

Presented to the Court by the foreman of the Grand Jury in open Court, in the presence of the Grand Jury and FILED in The U.S. DISTRICT COURT at Seattle, Washington.

March 24 20 05
BRUCE RIFKIN, Clerk
By H. Brent Zachary Deputy

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,
Plaintiff,

v.

STORMMY V. PAUL,
LYLE SHAWN CONWAY,
LYLE WAYNE CONWAY,
SILAS CROSS,
GERALD GEORGE,
ELIZABETH "VICKI" GORD,
DAVID TURNIPSEED and
JOSHUA TURNIPSEED,

Defendants.

NO CR05 0116P

INDICTMENT



05-CR-00116-INDI

THE GRAND JURY CHARGES THAT:

I.

INTRODUCTION

At all times relevant to this Indictment:

1. STORMMY V. PAUL was the owner/operator of a cigarette wholesale operation known by several names, including: "NDN ENTERPRISES," "MGN," "MGN WHOLESALE," "MGN ENTERPRISES," and "NAFCO INC." STORMMY V. PAUL conducted the wholesale operation primarily from his residence in Marysville, Washington. STORMMY V. PAUL was a licensed cigarette wholesaler in the State of Washington from April 6, 2000, through March 2002, after which he no longer had a valid cigarette wholesaler's license in the State of Washington.

1 2. STORMMY V. PAUL conducted business and financial transactions
2 among and with several retail establishments located on the Puyallup Indian Reservation,
3 in Pierce County, within the Western District of Washington. The retail establishments
4 specialized in the sale of various tobacco products, but primarily were engaged in the sale
5 of cigarettes. Within the community, these retail establishments were commonly referred
6 to and known as "smoke shops."

7 3. LYLE SHAWN CONWAY was the owner/operator of LYLE'S II SMOKE
8 SHOP, located at 3114 River Road East.

9 4. LYLE WAYNE CONWAY was the owner/operator of LYLE'S SMOKE
10 SHOP, located at 7511 Valley Avenue East. LYLE WAYNE CONWAY is the father of
11 LYLE SHAWN CONWAY.

12 5. SILAS CROSS was the owner/operator of CROSS'S SMOKE SHOP,
13 located at 7522 Valley Avenue East.

14 6. GERALD GEORGE was the owner/operator of JERRY'S SMOKE SHOP,
15 located at 5803 North Levee Road, and JERRY'S II SMOKE SHOP, located at
16 1207 Alexander Avenue East.

17 7. ELIZABETH "VICKI" GORD was the owner/operator of the
18 THUNDERBIRD STORE, located at 7121 East Waller Road, and KI-YA'S TRADING
19 POST, located at 2811 Portland Avenue.

20 8. DAVID TURNIPSEED was the owner/operator of the "BJ's" chain of
21 smoke shops, to include: BJ'S II SMOKE SHOP, located at 7324 River Road East,
22 BJ'S II SMOKE SHOP, located at 4315 Pacific Highway East, and
23 BJ'S II SMOKE SHOP, located at 1305 Alexander Avenue East.

24 9. JOSHUA TURNIPSEED was the owner/operator of D & A SMOKE
25 SHOP, located at 5511 Pacific Highway East. JOSHUA TURNIPSEED is the son of
26 DAVID TURNIPSEED.

1 10. “Contraband cigarettes,” as defined by law, means a quantity of cigarettes
2 in excess of 60,000, which bear no evidence of the payment of applicable State cigarette
3 taxes in the State where such cigarettes are found, if such State requires a stamp,
4 impression, or other indication to be placed on packages or other containers of cigarettes
5 to evidence payment of cigarettes taxes, and which are in the possession of any person
6 other than one specifically exempted by law. Title 18, United States Code,
7 Section 2341(2).

8 11. Generally, there are twenty cigarettes in one package, or pack, of cigarettes.
9 There are ten (10) packs per carton, and between 50 and 60 cartons per case of cigarettes.
10 Therefore, one case of cigarette typically contains 10,000 to 12,000 individual cigarettes.

11 12 During the period January 1, 2001, through December 31, 2001, the State of
12 Washington imposed a cigarette tax of \$0.825 on every pack of cigarettes sold to non-
13 tribal members. From January 1, 2002, through June 8, 2004, the State of Washington
14 imposed a cigarette tax of \$1.425 on every pack of cigarettes sold to non-tribal members.

15 13 NISE cigarettes were manufactured in China, and ICE cigarettes were
16 manufactured in Paraguay.

17 14 During the first part of 2001, Asia Pacific Trading Group was a company
18 doing business in Honolulu, Hawaii, which facilitated the importation of NISE cigarcettes
19 into the United States. From approximately the middle part of 2001 through the end of
20 2003, MAK Ventures, doing business in Honolulu, Hawaii, facilitated the importation of
21 NISE cigarettes into the United States. In approximately the beginning of 2004, and
22 continuing through June 8, 2004, NISE International L.C, doing business in Honolulu,
23 Hawaii, facilitated the importation of NISE cigarettes into the United States.

24 15. A Foreign Trade Zone is a restrictive access site, in or adjacent to a port of
25 entry, used to expedite and encourage foreign commerce and for other purposes. Goods
26 and merchandise in a Foreign Trade Zone are not considered to be in the commerce of the
27 United States. Goods and merchandise are deemed to enter the commerce of the United
28 States after they leave the Foreign Trade Zone and are delivered into the United States.

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II.

COUNT I
(Conspiracy to Traffic in Contraband Cigarettes)

1. Part I of this Indictment is realleged and incorporated herein by reference, as if fully set forth herein.

2. Beginning at an exact time unknown, but within the last five years, and continuing thereafter until on or about June 8, 2004, in Snohomish and Pierce Counties, within the Western District of Washington, and elsewhere, the defendants, STORMMY V. PAUL, LYLE SHAWN CONWAY, LYLE WAYNE CONWAY, SILAS CROSS, GERALD GEORGE, ELIZABETH "VICKI" GORD, DAVID TURNIPSEED and JOSHUA TURNIPSEED, together with other persons known and unknown to the Grand Jury, did willfully and knowingly conspire, combine, confederate and agree among themselves and each other to ship, transport, receive, possess, sell, distribute and purchase contraband cigarettes, as that term is defined in Title 18, United States Code, Section 2341, in violation of Title 18, United States Code, Section 2342(a).

OBJECT OF THE CONSPIRACY

3. It was the object of the conspiracy to generate income by importing, and otherwise procuring and receiving, contraband cigarettes, and then selling the contraband cigarettes, through retail tobacco establishments ("smoke shops"), to non-tribal consumers in the Western District of Washington, all without paying the applicable State of Washington cigarette tax and without affixing the applicable State of Washington cigarette stamp upon each pack of cigarettes sold.

MANNER AND MEANS OF THE CONSPIRACY

4. It was a part of the conspiracy that defendant, STORMMY V. PAUL, unlawfully imported approximately 18,000 cases of NISE cigarettes, manufactured in China, by ordering the cigarettes through a distributor in Hawaii, and thereafter causing the removal of the cigarettes from a Foreign Trade Zone in Honolulu, Hawaii, and

1 subsequent entry into the commerce of the United States.

2 5. It was a part of the conspiracy that STORMMY V. PAUL caused the
3 importation of cigarettes into Portland, Oregon, through the Foreign Trade Zone in
4 Honolulu, Hawaii, by means of air transportation. STORMMY V. PAUL caused the air
5 waybills to reflect the final destination of the cigarette shipments to a place within the
6 State of Idaho; whereas, STORMMY V. PAUL caused the cigarettes to be transported
7 and delivered, instead, to several smoke shops in Pierce County and elsewhere in the State
8 of Washington. The number of cigarettes transported into Washington exceeded 60,000
9 per shipment and did not bear any evidence of the payment of applicable Washington
10 cigarette taxes, as required by law. Further, from March 2002, through June 8, 2004,
11 STORMMY V. PAUL was not a licensed cigarette wholesaler in the State of Washington
12 and, as such, he could not lawfully possess untaxed cigarettes of any kind in Washington.

13 6. It was a part of the conspiracy that, in addition to unlawfully importing and
14 selling cigarettes, STORMMY V. PAUL also purchased cigarettes from various
15 distributors throughout the United States and sold the contraband cigarettes in the State of
16 Washington, contrary to law.

17 7. It was a part of the conspiracy that STORMMY V. PAUL used family
18 members, friends and associates to transport the contraband cigarettes into the State of
19 Washington in vehicles that were not registered in his name, to avoid the attention of law
20 enforcement authorities.

21 8. It was a part of the conspiracy that STORMMY V. PAUL often stored in
22 excess of 60,000 contraband cigarettes at any one time on his property in Marysville,
23 Washington, and elsewhere, and in storage spaces rented in the names of nominees, to
24 avoid inspection and seizure by law enforcement authorities.

25 9. It was a part of the conspiracy that STORMMY V. PAUL sold at least
26 2,400,000 packs of contraband cigarettes (approximately 48,000,000 cigarettes) over the
27 course of approximately 600 separate transactions, to the retail tobacco establishments
28 owned and operated by LYLE SHAWN CONWAY, LYLE WAYNE CONWAY,

1 SILAS CROSS, GERALD GEORGE, ELIZABETH "VICKI" GORD, DAVID
2 TURNIPSEED and JOSHUA TURNIPSEED, and others known and unknown. These
3 retail tobacco establishments, in turn, sold the contraband cigarettes to the non-tribal
4 public at large. None of the defendants paid the applicable State of Washington taxes for
5 cigarettes that were sold to the non-tribal public. Similarly, none of the defendants affixed
6 to the cigarettes the applicable State of Washington cigarette tax stamps. By not affixing
7 the stamps and by not paying the applicable cigarette taxes, the defendants, collectively,
8 avoided paying approximately \$3,300,000 in taxes on the sale of the contraband cigarettes,
9 resulting in substantial profits which they kept for themselves.

