. The defendant RODNEY ARNOLDO MORRISON was a managing partner and owner of Peace Pipe and its Internet business. MORRISON hired employees of Peace Pipe, as well as

associates whose identities are known to the Grand Jury, to carry out criminal acts for the benefit of Peace Pipe.

3. Peace Pipe and smokersden.com, including its employees and associates, and the defendant RODNEY ARNOLDO MORRISON (hereinafter the "Enterprise") constituted an "enterprise" as that term is defined in Title 18, United States Code, Section 1961(4), that is, a group of individuals and entities associated in fact. The Enterprise, which operated in the Eastern District of New York and elsewhere, was engaged in, and its activities affected, interstate and foreign commerce. The Enterprise constituted an ongoing organization whose members and associates functioned as a continuing unit for the common purpose of achieving the objectives of the Enterprise.

The Purposes, Methods and Means of the Enterprise

4. The principal purpose of the Enterprise was to generate money for the defendant RODNEY ARNOLDO MORRISON and his associates. This purpose was implemented by the defendant and associates of the Enterprise through various legal and illegal activities, including murder, assault, abduction, arson, robbery, extortion, and tax evasion.

5. The members and associates of the Enterprise sought, among other things, to:

a. Enrich the defendant and associates of the Enterprise through the trafficking of un-taxed contraband cigarettes in interstate commerce;

b. Preserve and protect the power, territory and profits of the Enterprise through the use of intimidation, violence and threats of violence; and

c. Keep victims in fear of the Enterprise and its members and associates through violence, intimidation, and threats of violence.

6. The defendant RODNEY ARNOLDO MORRISON and other members and associates of the Enterprise participated in the conduct of the affairs of the Enterprise by the following means and methods: committing and threatening to commit crimes, including murder, assault, abduction and arson, to protect and expand the Enterprise's operations.

Role of the Defendant

7. The defendant RODNEY ARNOLDO MORRISON participated in the leadership, management and operation of the Enterprise by, among other things:

a. Controlling the operations of Peace Pipe and smokersden.com;

b. Controlling the disposition of profits from the operation of the Enterprise;

c. Employing other individuals to assist the Enterprise in its operations and activities; and

d. Participating in the commission of various criminal acts of the Enterprise.

COUNT ONE  
(Racketeering)

8. The allegations contained in paragraphs 1 through 7 are realleged and incorporated as if fully set forth in this paragraph.

9. In or about and between October 1996 and September 2004, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendant RODNEY ARNOLDO MORRISON, together with others, being a person employed by and associated with the Enterprise, an enterprise which engaged in, and the activities of which affected, interstate and foreign commerce, knowingly and intentionally conducted and participated, directly and indirectly, in the conduct of the affairs of that enterprise through a pattern of racketeering activity, as defined in Title 18, United States Code, Sections 1961(1) and 1961(5), consisting of the racketeering acts set forth below.

10. For each racketeering act alleged, the commission of any one of the racketeering act's subparts constitutes commission of that racketeering act.

RACKETEERING ACT ONE  
(Conspiracy to Obstruct Commerce by Robbery/  
Obstruction of Commerce By Robbery)

A. Robbery Conspiracy

11. In or about March 1999, within the Eastern District of New York, the defendant RODNEY ARNOLDO MORRISON, together with others, did knowingly and intentionally conspire to obstruct, delay and affect commerce and the movement of articles and commodities in commerce by robbery, to wit: the robbery of Monique's Variety Store and Smoke Shop, located in Mastic, New York, in violation of Title 18, United States Code, Section 1951(a).

B. Robbery

12. On or about March 10, 1999, within the Eastern District of New York, the defendant RODNEY ARNOLDO MORRISON, together with others, did knowingly and intentionally obstruct, delay and affect commerce and the movement of articles and commodities in commerce by robbery, to wit: the robbery of Monique's Variety Store and Smoke Shop, located in Mastic, New York, in violation of Title 18, United States Code, Sections 1951(a) and 2.

RACKETEERING ACT TWO

(Extortionate Punishment For Nonrepayment of Credit/Arson  
Conspiracy/Arson)

A. Conspiracy To Use Extortionate Means  
To Punish Nonrepayment of Credit

13. In or about February 2000, within the Eastern District of New York, the defendant RODNEY ARNOLDO MORRISON, together with others, knowingly and intentionally conspired to participate in the use of extortionate means to punish Jane Doe #1, an individual whose identity is known to the Grand Jury, for the nonrepayment of an extension of credit, in violation of Title 18, United States Code, Section 894(a)(2).

