

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF QUEENS

-----X
THE PEOPLE OF THE STATE OF NEW YORK

-against-

QUEENS DA
INDICTMENT
NUMBER.
118/2023

- X. EDUARDO HERNANDEZ;
- X. JOSE GARCIA;
- X. EUCLIDES CASTILLO;

DEFENDANTS.

-----X

COUNT 1

THE GRAND JURY OF QUEENS COUNTY, by this Indictment, accuses the defendants, **EDUARDO HERNANDEZ (hereinafter, “HERNANDEZ”), JOSE GARCIA (hereinafter, “GARCIA”),** and **EUCLIDES CASTILLO (hereinafter, “CASTILLO”),** of the crime of **CONSPIRACY IN THE FIFTH DEGREE**, in violation of § 105.05(1) of the Penal Law of the State of New York, committed as follows:

Said defendants, on or about and between March 2, 2021 and June 2, 2021 in Queens County, Bronx County, Westchester County, and elsewhere inside and outside the State of New York, including the Commonwealth of Massachusetts, with intent that conduct constituting the crime of Criminal Sale of a Firearm in the Third Degree, in violation of Section 265.11(1) of the Penal Law of New York, and/or Criminal Sale of a Firearm in the Third Degree, in violation of Section 265.11(2) of the Penal Law of New York, said crimes being a felonies, be performed, the defendants did knowingly and intentionally agree with each other and with others, known and

unknown, to engage in and cause the performance of such conduct as would constitute the above-mentioned felonies.

PREAMBLE

It was the purpose of this conspiracy to obtain, possess, control, and transport firearms in Queens County, Bronx County, Westchester County, and elsewhere inside and outside the State of New York and the Commonwealth of Massachusetts, and to collect the proceeds from the sale of those firearms.

It was the role of **EDUARDO HERNANDEZ** to obtain, possess, and sell firearms in Queens County to individuals known to the Grand Jury and to collect the proceeds from the sale of firearms.

It was the role of **EUCLIDES CASTILLO** to obtain, possess, and sell firearms in Queens County to individuals known to the Grand Jury and to collect the proceeds from the sale of firearms.

It was the role of **JOSE GARCIA** to possess and transport firearms from the Commonwealth of Massachusetts to **EDUARDO HERNANDEZ** and **EUCLIDES CASTILLO** for resale in Queens County to individuals known to the Grand Jury; to transport, possess and sell firearms in Westchester County and to collect the proceeds from the sale of firearms to individuals known to the Grand Jury.

OVERT ACTS

In furtherance of said conspiracy and to achieve the objects thereof, and during the course thereof, the following overt acts, among others, were committed:

1. On or about March 2, 2021, **EDUARDO HERNANDEZ** sent a WhatsApp message to an individual known to the Grand Jury, stating in sum and substance, “Broo..I got you one.

He says that it won't lowered, that it is a new 45 millennium of the army. He says zero miles. He says a \$1,000 for the .45 and the other one – the big one, \$2,500.”

2. On or about March 4, 2021, in Queens County, **EDUARDO HERNANDEZ** sent a WhatsApp message to an individual known to the Grand Jury, stating in sum and substance, “134-15 157th Street, Jamaica, NY 11434”.
3. On or about March 4, 2021, in front of 134-15 157th Street, Jamaica, NY 11434 Queens County, **EDUARDO HERNANDEZ**, **EUCLIDES CASTILLO**, and unindicted co-conspirator #1 (hereinafter, “UCC#1”), sold one 5.56 x 45-millimeter, .223 caliber semi-automatic EP Armory rifle and one .45 caliber semi-automatic Auto-Ordinance Corp. pistol to an individual known to the Grand Jury, in exchange for a sum of United States Currency which was collected by **EUCLIDES CASTILLO**.
4. On or about March 29, 2021, **EDUARDO HERNANDEZ** sent a series of WhatsApp messages to an individual known to the Grand Jury stating, in sum and substance, “55 for the 2. Alright, I'll let you know tomorrow so you can come down to get it.”
5. On or about March 31, 2021, **JOSE GARCIA** transported firearms from the Commonwealth of Massachusetts to Queens County.
6. On or about March 31, 2021, **EDUARDO HERNANDEZ** sent a series of WhatsApp messages to an individual known to the Grand Jury requesting that payment for certain firearms be sent to an account associated with “Jose F. Garcia”.
7. On or about March 31, 2021, in Queens County, **EDUARDO HERNANDEZ** and **EUCLIDES CASTILLO** sold one 5.56 x 45-millimeter, .223 caliber AR-15 style rifle and one .308 caliber semi-automatic AR-10 style rifle to an individual known to the Grand Jury, during which **EUCLIDES CASTILLO** fixed the operability of one of the firearms.

8. On or about March 31, 2021, in Queens County **EUCLIDES CASTILLO** carried one 5.56 x 45-millimeter, .223 caliber AR-15 style rifle and one .308 caliber semi-automatic AR-10 style rifle to the vehicle of an individual known to the Grand Jury.
9. On or about April 16, 2021, **JOSE GARCIA** sent a message via CashApp to an individual known to the Grand Jury, stating in sum and substance, “Give me a call if you can at 860-776-5946.”
10. On or about April 19, 2021, **JOSE GARCIA**, transported three firearms from the Commonwealth of Massachusetts to Westchester County, at which time **JOSE GARCIA** sold one 5.56 x 45-millimeter, .223 caliber semi-automatic AR-15 style rifle, one .308 Winchester caliber semi-automatic AR-10 style rifle, and one 20-gauge Savage shotgun to an individual known to the Grand Jury.
11. On or about May 27, 2021, **JOSE GARCIA** engaged in a telephone conversation with an individual known to the Grand Jury during which **JOSE GARCIA** stated, in sum and substance, “Give me forty two for both . . . and you take both. The long one and the short one.”
12. On or about June 2, 2021, **JOSE GARCIA** engaged in a telephone conversation with an individual known to the Grand Jury during which **JOSE GARCIA** stated, in sum and substance, “I just left from here . . . It’ll take me about two and half to get there.”
13. On or about June 2, 2021, **JOSE GARCIA** transported two firearms from the Commonwealth of Massachusetts to Westchester County, at which time **JOSE GARCIA** sold one .45 caliber semi-automatic Caspian Arms pistol, and one 5.56 x 45-millimeter, .223 caliber semi-automatic EP Armory rifle to an individual known to the Grand Jury.

COUNT 2

THE GRAND JURY OF QUEENS COUNTY, by this Indictment, accuses the defendants, **EDUARDO HERNANDEZ** and **EUCLIDES CASTILLO** of the crime of **CRIMINAL SALE OF A FIREARM IN THE THIRD DEGREE** in violation of §265.11(1) of the Penal Law of the State of New York, committed as follows:

Said defendants, acting in concert with each other and UCC#1, on or about and between March 2, 2021 and March 4, 2021, in Queens County, and elsewhere inside the State of New York, while not authorized pursuant to law to possess a firearm, did unlawfully sell, exchange, give or dispose of to another person a firearm, to wit: one 5.56 x 45-millimeter, .223 caliber semi-automatic EP Armory rifle (NYPD Lead Seal No. 137199).

COUNT 3

THE GRAND JURY OF QUEENS COUNTY, by this Indictment, accuses the defendants, **EDUARDO HERNANDEZ** and **EUCLIDES CASTILLO** of the crime of **CRIMINAL SALE OF A FIREARM IN THE THIRD DEGREE** in violation of §265.11(2) of the Penal Law of the State of New York, committed as follows:

Said defendants, acting in concert with each other and UCC#1, on or about and between March 2, 2021 and March 4, 2021, in Queens County, and elsewhere inside the State of New York, while not authorized pursuant to law to possess a firearm, did unlawfully possess a firearm, to wit: one 5.56 x 45-millimeter, .223 caliber semi-automatic EP Armory rifle (NYPD Lead Seal No. 137199), with intent to sell it.

COUNT 4

THE GRAND JURY OF QUEENS COUNTY, by this Indictment, accuses the defendants, **EDUARDO HERNANDEZ** and **EUCLIDES CASTILLO** of the crime of **CRIMINAL SALE OF A FIREARM IN THE THIRD DEGREE** in violation of §265.11(1) of the Penal Law of the State of New York, committed as follows:

Said defendants, acting in concert with each other and UCC#1, on or about and between March 2, 2021 and March 4, 2021, in Queens County, and elsewhere inside the State of New York, while not authorized pursuant to law to possess a firearm, did unlawfully sell, exchange, give or dispose of to another person a firearm, to wit: one .45 caliber semi-automatic Auto-Ordinance Corp. pistol (Serial No. AOA30279).

COUNT 5

THE GRAND JURY OF QUEENS COUNTY, by this Indictment, accuses the defendants, **EDUARDO HERNANDEZ** and **EUCLIDES CASTILLO** of the crime of **CRIMINAL SALE OF A FIREARM IN THE THIRD DEGREE** in violation of §265.11(2) of the Penal Law of the State of New York, committed as follows:

Said defendants, acting in concert with each other and UCC#1, on or about and between March 2, 2021 and March 4, 2021, in Queens County, and elsewhere inside the State of New York, while not authorized pursuant to law to possess a firearm, did unlawfully possess a firearm, to wit: one .45 caliber semi-automatic Auto-Ordinance Corp. pistol (Serial No. AOA30279), with intent to sell it.

COUNT 6

THE GRAND JURY OF QUEENS COUNTY, by this Indictment, accuses the defendants, **EDUARDO HERNANDEZ** and **EUCLIDES CASTILLO** of the crime of **CRIMINAL SALE OF A FIREARM IN THE THIRD DEGREE** in violation of §265.11(1) of the Penal Law of the State of New York, committed as follows:

Said defendants, acting in concert with each other and UCC#1, on or about and between March 2, 2021 and March 4, 2021, in Queens County, and elsewhere inside the State of New York, while not authorized pursuant to law to possess a firearm, did unlawfully sell, exchange, give or dispose of to another person a large capacity ammunition feeding device, to wit: a magazine that accepts 5.56 x 45-millimeter caliber cartridges (NYPD Invoice No. 4000800803), with a capacity of more than ten rounds of ammunition.