10 10. It was a part of the conspiracy that the defendants, STORMMY V. PAUL,
11 LYLE SHAWN CONWAY, LYLE WAYNE CONWAY, SILAS CROSS,
12 GERALD GEORGE, ELIZABETH "VICKI" GORD, DAVID TURNIPSEED and
13 JOSHUA TURNIPSEED, and others known and unknown, issued, received, deposited,
14 and otherwise engaged in more than 900 separate financial transactions involving
15 monetary instruments in the form of checks and United States currency, totaling
16 approximately \$7,400,000, which represented the proceeds from the sale of contraband
17 cigarettes to the non-tribal public, which said transactions affected interstate and foreign
18 commerce and promoted the carrying on of the unlawful operation relating to the sale of
19 contraband cigarettes.

20 11. It was a part of the conspiracy that STORMMY V. PAUL frequently
21 structured currency deposits into various bank accounts in the United States in such a
22 manner as to avoid currency transaction reporting requirements in violation of federal law.
23 On at least one occasion, STORMMY V. PAUL hired a courier to transport across the
24 United States several hundred thousand dollars in bulk United States currency, which was
25 destined for transport to Paraguay, in such a manner as to conceal and disguise the nature,
26 location, source, ownership and control of the funds.

OVERT ACTS

1
2 12. In furtherance of the conspiracy, and to promote the object thereof, the
3 defendants, STORMMY V. PAUL, LYLE SHAWN CONWAY, LYLE WAYNE
4 CONWAY, SILAS CROSS, GERALD GEORGE, ELIZABETH "VICKI" GORD,
5 DAVID TURNIPSEED and JOSHUA TURNIPSEED, and other persons known and
6 unknown to the Grand Jury, committed and caused to be committed, among others, the
7 overt acts described in Counts 2 through 18 of this Indictment, and the following:

8 13. On or about January 5, 2001, at Seattle, STORMMY V. PAUL imported and
9 brought into the United States approximately 1,461 pounds of NISE cigarettes
10 (approximately 2,350 cartons) through Asia Pacific Trading Group, via Hawaiian Airlines,
11 and represented the consignee to be NDN ENTERPRISES for shipment to Lapwai, Idaho.

12 14. On or about March 20, 2001, at Seattle, STORMMY V. PAUL imported and
13 brought into the United States approximately 1,455 pounds of NISE cigarettes
14 (approximately 2,350 cartons) through Asia Pacific Trading Group, via Hawaiian Airlines,
15 and represented the consignee to be NDN ENTERPRISES for shipment to Lapwai, Idaho.

16 15. On or about May 30, 2001, at Seattle, STORMMY V. PAUL imported and
17 brought into the United States approximately 1,485 pounds of NISE cigarettes
18 (approximately 2,350 cartons) through MAK Ventures, via Hawaiian Airlines, and
19 represented the consignee to be NDN ENTERPRISES for shipment to Lapwai, Idaho.

20 16. On or about June 18, 2001, at Fife, STORMMY V. PAUL sold to
21 LYLE WAYNE CONWAY approximately 1,050 cartons of various brands of contraband
22 cigarettes for \$8,562.50.

23 17. On or about June 20, 2001, at Fife, STORMMY V. PAUL sold
24 SILAS CROSS seven (7) cases of various brands of contraband cigarettes (approximately
25 350 cartons) for \$3,005.

26 18. On or about July 2, 2001, at Tacoma, STORMMY V. PAUL sold
27 LYLE SHAWN CONWAY approximately 800 cartons of various brands of contraband
28 cigarettes for \$6,750.

1 19. On or about July 13, 2001, at Fife, STORMMY V. PAUL sold
2 DAVID TURNIPSEED approximately 1,000 cartons of NISE cigarettes for \$7,750.00.

3 20. On or about July 14, 2001, at Seattle, STORMMY V. PAUL imported and
4 brought into the United States approximately 1,750 pounds of NISE cigarettes
5 (approximately 2,800 cartons) through MAK Ventures, via Hawaiian Airlines, and
6 represented the consignee to be NDN ENTERPRISES for shipment to Lapwai, Idaho.

7 21. On or about September 1, 2001, at Seattle, STORMMY V. PAUL imported
8 and brought into the United States approximately 1,471 pounds of NISE cigarettes
9 (approximately 2,350 cartons) through MAK Ventures, via Hawaiian Airlines, and
10 represented the consignee to be NDN ENTERPRISES for shipment to Lapwai, Idaho.

11 22. On or about September 17, 2001, at Tacoma, STORMMY V. PAUL sold
12 LYLE SHAWN CONWAY approximately 400 cartons of NISE cigarettes for \$3,100.

13 23. On or about September 20, 2001, at Fife, STORMMY V. PAUL sold
14 SILAS CROSS sixteen (16) cases of various brands of contraband cigarettes
15 (approximately 800 cartons) for \$7,170.

16 24. On or about November 21, 2001, at Seattle, STORMMY V. PAUL imported
17 and brought into the United States approximately 2,877 pounds of NISE cigarettes
18 (approximately 4,600 cartons) through MAK Ventures, via Hawaiian Airlines, and
19 represented the consignee to be NDN ENTERPRISES for shipment to Lapwai, Idaho.

20 25. On or about November 26, 2001, at Fife, STORMMY V. PAUL sold
21 LYLE WAYNE CONWAY approximately 1,000 cartons of various brands of contraband
22 cigarettes for \$8,612.50.

23 26. On or about January 3, 2002, at Fife, STORMMY V. PAUL sold
24 LYLE WAYNE CONWAY approximately 850 cartons of various brands of contraband
25 cigarettes for \$7,825.

26 27. On or about January 11, 2002, at Seattle, STORMMY V. PAUL imported
27 and brought into the United States approximately 2,953 pounds of NISE cigarettes
28 (approximately 4,750 cartons) through MAK Ventures, via Hawaiian Airlines, and

1 represented the consignee to be NDN ENTERPRISES for shipment to Lapwai, Idaho.

2 28. On or about March 1, 2002, at Seattle, STORMMY V. PAUL imported and
3 brought into the United States approximately 2,952 pounds of NISE cigarettes
4 (approximately 4,750 cartons) through MAK Ventures, via Hawaiian Airlines, and
5 represented the consignee to be NDN ENTERPRISES for shipment to Lapwai, Idaho.

6 29. On or about May 3, 2002, at Portland, Oregon, STORMMY V. PAUL
7 imported and brought into the United States approximately 5,904 pounds of NISE
8 cigarettes (approximately 9,500 cartons) through MAK Ventures, via Hawaiian Airlines,
9 and represented the consignee to be NAFCO INC. for shipment to Worley, Idaho.

10 30. On or about May 14, 2002, at Fife, STORMMY V. PAUL sold
11 LYLE WAYNE CONWAY approximately 550 cartons of various brands of contraband
12 cigarettes for \$5,087.50.

13 31. On or about May 15, 2002, at Fife, STORMMY V. PAUL sold
14 SILAS CROSS sixteen (16) cases of various brands of contraband cigarettes
15 (approximately 800 cartons) for \$7,825.

16 32. On or about July 5, 2002, at Portland, Oregon, STORMMY V. PAUL
17 imported and brought into the United States approximately 176 cases of NISE cigarettes
18 (approximately 8,800 cartons) through MAK Ventures, via Hawaiian Airlines, and
19 represented the consignee to be NAFCO INC. for shipment to Worley, Idaho.

20 33. On or about July 12, 2002, at Fife, STORMMY V. PAUL sold
21 SILAS CROSS twenty (20) cases of various brands of contraband cigarettes
22 (approximately 1,000 cartons) for \$17,065.

23 34. On or about August 29, 2002, at Puyallup, STORMMY V. PAUL sold
24 DAVID TURNIPSEED approximately 1,200 cartons of various brands of contraband
25 cigarettes for \$11,100.

1 35. On or about September 5, 2002, at Portland, Oregon, STORMMY V. PAUL
2 imported and brought into the United States 128 cases of NISE cigarettes (6,400 cartons)
3 through MAK Ventures, via Hawaiian Airlines, and represented the consignee to be
4 NAFCO INC. for shipment to Worley, Idaho.

5 36. On or about November 22, 2002, at Portland, Oregon,
6 STORMMY V. PAUL imported and brought into the United States 128 cases of NISE
7 cigarettes (6,400 cartons) through MAK Ventures, via Hawaiian Airlines, and represented
8 the consignee to be NAFCO INC. for shipment to Worley, Idaho.

9 37. On or about January 6, 2003, STORMMY V. PAUL caused a load of
10 contraband cigarettes to be transported from the Portland International Airport in Portland,
11 Oregon, to his residence in Marysville, Washington.

12 38. On or about January 29, 2003, at Portland, Oregon, STORMMY V. PAUL
13 imported and brought into the United States approximately 4,186 pounds of NISE
14 cigarettes (approximately 6,750 cartons) through MAK Ventures, via Hawaiian Airlines,
15 and represented the consignee to be NAFCO INC. for shipment to Worley, Idaho.