B. Use Of Extortionate Means  
To Punish Nonrepayment of Credit

14. On or about February 9, 2000, within the Eastern District of New York, the defendant RODNEY ARNOLDO MORRISON, together with others, knowingly and intentionally participated in the use of extortionate means to punish Jane Doe #1 for the nonrepayment of an extension of credit, in violation of Title 18, United States Code, Sections 894(a)(2) and 2.

C. Arson Conspiracy

15. In or about February 2000, within the Eastern District of New York, the defendant RODNEY ARNOLDO MORRISON, together with others, knowingly and intentionally conspired to damage a motor vehicle, to wit: a 1990 Nissan 300ZX owned by Jane

Doe #1, by starting a fire, in violation of New York Penal Law Sections 150.10 and 105.10.

D. Arson

16. On or about February 9, 2000, within the Eastern District of New York, the defendant RODNEY ARNOLDO MORRISON, together with others, knowingly and intentionally damaged a motor vehicle, to wit: a 1990 Nissan 300ZX owned by Jane Doe #1, by starting a fire, in violation of New York Penal Law Sections 150.10 and 20.00.

RACKETEERING ACT THREE

(Use and Conspiracy to Use Interstate Facilities In The Commission of Murder for Hire/Murder Conspiracy/Murder)

A. Conspiracy To Use Interstate Facilities In The Commission of Murder for Hire

17. In or about November 2003, within the Eastern District of New York and elsewhere, the defendant RODNEY ARNOLDO MORRISON, together with others, knowingly and intentionally conspired to travel in interstate and foreign commerce and to use and cause another to use a facility in interstate commerce, with intent that a murder be committed, in violation of Section 125.25(1) of the New York Penal Law, as consideration for the receipt of, and as consideration for a promise and agreement to pay, something of pecuniary value, and the death of Sherwin Henry did result, in violation of Title 18, United States Code, Section 1958.

B. Use of Interstate Facilities In The Commission of Murder for Hire

18. In or about November 2003, within the Eastern District of New York and elsewhere, the defendant RODNEY ARNOLDO MORRISON, together with others, knowingly and intentionally traveled in interstate and foreign commerce and used and caused another to use a facility in interstate commerce, with intent that a murder be committed, in violation of Section 125.25(1) of the New York Penal Law, as consideration for the receipt of, and as consideration for a promise and agreement to pay, something of pecuniary value, and the death of Sherwin Henry did result, in violation of Title 18, United States Code, Sections 1958 and 2.

C. Murder Conspiracy

19. In or about November 2003, within the Eastern District of New York and elsewhere, the defendant RODNEY ARNOLDO MORRISON, together with others, knowingly and intentionally conspired to cause the death of Sherwin Henry, in violation of New York Penal Law Sections 125.25(1) and 105.15.

D. Murder

20. On or about November 13, 2003, within the Eastern District of New York and elsewhere, the defendant RODNEY ARNOLDO MORRISON, together with others, with intent to cause the death of Sherwin Henry, caused his death, in violation of New York Penal Law Sections 125.25(1) and 20.00.



RACKETEERING ACTS FOUR THROUGH EIGHTY  
(Trafficking In Contraband Cigarettes)

21. On or about the dates set forth below, within the Eastern District of New York, the defendant RODNEY ARNOLDO MORRISON, together with others, knowingly and intentionally sold and distributed contraband cigarettes, to wit: the approximate quantity of cigarettes set forth below, lacking valid New York State tax stamps, in violation of Title 18, United States Code, Sections 2342(a) and 2.

RACKETEERING ACT	DATE	APPROXIMATE QUANTITY OF CIGARETTES SOLD
FOUR	1/8/97	130,400
FIVE	5/2/03	102,600
SIX	5/4/03	90,000
SEVEN	5/7/03	94,000
EIGHT	10/6/03	69,600
NINE	11/1/03	74,400
TEN	11/15/03	62,600
ELEVEN	12/1/03	93,600
TWELVE	12/18/03	64,400
THIRTEEN	12/30/03	77,800
FOURTEEN	1/15/04	78,800
FIFTEEN	2/19/04	109,400
SIXTEEN	3/13/04	133,000
SEVENTEEN	4/7/04	131,400
EIGHTEEN	5/2/04	133,000
NINETEEN	5/20/04	131,400
TWENTY	5/24/04	66,000