COUNT 7

THE GRAND JURY OF QUEENS COUNTY, by this Indictment, accuses the defendant, **EDUARDO HERNANDEZ** of the crime of **CRIMINAL POSSESSION OF A WEAPON IN THE SECOND DEGREE** in violation of §265.03(3) of the Penal Law of the State of New York, committed as follows:

Said defendant, on or about March 4, 2021, in Queens County, and elsewhere inside the State of New York, did possess a loaded firearm, to wit: a loaded 5.56 x 45-millimeter, .223 caliber semi-automatic AR-15 EP Armory rifle (NYPD Lead Seal No. 137199), and said possession took place outside the defendant's home or place of business.

The subject matter of this count is an Armed Felony as that term is defined in Section 1.20 of the Criminal Procedure Law.

COUNT 8

THE GRAND JURY OF QUEENS COUNTY, by this Indictment, accuses the defendants, **EDUARDO HERNANDEZ** and **EUCLIDES CASTILLO** of the crime of **CRIMINAL POSSESSION OF A FIREARM** in violation of §265.01-b(1) of the Penal Law of the State of New York, committed as follows:

Said defendants, acting in concert with each other, on or about March 4, 2021, in Queens County, and elsewhere inside the State of New York, did possess a firearm, to wit: a 5.56 x 45-millimeter, .223 caliber semi-automatic AR-15 EP Armory rifle (NYPD Lead Seal No. 137199).

COUNT 9

THE GRAND JURY OF QUEENS COUNTY, by this Indictment, accuses the defendants, **EDUARDO HERNANDEZ** and **EUCLIDES CASTILLO** of the crime of **CRIMINAL POSSESSION OF A WEAPON IN THE THIRD DEGREE** in violation of Section 265.02(7) of the Penal Law of the State of New York, committed as follows:

Said defendants, acting in concert with each other, on or about March 4, 2021, in Queens County, and elsewhere inside the State of New York, did possess an assault weapon, to wit: a 5.56 x 45-millimeter, .223 caliber semi-automatic AR-15 EP Armory rifle (NYPD Lead Serial No. 137199), which had the following assault weapon characteristics: a semi-automatic rifle that has an ability to accept a detachable magazine, a telescoping stock, a pistol grip that protudes beneath the action of the weapon, and a flash suppressor/compensator.

COUNT 10

THE GRAND JURY OF QUEENS COUNTY, by this Indictment, accuses the defendants, **EDUARDO HERNANDEZ** and **EUCLIDES CASTILLO** of the crime of **CRIMINAL POSSESSION OF A WEAPON IN THE THIRD DEGREE** in violation of §265.02(8) of the Penal Law of the State of New York, committed as follows:

Said defendants, acting in concert with each other, on or about March 4, 2021, in Queens County, and elsewhere inside the State of New York, did possess a large capacity ammunition feeding device, to wit: a magazine that accepts 5.56 x 45-millimeter caliber cartridges (NYPD Invoice No. 4000800803), with a capacity of more than ten rounds of ammunition, and such device was not manufactured before September 13, 1994.

COUNT 11

THE GRAND JURY OF QUEENS COUNTY, by this Indictment, accuses the defendants, **EDUARDO HERNANDEZ** and **EUCLIDES CASTILLO** of the crime of **CRIMINAL POSSESSION OF A FIREARM** in violation of §265.01-b(1) of the Penal Law of the State of New York, committed as follows:

Said defendants, acting in concert with each other, on or about March 4, 2021, in Queens County, and elsewhere inside the State of New York, did possess a firearm, to wit: one .45 caliber semi-automatic Auto-Ordinance Corp. pistol (Serial No. AOA30279).

COUNT 12

THE GRAND JURY OF QUEENS COUNTY, by this Indictment, accuses the defendants, **EDUARDO HERNANDEZ**, **EUCLIDES CASTILLO**, and **JOSE GARCIA** of the crime of

CRIMINAL SALE OF A FIREARM IN THE THIRD DEGREE in violation of §265.11(1) of the Penal Law of the State of New York, committed as follows:

Said defendants, acting in concert with each other, on or about and between March 30, 2021 and March 31, 2021, in Queens County, Bronx County, and elsewhere inside and outside the State of New York, including the Commonwealth of Massachusetts, did unlawfully sell, exchange, give or dispose of to another person a firearm, to wit: one 5.56 x 45-millimeter, .223 caliber semi-automatic AR-15 style rifle (NYPD Lead Seal No. 165538).

COUNT 13

THE GRAND JURY OF QUEENS COUNTY, by this Indictment, accuses the defendants, **EDUARDO HERNANDEZ, EUCLIDES CASTILLO, and JOSE GARCIA** of the crime of **CRIMINAL SALE OF A FIREARM IN THE THIRD DEGREE** in violation of §265.11(2) of the Penal Law of the State of New York, committed as follows:

Said defendants, acting in concert with each other, on or about and between March 30, 2021 and March 31, 2021, in Queens County, Bronx County, and elsewhere inside and outside the State of New York, including the Commonwealth of Massachusetts, while not authorized pursuant to law to possess a firearm, did unlawfully possess a firearm, to wit: one 5.56 x 45-millimeter, .223 caliber semi-automatic AR-15 style rifle (NYPD Lead Seal No. 165538), with intent to sell it.

COUNT 14

THE GRAND JURY OF QUEENS COUNTY, by this Indictment, accuses the defendants, **EDUARDO HERNANDEZ, EUCLIDES CASTILLO, and JOSE GARCIA** of the crime of

CRIMINAL SALE OF A FIREARM IN THE THIRD DEGREE in violation of §265.11(1) of the Penal Law of the State of New York, committed as follows:

Said defendants, acting in concert with each other, on or about and between March 30, 2021 and March 31, 2021, in Queens County, Bronx County, and elsewhere inside and outside the State of New York, including the Commonwealth of Massachusetts, did unlawfully sell, exchange, give or dispose of to another person a firearm, to wit: one .308 Winchester caliber semi-automatic AR-10 style rifle (NYPD Lead Seal No. 165567).

COUNT 15

THE GRAND JURY OF QUEENS COUNTY, by this Indictment, accuses the defendants, **EDUARDO HERNANDEZ, EUCLIDES CASTILLO, and JOSE GARCIA** of the crime of **CRIMINAL SALE OF A FIREARM IN THE THIRD DEGREE** in violation of §265.11(2) of the Penal Law of the State of New York, committed as follows:

Said defendants, acting in concert with each other, on or about and between March 30, 2021 and March 31, 2021, in Queens County, Bronx County, and elsewhere inside and outside the State of New York, including the Commonwealth of Massachusetts, while not authorized pursuant to law to possess a firearm, did unlawfully possess a firearm, to wit: one .308 Winchester caliber semi-automatic AR-10 style rifle (NYPD Lead Seal No. 165567), with intent to sell it.

COUNT 16

THE GRAND JURY OF QUEENS COUNTY, by this Indictment, accuses the defendants, **EDUARDO HERNANDEZ, EUCLIDES CASTILLO, and JOSE GARCIA** of the crime of

CRIMINAL SALE OF A FIREARM IN THE THIRD DEGREE in violation of §265.11(1) of the Penal Law of the State of New York, committed as follows:

Said defendants, acting in concert with each other, on or about and between March 30, 2021 and March 31, 2021, in Queens County, Bronx County, and elsewhere inside and outside the State of New York, including the Commonwealth of Massachusetts, while not authorized pursuant to law to possess a firearm, did unlawfully sell, exchange, give or dispose of to another person a large capacity ammunition feeding device, to wit: a magazine that accepts .308 Winchester caliber cartridges (NYPD Invoice No. 1001393491), with a capacity of more than ten rounds of ammunition.

COUNT 17

THE GRAND JURY OF QUEENS COUNTY, by this Indictment, accuses the defendants, **EDUARDO HERNANDEZ, EUCLIDES CASTILLO, and JOSE GARCIA** of the crime of **CRIMINAL SALE OF A FIREARM IN THE THIRD DEGREE** in violation of §265.11(1) of the Penal Law of the State of New York, committed as follows:

Said defendants, acting in concert with each other, on or about and between March 30, 2021 and March 31, 2021, in Queens County, Bronx County, and elsewhere inside and outside the State of New York, including the Commonwealth of Massachusetts, while not authorized pursuant to law to possess a firearm, did unlawfully sell, exchange, give or dispose of to another person a large capacity ammunition feeding device, to wit: a magazine that accepts 5.56 x 45-millimeter caliber cartridges (NYPD Invoice No. 1001393494), with a capacity of more than ten rounds of ammunition.

COUNT 18

THE GRAND JURY OF QUEENS COUNTY, by this Indictment, accuses the defendants, **EDUARDO HERNANDEZ, EUCLIDES CASTILLO, and JOSE GARCIA** of the crime of **CRIMINAL POSSESSION OF A FIREARM** in violation of §265.01-b(1) of the Penal Law of the State of New York, committed as follows:

Said defendant, acting in concert with each other, on or about March 31, 2021, in Queens County, Bronx County, and elsewhere inside and outside the State of New York, did possess a firearm, to wit: one .308 Winchester caliber semi-automatic AR-10 style rifle (NYPD Lead Seal No. 165567).

COUNT 19

THE GRAND JURY OF QUEENS COUNTY, by this Indictment, accuses the defendants, **EDUARDO HERNANDEZ, EUCLIDES CASTILLO, and JOSE GARCIA** of the crime of **CRIMINAL POSSESSION OF A WEAPON IN THE THIRD DEGREE** in violation of Section 265.02(7) of the Penal Law of the State of New York, committed as follows:

Said defendants, acting in concert with each other, on or about March 31, 2021, in Queens County, Bronx County, and elsewhere inside and outside the State of New York, did possess an assault weapon, to wit: a .308 Winchester caliber semi-automatic AR-10 style rifle (NYPD Lead Seal No. 165567), which had the following assault weapon characteristics: a semi-automatic rifle that has an ability to accept a detachable magazine, a pistol grip that protudes conspicuously beneath the action of the weapon, a second handgrip or a protuding grip that can be held by the non-trigger hand, and a muzzle compensator.

COUNT 20

THE GRAND JURY OF QUEENS COUNTY, by this Indictment, accuses the defendants, **EDUARDO HERNANDEZ, EUCLIDES CASTILLO, and JOSE GARCIA** of the crime of **CRIMINAL POSSESSION OF A WEAPON IN THE THIRD DEGREE** in violation of §265.02(8) of the Penal Law of the State of New York, committed as follows:

Said defendants, acting in concert with each other, on or about March 31, 2021, in Queens County, Bronx County, and elsewhere inside and outside the State of New York, did possess a large capacity ammunition feeding device, to wit: a magazine that accepts .308 Winchester caliber cartridges (NYPD Invoice No. 1001393491), with a capacity of more than ten rounds of ammunition, and such device was not manufactured before September 13, 1994.

