

SBK:SLT
F.# 2009R00377/OCDEF # NY-NYE-575

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK
- - - - -X

UNITED STATES OF AMERICA

- against -

MATTHEW CODY,
MICHAEL CODY and
PATRICK MURRAY,

Defendants.

I N D I C T M E N T

Cr. No. 09 - 162 (JG)
(T. 21, U.S.C., §§
841(b)(1)(B)(vii), 846, 853,
858 and 860(a); T. 18,
U.S.C. §§ 2 and 3551 et
seq.)

- - - - -X

THE GRAND JURY CHARGES:

COUNT ONE
(Conspiracy to Manufacture and Distribute Marijuana)

1. On or about and between September 1, 2008 and February 24, 2009, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendants MATTHEW CODY, MICHAEL CODY and PATRICK MURRAY, together with others, did knowingly and intentionally conspire to manufacture and distribute a controlled substance, which offense involved 100 or more marijuana plants, a Schedule I controlled

substance, in violation of Title 21, United States Code, Section 841(a)(1).

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

COUNT TWO
(Manufacturing Marijuana)

2. On or about and between September 1, 2008 and February 24, 2009, both dates being approximate and inclusive, within the Eastern District of New York, the defendants MATTHEW CODY, MICHAEL CODY and PATRICK MURRAY, together with others, did knowingly and intentionally manufacture and possess with intent to manufacture and distribute a controlled substance, which offense involved 100 or more marijuana plants, a Schedule I controlled substance.

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

COUNT THREE
(Manufacturing Marijuana Near an Elementary School)

3. On or about and between September 1, 2008 and February 24, 2009, both dates being approximate and inclusive, within the Eastern District of New York, the defendants MATTHEW CODY, MICHAEL CODY and PATRICK MURRAY, together with others, did

knowingly and intentionally manufacture and possess with intent to manufacture and distribute a controlled substance, which offense involved 100 or more marijuana plants, a Schedule I controlled substance, in violation of Title 21, United States Code, Section 841(a), within 1,000 feet of the real property comprising a public elementary school, to wit: Winchester Public School 18 in Queens Village, New York.

(Title 21, United States Code, Sections 841(b)(1)(B)(vii) and 860(a); Title 18, United States Code, Sections 2 and 3551 et seq.)

COUNT FOUR

(Endangering Human Life While Manufacturing Marijuana)

4. On or about and between September 1, 2008 and February 24, 2009, both dates being approximate and inclusive, within the Eastern District of New York, the defendants MATTHEW CODY, MICHAEL CODY and PATRICK MURRAY, together with others, while knowingly and intentionally manufacturing and attempting to manufacture a controlled substance, which offense involved marijuana, a Schedule I controlled substance, in violation of Title 21, United States Code, Section 841(a)(1), created a substantial risk of harm to human life.

(Title 21, United States Code, Section 858; Title 18, United States Code, Sections 2 and 3551 et seq.)

CRIMINAL FORFEITURE ALLEGATION

5. The United States hereby gives notice to the defendants charged in Counts One through Four that, upon their conviction of any of such charges, the government will seek forfeiture in accordance with Title 21, United States Code, Section 853, which requires any person convicted of such offenses, to forfeit (a) any property constituting, or derived from, any proceeds obtained, directly or indirectly, as a result of such violations and (b) any property used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of such violations, including, but not limited to, the following:

Money Judgment

a. a sum of money equal to the total amount of gross proceeds the defendants obtained as a result of the offense, for which the defendants are jointly and severally liable; and

Specific Property

b. all right, title and interest in the real property located at 88-23 237th Street, Queens Village, New York 11426-1227.

6. 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;

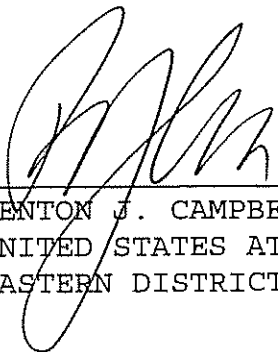
it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p), to seek forfeiture of any other property of the defendant up to the value of the above-described forfeitable property.

(Title 21, United States Code, Section 853)

A TRUE BILL



FOREPERSON



BENTON J. CAMPBELL
UNITED STATES ATTORNEY
EASTERN DISTRICT OF NEW YORK

NO. _____
UNITED STATES DISTRICT COURT

EASTERN District of NEW YORK

THE UNITED STATES OF AMERICA

vs.

MATTHEW CODY, MICHAEL CODY and
PATRICK MURRAY,

Defendants.

INDICTMENT

Cr. No _____
(T. 21, U.S.C., §§ 841(b) (1) (B) (vii),
846, 853, 858 and 860(a); T. 18, U.S.C.,
§§ 2 and 3551 et seq.)

A true bill
William Weber

Foreman

Filed in open court this _____ day.

Of _____ A.D. 19 _____

Clerk

Bail, \$ _____

STEVE TISCIONE, AUSA 718-254-6317