RACKETEERING ACT	DATE	APPROXIMATE QUANTITY OF CIGARETTES SOLD
TWENTY-ONE	5/25/04	70,000
TWENTY-TWO	6/7/04	112,000
TWENTY-THREE	6/8/04	66,000
TWENTY-FOUR	6/10/04	125,600
TWENTY-FIVE	6/10/04	83,000
TWENTY-SIX	6/11/04	63,000
TWENTY-SEVEN	6/14/04	136,400
TWENTY-EIGHT	6/14/04	74,000
TWENTY-NINE	6/17/04	132,000
THIRTY	6/19/04	114,400
THIRTY-ONE	6/22/04	120,000
THIRTY-TWO	6/24/04	70,000
THIRTY-THREE	6/25/04	120,000
THIRTY-FOUR	6/25/04	65,000
THIRTY-FIVE	6/27/04	132,400
THIRTY-SIX	6/28/04	62,000
THIRTY-SEVEN	6/29/04	62,000
THIRTY-EIGHT	6/29/04	142,400
THIRTY-NINE	6/30/04	126,000
FORTY	6/30/04	66,000
FORTY-ONE	7/1/04	116,600
FORTY-TWO	7/1/04	78,400
FORTY-THREE	7/2/04	96,000
FORTY-FOUR	7/3/04	144,000
FORTY-FIVE	7/5/04	74,000
FORTY-SIX	7/6/04	85,000
FORTY-SEVEN	7/6/04	120,000

RACKETEERING ACT	DATE	APPROXIMATE QUANTITY OF CIGARETTES SOLD
FORTY-EIGHT	7/7/04	138,000
FORTY-NINE	7/9/04	168,000
FIFTY	7/9/04	132,000
FIFTY-ONE	7/10/04	103,200
FIFTY-TWO	7/12/04	138,000
FIFTY-THREE	7/12/04	162,000
FIFTY-FOUR	7/14/04	102,800
FIFTY-FIVE	7/14/04	156,400
FIFTY-SIX	7/15/04	178,000
FIFTY-SEVEN	7/15/04	132,400
FIFTY-EIGHT	7/16/04	150,000
FIFTY-NINE	7/17/04	131,600
SIXTY	7/18/04	72,000
SIXTY-ONE	7/19/04	135,000
SIXTY-TWO	7/20/04	160,000
SIXTY-THREE	7/21/04	134,000
SIXTY-FOUR	7/21/04	128,600
SIXTY-FIVE	7/22/04	152,000
SIXTY-SIX	7/23/04	132,200
SIXTY-SEVEN	7/23/04	164,000
SIXTY-EIGHT	7/24/04	138,000
SIXTY-NINE	7/25/04	143,000
SEVENTY	7/25/04	126,000
SEVENTY-ONE	7/26/04	124,000
SEVENTY-TWO	7/28/04	120,000
SEVENTY-THREE	7/28/04	147,000
SEVENTY-FOUR	7/29/04	154,200

RACKETEERING ACT	DATE	APPROXIMATE QUANTITY OF CIGARETTES SOLD
SEVENTY-FIVE	7/30/04	125,000
SEVENTY-SIX	7/30/04	133,800
SEVENTY-SEVEN	7/31/04	172,600
SEVENTY-EIGHT	8/1/04	248,200
SEVENTY-NINE	8/1/04	328,400
EIGHTY	8/2/04	60,400

(Title 18, United States Code, Sections 1962(c), 1963 and 3551 et seq.)

COUNT TWO  
(Racketeering Conspiracy)

22. The allegations in paragraphs 1 through 7 are realleged and incorporated as if fully set forth in this paragraph.

23. In or about and between October 1996 and September 2004, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendant RODNEY ARNOLDO MORRISON, together with others, being a person employed by and associated with the Enterprise, an enterprise that engaged in, and the activities of which affected, interstate and foreign commerce, knowingly and intentionally conspired to violate Title 18, United States Code, Section 1962(c), that is, to conduct and participate, directly and indirectly, in the conduct of the affairs of that enterprise through a pattern of racketeering

activity, as defined in Title 18, United States Code, Sections 1961(1) and 1961(5).