COUNT 21

THE GRAND JURY OF QUEENS COUNTY, by this Indictment, accuses the defendants, **EDUARDO HERNANDEZ, EUCLIDES CASTILLO, and JOSE GARCIA** of the crime of **CRIMINAL POSSESSION OF A FIREARM** in violation of §265.01-b(1) of the Penal Law of the State of New York, committed as follows:

Said defendant, acting in concert with each other, on or about March 31, 2021, in Queens County, Bronx County, and elsewhere inside and outside the State of New York, did possess a firearm, to wit: one 5.56 x 45-millimeter, .223 caliber semi-automatic AR-15 style rifle (NYPD Lead Seal No. 165538).

COUNT 22

THE GRAND JURY OF QUEENS COUNTY, by this Indictment, accuses the defendants, **EDUARDO HERNANDEZ, EUCLIDES CASTILLO, and JOSE GARCIA** of the crime of **CRIMINAL POSSESSION OF A WEAPON IN THE THIRD DEGREE** in violation of Section 265.02(7) of the Penal Law of the State of New York, committed as follows:

Said defendants, acting in concert with each other, on or about March 31, 2021, in Queens County, Bronx County, and elsewhere inside and outside the State of New York, did possess an assault weapon, to wit: a 5.56 x 45-millimeter, .223 caliber semi-automatic AR-15 style rifle (NYPD Lead Seal No. 165538), which had the following assault weapon characteristics: a semi-automatic rifle that has an ability to accept a detachable magazine, a telescoping stock, a pistol grip that protudes conspicuously beneath the action of the weapon, and a flash suppressor, muzzle compensator, or threaded barrel designed to accomated a flash-suppressor, muzzle break, or muzzle compensator.

COUNT 23

THE GRAND JURY OF QUEENS COUNTY, by this Indictment, accuses the defendants, **EDUARDO HERNANDEZ, EUCLIDES CASTILLO, and JOSE GARCIA** of the crime of **CRIMINAL POSSESSION OF A WEAPON IN THE THIRD DEGREE** in violation of §265.02(8) of the Penal Law of the State of New York, committed as follows:

Said defendants, acting in concert with each other, on or about March 31, 2021, in Queens County, Bronx County, and elsewhere inside and outside the State of New York, did possess a large capacity ammunition feeding device, to wit: a magazine that accepts 5.56 x 45-millimeter

caliber cartridges (NYPD Invoice No. 1001393494), with a capacity of more than ten rounds of ammunition, and such device was not manufactured before September 13, 1994.

COUNT 24

THE GRAND JURY OF QUEENS COUNTY, by this Indictment, accuses the defendant, **JOSE GARCIA** of the crime of **CRIMINAL SALE OF A FIREARM IN THE SECOND DEGREE** in violation of §265.12(2) of the Penal Law of the State of New York, committed as follows:

Said defendant, on or about and between April 19, 2021 and June 2, 2021, in Westchester County, and elsewhere inside and outside the State of New York, including the Commonwealth of Massachusetts, did unlawfully sell, exchange, give or dispose of to another person or persons a total of five or more firearms, to wit: one 5.56 x 45-millimeter, .223 caliber semi-automatic AR-15 style rifle (NYPD Lead Seal No. 165667), one .308 Winchester caliber semi-automatic AR-10 style rifle (NYPD Lead Seal No. 165617), one 20-gauge bolt action Savage shotgun, having a barrel less than 18 inches in length (NYPD Lead Seal No. 175416), one .45 caliber semi-automatic Caspian Arms pistol (Serial No. 15651), and one 5.56 x 45-millimeter, .223 caliber semi-automatic EP Armory rifle (NYPD Lead Seal No. 988472), in a period of not more than one year.

COUNT 25

THE GRAND JURY OF QUEENS COUNTY, by this Indictment, accuses the defendant, **JOSE GARCIA** of the crime of **CRIMINAL SALE OF A FIREARM IN THE THIRD DEGREE** in violation of §265.11(1) of the Penal Law of the State of New York, committed as follows:

Said defendant, on or about April 19, 2021, in Westchester County, and elsewhere inside and outside the State of New York, including the Commonwealth of Massachusetts, did unlawfully sell, exchange, give or dispose of to another person a firearm, to wit: one 5.56 x 45-millimeter, .223 caliber semi-automatic AR-15 style rifle (NYPD Lead Seal No. 165667).

COUNT 26

THE GRAND JURY OF QUEENS COUNTY, by this Indictment, accuses the defendant, **JOSE GARCIA** of the crime of **CRIMINAL SALE OF A FIREARM IN THE THIRD DEGREE** in violation of §265.11(2) of the Penal Law of the State of New York, committed as follows:

Said defendant, on or about April 19, 2021, in Westchester County, and elsewhere inside and outside the State of New York, including the Commonwealth of Massachusetts, while not authorized pursuant to law to possess a firearm, did unlawfully possess a firearm, to wit: one 5.56 x 45-millimeter, .223 caliber semi-automatic AR-15 style rifle (NYPD Lead Seal No. 165667), with intent to sell it.

COUNT 27

THE GRAND JURY OF QUEENS COUNTY, by this Indictment, accuses the defendant, **JOSE GARCIA** of the crime of **CRIMINAL SALE OF A FIREARM IN THE THIRD DEGREE** in violation of §265.11(1) of the Penal Law of the State of New York, committed as follows:

Said defendant, on or about April 19, 2021, in Westchester County, and elsewhere inside and outside the State of New York, including the Commonwealth of Massachusetts, did unlawfully

sell, exchange, give or dispose of to another person a firearm, to wit: one .308 Winchester caliber semi-automatic AR-10 style rifle (NYPD Lead Seal No. 165617).

COUNT 28

THE GRAND JURY OF QUEENS COUNTY, by this Indictment, accuses the defendant, **JOSE GARCIA** of the crime of **CRIMINAL SALE OF A FIREARM IN THE THIRD DEGREE** in violation of §265.11(2) of the Penal Law of the State of New York, committed as follows:

Said defendant, on or about April 19, 2021, in Westchester County, and elsewhere inside and outside the State of New York, including the Commonwealth of Massachusetts, while not authorized pursuant to law to possess a firearm, did unlawfully possess a firearm, to wit: one .308 Winchester caliber semi-automatic AR-10 style rifle (NYPD Lead Seal No. 165617), with intent to sell it.

COUNT 29

THE GRAND JURY OF QUEENS COUNTY, by this Indictment, accuses the defendant, **JOSE GARCIA** of the crime of **CRIMINAL SALE OF A FIREARM IN THE THIRD DEGREE** in violation of §265.11(1) of the Penal Law of the State of New York, committed as follows:

Said defendant, on or about April 19, 2021, in Westchester County, and elsewhere inside and outside the State of New York, including the Commonwealth of Massachusetts, did unlawfully sell, exchange, give or dispose of to another person a firearm, to wit: one 20-gauge bolt action Savage shotgun, having a barrel of less than 18 inches in length (NYPD Lead Seal No. 175416).

COUNT 30

THE GRAND JURY OF QUEENS COUNTY, by this Indictment, accuses the defendant, **JOSE GARCIA** of the crime of **CRIMINAL SALE OF A FIREARM IN THE THIRD DEGREE** in violation of §265.11(2) of the Penal Law of the State of New York, committed as follows:

Said defendant, on or about April 19, 2021, in Westchester County, and elsewhere inside and outside the State of New York, including the Commonwealth of Massachusetts, while not authorized pursuant to law to possess a firearm, did unlawfully possess a firearm, to wit: one 20-gauge bolt action Savage shotgun, having a barrel of less than 18 inches in length (NYPD Lead Seal No. 175416), with intent to sell it.

COUNT 31

THE GRAND JURY OF QUEENS COUNTY, by this Indictment, accuses the defendant, **JOSE GARCIA** of the crime of **CRIMINAL SALE OF A FIREARM IN THE THIRD DEGREE** in violation of §265.11(1) of the Penal Law of the State of New York, committed as follows:

Said defendant, on or about April 19, 2021, in Westchester County, and elsewhere inside and outside the State of New York, including the Commonwealth of Massachusetts, while not authorized pursuant to law to possess a firearm, did unlawfully sell, exchange, give or dispose of to another person a large capacity ammunition feeding device, to wit: a magazine that accepts .223 caliber cartridges (NYPD Invoice No. 2001038172), with a capacity of more than ten rounds of ammunition.

COUNT 32

THE GRAND JURY OF QUEENS COUNTY, by this Indictment, accuses the defendant, **JOSE GARCIA** of the crime of **CRIMINAL SALE OF A FIREARM IN THE THIRD DEGREE** in violation of §265.11(1) of the Penal Law of the State of New York, committed as follows:

Said defendant, on or about April 19, 2021, in Westchester County, and elsewhere inside and outside the State of New York, including the Commonwealth of Massachusetts, while not authorized pursuant to law to possess a firearm, did unlawfully sell, exchange, give or dispose of to another person a large capacity ammunition feeding device, to wit: a magazine that accepts 7.62 x 51-millimeter caliber cartridges (NYPD Invoice No. 2001038176), with a capacity of more than ten rounds of ammunition.

COUNT 33

THE GRAND JURY OF QUEENS COUNTY, by this Indictment, accuses the defendant, **JOSE GARCIA** of the crime of **CRIMINAL POSSESSION OF A WEAPON IN THE THIRD DEGREE** in violation of §265.02(5)(i) of the Penal Law of the State of New York, committed as follows:

Said defendant, on or about April 19, 2021, in Westchester County, and elsewhere inside and outside the State of New York, did possess three or more firearms, to wit: one 5.56 x 45-millimeter, .223 caliber semi-automatic AR-15 style rifle (NYPD Lead Seal No. 165667), one .308 Winchester caliber semi-automatic AR-10 style rifle (NYPD Lead Seal No. 165617), and one 20-gauge bolt action Savage shotgun, having a barrel of less than 18 inches in length (NYPD Lead Seal No. 175416).

