

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
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UNITED STATES OF AMERICA :

- v. - :

INDICTMENT

CARLOS FERNANDO MELO, :

21 Cr. CRIM 311

Defendant. :

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COUNT ONE
(Narco-Terrorism Conspiracy)

The Grand Jury charges:

1. From at least in or about September 2019, up to and including in or about April 2021, in Colombia, Panama, Venezuela, and elsewhere, and in an offense begun and committed out of the jurisdiction of any particular State or district of the United States, CARLOS FERNANDO MELO, the defendant, who is expected to be first brought to and arrested in the Southern District of New York, and others known and unknown, intentionally and knowingly combined, conspired, confederated, and agreed together and with each other to violate Title 21, United States Code, Section 960a.

2. It was a part and an object of the conspiracy that CARLOS FERNANDO MELO, the defendant, and others known and unknown, would and did engage in conduct that would be punishable under Title 21, United States Code, Section 841(a) if committed within

the jurisdiction of the United States, to wit, the distribution of, and possession with the intent to distribute, five kilograms and more of mixtures and substances containing a detectable amount of cocaine, knowing and intending to provide, directly and indirectly, something of pecuniary value to a person and organization that has engaged and engages in terrorism and terrorist activity, to wit, the *Fuerzas Armadas Revolucionarias de Colombia* (which has been designated by the United States Secretary of State as a foreign terrorist organization pursuant to Section 219 of the Immigration and Nationality Act and remains so designated) and its members, operatives, and associates, having knowledge that such organization and persons have engaged and engage in terrorism and terrorist activity, in violation of Title 21, United States Code, Section 960a.

(Title 21, United States Code, Section 960a; and
Title 18, United States Code, Section 3238.)

COUNT TWO
(Cocaine Importation Conspiracy)

The Grand Jury further charges:

3. From at least in or about September 2019, up to and including in or about April 2021, in Colombia, Panama, Venezuela, and elsewhere, and in an offense begun and committed out of the jurisdiction of any particular State or district of the United

States, CARLOS FERNANDO MELO, the defendant, who is expected to be first brought to and arrested in the Southern District of New York, and others known and unknown, intentionally and knowingly combined, conspired, confederated, and agreed together and with each other to violate the narcotics laws of the United States.

4. It was a part and an object of the conspiracy that CARLOS FERNANDO MELO, the defendant, and others known and unknown, would and did import into the United States and into the customs territory of the United States from a place outside thereof a controlled substance, in violation of Title 21, United States Code, Sections 952(a) and 960(a)(1).

5. It was further a part and an object of the conspiracy that CARLOS FERNANDO MELO, the defendant, and others known and unknown, would and did manufacture, distribute, and possess with intent to distribute a controlled substance, intending, knowing, and having reasonable cause to believe that such substance would be unlawfully imported into the United States and into waters within a distance of 12 miles of the coast of the United States, in violation of Title 21, United States Code, Sections 959(a) and 960(a)(3).

6. The controlled substance that CARLOS FERNANDO MELO, the defendant, conspired to (i) import into the United States and into the customs territory of the United States from a place

outside thereof, and (ii) manufacture and distribute, intending, knowing, and having reasonable cause to believe that such substance would be unlawfully imported into the United States and into waters within a distance of 12 miles of the coast of the United States from a place outside thereof, was five kilograms and more of mixtures and substances containing a detectable amount of cocaine, in violation of Title 21, United States Code, Section 960(b)(1)(B).

(Title 21, United States Code, Section 963; and
Title 18, United States Code, Section 3238.)

COUNT THREE

(Conspiracy to Possess Machineguns and Destructive Devices)

The Grand Jury further charges:

7. From at least in or about September 2019, up to and including in or about April 2021, in Colombia, Panama, Venezuela, and elsewhere, and in an offense begun and committed out of the jurisdiction of any particular State or district of the United States, CARLOS FERNANDO MELO, the defendant, who is expected to be first brought to and arrested in the Southern District of New York, and others known and unknown, intentionally and knowingly combined, conspired, confederated, and agreed together and with each other to violate Title 18, United States Code, Section 924(c).

8. It was a part and an object of the conspiracy that CARLOS FERNANDO MELO, the defendant, and others known and unknown,

would and did, during and in relation to a drug trafficking crime for which he may be prosecuted in a court of the United States, to wit, the controlled substance offenses charged in Counts One and Two of this Indictment, use and carry firearms, and, in furtherance of such drug trafficking crimes, possess firearms, including machineguns that were capable of automatically shooting more than one shot, without manual reloading, by a single function of the trigger, as well as destructive devices, in violation of Title 18, United States Code, Sections 924(c)(1)(A)(i) and 924(c)(1)(B)(ii).

(Title 18, United States Code, Sections 924(o) and 3238.)

FORFEITURE ALLEGATION
(As to Counts One and Two)

9. As a result of committing the controlled substance offenses charged in Counts One and Two of this Indictment, CARLOS FERNANDO MELO, the defendant, shall forfeit to the United States, pursuant to Title 21, United States Code, Sections 853 and 970, any and all property constituting, or derived from, any proceeds the defendant obtained, directly or indirectly, as a result of the offenses, and any and all property used, or intended to be used, in any manner or part, to commit, and to facilitate the commission of the offenses charged in Counts One and Two of this Indictment.

FORFEITURE ALLEGATION
(As to Count Three)

10. As a result of committing the firearms offense charged in Count Three of this Indictment, CARLOS FERNANDO MELO, the defendant, shall forfeit to the United States, pursuant to Title 18, United States Code, Section 924(d), all firearms and ammunition involved in and used in the commission of the offense charged in Count Three of this Indictment.

Substitute Assets Provision

11. If any of the above-described forfeitable property, as a result of any act or omission of CARLOS FERNANDO MELO, 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, Sections 853(p) and 970, 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 21, United States Code, Sections 853, 970; and Title 28, United States Code, Section 2461(c).)



FOREPERSON



AUDREY STRAUSS
United States Attorney

UNITED STATES DISTRICT COURT
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Defendant.

INDICTMENT

(21 U.S.C. §§ 960a, 963; and
18 U.S.C. §§ 924, 3238, 2.)



JOSEPH STRAUSS

United States Attorney.

A TRUE BILL

Foreperson.

05/06/21
CA

INDICTMENT FILED
WHEEL A- DJ STEIN
KH PARKER

USMJ