16 39. On or about January 29, 2003, at Tacoma, STORMMY V. PAUL sold
17 GERALD GEORGE twenty-two (22) cases of various brands of contraband cigarettes
18 (approximately 1,100 cartons) for \$10,175.

19 40. On or about January 30, 2003, at Fife, Washington, STORMMY V. PAUL
20 sold DAVID TURNIPSEED approximately 1,380 cartons of various brands of contraband
21 cigarettes for \$12,307.50.

22 41. On or about February 26, 2003, at Tacoma, STORMMY V. PAUL sold
23 GERALD GEORGE 31 cases of various brands of contraband cigarettes (approximately
24 1,550 cartons) for \$14,337.50.

25 42. On or about February 28, 2003, at Puyallup, STORMMY V. PAUL sold
26 DAVID TURNIPSEED approximately 1,050 cartons of various brands of contraband
27 cigarettes for \$9,897.50.

1 43. On or about March 1, 2003, STORMMY V. PAUL caused a load of
2 contraband cigarettes to be transported from the Portland International Airport in Portland,
3 Oregon, to his residence in Marysville, Washington.

4 44. On or about March 5, 2003, at Portland, Oregon, STORMMY V. PAUL
5 imported and brought into the United States approximately 8,128 pounds of NISE
6 cigarettes (approximately 13,100 cartons) through MAK Ventures, via Hawaiian Airlines,
7 and represented the consignee to be NAFCO INC. for shipment to Worley, Idaho.

8 45. On or about May 21, 2003, at Portland, Oregon, STORMMY V. PAUL
9 imported and brought into the United States approximately 4,974 pounds of NISE
10 cigarettes (approximately 8,000 cartons) through MAK Ventures, via Hawaiian Airlines,
11 and represented the consignee to be NAFCO INC. for shipment to Worley, Idaho.

12 46. On or about June 12, 2003, at Fife, Washington, STORMMY V. PAUL sold
13 LYLE WAYNE CONWAY approximately 385 cartons of various brands of contraband
14 cigarettes for \$3,681.25.

15 47. On or about July 1, 2003, at Tacoma, STORMMY V. PAUL sold
16 LYLE SHAWN CONWAY approximately 675 cartons of various brands of contraband
17 cigarettes for \$6,543.75.

18 48. On or about July 11, 2003, STORMMY V. PAUL caused the transportation
19 of \$501,270 in United States currency from Marysville, Washington, and attempted to
20 transfer the currency to a place outside the United States, that is, Paraguay.

21 49. On or about July 24, 2003, at Portland, Oregon, STORMMY V. PAUL
22 imported and brought into the United States approximately 8,128 pounds of NISE
23 cigarettes (approximately 13,100 cartons) through MAK Ventures, via Hawaiian Airlines,
24 and represented the consignee to be NAFCO INC. for shipment to Worley, Idaho.

25 50. On or about September 17, 2003, at Portland, Oregon,
26 STORMMY V. PAUL imported and brought into the United States approximately 4,662
27 pounds of NISE cigarettes (approximately 7,200 cartons) through MAK Ventures, via
28 Hawaiian Airlines, and represented the consignee to be MGN ENTERPRISES for

1 shipment to Winchester, Idaho.

2 51. On or about October 3, 2003, at Tacoma, STORMMY V. PAUL sold
3 JOSHUA TURNIPSEED 52 cases of various brands of contraband cigarettes
4 (approximately 2,600 cartons) for \$20,280.

5 52. On or about October 17, 2003, at Tacoma, STORMMY V. PAUL sold
6 LYLE SHAWN CONWAY approximately 770 cartons of various brands of contraband
7 cigarettes for \$5,555.

8 53. On or about November 5, 2003, at Portland, Oregon, STORMMY V. PAUL
9 imported and brought into the United States approximately 4,662 pounds of NISE
10 cigarettes (approximately 7,200 cartons) through MAK Ventures, via Hawaiian Airlines,
11 and represented the consignee to be MGN ENTERPRISES for shipment to Winchester,
12 Idaho.

13 54. On or about November 7, 2003, at Fife, STORMMY V. PAUL sold
14 LYLE WAYNE CONWAY approximately 600 cartons of various brands of contraband
15 cigarettes for \$5,550.

16 55. On or about January 13, 2004, at Tacoma, STORMMY V. PAUL sold
17 LYLE SHAWN CONWAY approximately 1,156 cartons of various brands of contraband
18 cigarettes for \$9,077.50.

19 56. On or about January 15, 2004, at Portland, Oregon, STORMMY V. PAUL
20 imported and brought into the United States approximately 4,662 pounds of NISE
21 cigarettes (approximately 7,200 cartons) through NISE International LC, via Hawaiian
22 Airlines, and represented the consignee to be MGN ENTERPRISES for shipment to
23 Winchester, Idaho.

24 57. On or about January 23, 2004, at Fife, STORMMY V. PAUL sold
25 SILAS CROSS ten (10) cases of various brands of contraband cigarettes (approximately
26 500 cartons) for \$4,337.50.

1 58. On or about January 23, 2004, at Puyallup, STORMMY V. PAUL sold
2 DAVID TURNIPSEED approximately 1,450 cartons of various brands of contraband
3 cigarettes for \$13,300.

4 59. On or about January 26, 2004, at Tacoma, STORMMY V. PAUL sold
5 JOSHUA TURNIPSEED fifty-five (55) cases of various brands of contraband cigarettes
6 (approximately 2,750 cartons) for \$26,305.

7 60. On or about March 2, 2004, at Tacoma, STORMMY V. PAUL sold
8 JOSHUA TURNIPSEED sixty-six (66) cases of various brands of contraband cigarettes
9 (approximately 3,300 cartons) for \$26,877.

10 61. On or about March 24, 2004, at Portland, Oregon, STORMMY V. PAUL
11 imported and brought into the United States approximately 4,662 pounds of NISE
12 cigarettes (approximately 7,200 cartons) through NISE International LC, via Hawaiian
13 Airlines, and represented the consignee to be MGN ENTERPRISES for shipment to
14 Winchester, Idaho.

15 62. On or about May 11, 2004, at Tacoma, STORMMY V. PAUL sold
16 LYLE SHAWN CONWAY approximately 400 cartons of NISE cigarettes for \$3,700.

17 63. On or about May 24, 2004, at Portland, Oregon, STORMMY V. PAUL
18 imported and brought into the United States 144 cases of NISE cigarettes (7,200 cartons),
19 through NISE International LC, via Hawaiian Airlines, and represented the consignee to
20 be MGN ENTERPRISES for shipment to Winchester, Idaho.

21 64. On or about May 25, 2004, at Fife, STORMMY V. PAUL sold
22 DAVID TURNIPSEED approximately 1,800 cartons of various brands of contraband
23 cigarettes for \$15,650.

24 65. On or about May 27, 2004, at Fife, STORMMY V. PAUL sold
25 LYLE WAYNE CONWAY approximately 2,160 cartons of various brands of contraband
26 cigarettes for \$16,080.

1 66. On or about June 4, 2004, at Fife, STORMMY V. PAUL sold
2 SILAS CROSS sixteen (16) cases of various brands of contraband cigarettes
3 (approximately 800 cartons) for \$7,037.50.

4 All in violation of Title 18, United States Code, Sections 2342(a) and 371.

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6 III.

7 **COUNT 2**
8 **(Smuggling Contraband Cigarettes Into the United States)**

9 On or about December 11, 2002, within the Western District of Washington,
10 and elsewhere, the defendant, STORMMY V. PAUL, fraudulently and knowingly did
11 import and bring into the United States certain merchandise, that is, approximately
12 128 cases of NISE cigarettes (approximately 1,280,000 cigarettes), contrary to law, in that
13 he represented, and caused the representation, that said merchandise would be transported
14 and sold in the State of Idaho; whereas, he caused the transportation and delivery of the
15 merchandise into the State of Washington, a place where the defendant was not a licensed
16 cigarette wholesaler and the merchandise was contraband in that it did not bear any
17 evidence of the payment of applicable Washington cigarette taxes, as required by law.

18 The Grand Jury further alleges that this offense was committed during and
19 in furtherance of the conspiracy charged in Count 1, above.

20 All in violation of Title 18, United States Code, Section 545.

21
22 **COUNT 3**
23 **(Smuggling Contraband Cigarettes Into the United States)**

24 On or about January 16, 2003, within the Western District of Washington,
25 and elsewhere, the defendant, STORMMY V. PAUL, fraudulently and knowingly did
26 import and bring into the United States certain merchandise, that is, approximately 128
27 cases of NISE cigarettes (approximately 1,280,000 cigarettes), contrary to law, in that he
28 represented, and caused the representation, that said merchandise would be transported

1 and sold in the State of Idaho; whereas, the defendant caused the transportation and
2 delivery of the merchandise into the State of Washington, a place where he was not a
3 licensed cigarette wholesaler and the merchandise was contraband in that it did not bear
4 any evidence of the payment of applicable Washington cigarette taxes, as required by law.

5 The Grand Jury further alleges that this offense was committed during and
6 in furtherance of the conspiracy charged in Count 1, above.