COUNT 34

THE GRAND JURY OF QUEENS COUNTY, by this Indictment, accuses the defendant, **JOSE GARCIA** of the crime of **CRIMINAL POSSESSION OF A WEAPON IN THE SECOND DEGREE** in violation of §265.03(3) of the Penal Law of the State of New York, committed as follows:

Said defendant, on or about April 19, 2021, in Westchester County, and elsewhere inside and outside the State of New York, did possess a loaded firearm, to wit: a loaded 5.56 x 45-millimeter, .223 caliber semi-automatic AR-15 style rifle (NYPD Lead Seal No. 165667), and such possession took place outside the defendant's home or place of business.

The subject matter of this count is an Armed Felony as that term is defined in Section 1.20 of the Criminal Procedure Law.

COUNT 35

THE GRAND JURY OF QUEENS COUNTY, by this Indictment, accuses the defendant, **JOSE GARCIA** of the crime of **CRIMINAL POSSESSION OF A FIREARM** in violation of §265.01-b(1) of the Penal Law of the State of New York, committed as follows:

Said defendant, on or about April 19, 2021, in Westchester County, and elsewhere inside and outside the State of New York, and elsewhere inside the State of New York, did possess a firearm, to wit: a 5.56 x 45-millimeter, .223 caliber semi-automatic AR-15 style rifle (NYPD Lead Seal No. 165667).

COUNT 36

THE GRAND JURY OF QUEENS COUNTY, by this Indictment, accuses the defendant, **JOSE GARCIA** of the crime of **CRIMINAL POSSESSION OF A WEAPON IN THE THIRD DEGREE** in violation of Section 265.02(7) of the Penal Law of the State of New York, committed as follows:

Said defendant, on or about April 19, 2021, in Westchester County, and elsewhere inside and outside the State of New York, did possess an assault weapon, to wit: a 5.56 x 45-millimeter , .223 caliber semi-automatic AR-15 style rifle (NYPD Lead Seal No. 165667), which had the following assault weapon characteristics: a semi-automatic rifle that has an ability to accept a detachable magazine, a folding or telescoping stock, a pistol grip that protrudes conspicuously beneath the action of the weapon, a bayonet mount, and a flash suppressor, muzzle break, muzzle compensator, or threaded barrel designed to accommodate a flash suppressor, muzzle break, or muzzle compensator.

COUNT 37

THE GRAND JURY OF QUEENS COUNTY, by this Indictment, accuses the defendant, **JOSE GARCIA** of the crime of **CRIMINAL POSSESSION OF A FIREARM** in violation of §265.01-b(1) of the Penal Law of the State of New York, committed as follows:

Said defendant, on or about April 19, 2021, in Westchester County, and elsewhere inside and outside the State of New York, and elsewhere inside the State of New York, did possess a firearm, to wit: one .308 Winchester caliber semi-automatic AR-10 style rifle (NYPD Lead Seal No. 165617).

COUNT 38

THE GRAND JURY OF QUEENS COUNTY, by this Indictment, accuses the defendant, **JOSE GARCIA** of the crime of **CRIMINAL POSSESSION OF A WEAPON IN THE THIRD DEGREE** in violation of Section 265.02(7) of the Penal Law of the State of New York, committed as follows:

Said defendant, on or about April 19, 2021, in Westchester County, and elsewhere inside and outside the State of New York, did possess an assault weapon, to wit: a .308 Winchester caliber semi-automatic AR-10 style rifle (NYPD Lead Seal No. 165617), which had the following assault weapon characteristics: a semi-automatic rifle that has an ability to accept a detachable magazine, a telescoping stock, a pistol grip that protudes conspicuously beneath the action of the weapon, a second handgrip that can be held by the non-tigger hand, and a flash suppressor, muzzle break, muzzle compensator, or threaded barrel designed to accomated a flash suppressor, muzzle break or muzzle compensator.

COUNT 39

THE GRAND JURY OF QUEENS COUNTY, by this Indictment, accuses the defendant, **JOSE GARCIA** of the crime of **CRIMINAL POSSESSION OF A FIREARM** in violation of §265.01-b(1) of the Penal Law of the State of New York, committed as follows:

Said defendant, on or about April 19, 2021, in Westchester County, and elsewhere inside and outside the State of New York, and elsewhere inside the State of New York, did possess a firearm, to wit: 20-gauge bolt action Savage shotgun, having a barrel of less than 18 inches in length (NYPD Lead Seal No. 175416).

COUNT 40

THE GRAND JURY OF QUEENS COUNTY, by this Indictment, accuses the defendant, **JOSE GARCIA** of the crime of **CRIMINAL POSSESSION OF A WEAPON IN THE THIRD DEGREE** in violation of §265.02(3) of the Penal Law of the State of New York, committed as follows:

Said defendant, on or about April 19, 2021, in Westchester County, and elsewhere inside and outside the State of New York, did knowingly possess a shotgun, to wit: a 20-gauge bolt action Savage shotgun, having a barrel of less than 18 inches in length (NYPD Lead Seal No. 175416), which had been defaced for the purpose of concealment or prevention of the detection of a crime or misrepresenting the identity of such shotgun.

COUNT 41

THE GRAND JURY OF QUEENS COUNTY, by this Indictment, accuses the defendant, **JOSE GARCIA** of the crime of **CRIMINAL POSSESSION OF A WEAPON IN THE THIRD DEGREE** in violation of §265.02(8) of the Penal Law of the State of New York, committed as follows:

Said defendant, on or about and between April 19, 2021, in Westchester County, and elsewhere inside and outside the State of New York, did possess a large capacity ammunition feeding device, to wit: a magazine that accepts 7.62 x 51 millimeter caliber cartridges (NYPD Invoice No. 2001038176), with a capacity of more than ten rounds of ammunition, and such device was not manufactured before September 13, 1994.

COUNT 42

THE GRAND JURY OF QUEENS COUNTY, by this Indictment, accuses the defendant, **JOSE GARCIA** of the crime of **CRIMINAL POSSESSION OF A WEAPON IN THE THIRD DEGREE** in violation of §265.02(8) of the Penal Law of the State of New York, committed as follows:

Said defendant, on or about April 19, 2021, in Westchester County, and elsewhere inside and outside the State of New York, did possess a large capacity ammunition feeding device, to wit: a magazine that accepts .223 caliber cartridges (NYPD Invoice No. 2001038172), with a capacity of more than ten rounds of ammunition, and such device was not manufactured before September 13, 1994.

COUNT 43

THE GRAND JURY OF QUEENS COUNTY, by this Indictment, accuses the defendant, **JOSE GARCIA** of the crime of **CRIMINAL SALE OF A FIREARM IN THE THIRD DEGREE** in violation of §265.11(1) of the Penal Law of the State of New York, committed as follows:

Said defendant, on or about and between May 27, 2021 and June 2, 2021, in Westchester County, and elsewhere inside and outside the State of New York, including the Commonwealth of Massachusetts, did unlawfully sell, exchange, give or dispose of to another person a firearm, to wit: one .45 caliber semi-automatic Caspian Arms pistol (Serial No. 15651).

COUNT 44

THE GRAND JURY OF QUEENS COUNTY, by this Indictment, accuses the defendant, **JOSE GARCIA** of the crime of **CRIMINAL SALE OF A FIREARM IN THE THIRD DEGREE** in violation of §265.11(2) of the Penal Law of the State of New York, committed as follows:

Said defendant, on or about and between May 27, 2021 and June 2, 2021, in Westchester County, and elsewhere inside and outside the State of New York, including the Commonwealth of Massachusetts, while not authorized pursuant to law to possess a firearm, did unlawfully possess a firearm, to wit: one .45 caliber semi-automatic Caspian Arms pistol (Serial No. 15651), with intent to sell it.

COUNT 45

THE GRAND JURY OF QUEENS COUNTY, by this Indictment, accuses the defendant, **JOSE GARCIA** of the crime of **CRIMINAL SALE OF A FIREARM IN THE THIRD DEGREE** in violation of §265.11(1) of the Penal Law of the State of New York, committed as follows:

Said defendant, on or about and between May 27, 2021 and June 2, 2021, in Westchester County, and elsewhere inside and outside the State of New York, including the Commonwealth of Massachusetts, did unlawfully sell, exchange, give or dispose of to another person a firearm, to wit: one 5.56 x 45-millimeter, .223 caliber semi-automatic EP Armory rifle (NYPD Lead Seal No. 988472).

COUNT 46

THE GRAND JURY OF QUEENS COUNTY, by this Indictment, accuses the defendant, **JOSE GARCIA** of the crime of **CRIMINAL SALE OF A FIREARM IN THE THIRD DEGREE** in violation of §265.11(2) of the Penal Law of the State of New York, committed as follows:

Said defendant, on or about and between May 27, 2021 and June 2, 2021, in Westchester County, and elsewhere inside and outside the State of New York, including the Commonwealth of Massachusetts, while not authorized pursuant to law to possess a firearm, did unlawfully possess a firearm, to wit: one 5.56 x 45-millimeter, .223 caliber semi-automatic EP Armory rifle (NYPD Lead Seal No. 988472), with intent to sell it.

COUNT 47

THE GRAND JURY OF QUEENS COUNTY, by this Indictment, accuses the defendant, **JOSE GARCIA** of the crime of **CRIMINAL POSSESSION OF A WEAPON IN THE SECOND DEGREE** in violation of §265.03(3) of the Penal Law of the State of New York, committed as follows:

Said defendant, on or about June 2, 2021, in Westchester County, and elsewhere inside and outside the State of New York, did possess a loaded firearm, to wit: a .45 caliber semi-automatic Caspian Arms pistol (Serial No. 15651), and such possession took place outside the defendant's home or place of business.

The subject matter of this count is an Armed Felony as that term is defined in Section 1.20 of the Criminal Procedure Law.

COUNT 48

THE GRAND JURY OF QUEENS COUNTY, by this Indictment, accuses the defendant, **JOSE GARCIA** of the crime of **CRIMINAL POSSESSION OF A FIREARM** in violation of §265.01-b(1) of the Penal Law of the State of New York, committed as follows:

Said defendant, on or about June 2, 2021, in Westchester County, and elsewhere inside and outside the State of New York, did possess a firearm, to wit: a .45 caliber semi-automatic Caspian Arms pistol (Serial No. 15651).