24. The pattern of racketeering activity through which the defendant RODNEY ARNOLDO MORRISON, together with others, agreed to conduct the affairs of the Enterprise consisted of the acts set forth in paragraphs 11 through 21 of Count One, as racketeering acts one through eighty, which are realleged and incorporated as if fully set forth in this paragraph. The defendant agreed that a conspirator would commit at least two of these acts of racketeering in the conduct of the affairs of the enterprise.

(Title 18, United States Code, Sections 1962(d), 1963 and 3551 et seq.)

COUNT THREE  
(Arson Conspiracy)

25. The allegations contained in paragraphs 1 through 7 are realleged and incorporated as if fully set forth in this paragraph.

26. In or about February 2000, within the Eastern District of New York, the defendant RODNEY ARNOLDO MORRISON, together with others, knowingly, intentionally and maliciously conspired to damage and destroy by means of a fire a vehicle used in an activity which affected interstate commerce, to wit: a 1990

Nissan 300ZX, in violation of Title 18, United States Code, Section 844(i).

(Title 18, United States Code, Sections 844(m) and 3551 et seq.)

COUNT FOUR  
(Arson)

27. The allegations contained in paragraphs 1 through 7 are realleged and incorporated as if fully set forth in this paragraph.

28. On or about February 9, 2000, within the Eastern District of New York, the defendant RODNEY ARNOLDO MORRISON, together with others, knowingly, intentionally and maliciously damaged and destroyed by means of a fire a vehicle used in an activity which affected interstate commerce, to wit: a 1990 Nissan 300ZX.

(Title 18, United States Code, Sections 844(i), 2 and 3551 et seq.)

COUNT FIVE  
(Conspiracy To Use Extortionate Means  
To Punish Nonrepayment of Credit)

29. The allegations contained in paragraphs 1 through 7 are realleged and incorporated as if fully set forth in this paragraph.

30. In or about February 2000, within the Eastern District of New York, the defendant RODNEY ARNOLDO MORRISON, together with others, knowingly and intentionally conspired to

participate in the use of extortionate means to punish Jane Doe #1 for the nonrepayment of an extension of credit.

(Title 18, United States Code, Sections 894(a)(2) and 3551 et seq.)

COUNT SIX

(Extortionate Punishment For Nonrepayment of Credit)

31. The allegations contained in paragraphs 1 through 7 are realleged and incorporated as if fully set forth in this paragraph.

32. On or about February 9, 2000, within the Eastern District of New York, the defendant RODNEY ARNOLDO MORRISON, together with others, knowingly and intentionally participated in the use of extortionate means to punish Jane Doe #1 for the nonrepayment of an extension of credit.

(Title 18, United States Code, Sections 894(a)(2), 2 and 3551 et seq.)

COUNT SEVEN

(Use Of Fire To Commit A Felony)

33. The allegations contained in paragraphs 1 through 7 are realleged and incorporated as if fully set forth in this paragraph.

34. On or about February 9, 2000, within the Eastern District of New York, the defendant RODNEY ARNOLDO MORRISON, together with others, knowingly and intentionally used fire to

commit a felony, to wit: the crime charged in Count Six of this Superseding Indictment.

(Title 18, United States Code, Sections 844(h)(1), 2 and 3551 et seq.)

COUNT EIGHT

(Illegal Possession Of A Firearm)

35. The allegations contained in paragraphs 1 through 7 are realleged and incorporated as if fully set forth in this paragraph.

36. On or about and between September 2, 1999 and August 4, 2004, both dates being approximate and inclusive, within the Eastern District of New York, the defendant RODNEY ARNOLDO MORRISON, having previously been convicted in a court of a crime punishable by imprisonment for a term exceeding one year, did knowingly and intentionally possess in and affecting commerce a firearm, to wit: a Glock model 26 9mm semi-automatic pistol, Serial Number DFC-566US.

(Title 18, United States Code, Sections 922(g)(1), 924(a)(2) and 3551 et seq.)

COUNT NINE

(Illegal Possession Of A Firearm)

37. The allegations contained in paragraphs 1 through 7 are realleged and incorporated as if fully set forth in this paragraph.



38. On or about and between September 16, 1999 and August 4, 2004, both dates being approximate and inclusive, within the Eastern District of New York, the defendant RODNEY ARNOLDO MORRISON, having previously been convicted in a court of a crime punishable by imprisonment for a term exceeding one year, did knowingly and intentionally possess in and affecting commerce a firearm, to wit: a Glock model 26 9mm semi-automatic pistol, Serial Number DFB-265US.