7 All in violation of Title 18, United States Code, Section 545.

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9 **COUNT 4**
10 **(Smuggling Contraband Cigarettes Into the United States)**

11 On or about June 4, 2003, within the Western District of Washington, and
12 elsewhere, the defendant, STORMMY V. PAUL, fraudulently and knowingly did import
13 and bring into the United States certain merchandise, that is, approximately 128 cases of
14 NISE cigarettes (approximately 1,280,000 cigarettes), contrary to law, in that he
15 represented, and caused the representation, that said merchandise would be transported
16 and sold in the State of Idaho; whereas, the defendant caused the transportation and
17 delivery of the merchandise into the State of Washington, a place where he was not a
18 licensed cigarette wholesaler and the merchandise was contraband in that it did not bear
19 any evidence of the payment of applicable Washington cigarette taxes, as required by law.

20 The Grand Jury further alleges that this offense was committed during and
21 in furtherance of the conspiracy charged in Count 1, above.

22 All in violation of Title 18, United States Code, Section 545.

23
24 **COUNT 5**
25 **(Smuggling Contraband Cigarettes Into the United States)**

26 On or about November 28, 2003, within the Western District of Washington,
27 and elsewhere, the defendant, STORMMY V. PAUL, fraudulently and knowingly did
28 import and bring into the United States certain merchandise, that is, approximately

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IV.

COUNT 9
(Trafficking in Contraband Cigarettes)

On or about October 29, 2001, in Pierce County, within the Western District of Washington, the defendants, STORMMY V. PAUL and LYLE WAYNE CONWAY, did knowingly and unlawfully transport, receive, possess, sell, distribute and purchase, and did aid and abet the commission of such acts in connection with, contraband cigarettes, as that term is defined in Title 18, United States Code, Section 2341, to wit: a quantity of approximately 216,000 cigarettes, which did not bear any evidence of the payment of applicable Washington cigarette taxes, as required by law.

The Grand Jury further alleges that this offense was committed during and in furtherance of the conspiracy charged in Count 1, above.

All in violation of Title 18, United States Code, Sections 2342(a) and 2.

COUNT 10
(Trafficking in Contraband Cigarettes)

On or about October 30, 2002, in Pierce County, within the Western District of Washington, the defendants, STORMMY V. PAUL and SILAS CROSS, did knowingly and unlawfully transport, receive, possess, sell, distribute and purchase, and did aid and abet the commission of such acts in connection with, contraband cigarettes, as that term is defined in Title 18, United States Code, Section 2341, to wit: a quantity of approximately 140,000 cigarettes, which did not bear any evidence of the payment of applicable Washington cigarette taxes, as required by law.

The Grand Jury further alleges that this offense was committed during and in furtherance of the conspiracy charged in Count 1, above.

All in violation of Title 18, United States Code, Sections 2342(a) and 2.

1 and possess contraband cigarettes, as that term is defined in Title 18, United States Code,
2 Section 2341, to wit: a quantity of approximately 4,231,600 cigarettes, which did not bear
3 any evidence of the payment of applicable Washington cigarette taxes, as required by law.

4 The Grand Jury further alleges that this offense was committed during and
5 in furtherance of the conspiracy charged in Count 1, above.

6 All in violation of Title 18, United States Code, Section 2342(a).

7
8 **COUNT 18**
9 **(Trafficking in Contraband Cigarettes)**

10 On or about June 8, 2004, at Puyallup, within the Western District of
11 Washington, the defendant, STORMMY V. PAUL, did knowingly and unlawfully receive
12 and possess contraband cigarettes, as that term is defined in Title 18, United States Code,
13 Section 2341, to wit: a quantity of approximately 2,416,600 cigarettes, which did not bear
14 any evidence of the payment of applicable Washington cigarette taxes, as required by law.

15 The Grand Jury further alleges that this offense was committed during and
16 in furtherance of the conspiracy charged in Count 1, above.

17 All in violation of Title 18, United States Code, Section 2342(a).

18 **V.**

19 **COUNT 19**
20 **(Conspiracy to Launder Monetary Instruments)**

21 1. Part I of this Indictment is realleged and incorporated herein by reference, as
22 if fully set forth herein.

23 2. Beginning at an exact time unknown, but within the last five years, and
24 continuing thereafter until on or about June 8, 2004, in Snohomish and Pierce Counties,
25 within the Western District of Washington, and elsewhere, the defendants,
26 STORMMY V. PAUL, LYLE SHAWN CONWAY, LYLE WAYNE CONWAY,
27 SILAS CROSS, GERALD GEORGE, ELIZABETH "VICKI" GORD,
28 DAVID TURNIPSEED and JOSHUA TURNIPSEED, together with other persons known

1 and unknown to the Grand Jury, did knowingly and willfully conspire, combine,
2 confederate and agree among themselves and each each other, to conduct and attempt to
3 conduct financial transactions, affecting interstate and foreign commerce, which involved
4 the proceeds of specified unlawful activity, that is trafficking in contraband cigarettes,
5 with the intent to promote the carrying on of specified unlawful activity, that is trafficking
6 in contraband cigarettes, and that while conducting and attempting to conduct such
7 financial transactions knew that the property involved in the financial transactions, that is
8 funds and monetary instruments, represented the proceeds of some form of unlawful
9 activity, in violation of Title 18, United States Code, Section 1956(a)(1)(A)(i).

10 OBJECT OF THE CONSPIRACY

11 3. It was the object of the conspiracy to conduct and attempt to conduct
12 financial transactions, which involved the proceeds of specified unlawful activity, that is
13 trafficking in contraband cigarettes, with the intent to promote the carrying on of such
14 specified unlawful activity, that is trafficking in contraband cigarettes.

15 MANNER AND MEANS OF THE CONSPIRACY

16 4. Paragraphs 4 through 11 of Part II of this Indictment are realleged and
17 incorporated herein by reference as if fully set forth herein.

18 OVERT ACTS

19 5. In furtherance of the conspiracy, and to promote the object thereof, the
20 defendants, STORMMY V. PAUL, LYLE SHAWN CONWAY,
21 LYLE WAYNE CONWAY, SILAS CROSS, GERALD GEORGE,
22 ELIZABETH "VICKI" GORD, DAVID TURNIPSEED and JOSHUA TURNIPSEED,
23 and other persons known and unknown to the Grand Jury, committed and caused to be
24 committed, among others, the overt acts described in Counts 20 through 44 of this
25 Indictment, and the following:

26 6. On or about January 5, 2001, DAVID TURNIPSEED caused the issuance of
27 check number 5319 in the amount of \$40,307.50, drawn on a Columbia State Bank
28 account in the name of BJ'S II, INC., payable to NDN ENTERPRISES for cigarettes.

1 7. On or about February 20, 2001, LYLE SHAWN CONWAY caused the
2 issuance of check number 1620 in the amount of \$4,225, drawn on a Fife Commercial
3 Bank account in the name of LYLE'S II, payable to NDN ENTERPRISES for cigarettes.

4 8. On or about February 7, 2001, STORMMY V. PAUL authorized a wire
5 transfer in the amount of \$15,580, from a U.S. Bank account in the name of NDN
6 ENTERPRISES, to Asia Pacific Trading Group for NISE cigarettes.

7 9. On or about March 30, 2001, SILAS CROSS caused the issuance of Official
8 Check number 5025584520 in the amount of \$11,274.50, drawn on a Puyallup Valley
9 Bank account in the name of CROSS'S SMOKE SHOP, payable to NDN ENTERPRISES
10 for cigarettes.

11 10. On or about April 4, 2001, LYLE WAYNE CONWAY caused the issuance
12 of check number 10478 in the amount of \$10,617.50, drawn on a Fife Commercial Bank
13 account in the name of LYLE'S SMOKE SHOP-General Account, payable to NDN
14 ENTERPRISES for cigarettes.

15 11. On or about May 3, 2001, GERALD GEORGE caused the issuance of check
16 number 3705 in the amount of \$5,825, drawn on a Columbia State Bank account in the
17 name of JERRY'S SMOKE SHOP, payable to NDN ENTERPRISES for cigarettes.

18 12. On or about July 26, 2001, LYLE WAYNE CONWAY caused the issuance
19 of check number 10878 in the amount of \$14,580, drawn on a Fife Commercial Bank
20 account in the name of LYLE'S SMOKE SHOP-General Account, payable to NDN
21 ENTERPRISES for cigarettes.

22 13. On or about September 7, 2001, LYLE SHAWN CONWAY caused the
23 issuance of check number 1915 in the amount of \$12,675, drawn on a Fife Commercial
24 Bank account in the name of LYLE'S II, payable to NDN ENTERPRISES for cigarettes.

25 14. On or about September 13, 2001, GERALD GEORGE caused the issuance
26 of check number 4072 in the amount of \$7,037, drawn on a Columbia State Bank account
27 in the name of JERRY'S SMOKE SHOP, payable to NDN ENTERPRISES for cigarettes.

1 15. On or about November 8, 2001, STORMMY V. PAUL authorized a wire
2 transfer in the amount of \$89,887.50, from a U.S. Bank account in the name of NDN
3 ENTERPRISES, to Carolina Tobacco Company for cigarettes.

4 16. On or about November 13, 2001, SILAS CROSS caused the issuance of
5 Official Check number 55130914145 in the amount of \$6,000, drawn on a Puyallup
6 Valley Bank account in the name of CROSS'S SMOKE SHOP, payable to NDN
7 ENTERPRISES for cigarettes.

8 17. On or about December 14, 2001, DAVID TURNIPSEED caused the
9 issuance of check number 12769 in the amount of \$14,385, drawn on a Columbia State
10 Bank account in the name of BJ'S II, INC., payable to NDN ENTERPRISES for
11 cigarettes.