COUNT 49

THE GRAND JURY OF QUEENS COUNTY, by this Indictment, accuses the defendant, **JOSE GARCIA** of the crime of **CRIMINAL POSSESSION OF A WEAPON IN THE SECOND DEGREE** in violation of §265.03(3) of the Penal Law of the State of New York, committed as follows:

Said defendant, on or about June 2, 2021, in Westchester County, and elsewhere inside and outside the State of New York, did possess a loaded firearm, to wit: a 5.56 x 45-millimeter, .223 caliber semi-automatic EP Armory rifle (NYPD Lead Seal No. 988472), and such possession took place outside the defendant's home or place of business.

The subject matter of this count is an Armed Felony as that term is defined in Section 1.20 of the Criminal Procedure Law.

COUNT 50

THE GRAND JURY OF QUEENS COUNTY, by this Indictment, accuses the defendant, **JOSE GARCIA** of the crime of **CRIMINAL POSSESSION OF A FIREARM** in violation of §265.01-b(1) of the Penal Law of the State of New York, committed as follows:

Said defendant, on or about June 2, 2021, in Westchester County, and elsewhere inside and outside the State of New York, and elsewhere inside the State of New York, did possess a firearm, to wit: a 5.56 x 45-millimeter, .223 caliber semi-automatic EP Armory rifle (NYPD Lead Seal No. 988472).

COUNT 51

THE GRAND JURY OF QUEENS COUNTY, by this Indictment, accuses the defendant, **JOSE GARCIA** of the crime of **CRIMINAL POSSESSION OF A WEAPON IN THE THIRD DEGREE** in violation of Section 265.02(7) of the Penal Law of the State of New York, committed as follows:

Said defendant, on or about June 2, 2021, in Westchester County, and elsewhere inside and outside the State of New York, did possess an assault weapon, to wit: a 5.56 x 45-millimeter, .223 caliber semi-automatic EP Armory rifle (NYPD Lead Seal No. 988472), which had the following assault weapon characteristics: a semi-automatic rifle that has an ability to accept a detachable magazine, a folding or telescoping stock, a pistol grip that protrudes conspicuously beneath the action of the weapon, a second handgrip or a protruding grip that can be held by the non-trigger hand, and a flash suppressor, muzzle break, muzzle compensator, or threaded barrel designed to accommodate a flash suppressor, muzzle break, or muzzle compensator.

COUNT 52

THE GRAND JURY OF QUEENS COUNTY, by this Indictment, accuses the defendant, **EDUARDO HERNANDEZ**, of the crime of **CONSPIRACY IN THE FOURTH DEGREE**, in violation of § 105.10(1) of the Penal Law of the State of New York, committed as follows:

On or about and between December 6, 2021 and May 2, 2022, in Queens County, Bronx County, Westchester County, and elsewhere inside and outside the State of New York, including the Commonwealth of Massachusetts, with intent that conduct constituting the crime of Criminal Sale of a Firearm in the Second Degree, in violation of Section 265.12(2), said crime being a class C felony, be committed, the defendant did knowingly and intentionally agree with another individual known to the Grand Jury, to engage in and cause the performance of such conduct as would constitute the above-mentioned class C felony.

PREAMBLE

It was the purpose of this conspiracy to obtain, assemble, possess, control, and transport firearms in Queens County, Bronx County, Westchester County, and elsewhere inside and outside the State of New York, and to collect the proceeds from the sale of those firearms.

It was the role of **EDUARDO HERNANDEZ** to obtain, possess, transport and sell firearms to others.

It was the role of **EDUARDO HERNANDEZ** to collect the proceeds from the sale of firearms to others.

OVERT ACTS

In furtherance of said conspiracy and to achieve the objects thereof, and during the course thereof, the following overt acts, among others, were committed:

1. On or about December 6, 2021, **EDUARDO HERNANDEZ** engaged in a telephone conversation with an individual known to the Grand Jury during which **EDUARDO HERNANDEZ** stated, in sum and substance, “I got the four and they ready, these one came without the numbers or anything. No verifications things or anything.”
2. On or about December 7, 2021, **EDUARDO HERNANDEZ** sold four 9-millimeter semi-automatic Polymer-80 pistols to an individual known to the Grand Jury.
3. On or about February 1, 2022, **EDUARDO HERANDEZ** sold to an individual known to the Grand Jury one 9-millimeter semi-automatic Sig Sauer P320 pistol.
4. On or about April 6, 2022, **EDUARDO HERNANDEZ** sent a text message to an individual known to the Grand Jury stating, in sum and substance, “That I found one for you . . . but it’s a bit expensive . . . I had to go up far to find it, but they’re going to start to come in.”
5. On or about April 6, 2022, **EDUARDO HERNANDEZ** engaged in a telephone conversation with an individual known to the Grand Jury, during which **EDUARDO HERNANDEZ** stated, in sum and substance, “it’s more expensive but these ones I will leave it for . . because I had to gas up, give me, just bring me one thousand and three hundred and that’s it.”
6. On or about April 7, 2022, in Queens County, **EDUARDO HERNANDEZ** sold to an individual known to the Grand Jury one 9-millimeter semi-automatic Polymer-80 pistol.
7. On or about May 2, 2022, in Queens County, **EDUARDO HERNANDEZ** sold to an individual known to the Grand Jury one 5.56 x 45-millimeter semi-automatic EP Armory AR-15 style rifle.

COUNT 53

THE GRAND JURY OF QUEENS COUNTY, by this Indictment, accuses the defendant, **EDUARDO HERNANDEZ** of the crime of **CRIMINAL SALE OF A FIREARM IN THE SECOND DEGREE** in violation of §265.12(2) of the Penal Law of the State of New York, committed as follows:

Said defendant, on or about and between December 6, 2021 and May 2, 2022, in Queens County, Bronx County, Westchester County, and elsewhere inside and outside the State of New York, did unlawfully sell, exchange, give or dispose of to another person or persons a total of five or more firearms, to wit: four 9-millimeter semi-automatic Polymer-80 pistols (NYPD Lead Seal Nos. 179900, 179862, 179856, 179887), one 9-millimeter semi-automatic Sig Sauer P320 pistol (Serial No. 58H008772), one 9-millimeter semi-automatic Polymer-80 pistol (NYPD Lead Seal No. 179893), and one 5.56 x 45-millimeter, .223 caliber semi-automatic EP Armory AR-15 style rifle (NYPD Lead Seal No. 292579), in a period of not more than one year.

COUNT 54

THE GRAND JURY OF QUEENS COUNTY, by this Indictment, accuses the defendant, **EDUARDO HERNANDEZ** of the crime of **CRIMINAL SALE OF A FIREARM IN THE THIRD DEGREE** in violation of §265.11(1) of the Penal Law of the State of New York, committed as follows:

Said defendant, on or about and between December 6, 2021 and December 7, 2021, in Queens County, Bronx County, and Westchester County, and elsewhere inside and outside the State of New York, did unlawfully sell, exchange, give or dispose of to another person a firearm, to wit: one 9-millimeter semi-automatic Polymer-80 pistol (NYPD Lead Seal No. 179900).

COUNT 55

THE GRAND JURY OF QUEENS COUNTY, by this Indictment, accuses the defendant, **EDUARDO HERNANDEZ** of the crime of **CRIMINAL SALE OF A FIREARM IN THE THIRD DEGREE** in violation of §265.11(2) of the Penal Law of the State of New York, committed as follows:

Said defendant, on or about and between December 6, 2021 and December 7, 2021, in Queens County, Bronx County, and Westchester County, and elsewhere inside and outside the State of New York, while not authorized pursuant to law to possess a firearm, did unlawfully possess a firearm, to wit: one 9-millimeter semi-automatic Polymer-80 pistol (NYPD Lead Seal No. 179900), with intent to sell it.

COUNT 56

THE GRAND JURY OF QUEENS COUNTY, by this Indictment, accuses the defendant, **EDUARDO HERNANDEZ** of the crime of **CRIMINAL SALE OF A FIREARM IN THE THIRD DEGREE** in violation of §265.11(1) of the Penal Law of the State of New York, committed as follows:

Said defendant, on or about and between December 6, 2021 and December 7, 2021, in Queens County, Bronx County, and Westchester County, and elsewhere inside and outside the State of New York, did unlawfully sell, exchange, give or dispose of to another person a firearm, to wit: one 9-millimeter semi-automatic Polymer-80 pistol (NYPD Lead Seal No. 179862).

COUNT 57

THE GRAND JURY OF QUEENS COUNTY, by this Indictment, accuses the defendant, **EDUARDO HERNANDEZ** of the crime of **CRIMINAL SALE OF A FIREARM IN THE THIRD DEGREE** in violation of §265.11(2) of the Penal Law of the State of New York, committed as follows:

Said defendant, on or about and between December 6, 2021 and December 7, 2021, in Queens County, Bronx County, and Westchester County, and elsewhere inside and outside the State of New York, while not authorized pursuant to law to possess a firearm, did unlawfully possess a firearm, to wit: one 9-millimeter semi-automatic Polymer-80 pistol (NYPD Lead Seal No. 179862), with intent to sell it.

COUNT 58

THE GRAND JURY OF QUEENS COUNTY, by this Indictment, accuses the defendant, **EDUARDO HERNANDEZ** of the crime of **CRIMINAL SALE OF A FIREARM IN THE THIRD DEGREE** in violation of §265.11(1) of the Penal Law of the State of New York, committed as follows:

Said defendant, on or about and between December 6, 2021 and December 7, 2021, in Queens County, Bronx County, and Westchester County, and elsewhere inside and outside the State of New York, did unlawfully sell, exchange, give or dispose of to another person a firearm, to wit: one 9-millimeter semi-automatic Polymer-80 pistol (NYPD Lead Seal No. 179856).

COUNT 59

THE GRAND JURY OF QUEENS COUNTY, by this Indictment, accuses the defendant, **EDUARDO HERNANDEZ** of the crime of **CRIMINAL SALE OF A FIREARM IN THE THIRD DEGREE** in violation of §265.11(2) of the Penal Law of the State of New York, committed as follows:

Said defendant, on or about and between December 6, 2021 and December 7, 2021, in Queens County, Bronx County, and Westchester County, and elsewhere inside and outside the State of New York, while not authorized pursuant to law to possess a firearm, did unlawfully possess a firearm, to wit: one 9-millimeter semi-automatic Polymer-80 pistol (NYPD Lead Seal No. 179856), with intent to sell it.