(Title 18, United States Code, Sections 922(g)(1), 924(a)(2) and 3551 et seq.)

COUNT TEN

(Conspiracy To Use Interstate Facilities In The Commission of Murder for Hire)

39. The allegations contained in paragraphs 1 through 7 are realleged and incorporated as if fully set forth in this paragraph.

40. In or about November 2003, within the Eastern District of New York and elsewhere, the defendant RODNEY ARNOLDO MORRISON, together with others, knowingly and intentionally conspired to travel in interstate and foreign commerce and to use and cause another to use a facility in interstate commerce, with intent that a murder be committed, in violation of Section 125.25(1) of the New York Penal Law, as consideration for the receipt of, and as consideration for a promise and agreement to pay, something of pecuniary value, and the death of Sherwin Henry

did result.

(Title 18, United States Code, Sections 1958 and 3551  
et seq.)

COUNT ELEVEN

(Use Of Interstate Facilities In The Commission Of  
Murder For Hire)

41. The allegations contained in paragraphs 1 through 7 are realleged and incorporated as if fully set forth in this paragraph.

42. In or about November 2003, within the Eastern District of New York and elsewhere, the defendant RODNEY ARNOLDO MORRISON, together with others, knowingly and intentionally traveled in interstate and foreign commerce and used and caused another to use a facility in interstate commerce, with intent that a murder be committed, in violation of Section 125.25(1) of the New York Penal Law, as consideration for the receipt of, and as consideration for a promise and agreement to pay, something of pecuniary value, and the death of Sherwin Henry did result.

(Title 18, United States Code, Sections 1958, 2 and 3551 et seq.)

CRIMINAL FORFEITURE ALLEGATION AS TO COUNTS ONE AND TWO

43. The United States hereby gives notice to the defendant charged in Counts One and Two that, upon his conviction of any such offense, the government will seek forfeiture in accordance with Title 18, United States Code, Section 1963, which

requires any person convicted of such offenses to forfeit any property:

a. the defendant has acquired an interest in and maintained in violation of Title 18, United States Code, Section 1962, which interests are subject to forfeiture to the United States pursuant to Title 18, United States Code, Section 1963(a)(1);

b. the defendant has an interest in, security of, claims against, and property and contractual rights that afford a source of influence over the enterprise that the defendant established, operated, controlled, conducted, and participated in the conduct of, in violation of Title 18, United States Code, Section 1962, which interests, securities, claims, and rights are subject to forfeiture to the United States pursuant to Title 18, United States Code, Section 1963(a)(2);

c. the defendant derived from proceeds obtained, directly and indirectly, from racketeering activity, in violation of Title 18, United States Code, Section 1962, which property is subject to forfeiture to the United States pursuant to Title 18, United States Code, Section 1963(a)(3), including but not limited to, the following:

Money Judgment

A sum of money equal to at least approximately \$30 million in United States currency;

Specific Property

(1) All right, title and interest in all funds and other things of value deposited in, or transferred to or through, Banco De Costa Rica account number 3153673 held in the name of Rodney Morrison, and all proceeds traceable thereto;

(2) All right, title and interest in all funds and other things of value deposited in, or transferred to or through, Banco De Costa Rica account number 230426369 held in the name of Carlos Howden Pascal, and all proceeds traceable thereto;

(3) All right, title and interest in all funds and other things of value deposited in, or transferred to or through, Banco National account number 200020010079298 held in the name Sheron A. Brown, and all proceeds traceable thereto;

(4) All right, title and interest in all funds and other things of value deposited in, or transferred to or through, Banco De Costa Rica BCR investment accounts held in the name of Carlos H. Pascall, including, but not limited accounts described by the defendant as Fondo Internacional, Fondo Crecimiento, Fondo Trimestral (maturity date 12/20/06), Letra del Tesoro USA (maturity date 2/2/06), Letra del Tesoro USA (maturity 2/2/06), G bde08 (maturity date 1/31/08), G bde09 (maturity date 5/15/09), bearing Code number 12541-0, Custody Officer Juan Carlos Bolanos Azofeifa, and all proceeds traceable thereto;

(5) All right, title and interest in the real property and premises known as Reina's Restaurant located in Limon, Costa Rica, and all proceeds traceable thereto;

(6) All right, title and interest in the real property and premises known as Turtle Relax located in Limon, Costa Rica, identification number L-0635609-2000, and all proceeds traceable thereto;