12 18. On or about January 17, 2002, LYLE WAYNE CONWAY caused the
13 issuance of check number 11337 in the amount of \$11,855, drawn on a Fife Commercial
14 Bank account in the name of LYLE'S SMOKE SHOP-General Account, payable to NDN
15 ENTERPRISES for cigarettes.

16 19. On or about February 1, 2002, SILAS CROSS caused the issuance of check
17 number 13525 in the amount of \$8,810, drawn on a Puyallup Valley Bank account in the
18 name of CROSS'S SMOKE SHOP & CRAFTS, payable to NDN ENTERPRISES for
19 cigarettes.

20 20. On or about February 5, 2002, LYLE SHAWN CONWAY caused the
21 issuance of check number 2160 in the amount of \$10,600, drawn on a Fife Commercial
22 Bank account in the name of LYLE'S II, payable to NDN ENTERPRISES for cigarettes.

23 21. On or about February 19, 2002, GERALD GEORGE caused the issuance of
24 check number 4574 in the amount of \$12,050, drawn on a Columbia State Bank account in
25 the name of JERRY'S SMOKE SHOP, payable to NDN ENTERPRISES for cigarettes.

26 22. On or about February 22, 2002, DAVID TURNIPSEED caused the issuance
27 of check number 13180 in the amount of \$18,500, drawn on a Columbia State Bank
28 account in the name of BJ'S II, INC., payable to NDN ENTERPRISES for cigarettes.

1 23. On or about March 20, 2002, STORMMY V. PAUL authorized a wire
2 transfer in the amount of \$63,340, from a U.S. Bank account in the name of NDN
3 ENTERPRISES, to MAK Ventures for NISE cigarettes.

4 24. On or about June 19, 2002, LYLE WAYNE CONWAY caused the issuance
5 of check number 11736 in the amount of \$12,035, drawn on a Fife Commercial Bank
6 account in the name of LYLE'S SMOKE SHOP-General Account, payable to NDN
7 ENTERPRISES for cigarettes.

8 25. On or about July 5, 2002, GERALD GEORGE caused the issuance of check
9 number 5053 in the amount of \$14,112.50, drawn on a Columbia State Bank account in
10 the name of JERRY'S SMOKE SHOP, payable to NDN ENTERPRISES for cigarettes.

11 26. On or about August 7, 2002, DAVID TURNIPSEED caused the issuance of
12 check number 14199 in the amount of \$20,350, drawn on a Columbia State Bank account
13 in the name of BJ'S II, INC., payable to NDN ENTERPRISES for cigarettes.

14 27. On or about July 31, 2002, LYLE SHAWN CONWAY caused the issuance
15 of check number 2501 in the amount of \$14,012, drawn on a Fife Commercial Bank
16 account in the name of LYLE'S II, payable to NDN ENTERPRISES for cigarettes.

17 28. On or about August 30, 2002, SILAS CROSS caused the issuance of check
18 number 2166 in the amount of \$7,607.50, drawn on a Puyallup Valley Bank account in the
19 name of CROSS'S SMOKE SHOP, payable to NDN ENTERPRISES for cigarettes.

20 29. On or about October 3, 2002, STORMMY V. PAUL authorized a wire
21 transfer in the amount of \$134,400, from a U.S. Bank account in the name of NDN
22 ENTERPRISES, to MAK Ventures for NISE cigarettes.

23 30. On or about February 3, 2003, STORMMY V. PAUL authorized a wire
24 transfer in the amount of \$88,900, from a U.S. Bank account in the name of NDN
25 ENTERPRISES, to MAK Ventures for NISE cigarettes.

26 31. On or about February 24, 2003, LYLE SHAWN CONWAY caused the
27 issuance of check number 2872 in the amount of \$9,250, drawn on a Fife Commercial
28 Bank account in the name of LYLE'S II, payable to NDN ENTERPRISES for cigarettes.

1 32. On or about March 21, 2003, LYLE WAYNE CONWAY caused the
2 issuance of check number 12368 in the amount of \$6,012.50, drawn on a Fife Commercial
3 Bank account in the name of LYLE'S SMOKE SHOP-General Account, payable to NDN
4 ENTERPRISES for cigarettes.

5 33. On or about March 27, 2003, DAVID TURNIPSEED caused the issuance of
6 check number 16599 in the amount of \$19,255, drawn on a Columbia State Bank account
7 in the name of BJ'S II, INC., payable to NDN ENTERPRISES for cigarettes.

8 34. On or about March 31, 2003, GERALD GEORGE caused the issuance of
9 check number 8244 in the amount of \$16,650, drawn on a Columbia State Bank account
10 in the name of JERRY'S SMOKE SHOP, payable to NDN ENTERPRISES for cigarettes.

11 35. On or about April 22, 2003, LYLE WAYNE CONWAY caused the issuance
12 of check number 12477 in the amount of \$14,350.50, drawn on a Fife Commercial Bank
13 account in the name of LYLE'S SMOKE SHOP-General Account, payable to NDN
14 ENTERPRISES for cigarettes.

15 36. On or about April 14, 2003, LYLE SHAWN CONWAY caused the issuance
16 of check number 2947 in the amount of \$18,470, drawn on a Fife Commercial Bank
17 account in the name of LYLE'S II, payable to NDN ENTERPRISES for cigarettes.

18 37. On or about July 25, 2003, ELIZABETH "VICKI" GORD caused the
19 issuance of check number 25400 in the amount of \$26,362.50, drawn on a U.S. Bank
20 account in the name of THUNDERBIRD TRADING POST, INC., payable to NDN
21 ENTERPRISES for cigarettes.

22 38. On or about July 11, 2003, STORMMY V. PAUL caused the transportation
23 of \$501,270 in United States currency from Marysville, Washington, and attempted to
24 transfer the currency to a place outside the United States, that is, Paraguay.

25 39. On or about October 2, 2003, SILAS CROSS caused the issuance of check
26 number 13622 in the amount of \$4,162.50, drawn on a Puyallup Valley Bank account in
27 the name of CROSS'S SMOKE SHOP & CRAFTS, payable to
28 NDN ENTERPRISES for cigarettes.

1 40. On or about October 7, 2003, ELIZABETH "VICKI" GORD caused the
2 issuance of check number 11781 in the amount of \$7,400, drawn on an U.S. Bank account
3 in the name of KI-YA'S TRADING POST, INC., payable to NDN ENTERPRISES for
4 cigarettes.

5 41. On or about October 17, 2003, DAVID TURNIPSEED caused the issuance
6 of check number 17857 in the amount of \$19,737.50, drawn on a Columbia State Bank
7 account in the name of BJ'S II, INC., payable to NDN ENTERPRISES for cigarettes.

8 42. On or about November 4, 2003, GERALD GEORGE caused the issuance of
9 check number 7269 in the amount of \$24,975, drawn on a Columbia State Bank account in
10 the name of JERRY'S SMOKE SHOP, payable to NDN ENTERPRISES for cigarettes.

11 43. On or about December 12, 2003, SILAS CROSS caused the issuance of an
12 Official Check number 5037277715 in the amount of \$6,937.30, drawn on a Puyallup
13 Valley Bank account in the name of CROSS'S SMOKE SHOP, payable to NDN
14 ENTERPRISES for cigarettes.

15 44. On or about December 23, 2003, STORMMY V. PAUL authorized a wire
16 transfer in the amount of \$50,400 from a U.S. Bank account in the name of NDN
17 ENTERPRISES, to NISE International LC for NISE cigarettes.

18 45. On or about January 2, 2004, ELIZABETH "VICKI" GORD caused the
19 issuance of check number 26565 in the amount of \$21,737.50, drawn on a U.S. Bank
20 account in the name of THUNDERBIRD TRADING POST, INC., payable to NDN
21 ENTERPRISES for cigarettes.

22 46. On or about January 8, 2004, STORMMY V. PAUL authorized a wire
23 transfer in the amount of \$50,400 from a U.S. Bank account in the name of NDN
24 ENTERPRISES, to NISE International LC for NISE cigarettes.

25 47. On or about January 17, 2004, LYLE WAYNE CONWAY caused the
26 issuance of a monetary instrument in the amount of \$8,650 from LYLE'S SMOKE SHOP,
27 payable to "Indian," also known as NDN ENTERPRISES, for cigarettes.

1 48. On or about January 17, 2004, LYLE SHAWN CONWAY caused the
2 issuance of a monetary instrument in the amount of \$9,137.50 from LYLE'S II SMOKE
3 SHOP, payable to "Indian," also known as NDN ENTERPRISES, for cigarettes.

4 49. On or about February 4, 2004, SILAS CROSS caused the issuance of
5 Official Check number 5042862148 in the amount of \$6,126, drawn on a Valley Bank
6 account in the name of CROSS'S SMOKE SHOP, payable to NDN ENTERPRISES for
7 cigarettes.

8 50. On or about February 3, 2004, DAVID TURNIPSEED caused the issuance
9 of a monetary instrument in the amount of \$15,362.50, from BJ'S II INC. to NDN
10 ENTERPRISES for cigarettes.

11 51. On or about February 26, 2004, GERALD GEORGE caused the issuance of
12 check number 7718 in the amount of \$23,528, drawn on a Columbia Bank account in the
13 name of JERRY'S SMOKE SHOP, payable to NDN ENTERPRISES for cigarettes.

14 52. On or about March 27, 2004, DAVID TURNIPSEED caused the issuance of
15 a monetary instrument in the amount of \$13,800 from BJ'S II INC. to NDN
16 ENTERPRISES for cigarettes.