COUNT 60

THE GRAND JURY OF QUEENS COUNTY, by this Indictment, accuses the defendant, **EDUARDO HERNANDEZ** of the crime of **CRIMINAL SALE OF A FIREARM IN THE THIRD DEGREE** in violation of §265.11(1) of the Penal Law of the State of New York, committed as follows:

Said defendant, on or about and between December 6, 2021 and December 7, 2021, in Queens County, Bronx County, and Westchester County, and elsewhere inside and outside the State of New York, did unlawfully sell, exchange, give or dispose of to another person a firearm, to wit: one 9-millimeter semi-automatic Polymer-80 pistol (NYPD Lead Seal No. 179887).

COUNT 61

THE GRAND JURY OF QUEENS COUNTY, by this Indictment, accuses the defendant, **EDUARDO HERNANDEZ** of the crime of **CRIMINAL SALE OF A FIREARM IN THE THIRD DEGREE** in violation of §265.11(2) of the Penal Law of the State of New York, committed as follows:

Said defendant, on or about and between December 6, 2021 and December 7, 2021, in Queens County, Bronx County, and Westchester County, and elsewhere inside and outside the State of New York, while not authorized pursuant to law to possess a firearm, did unlawfully possess a firearm, to wit: one 9-millimeter semi-automatic Polymer-80 pistol (NYPD Lead Seal No. 179887), with intent to sell it.

COUNT 62

THE GRAND JURY OF QUEENS COUNTY, by this Indictment, accuses the defendant, **EDUARDO HERNANDEZ** of the crime of **CRIMINAL POSSESSION OF A WEAPON IN THE THIRD DEGREE** in violation of §265.02(5)(i) of the Penal Law of the State of New York, committed as follows:

Said defendant, on or about December 7, 2021, in Queens County, Bronx County, and Westchester County, and elsewhere inside and outside the State of New York, did possess three or more firearms, to wit: four 9-millimeter semi-automatic Polymer-80 pistol (NYPD Lead Seal Nos. 179900, 179862, 179856, 179887).

COUNT 63

THE GRAND JURY OF QUEENS COUNTY, by this Indictment, accuses the defendant, **EDUARDO HERNANDEZ** of the crime of **CRIMINAL POSSESSION OF A FIREARM** in violation of §265.01-b(1) of the Penal Law of the State of New York, committed as follows:

Said defendant, on or about December 7, 2021, in Queens County, Bronx County, and Westchester County, and elsewhere inside and outside the State of New York, did possess a firearm, to wit: a 9-millimeter semi-automatic Polymer-80 pistol (NYPD Lead Seal No. 179900).

COUNT 64

THE GRAND JURY OF QUEENS COUNTY, by this Indictment, accuses the defendant, **EDUARDO HERNANDEZ** of the crime of **CRIMINAL POSSESSION OF A FIREARM** in violation of §265.01-b(1) of the Penal Law of the State of New York, committed as follows:

Said defendant, on or about December 7, 2021, in Queens County, Bronx County, and Westchester County, and elsewhere inside and outside the State of New York, did possess a firearm, to wit: a 9-millimeter semi-automatic Polymer-80 pistol (NYPD Lead Seal No. 179862).

COUNT 65

THE GRAND JURY OF QUEENS COUNTY, by this Indictment, accuses the defendant, **EDUARDO HERNANDEZ** of the crime of **CRIMINAL POSSESSION OF A FIREARM** in violation of §265.01-b(1) of the Penal Law of the State of New York, committed as follows:

Said defendant, on or about December 7, 2021, in Queens County, Bronx County, and Westchester County, and elsewhere inside and outside the State of New York, did possess a firearm, to wit: a 9-millimeter semi-automatic Polymer-80 pistol (NYPD Lead Seal No. 179856).

COUNT 66

THE GRAND JURY OF QUEENS COUNTY, by this Indictment, accuses the defendant, **EDUARDO HERNANDEZ** of the crime of **CRIMINAL POSSESSION OF A FIREARM** in violation of §265.01-b(1) of the Penal Law of the State of New York, committed as follows:

Said defendant, on or about December 7, 2021, in Queens County, Bronx County, and Westchester County, and elsewhere inside and outside the State of New York, did possess a firearm, to wit: a 9-millimeter semi-automatic Polymer-80 pistol (NYPD Lead Seal No. 179887).

COUNT 67

THE GRAND JURY OF QUEENS COUNTY, by this Indictment, accuses the defendant, **EDUARDO HERNANDEZ** of the crime of **CRIMINAL SALE OF A FIREARM IN THE THIRD DEGREE** in violation of §265.11(1) of the Penal Law of the State of New York, committed as follows:

Said defendant, on or about February 1, 2022, in Queens County, and elsewhere inside the State of New York, did unlawfully sell, exchange, give or dispose of to another person a firearm, to wit: one 9-millimeter semi-automatic Sig Sauer P320 pistol (Serial No. 58H008772).

COUNT 68

THE GRAND JURY OF QUEENS COUNTY, by this Indictment, accuses the defendant, **EDUARDO HERNANDEZ** of the crime of **CRIMINAL SALE OF A FIREARM IN THE THIRD DEGREE** in violation of §265.11(2) of the Penal Law of the State of New York, committed as follows:

Said defendant, on or about February 1, 2022, in Queens County, and elsewhere inside the State of New York, while not authorized pursuant to law to possess a firearm, did unlawfully possess a firearm, to wit: one 9-millimeter semi-automatic Sig Sauer P320 pistol (Serial No. 58H008772), with intent to sell it.

COUNT 69

THE GRAND JURY OF QUEENS COUNTY, by this Indictment, accuses the defendant, **EDUARDO HERNANDEZ** of the crime of **CRIMINAL POSSESSION OF A FIREARM** in violation of §265.01-b(1) of the Penal Law of the State of New York, committed as follows:

Said defendant, on or about February 1, 2022, in Queens County, and elsewhere inside the State of New York, did possess a firearm, to wit: a 9-millimeter semi-automatic Sig Sauer P320 pistol (Serial No. 58H008772).

COUNT 70

THE GRAND JURY OF QUEENS COUNTY, by this Indictment, accuses the defendant, **EDUARDO HERNANDEZ** of the crime of **CRIMINAL SALE OF A FIREARM IN THE THIRD DEGREE** in violation of §265.11(1) of the Penal Law of the State of New York, committed as follows:

Said defendant, on or about April 7, 2022, in Queens County, and elsewhere inside the State of New York, did unlawfully sell, exchange, give or dispose of to another person a firearm, to wit: one 9-millimeter semi-automatic Polymer-80 pistol (NYPD Lead Seal No. 179893).

COUNT 71

THE GRAND JURY OF QUEENS COUNTY, by this Indictment, accuses the defendant, **EDUARDO HERNANDEZ** of the crime of **CRIMINAL SALE OF A FIREARM IN THE THIRD DEGREE** in violation of §265.11(2) of the Penal Law of the State of New York, committed as follows:

Said defendant, on or about April 7, 2022, in Queens County, and elsewhere inside the State of New York, while not authorized pursuant to law to possess a firearm, did unlawfully possess a firearm, to wit: one 9-millimeter semi-automatic Polymer-80 pistol (NYPD Lead Seal No. 179893), with intent to sell it.

COUNT 72

THE GRAND JURY OF QUEENS COUNTY, by this Indictment, accuses the defendant, **EDUARDO HERNANDEZ** of the crime of **CRIMINAL POSSESSION OF A FIREARM** in violation of §265.01-b(1) of the Penal Law of the State of New York, committed as follows:

Said defendant, on or about April 7, 2022, in Queens County, and elsewhere inside the State of New York, did possess a firearm, to wit: a 9-millimeter semi-automatic Polymer-80 pistol (NYPD Lead Seal No. 179893).

COUNT 73

THE GRAND JURY OF QUEENS COUNTY, by this Indictment, accuses the defendant, **EDUARDO HERNANDEZ** of the crime of **CRIMINAL POSSESSION OF A WEAPON IN THE THIRD DEGREE** in violation of §265.02(9) of the Penal Law of the State of New York, committed as follows:

Said defendant, on or about April 7, 2022, in Queens County, and elsewhere inside the State of New York, did possess an unloaded firearm, to wit: a 9-millimeter semi-automatic Polymer-80 pistol (NYPD Lead Seal No. 179893), while also committing the crime of Criminal Sale of a Controlled Substance in the Third Degree, in violation of Penal Law Section 220.39(1), said crime being a drug trafficking felony.

COUNT 74

THE GRAND JURY OF QUEENS COUNTY, by this Indictment, accuses the defendant, **EDUARDO HERNANDEZ** of the crime of **CRIMINAL SALE OF A FIREARM IN THE THIRD DEGREE** in violation of §265.11(1) of the Penal Law of the State of New York, committed as follows:

Said defendant, on or about May 2, 2022, in Queens County, and elsewhere inside the State of New York, did unlawfully sell, exchange, give or dispose of to another person a firearm, to wit: one 5.56 x 45-millimeter, .223 caliber semi-automatic EP Armory AR-15 style rifle (NYPD Lead Seal No. 292579).

COUNT 75

THE GRAND JURY OF QUEENS COUNTY, by this Indictment, accuses the defendant, **EDUARDO HERNANDEZ** of the crime of **CRIMINAL SALE OF A FIREARM IN THE THIRD DEGREE** in violation of §265.11(2) of the Penal Law of the State of New York, committed as follows:

Said defendant, on or about May 2, 2022, in Queens County, and elsewhere inside the State of New York, while not authorized pursuant to law to possess a firearm, did unlawfully possess a

firearm, to wit: one 5.56 x 45-millimeter, .223 caliber semi-automatic EP Armory AR-15 style rifle (NYPD Lead Seal No. 292579), with intent to sell it.

COUNT 76

THE GRAND JURY OF QUEENS COUNTY, by this Indictment, accuses the defendant, **EDUARDO HERNANDEZ** of the crime of **CRIMINAL SALE OF A FIREARM IN THE THIRD DEGREE** in violation of §265.11(1) of the Penal Law of the State of New York, committed as follows:

Said defendants, on or about May 2, 2022, in Queens County, and elsewhere inside the State of New York, while not authorized pursuant to law to possess a firearm, did unlawfully sell, exchange, give or dispose of to another person a large capacity ammunition feeding device, to wit: a magazine that accepts 5.56 x 45-millimeter caliber cartridges (NYPD Invoice No. 1001521742), with a capacity of more than ten rounds of ammunition.

