

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA : CRIMINAL NO. _____
v. : DATE FILED: _____
JAMES BUTLER : VIOLATIONS:
21 U.S.C. § 841(a)(1)
: (Distribution of cocaine) --
1 count
: 21 U.S.C. § 841(a)(1)
: (Possession with the intent to
: distribute cocaine) - 1 count
18 U.S.C. § 924(c)(1)
: (Possession of a firearm
: in furtherance of a drug
: trafficking crime) -- 1 count
18 U.S.C. § 922(g)(1)
: (Possession of firearm by a
: convicted felon) -- 1 count
: 21 U.S.C. § 853
(Notice of Forfeiture)

I N D I C T M E N T

COUNT ONE

THE GRAND JURY CHARGES THAT:

On or about May 18, 1999, in the City of Philadelphia,
within the Eastern District of Pennsylvania, defendant

JAMES BUTLER

knowingly and intentionally distributed a mixture or substance
containing a detectable amount of cocaine, a Schedule II narcotic
drug controlled substance.

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

COUNT TWO

THE GRAND JURY FURTHER CHARGES THAT:

On or about May 20, 1999, in the City of Philadelphia, within the Eastern District of Pennsylvania, defendant

JAMES BUTLER

knowingly and intentionally possessed with the intent to distribute a mixture or substance containing a detectable amount of cocaine, a Schedule II narcotic drug controlled substance.

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

COUNT THREE

THE GRAND JURY FURTHER CHARGES THAT:

On or about May 20, 1999, in the City of Philadelphia, within the Eastern District of Pennsylvania, defendant

JAMES BUTLER

knowingly and intentionally possessed a firearm, that is, a Ruger .357 caliber magnum handgun, bearing serial number 172-42793, loaded with six rounds of ammunition, in furtherance of a drug trafficking crime for which he may be prosecuted in a court of the United States, that is, possession with the intent to distribute a controlled substance as charged in Count Two of this Indictment.

In violation of Title 18, United States Code, Section 924(c)(1).

COUNT FOUR

THE GRAND JURY FURTHER CHARGES THAT:

On or about May 20, 1999, in the City of Philadelphia, within the Eastern District of Pennsylvania, defendant

JAMES BUTLER

having been previously convicted in a court of the Commonwealth of Pennsylvania of a crime punishable by imprisonment for a term exceeding one year, knowingly possessed, in and affecting commerce, a Ruger .357 caliber magnum handgun, bearing serial number 172-42793, loaded with six rounds of ammunition.

In violation of Title 18, United States Code, Section 922(g)(1).

NOTICE OF FORFEITURE

1. The factual allegations contained in Counts One through Four of this Indictment are incorporated by reference and realleged here.

2. As a result of the violation of Title 21, United States Code, Section 841(a)(1) described in Counts One and Two of this Indictment, defendant

JAMES BUTLER

shall forfeit to the United States (1) any and all property used or intended to be used in any manner or part to commit or to facilitate the commission of those violations including, but not limited to, a Ruger .357 caliber magnum handgun, bearing serial number 172-42793, loaded with six rounds of ammunition, which was recovered from the defendant on or about May 20, 1999; and (2) any and all proceeds, direct and indirect, of those violations including, but not limited to, \$10,515 cash recovered from the defendant on or about May 20, 1999.

3. In the event the forfeitable property described in Paragraph 2 above, 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 forfeitable property.

All in violation of Title 21, United States Code, Sections 841(a)(1) and 853.

A TRUE BILL:

FOREPERSON

MICHAEL R. STILES
United States Attorney