17 53. On or about May 21, 2004, GERALD GEORGE caused the issuance of
18 check number 8074 in the amount of \$17,712.50, drawn on a Columbia Bank account in
19 the name of JERRY'S SMOKE SHOP, payable to NDN ENTERPRISES for cigarettes.

20 54. On or about May 26, 2004, LYLE SHAWN CONWAY caused the issuance
21 of a monetary instrument in the amount of \$3,237.50, from LYLE'S II SMOKE SHOP,
22 payable to "Indian", also known as NDN ENTERPRISES, for cigarettes.

23 55. On or about May 29, 2004, LYLE WAYNE CONWAY caused the issuance
24 of a monetary instrument in the amount of \$8,870, from LYLE'S SMOKE SHOP to NDN
25 ENTERPRISES for cigarettes.

26 56. On or about June 2, 2004, ELIZABETH "VICKI" GORD caused the
27 issuance of check number 3059 in the amount of \$8,325, drawn on a U.S. Bank account in
28 name of KIYA'S TRADING POST, INC., payable to NDN ENTERPRISES for cigarettes.

1 57. On or about June 3, 2004, STORMMY V. PAUL authorized a wire transfer
2 in the amount of \$50,400 from a U.S. Bank account in the name of NDN ENTERPRISES,
3 to NISE International LC for NISE cigarettes.

4 58. On or about June 7, 2004, SILAS CROSS caused the issuance of check
5 number 5042863025 in the amount of \$7,037.50, drawn on a Valley Bank account in the
6 name of CROSS'S SMOKE SHOP, payable to NDN ENTERPRISES for cigarettes.

7 All in violation of Title 18, United States Code, Sections 1956(a)(1)(A)(i)
8 and 1956(h).

9 VI.

10 **COUNTS 20 THROUGH 31**
11 **(Laundering Monetary Instruments)**

12 1. On or about the dates set forth below, within the Western District of
13 Washington, and elsewhere, the defendants set forth below with respect to each count did
14 knowingly and willfully conduct and attempt to conduct the financial transactions set forth
15 below, affecting interstate and foreign commerce, which involved the proceeds of a
16 specified unlawful activity, that is, trafficking in contraband cigarettes, with the intent to
17 promote the carrying on of specified unlawful activity, that is, trafficking in contraband
18 cigarettes, and that while conducting and attempting to conduct such financial transactions
19 knew that the property involved in the financial transactions, that is, funds and monetary
20 instruments, represented the proceeds of some form of unlawful activity; with each
21 transaction identified below constituting a representative sample of such financial
22 transactions and a separate count of this Indictment, as follows:

23

Count	Defendant	Date	Description of Financial Transaction
24 20	25 STORMMY V. 26 PAUL	27 June 28, 2001	28 Withdrawal of funds in the amount of \$42,840, in the form of a wire transfer from U.S. Bank account number 153590421795, in the name of "NDN Enterprises," to an account in the name of Carolina Tobacco Company.

1	21	STORMMY V. PAUL	October 16, 2002	Withdrawal of funds in the amount of \$78,400, in the form of a wire transfer from U.S. Bank account number 153590421795, in the name of "NDN Enterprises," to a Central Pacific Bank account in the name of MAK Ventures.
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5	22	STORMMY V. PAUL	January 23, 2003	Withdrawal of funds in the amount of \$75,600, in the form of a wire transfer from U.S. Bank account number 153590421795, in the name of "NDN Enterprises," to a Central Pacific Bank account in the name of MAK Ventures.
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9	23	LYLE SHAWN CONWAY	January 23, 2003	Withdrawal of funds, in the form of a check drawn on the Fife Commercial Bank, check number 1088, in the amount of \$9,757.50, in the name of "Lyle's II General Account," and thereafter deposited into U.S. Bank account number 153590421795 in the name of "NDN Enterprises."
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13	24	STORMMY V. PAUL	February 13, 2003	Withdrawal of funds in the amount of \$180,000, in the form of check number 5281, drawn on U.S. Bank account number 153591323123, in the name of "Stilly Trading Post," and thereafter deposited into U.S. Bank account number 153590421795 in the name of "NDN Enterprises."
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18	25	DAVID TURNIPSEED	February 21, 2003	Withdrawal of funds, in the amount of \$15,637.50, in the form of a check, number 16396, drawn on a Columbia State Bank account in the name of "BJ'S II INC.," and thereafter deposited into U.S. Bank account number 153590421795, in the name of "NDN Enterprises."
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23	26	LYLE WAYNE CONWAY	May 15, 2003	Withdrawal of funds, in the amount of \$4,125, in the form of check number 12536, drawn on a Fife Commercial Bank account in the name of "Lyle's Smoke Shop General Account," and thereafter deposited into U.S. Bank account number 153590421795 in the name of "NDN Enterprises."
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1	27	ELIZABETH "VICKI" GORD	August 6, 2003	Withdrawal of funds, in the amount of \$18,037.50, in the form of check number 11607, drawn on a U.S. Bank account held in the name of "KI-YA's Trading Post Inc.," and thereafter deposited into U.S. Bank account number 153590421795, in the name of "NDN Enterprises."
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6	28	STORMMY V. PAUL	February 6, 2004	Withdrawal of funds in the amount of \$50,400, in the form of a wire transfer from U.S. Bank account number 153590421795, in the name of "NDN Enterprises," to a Central Pacific Bank account in the name of NISE International LC.
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10	29	JOSHUA TURNIPSEED	May 4, 2004	Payment of United States currency in the amount of \$24,825 by D&A Smoke Shop to Stormmy V. Paul d/b/a "NDN Enterprises," for the purchase of 66 cases of contraband cigarettes (660,000 cigarettes), which traveled in interstate commerce.
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14	30	SILAS CROSS	May 11, 2004	Withdrawal of funds, in the amount of \$2,987.50, in the form of an Official Check, number 5042862702, drawn on Valley Bank, and thereafter deposited into U.S. Bank account number 153590421795, in the name of "NDN Enterprises."
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18	31	GERALD GEORGE	May 27, 2004	Withdrawal of funds, in the amount of \$24,017.50, in the form of check number 8082, drawn on a Columbia State Bank account in the name of "Jerry's Smoke Shop," and thereafter deposited into U.S. Bank account number 153590421795, in the name of "NDN Enterprises."
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24 The Grand Jury further alleges that each of the Counts 20 through 31 was committed during and in furtherance of the conspiracy charged in Count 19, above.

25 All in violation of Title 18, United States Code, Sections 1956(a)(1)(A)(i).

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Count	Date	Dollar Amount	Transaction
33	January 6, 2003	\$ 8,735	Deposit of cash into U.S. Bank account number 153590421795 in the name of "NDN Enterprises"
34	January 7, 2003	\$ 8,800	Deposit of cash into U.S. Bank account number 153590421795 in the name of "NDN Enterprises"
35	January 8, 2003	\$ 8,470	Deposit of cash into U.S. Bank account number 153590421795 in the name of "NDN Enterprises"
36	January 10, 2003	\$ 8,240	Deposit of cash into U.S. Bank account number 153590421795 in the name of "NDN Enterprises"
37	January 14, 2003	\$ 7,600	Deposit of cash into U.S. Bank account number 153590421795 in the name of "NDN Enterprises"
38	January 17, 2003	\$ 8,200	Deposit of cash into U.S. Bank account number 153590421795 in the name of "NDN Enterprises"
39	January 18, 2003	\$ 8,780	Deposit of cash into U.S. Bank account number 153590421795 in the name of "NDN Enterprises"
40	January 20, 2003	\$ 7,340	Deposit of cash into U.S. Bank account number 153590421795 in the name of "NDN Enterprises"
41	January 24, 2003	\$ 8,650	Deposit of cash into U.S. Bank account number 153590421795 in the name of "NDN Enterprises"
42	January 28, 2003	\$ 8,360	Deposit of cash into U.S. Bank account number 153590421795 in the name of "NDN Enterprises"
43	January 29, 2003	\$ 8,670	Deposit of cash into U.S. Bank account number 153590421795 in the name of "NDN Enterprises"
44	January 30, 2003	\$ 8,475	Deposit of cash into U.S. Bank account number 153590421795 in the name of "NDN Enterprises"

The Grand Jury further alleges that each of the Counts 33 through 44 was committed during and in furtherance of the conspiracy charged in Count 19, above.

All in violation of Title 31, United States Code, Sections 5324(a)(1).

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VIII.

CRIMINAL FORFEITURE ALLEGATIONS

1. The allegations contained in Count 1 of this Indictment are hereby realleged and incorporated by reference for the purpose of alleging forfeitures pursuant to the provisions of Title 18, United States Code, Sections 2344(c) and 981(a)(1)(C), Title 49, United States Code, Sections 80302(a)(5) and (b) and 80303, and Title 28, United States Code, Section 2461(c).

2. Upon conviction of the offense in violation of Title 18, United States Code, Section 371, conspiracy to knowingly ship, transport, receive, possess, sell, distribute and purchase contraband cigarettes, in violation of Title 18, United States Code, Section 2342(a), set forth in Count 1 of this Indictment, the defendants, STORMMY V. PAUL, LYLE SHAWN CONWAY, LYLE WAYNE CONWAY, SILAS CROSS, GERALD GEORGE, ELIZABETH "VICKI" GORD, DAVID TURNIPSEED and JOSHUA TURNIPSEED, shall forfeit to the United States of America, pursuant to Title 18, United States Code, Section 2344(c) and Title 28, United States Code, Section 2461(c), any and all contraband cigarettes involved in the violation, including, but not limited to:

STORMMY V. PAUL:

A. Seized from residence

i. Twenty-one thousand three hundred forty-nine (21,349) cartons of contraband cigarettes, seized by U.S. Immigration and Customs Enforcement Agents on June 8, 2004, from 2606 Old Tulalip Road in Marysville, Washington, the primary residence of STORMMY V. PAUL.

ii. Eight (8) loose packs of contraband cigarettes, seized by U.S. Immigration and Customs Enforcement Agents on June 8, 2004, from 2606 Old Tulalip Road in Marysville, Washington, the primary residence of STORMMY V. PAUL.