COUNT 77

THE GRAND JURY OF QUEENS COUNTY, by this Indictment, accuses the defendant, **EDUARDO HERNANDEZ** of the crime of **CRIMINAL SALE OF A GHOST GUN IN THE SECOND DEGREE** in violation of §265.60(1) of the Penal Law of the State of New York, committed as follows:

Said defendants, on or about May 2, 2022, in Queens County, and elsewhere inside the State of New York, knowing or having reason to know it is a ghost gun, did sell, exchange, give or dispose of to another person, a ghost gun, to wit: a 5.56 x 45-millimeter, .223 caliber semi-automatic EP Armory AR-15 style rifle (NYPD Lead Seal No. 292579).

COUNT 78

THE GRAND JURY OF QUEENS COUNTY, by this Indictment, accuses the defendant, **EDUARDO HERNANDEZ** of the crime of **CRIMINAL POSSESSION OF A FIREARM** in violation of §265.01-b(1) of the Penal Law of the State of New York, committed as follows:

Said defendant, on or about May 2, 2022, in Queens County, and elsewhere inside the State of New York, did possess a firearm, to wit: a 5.56 x 45-millimeter, .223 caliber semi-automatic EP Armory AR-15 style rifle (NYPD Lead Seal No. 292579).

COUNT 79

THE GRAND JURY OF QUEENS COUNTY, by this Indictment, accuses the defendant, **EDUARDO HERNANDEZ** of the crime of **CRIMINAL POSSESSION OF A WEAPON IN THE THIRD DEGREE** in violation of Section 265.02(7) of the Penal Law of the State of New York, committed as follows:

Said defendant, on or about May 2, 2022, in Queens County, and elsewhere inside the State of New York, did possess an assault weapon, to wit: a 5.56 x 45-millimeter, .223 caliber semi-automatic EP Armory AR-15 style rifle (NYPD Lead Seal No. 292579), which had the following assault weapon characteristics: a semi-automatic rifle that has an ability to accept a detachable magazine, a folding or telescoping stock, a pistol grip that protudes conspicuously beneath the action of the weapon, and a flash suppressor, muzzle break, muzzle compensator, or threaded barreil designed to accommodate a flash suppressor, muzzle break, or muzzle compensator.

COUNT 80

THE GRAND JURY OF QUEENS COUNTY, by this Indictment, accuses the defendant, **EDUARDO HERNANDEZ** of the crime of **CRIMINAL POSSESSION OF A WEAPON IN THE THIRD DEGREE** in violation of §265.02(8) of the Penal Law of the State of New York, committed as follows:

Said defendant, on or about May 2, 2022, in Queens County, and elsewhere inside and outside the State of New York, did possess a large capacity ammunition feeding device, to wit: a magazine that accepts 5.56 x 45-millimeter caliber cartridges (NYPD Invoice No. 1001521742), with a capacity of more than ten rounds of ammunition, and such device was not manufactured before September 13, 1994.

COUNT 81

THE GRAND JURY OF QUEENS COUNTY, by this Indictment, accuses the defendant, **EDUARDO HERNANDEZ** of the crime of **CRIMINAL SALE OF A FIREARM IN THE FIRST DEGREE** in violation of §265.13(2) of the Penal Law of the State of New York, committed as follows:

Said defendant, on or about and between June 13, 2022 and July 7, 2022, in Queens County, and elsewhere inside the State of New York, did unlawfully sell, exchange, give or dispose of to another person or persons a total of three or more firearms in a period of not more than one year, to wit: three 9-millimeter semi-automatic Polymer-80 pistols (NYPD Lead Seal Nos. 243954, 286424, 166763).

COUNT 82

THE GRAND JURY OF QUEENS COUNTY, by this Indictment, accuses the defendant, **EDUARDO HERNANDEZ** of the crime of **CRIMINAL SALE OF A FIREARM IN THE THIRD DEGREE** in violation of §265.11(1) of the Penal Law of the State of New York, committed as follows:

Said defendant, on or about and between June 13, 2022 and June 15, 2022, in Queens County, and elsewhere inside the State of New York, did unlawfully sell, exchange, give or dispose of to another person a firearm, to wit: one 9-millimeter semi-automatic Polymer-80 pistol (NYPD Lead Seal No. 243954).

COUNT 83

THE GRAND JURY OF QUEENS COUNTY, by this Indictment, accuses the defendant, **EDUARDO HERNANDEZ** of the crime of **CRIMINAL SALE OF A FIREARM IN THE THIRD DEGREE** in violation of §265.11(2) of the Penal Law of the State of New York, committed as follows:

Said defendant, on or about and between June 13, 2022 and June 15, 2022, in Queens County, and elsewhere inside the State of New York, while not authorized pursuant to law to possess a firearm, did unlawfully possess a firearm, to wit: one 9-millimeter semi-automatic Polymer-80 pistol (NYPD Lead Seal No. 243954), with intent to sell it.

COUNT 84

THE GRAND JURY OF QUEENS COUNTY, by this Indictment, accuses the defendant, **EDUARDO HERNANDEZ** of the crime of **CRIMINAL SALE OF A GHOST GUN IN THE**

SECOND DEGREE in violation of §265.60(1) of the Penal Law of the State of New York, committed as follows:

Said defendants, on or about and between June 13, 2022 and June 15, 2022, in Queens County, and elsewhere inside the State of New York, knowing or having reason to know it is a ghost gun, did sell, exchange, give or dispose of to another person, a ghost gun, to wit: a 9-millimeter semi-automatic Polymer-80 pistol (NYPD Lead Seal No. 243954).

COUNT 85

THE GRAND JURY OF QUEENS COUNTY, by this Indictment, accuses the defendant, **EDUARDO HERNANDEZ** of the crime of **CRIMINAL POSSESSION OF A FIREARM** in violation of §265.01-b(1) of the Penal Law of the State of New York, committed as follows:

Said defendant, on or about June 15, 2022, in Queens County, and elsewhere inside the State of New York, did possess a firearm, to wit: one 9-millimeter semi-automatic Polymer-80 pistol (NYPD Lead Seal No. 243954).

COUNT 86

THE GRAND JURY OF QUEENS COUNTY, by this Indictment, accuses the defendant, **EDUARDO HERNANDEZ** of the crime of **CRIMINAL POSSESSION OF A WEAPON IN THE THIRD DEGREE** in violation of §265.02(9) of the Penal Law of the State of New York, committed as follows:

Said defendant, on or about June 15, 2022, in Queens County, and elsewhere inside the State of New York, did possess an unloaded firearm, to wit: a 9-millimeter semi-automatic Polymer-80 pistol (NYPD Lead Seal No. 243954), while also committing the crime of Criminal

Sale of a Controlled Substance in the Third Degree, in violation of Penal Law Section 220.39(1), said crime being a drug trafficking felony.

COUNT 87

THE GRAND JURY OF QUEENS COUNTY, by this Indictment, accuses the defendant, **EDUARDO HERNANDEZ** of the crime of **CRIMINAL SALE OF A FIREARM IN THE SECOND DEGREE** in violation of §265.12(2) of the Penal Law of the State of New York, committed as follows:

Said defendant, on or about July 7, 2022, in Queens County, and elsewhere inside the State of New York, did unlawfully sell, exchange, give or dispose of to another person or persons a total of two or more firearms in a period of not more than one year, to wit: two 9-millimeter semi-automatic Polymer-80 pistols (NYPD Lead Seal Nos. 286424 and 166763).

COUNT 88

THE GRAND JURY OF QUEENS COUNTY, by this Indictment, accuses the defendant, **EDUARDO HERNANDEZ** of the crime of **CRIMINAL SALE OF A FIREARM IN THE THIRD DEGREE** in violation of §265.11(1) of the Penal Law of the State of New York, committed as follows:

Said defendant, on or about July 7, 2022, in Queens County, and elsewhere inside the State of New York, did unlawfully sell, exchange, give or dispose of to another person a firearm, to wit: one 9-millimeter semi-automatic Polymer-80 pistol (NYPD Lead Seal No. 286424).

COUNT 89

THE GRAND JURY OF QUEENS COUNTY, by this Indictment, accuses the defendant, **EDUARDO HERNANDEZ** of the crime of **CRIMINAL SALE OF A FIREARM IN THE THIRD DEGREE** in violation of §265.11(2) of the Penal Law of the State of New York, committed as follows:

Said defendant, on or about July 7, 2022, in Queens County, and elsewhere inside the State of New York, while not authorized pursuant to law to possess a firearm, did unlawfully possess a firearm, to wit: one 9-millimeter semi-automatic Polymer-80 pistol (NYPD Lead Seal No. 286424), with intent to sell it.

COUNT 90

THE GRAND JURY OF QUEENS COUNTY, by this Indictment, accuses the defendant, **EDUARDO HERNANDEZ** of the crime of **CRIMINAL SALE OF A GHOST GUN IN THE SECOND DEGREE** in violation of §265.60(1) of the Penal Law of the State of New York, committed as follows:

Said defendants, on or about July 7, 2022, in Queens County, and elsewhere inside the State of New York, knowing or having reason to know it is a ghost gun, did sell, exchange, give or dispose of to another person, a ghost gun, to wit: a 9-millimeter semi-automatic Polymer-80 pistol (NYPD Lead Seal No. 286424).

COUNT 91

THE GRAND JURY OF QUEENS COUNTY, by this Indictment, accuses the defendant, **EDUARDO HERNANDEZ** of the crime of **CRIMINAL POSSESSION OF A FIREARM** in violation of §265.01-b(1) of the Penal Law of the State of New York, committed as follows:

Said defendant, on or about July 7, 2022, in Queens County, and elsewhere inside the State of New York, did possess a firearm, to wit: one 9-millimeter semi-automatic Polymer-80 pistol (NYPD Lead Seal No. 286424).

COUNT 92

THE GRAND JURY OF QUEENS COUNTY, by this Indictment, accuses the defendant, **EDUARDO HERNANDEZ** of the crime of **CRIMINAL SALE OF A FIREARM IN THE THIRD DEGREE** in violation of §265.11(1) of the Penal Law of the State of New York, committed as follows:

Said defendant, on or about July 7, 2022, in Queens County, and elsewhere inside the State of New York, did unlawfully sell, exchange, give or dispose of to another person a firearm, to wit: one 9-millimeter semi-automatic Polymer-80 pistol (NYPD Lead Seal No. 166763).