(7) All right, title and interest in the real property and premises known as Rigo's Market and Gift Shop located in Limon, Costa Rica, identification number L-0318722-1978, and all proceeds traceable thereto;

(8) All right, title and interest in the real property and premises known as The Cliff located in Limon, Costa Rica, identification number L-0862370-1989, and all proceeds traceable thereto;

(9) All right, title and interest in the real property and premises known as Baya Vista located in Limon, Costa Rica, and all proceeds traceable thereto;

(10) All right, title and interest in the real property described as vacant land known as Cabina's Chita located in Limon, Costa Rica, and all proceeds traceable thereto;

(11) All right, title and interest in the real property described as vacant land known as Junito's located in Limon, Costa Rica, lot 27 (identification number L-0370435-1979)

and lot 28 (identification number L-0370474-1979), and all proceeds traceable thereto;

(12) All right, title and interest in all funds and other things of value deposited in, or transferred to or through, Operadora De Fondos Lloyd, S.A. investment account number 114999-6 held in the name of Rodney Arnoldo Morrison, Sr., and all proceeds traceable thereto;

(13) All right, title and interest in the real property and premises known as Paseo De Las Montanas 369 in the condominium complex Club de Golf Santa Anita in the City of Tlajomulco de Zuniga, State of Jalisco, Mexico, and all proceeds traceable thereto;

(14) All right, title and interest in the real property and premises known as Villa 24, Condominio Punta Iguana, Puerto Vallarta, Jalisco, Mexico, and all proceeds traceable thereto;

(15) All right, title and interest in all funds and other things of value deposited in, or transferred to or through, Credit Suisse Private Banking account number 0835-645186-72 held in the name of Rodney Arnoldo Morrison, Sr., and all proceeds traceable thereto;

(16) All right, title and interest in the contents of any safe deposit box in the custody of Credit Suisse Private Banking in Zurich, Switzerland, containing personal jewelry,

collectible pens, collectible coins, collectible timepieces, and all proceeds traceable thereto;

(17) All right, title and interest in all funds and other things of value deposited in, or transferred to or through, North Fork Bank account number 1224011047 held in the name of Peace Pipe Shop, and all proceeds traceable thereto;

(18) All right, title and interest in all funds and other things of value deposited in, or transferred to or through, North Fork Bank account number 1224034072 held in the name of Charolette Morrison DBA Peace Pipe Cigarette Shop Operating Account, and all proceeds traceable thereto;

(19) All right, title and interest in all funds and other things of value deposited in, or transferred to or through, North Fork Bank account number 1221415464 held in the name of Charolette Morrison and Rodney Morrison POA, and all proceeds traceable thereto;

(20) All right, title and interest in RCM SR LLC, including, but not limited to: (i) all funds and other things of value deposited in, or transferred to or through, North Fork Bank account number 1224030724 held in the name RCM SR LLC; (ii) an approximately \$350,000.00 payment deposited into Chase account number 171301716 held in the name of Strook, Strook & Lavan LLP, as escrow agent, in reference to 205-209 East 57<sup>th</sup> Street, and all proceeds traceable thereto;

(21) All right, title and interest in RAM SR Florida LLC, including, but not limited to: (i) all funds and other things of value deposited in, or transferred to or through, North Fork Bank account number 1224034247 held in the name of RAM SR Florida LLC, and all proceeds traceable thereto; (ii) two \$180,000.00 payments deposited into Bank of America account number 1233022482 held in the name of Chicago Title Insurance Company, and all proceeds traceable thereto;

(22) All right, title and interest in TMG Beverly Beverly Hills, including, but not limited to Beverly Crescent Hotel located at 403 N. Crescent Drive, Beverly Hills, California 90210, and all proceeds traceable thereto;

(23) All right, title and interest in TMG Puerto Rico 1 LLC, and all proceeds traceable thereto;

(24) All right, title and interest in TMG Puerto Rico 2 LLC, including, but not limited to Plaza del Norte located in Hatillo, Puerto Rico; Plaza Fajardo located in Fajardo, Puerto Rico; Plaza Vega Baja located in Vega Baja, Puerto Rico; Plaza Del Oeste located in San German, Puerto Rico; and Plaza Wal-Mart located in Guayama, Puerto Rico, and all proceeds traceable thereto;

(25) All right, title and interest in TMG Puerto Rico 3 LLC, and all proceeds traceable thereto;