1 B. Seized from Storage Unit

2 i. Twelve thousand one hundred thirty (12,130) cartons of contraband
3 cigarettes, seized by U.S. Immigration and Customs Enforcement
4 Agents on June 8, 2004, from storage units M-3 and M-4 at 6601
5 114th Avenue Court East in Puyallup, Washington, rented on behalf
6 of STORMMY V. PAUL.

7 ii. Nine (9) loose packs of contraband cigarettes, seized by U.S.
8 Immigration and Customs Enforcement Agents on June 8, 2004,
9 from storage units M-3 and M-4 at 6601 114th Avenue Court East in
10 Puyallup, Washington, rented on behalf of STORMMY V. PAUL.

11 DAVID TURNIPSEED:

12 A. Seized from BJ'S II SMOKE SHOP - River Road

13 i. Fifteen thousand four hundred fifty-two (15,452) cartons of
14 contraband cigarettes, seized by U.S. Immigration and Customs
15 Enforcement Agents on June 8, 2004, from BJ'S II SMOKE SHOP
16 at 7324 River Road in Puyallup, Washington, a smoke shop owned
17 by DAVID TURNIPSEED.

18 ii. Five thousand five hundred ninety-nine (5,599) loose packs of
19 contraband cigarettes, seized by U.S. Immigration and Customs
20 Enforcement Agents on June 8, 2004, from BJ'S II SMOKE SHOP
21 at 7324 River Road in Puyallup, Washington, a smoke shop owned
22 by DAVID TURNIPSEED.

23 B. Seized from BJ'S II SMOKE SHOP - Pacific Highway

24 i. Thirteen thousand six (13,006) cartons of contraband cigarettes,
25 seized by U.S. Immigration and Customs Enforcement Agents on
26 June 8, 2004, from BJ'S II SMOKE SHOP at 4315 Pacific Highway
27 East in Tacoma, Washington, a smoke shop owned by DAVID
28 TURNIPSEED.

1 ii. Seven thousand six hundred twenty-nine (7,629) loose packs of
2 contraband cigarettes, seized by U.S. Immigration and Customs
3 Enforcement Agents on June 8, 2004, from BJ'S II SMOKE SHOP
4 at 4315 Pacific Highway East in Tacoma, Washington, a smoke
5 shop owned by DAVID TURNIPSEED.

6 C. Seized from BJ'S II SMOKE SHOP - Alexander Avenue

7 i. Four thousand seven hundred eighty-three (4,783) cartons of
8 contraband cigarettes, seized by U.S. Immigration and Customs
9 Enforcement Agents on June 8, 2004, from BJ'S II SMOKE SHOP
10 at 1305 Alexander Avenue East in Tacoma, Washington, a smoke
11 shop owned by DAVID TURNIPSEED.

12 ii. One thousand eight hundred seventy-one (1,871) loose packs of
13 contraband cigarettes, seized by U.S. Immigration and Customs
14 Enforcement Agents on June 8, 2004, from BJ'S II SMOKE SHOP
15 at 1305 Alexander Avenue East in Tacoma, Washington, a smoke
16 shop owned by DAVID TURNIPSEED.

17 LYLE SHAWN CONWAY:

18 A. Seized from LYLE'S II SMOKE SHOP

19 i. Three thousand eight hundred eighty-eight (3,888) cartons of
20 contraband cigarettes, seized by U.S. Immigration and Customs
21 Enforcement Agents on June 8, 2004, from LYLE'S II SMOKE
22 SHOP at 3114 River Road East in Tacoma, Washington, a smoke
23 shop owned by LYLE SHAWN CONWAY.

24 ii. One thousand eight hundred thirty-eight (1,838) loose packs of
25 contraband cigarettes, seized by U.S. Immigration and Customs
26 Enforcement Agents on June 8, 2004, from LYLE'S II SMOKE
27 SHOP at 3114 River Road East in Tacoma, Washington, a smoke
28 shop owned by LYLE SHAWN CONWAY.

1 LYLE WAYNE CONWAY:

2 A. Seized from LYLE'S SMOKE SHOP - Valley Avenue

- 3 i. Four thousand five hundred ninety-three (4,593) cartons of
4 contraband cigarettes, seized by U.S. Immigration and Customs
5 Enforcement Agents on June 8, 2004, from LYLE'S SMOKE
6 SHOP at 7511 Valley Avenue East in Fife, Washington, a smoke
7 shop owned by LYLE WAYNE CONWAY.
- 8 ii. One thousand eight hundred forty-eight (1,848) loose packs of
9 contraband cigarettes, seized by U.S. Immigration and Customs
10 Enforcement Agents on June 8, 2004, from LYLE'S SMOKE
11 SHOP at 7511 Valley Avenue East in Fife, Washington, a smoke
12 shop owned by LYLE WAYNE CONWAY.

13 SILAS CROSS:

14 A. Seized from CROSS'S SMOKE SHOP

- 15 i. Seven-thousand twenty-one cartons of contraband cigarettes, seized
16 by U.S. Immigration and Customs Enforcement Agents on June 8,
17 2004, from CROSS'S SMOKE SHOP at 7522 Valley Avenue East
18 in Fife, Washington, a smoke shop owned by SILAS CROSS.
- 19 ii. One thousand three hundred three (1,303) loose packs of contraband
20 cigarettes, seized by U.S. Immigration and Customs Enforcement
21 Agents on June 8, 2004, from CROSS'S SMOKE SHOP at 7522
22 Valley Avenue East in Fife, Washington, a smoke shop owned by
23 SILAS CROSS.

24 ELIZABETH "VICKI" GORD:

25 A. Seized from THUNDERBIRD STORE

- 26 i. Fourteen thousand four hundred seventy-five (14,475) cartons of
27 contraband cigarettes, seized by U.S. Immigration and Customs
28 Enforcement Agents on June 8, 2004, from THUNDERBIRD

1 STORE at 7121 East Waller Road in Tacoma, Washington, a smoke
2 shop owned by ELIZABETH "VICKI" GORD.

- 3 ii. Two thousand four hundred eighty-six (2,486) loose packs of
4 contraband cigarettes, seized by U.S. Immigration and Customs
5 Enforcement Agents on June 8, 2004, from THUNDERBIRD
6 STORE at 7121 East Waller Road in Tacoma, Washington, a smoke
7 shop owned by ELIZABETH "VICKI" GORD.

8 B. Seized from KI-YA'S TRADING POST

- 9 i. Two thousand nine hundred thirty-three (2,933) cartons of
10 contraband cigarettes, seized by U.S. Immigration and Customs
11 Enforcement Agents on June 8, 2004, from KI-YA'S TRADING
12 POST at 2811 Portland Avenue in Tacoma, Washington, a smoke
13 shop owned by ELIZABETH "VICKI" GORD.
14 ii. Six hundred seven (607) loose packs of contraband cigarettes,
15 seized by U.S. Immigration and Customs Enforcement Agents on
16 June 8, 2004, from KI-YA'S TRADING POST at 2811 Portland
17 Avenue in Tacoma, Washington, a smoke shop owned by
18 ELIZABETH "VICKI" GORD.

19 JOSHUA TURNIPSEED:

20 A. Seized from D&A SMOKE SHOP

- 21 i. Twenty-three thousand two hundred five (23,205) cartons of
22 contraband cigarettes, seized by U.S. Immigration and Customs
23 Enforcement Agents on June 8, 2004, from D&A SMOKE SHOP at
24 5511 Pacific Highway in Fife, Washington, a smoke shop owned by
25 JOSHUA TURNIPSEED.
26 ii. Two thousand seven hundred twenty-six (2,726) loose packs of
27 contraband cigarettes, seized by U.S. Immigration and Customs
28 Enforcement Agents on June 8, 2004, from D&A SMOKE SHOP at

1 5511 Pacific Highway in Fife, Washington, a smoke shop owned by
2 JOSHUA TURNIPSEED.

3 GERALD GEORGE:

4 A. Seized from JERRY'S SMOKE SHOP - Levee Road

- 5 i. Sixteen thousand four hundred thirty-five (16,435) cartons of
6 contraband cigarettes, seized by U.S. Immigration and Customs
7 Enforcement Agents on June 8, 2004, from JERRY'S SMOKE
8 SHOP at 5803 North Levee Road in Tacoma, Washington, a smoke
9 shop owned by GERALD GEORGE.
- 10 ii. Two thousand two hundred ninety-four (2,294) loose packs of
11 contraband cigarettes, seized by U.S. Immigration and Customs
12 Enforcement Agents on June 8, 2004, from JERRY'S SMOKE
13 SHOP at 5803 North Levee Road in Tacoma, Washington, a smoke
14 shop owned by GERALD GEORGE.

15 B. Seized from JERRY'S II SMOKE SHOP - Alexander Ave.

- 16 i. Two thousand eight hundred seventy-eight (2,878) cartons of
17 contraband cigarettes, seized by U.S. Immigration and Customs
18 Enforcement Agents on June 8, 2004, from JERRY'S II SMOKE
19 SHOP at 1207 Alexander Avenue East in Tacoma, Washington, a
20 smoke shop owned by GERALD GEORGE.
- 21 ii. One thousand one hundred twenty-four (1,124) loose packs of
22 contraband cigarettes, seized by U.S. Immigration and Customs
23 Enforcement Agents on June 8, 2004, from JERRY'S II SMOKE
24 SHOP at 1207 Alexander Avenue East in Tacoma, Washington, a
25 smoke shop owned by GERALD GEORGE.

26 3. Upon conviction of the offense in violation of Title 18, United States
27 Code, Section 371, conspiracy to knowingly ship, transport, receive, possess, sell,
28 distribute and purchase contraband cigarettes, in violation of Title 18, United States

1 Code, Section 2342(a), set forth in Count 1 of this Indictment, the defendants,
2 STORMMY V. PAUL, LYLE SHAWN CONWAY, LYLE WAYNE CONWAY,
3 SILAS CROSS, GERALD GEORGE, ELIZABETH "VICKI" GORD, DAVID
4 TURNIPSEED and JOSHUA TURNIPSEED, shall forfeit to the United States of
5 America, pursuant to Title 18, United States Code, Section 981(a)(1)(C) and Title 28,
6 United States Code, Section 2461(c), any and all property, real or personal, which
7 constitutes or is derived from proceeds traceable to said violation, including, but not
8 limited to:

9 MONEY JUDGMENT:

- 10 A. A sum of money equal to \$7,454,305.91 in United States funds,
11 representing the amount of proceeds obtained as a result of the offense,
12 conspiracy to traffic in contraband cigarettes, for which the defendants are
13 jointly and severally liable;

14 STORMMY V. PAUL:

- 15 A. Seized from residence
- 16 i. Eighty-five thousand eight hundred eighty dollars (\$85,880.00) in
17 United States currency seized by U.S. Immigration and Customs
18 Enforcement Agents on June 8, 2004, from 2606 Old Tulalip Road
19 in Marysville, Washington, the primary residence of STORMMY
20 V. PAUL.
- 21 ii. Eighty-five (85) Tulalip Casino chips valued at \$100.00 each, for a
22 total value eight thousand five hundred (\$8,500.00) dollars seized
23 by U.S. Immigration and Customs Enforcement Agents on June 8,
24 2004, from 2606 Old Tulalip Road in Marysville, Washington, the
25 primary residence of STORMMY V. PAUL.
- 26 iii. Eighteen thousand nine hundred seventy-seven dollars (\$18,977.00)
27 held in account number 153590421795 at US Bank at 1301 5th
28 Avenue in Seattle, Washington, in the name of STORMMY V.

1 PAUL, and seized by U.S. Immigration and Customs Enforcement
2 Agents on June 8, 2004.

3 DAVID TURNIPSEED:

- 4 A. Seized from BJ'S II SMOKE SHOP - Pacific Highway
- 5 i. One hundred sixty-five thousand three-hundred sixty-three dollars
6 (\$165,363.00) in United States currency seized by U.S.
7 Immigration and Customs Enforcement Agents on June 8, 2004,
8 from BJ'S II SMOKE SHOP at 4315 Pacific Highway East in
9 Tacoma, Washington, a smoke shop owned by DAVID
10 TURNIPSEED.
- 11 B.. Seized from BJ'S II SMOKE SHOP - Alexander Avenue
- 12 i. Fourteen thousand thirteen dollars (\$14,013.00) in United States
13 currency seized by U.S. Immigration and Customs Enforcement
14 Agents on June 8, 2004, from BJ'S II SMOKE SHOP at 1305
15 Alexander Avenue East in Tacoma, Washington, a smoke shop
16 owned by DAVID TURNIPSEED.

17 LYLE SHAWN CONWAY:

- 18 A. Seized from LYLE'S II SMOKE SHOP - River Road
- 19 i. Twenty-seven thousand two hundred ninety-six dollars (\$27,296.00)
20 in United States currency seized by U.S. Immigration and Customs
21 Enforcement Agents on June 8, 2004, from LYLE'S II SMOKE
22 SHOP at 3114 River Road East in Tacoma, Washington, a smoke
23 shop owned by LYLE SHAWN CONWAY.

24 LYLE WAYNE CONWAY:

- 25 A. Seized from LYLE'S SMOKE SHOP - Valley Avenue
- 26 i. Forty-seven thousand sixty-nine dollars (\$47,069.00) in United
27 States currency seized by U.S. Immigration and Customs
28 Enforcement Agents on June 8, 2004, from LYLE'S II SMOKE

1 SHOP at 7511 Valley Avenue East in Fife, Washington, a smoke
2 shop owned by LYLE WAYNE CONWAY.

3 SILAS CROSS:

4 A. Seized from CROSS'S SMOKE SHOP

- 5 i. Nine thousand three hundred ninety-five dollars (\$9,395.00) in
6 United States currency seized by U.S. Immigration and Customs
7 Enforcement Agents on June 8, 2004, from CROSS'S SMOKE
8 SHOP at 7522 Valley Avenue East in Fife, Washington, a smoke
9 shop owned by SILAS CROSS.

10 ELIZABETH "VICKI" GORD:

11 A. Seized from KI-YA'S TRADING POST

- 12 i. Four thousand five hundred seventy-one dollars (\$4,571.00) in
13 United States currency seized by U.S. Immigration and Customs
14 Enforcement Agents on June 8, 2004, from KI-YA'S TRADING
15 POST at 2811 Portland Avenue in Tacoma, Washington, a smoke
16 shop owned by ELIZABETH "VICKI" GORD.

17 JOSHUA TURNIPSEED:

18 A. Seized from D&A SMOKE SHOP

- 19 i. One hundred thirty-six thousand three hundred one dollars
20 (\$136,301.00) in United States currency seized by U.S.
21 Immigration and Customs Enforcement Agents on June 8, 2004,
22 from D&A SMOKE SHOP at 5511 Pacific Highway in Fife,
23 Washington, a smoke shop owned by JOSHUA TURNIPSEED.

24 GERALD GEORGE:

25 A. Seized from JERRY'S SMOKE SHOP - Levee Road

- 26 i. Seventy-eight thousand eight hundred twenty-one dollars
27 (\$78,821.00) in United States currency seized by U.S. Immigration
28 and Customs Enforcement Agents on June 8, 2004, from JERRY'S

1 SMOKE SHOP at 5803 North Levee Road in Tacoma, Washington,
2 a smoke shop owned by GERALD GEORGE.

3 B. Seized from JERRY'S II SMOKE SHOP - Alexander Ave

- 4 i. Eight thousand four-hundred forty-nine dollars (\$8,449.00) in
5 United States currency seized by U.S. Immigration and Customs
6 Enforcement Agents on June 8, 2004, from JERRY'S II SMOKE
7 SHOP at 1207 Alexander Avenue East in Tacoma, Washington, a
8 smoke shop owned by GERALD GEORGE.

9
10 4. Upon conviction of the offense in violation of Title 18, United States
11 Code, Section 371, conspiracy to knowingly ship, transport, receive, possess, sell,
12 distribute and purchase contraband cigarettes, in violation of Title 18, United States
13 Code, Section 2342(a), set forth in Count 1 of this Indictment, the defendants,
14 STORMMY V. PAUL, LYLE SHAWN CONWAY, LYLE WAYNE CONWAY,
15 SILAS CROSS, GERALD GEORGE, ELIZABETH "VICKI" GORD, DAVID
16 TURNIPSEED and JOSHUA TURNIPSEED, shall forfeit to the United States of
17 America, pursuant to Title 49, Sections 80302(a)(5) and (b), and 80303 and Title 28,
18 United States Code, Section 2461(c), any and all aircraft, vehicles and vessels used to
19 transport or facilitate the transportation, concealment, receipt, possession, purchase,
20 sale, exchange, or giving away of contraband cigarettes, including but not limited to:

- 21 A. A white, 2001 Chevrolet Express van, bearing Washington license plate
22 A79390J, and Vehicle Identification Number 1GCEG15W011237605
23 seized by U.S. Immigration and Customs Enforcement Agents on June 8,
24 2004, from 2606 Old Tulalip Road in Marysville, Washington, the
25 primary residence of STORMMY V. PAUL.

26 ///

27 ///

1 5. If any of the property described above, as a result of any act or omission
2 of the defendant(s):

- 3 a. cannot be located upon the exercise of due diligence;
4 b. has been transferred or sold to, or deposited with, a third party;
5 c. has been placed beyond the jurisdiction of the court;
6 d. has been substantially diminished in value; or
7 e. has been commingled with other property which cannot be divided
8 without difficulty,

9 the United States of America shall be entitled to forfeiture of substitute property under
10 the provisions of Title 21, United States Code, Section 853(p), as incorporated by Title
11 28, United States Code, Section 2461(c).

12 A TRUE BILL:
13 DATED:

14 *(Signature of Foreperson redacted pursuant to
15 the policy of the judicial conference.)*

16 _____
17 FOREPERSON

18 *John McKay*

19 JOHN MCKAY
20 United States Attorney

21 *Susan M. Harrison*

22 SUSAN M. HARRISON
23 Assistant United States Attorney

24 *Janet Freeman*

25 JANET FREEMAN
26 Assistant United States Attorney

27 *Richard E. Cohen*

28 RICHARD E. COHEN
Assistant United States Attorney