(26) All right, title and interest in TMG/RAMSR Partners LLC, including, but not limited to: (i) Citibank account number 78423345 held in the name of TMG-RAMSR Partners LLC, and all proceeds traceable thereto; (ii) LMP #1 LLC; (iii) TMG Jacksonville 1 LLC, including, but not limited to The Strand at St. Johns, Jacksonville, Florida, and all proceeds traceable thereto;

(27) All right, title and interest in the real property and premises located at 88 Eleanor Avenue, Mastic, New York, and all proceeds traceable thereto;

(28) All right, title and interest in the real property and premises located at 86 Eleanor Avenue, Mastic, New York, and all proceeds traceable thereto;

(29) All right, title and interest in the real property and premises located at 78 Eleanor Avenue, Mastic, New York, and all proceeds traceable thereto;

(30) All right, title and interest in the real property and premises located at 72 Eleanor Avenue, Mastic, New York, and all proceeds traceable thereto;

(31) All right, title and interest in the real property and premises located at 274 Madison Street, Mastic Beach, New York, and all proceeds traceable thereto;

(32) All right, title and interest in the real property and premises located at 257 Southhaven Avenue, Medford, New York, and all proceeds traceable thereto;

(33) All right, title and interest in the real property and premises located at 693 Sheffield Avenue, Brooklyn, New York, and all proceeds traceable thereto;

(34) All right, title and interest in the real property and premises located at 33 Moody Road, Tupper Lake, New York, and all proceeds traceable thereto;

(35) All right, title and interest in the real property and premises located at 12 Briana Court, East Moriches, New York, and all proceeds traceable thereto;

(36) All right, title and interest in one Girard-Perregaux Opera 3 timepiece in platinum on black strap bearing reference number 99790.71.1151, serial number PT3; one Breguet Minute Perpetual Calendar timepiece in platinum on black strap, bearing number 5447PT IE 9V6, serial number 2976U; one Patek Phillipe 5102G Celestial Sky Moon 18 karat timepiece in white gold on black strap, bearing number 3328173/4259724; one A. Lange & Sohne-Langematik Perpetual timepiece in platinum on strap, bearing reference number 310.025; one Vacheron Constantin 18 karat timepiece in rose gold strap, bearing reference number 8525/000G-9141; one Hublot Big Bang 18 karat timepiece in rose

gold on rubber strap, bearing reference number 301.PB.131.RX, and all proceeds traceable thereto;

(37) All right, title and interest in one 2004 Mercedes Benz S600V bearing vehicle identification number WDBNG76J84A424082, and all proceeds traceable thereto;

(38) All right, title and interest in one 2004 BMW 545i bearing vehicle identification number WBANB33584B109628, and all proceeds traceable thereto;

(39) All right, title and interest in one 2006 Toyota Sequoia bearing vehicle identification number 5TDBT44A56S264511, and all proceeds traceable thereto; and

(40) All right, title and interest in approximately two hundred and fifty thousand dollars in United States currency seized on or about August 3, 2004 from the Peace Pipe Smoke Shop located at 9 Squaw Lane, Mastic, New York.

44. 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 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 18, United States Code, Section 1963(m), to seek forfeiture of any other property of the defendant up to the value of the forfeitable property described in this forfeiture allegation.

(Title 18, United States Code, Section 1963)

CRIMINAL FORFEITURE ALLEGATION AS TO COUNTS EIGHT AND NINE

45. The United States hereby gives notice to the defendant charged in Counts Eight and Nine that, upon his conviction of any such offense, the government will seek forfeiture in accordance with Title 18, United States Code, Section 924(d), of any firearm or ammunition involved in or used in any knowing violation of subsection (a)(4), (a)(6), (f), (g), (h), (i), (j), or (k) of Section 922 of Title 18, United States Code, or knowing violation of Section 924 of Title 18, United States Code, including but not limited to, the following:


SPECIFIC PROPERTY

One Glock model 26 9mm semiautomatic pistol, Serial Number DFC-566US, and one Glock model 26 9mm semiautomatic pistol, Serial Number DFB-265US, seized from the Peace Pipe Smoke Shop located at 9 Squaw Lane, Mastic, New York.

(Title 18, United States Code, Section 924(d))

A TRUE BILL

  
FOREPERSON

  
ROSLYNN R. MAUSKOPF  
UNITED STATES ATTORNEY  
EASTERN DISTRICT OF NEW YORK