COUNT 93

THE GRAND JURY OF QUEENS COUNTY, by this Indictment, accuses the defendant, **EDUARDO HERNANDEZ** of the crime of **CRIMINAL SALE OF A FIREARM IN THE THIRD DEGREE** in violation of §265.11(2) of the Penal Law of the State of New York, committed as follows:

Said defendant, on or about July 7, 2022, in Queens County, and elsewhere inside the State of New York, while not authorized pursuant to law to possess a firearm, did unlawfully possess a firearm, to wit: one 9-millimeter semi-automatic Polymer-80 pistol (NYPD Lead Seal No. 166763), with intent to sell it.

COUNT 94

THE GRAND JURY OF QUEENS COUNTY, by this Indictment, accuses the defendant, **EDUARDO HERNANDEZ** of the crime of **CRIMINAL SALE OF A GHOST GUN IN THE SECOND DEGREE** in violation of §265.60(1) of the Penal Law of the State of New York, committed as follows:

Said defendants, on or about July 7, 2022, in Queens County, and elsewhere inside the State of New York, knowing or having reason to know it is a ghost gun, did sell, exchange, give or dispose of to another person, a ghost gun, to wit: a 9-millimeter semi-automatic Polymer-80 pistol (NYPD Lead Seal No. 166763).

COUNT 95

THE GRAND JURY OF QUEENS COUNTY, by this Indictment, accuses the defendant, **EDUARDO HERNANDEZ** of the crime of **CRIMINAL POSSESSION OF A FIREARM** in violation of §265.01-b(1) of the Penal Law of the State of New York, committed as follows:

Said defendant, on or about July 7, 2022, in Queens County, and elsewhere inside the State of New York, did possess a firearm, to wit: one 9-millimeter semi-automatic Polymer-80 pistol (NYPD Lead Seal No. 166763).

COUNT 96

THE GRAND JURY OF QUEENS COUNTY, by this Indictment, accuses the defendant, **EDUARDO HERNANDEZ** of the crime of **CONSPIRACY IN THE SECOND DEGREE**, in violation of § 105.15 of the Penal Law of the State of New York, committed as follows:

On or about and between September 9, 2021, and June 15, 2022 in Queens County, and elsewhere inside the State of New York, with intent that conduct constituting the crimes of Criminal Sale of a Controlled Substance in the First Degree, in violation of Section 220.43(1) of the Penal Law of New York, and/or Criminal Sale of a Controlled Substance in the Second Degree, in violation of Section 220.41(1) of the Penal Law of New York, and/or Criminal Possession of a Controlled Substance in the Second Degree in violation of Section 220.18(1) of the Penal Law of New York, said crimes being Class A Felonies, be committed, the defendant did knowingly and intentionally agree with other individuals known to the Grand Jury, to engage in and cause the performance of such conduct as would constitute the above-mentioned Class A Felonies.

PREAMBLE

It was the purpose of this conspiracy to acquire, possess, and sell cocaine in quantities of at least one-half ounce or more, in Queens County, and elsewhere inside the State of New York.

It was the role of **EDUARDO HERNANDEZ** to possess and sell cocaine to individuals known to the Grand Jury.

It was the role of **EDUARDO HERNANDEZ** to collect the proceeds from selling cocaine to individuals known to the Grand Jury.

OVERT ACTS

In furtherance of said conspiracy and to achieve the objects thereof, and during the course thereof, the following overt acts, among others, were committed:

1. On or about September 9, 2021, in Queens County, **EDUARDO HERNANDEZ**, sold to an individual known to the Grand Jury a quantity of cocaine that weighed in excess of two ounces.
2. On or about October 5, 2021, **EDUARDO HERNANDEZ** engaged in a telephone conversation with an individual known to the Grand Jury during which **EDUARDO HERNANDEZ** stated, in sum and substance, “Okay. Hundred grams.”
3. On or about October 8, 2021, **EDUARDO HERNANDEZ** engaged in a telephone conversation with an individual known to the Grand Jury during which **EDUARDO HERNANDEZ** stated, in sum and substance, “You going to see...see my cousin. You give her everything. You pass her the money, so she counts it and when she is counting, you check the stuff, or you take it, however you want.”
4. On or about October 8, 2021, in Queens County, unindicted co-conspirator #2 (hereinafter UCC#2), on behalf of **EDUARDO HERNANDEZ**, sold to an individual known to the Grand Jury a quantity of cocaine that weighed in excess of two ounces.
5. On or about October 18, 2021, in Queens County, **EDUARDO HERNANDEZ** sold to an individual known to the Grand Jury a quantity of cocaine that weighed in excess of two ounces.
6. On or about April 7, 2022, in Queens County, **EDUARDO HERNANDEZ** sold to an individual known to the Grand Jury a quantity of cocaine that weighed in excess of one-half an ounce.
7. On or about June 14, 2022, **EDUARDO HERNANDEZ** sent a WhatsApp message to an individual known to the Grand Jury stating, in sum and substance, “Do you want me to

look for the 50 for the snow?? Want me to get it? I hit them up to see what's up. I'm letting you know I'm positive for the medicine early tomorrow."

8. On or about June 15, 2022, in Queens County, **EDUARDO HERNANDEZ** sold to an individual known to the Grand Jury a quantity of cocaine that weighed in excess of one-half an ounce.

COUNT 97

THE GRAND JURY OF QUEENS COUNTY, by this Indictment, accuses the defendant, **EDUARDO HERNANDEZ** of the crime of **CRIMINAL SALE OF A CONTROLLED SUBSTANCE IN THE FIRST DEGREE**, in violation of Section 220.43(1) of the Penal Law of the State of New York, committed as follows:

Said defendant, on or about September 9, 2021, in Queens County, did knowingly and unlawfully sell one or more preparations, compounds, mixtures or substances containing a narcotic drug, to wit: cocaine, and said preparations, compounds, mixtures or substances were of an aggregate weight of two ounces or more.

COUNT 98

THE GRAND JURY OF QUEENS COUNTY, by this Indictment, accuses the defendant, **EDUARDO HERNANDEZ** of the crime of **CRIMINAL SALE OF A CONTROLLED SUBSTANCE IN THE SECOND DEGREE**, in violation of Section 220.41(1) of the Penal Law of the State of New York, committed as follows:

Said defendant, on or about September 9, 2021, in Queens County, did knowingly and unlawfully sell one or more preparations, compounds, mixtures or substances containing a narcotic

drug, to wit: cocaine and said preparations, compounds, mixtures or substances were of an aggregate weight of one-half ounce or more.

COUNT 99

THE GRAND JURY OF QUEENS COUNTY, by this Indictment, accuses the defendant, **EDUARDO HERNANDEZ** of the crime of **CRIMINAL SALE OF A CONTROLLED SUBSTANCE IN THE THIRD DEGREE**, in violation of Section 220.39(1) of the Penal Law of the State of New York, committed as follows:

Said defendant, on or about September 9, 2021, in Queens County, did knowingly and unlawfully sell a narcotic drug, to wit: cocaine.

COUNT 100

THE GRAND JURY OF QUEENS COUNTY, by this Indictment, accuses the defendant, **EDUARDO HERNANDEZ** of the crime of **CRIMINAL POSSESSION OF A CONTROLLED SUBSTANCE IN THE THIRD DEGREE**, in violation of Section 220.16(1) of the Penal Law of the State of New York, committed as follows:

Said defendant, on or about September 9, 2021, in Queens County, did knowingly and unlawfully possess a narcotic drug, to wit: cocaine, with intent to sell it.

COUNT 101

THE GRAND JURY OF QUEENS COUNTY, by this Indictment, accuses the defendant, **EDUARDO HERNANDEZ** of the crime of **CRIMINAL POSSESSION OF A**

CONTROLLED SUBSTANCE IN THE THIRD DEGREE, in violation of Section 220.16(12) of the Penal Law of the State of New York, committed as follows:

Said defendant, on or about September 9, 2021, in Queens County, did knowingly and unlawfully possess one or more preparations, compounds, mixtures or substances containing a narcotic drug, to wit: cocaine, and said preparations, compounds, mixtures or substances were of an aggregate weight of one-half ounce or more.

COUNT 102

THE GRAND JURY OF QUEENS COUNTY, by this Indictment, accuses the defendant, **EDUARDO HERNANDEZ** of the crime of **CRIMINAL SALE OF A CONTROLLED SUBSTANCE IN THE THIRD DEGREE**, in violation of Section 220.39(1) of the Penal Law of the State of New York, committed as follows:

Said defendant, on or about September 9, 2021, in Queens County, did knowingly and unlawfully sell a narcotic drug, to wit: heroin.

COUNT 103

THE GRAND JURY OF QUEENS COUNTY, by this Indictment, accuses the defendant, **EDUARDO HERNANDEZ** of the crime of **CRIMINAL POSSESSION OF A CONTROLLED SUBSTANCE IN THE THIRD DEGREE**, in violation of Section 220.16(1) of the Penal Law of the State of New York, committed as follows:

Said defendant, on or about September 9, 2021, in Queens County, did knowingly and unlawfully possess a narcotic drug, to wit: heroin, with intent to sell it.

COUNT 104

THE GRAND JURY OF QUEENS COUNTY, by this Indictment, accuses the defendant, **EDUARDO HERNANDEZ** of the crime of **CRIMINAL SALE OF A CONTROLLED SUBSTANCE IN THE FIRST DEGREE**, in violation of Section 220.43(1) of the Penal Law of the State of New York, committed as follows:

Said defendant, acting in concert with UCC#2, on or about and between October 5, 2021 and October 8, 2021, in Queens County, did knowingly and unlawfully sell one or more preparations, compounds, mixtures or substances containing a narcotic drug, to wit: cocaine, and said preparations, compounds, mixtures or substances were of an aggregate weight of two ounces or more.

COUNT 105

THE GRAND JURY OF QUEENS COUNTY, by this Indictment, accuses the defendant, **EDUARDO HERNANDEZ** of the crime of **CRIMINAL SALE OF A CONTROLLED SUBSTANCE IN THE SECOND DEGREE**, in violation of Section 220.41(1) of the Penal Law of the State of New York, committed as follows:

Said defendant, acting in concert with UCC#2, on or about and between October 5, 2021 and October 8, 2021, in Queens County, did knowingly and unlawfully sell one or more preparations, compounds, mixtures or substances containing a narcotic drug, to wit: cocaine and said preparations, compounds, mixtures or substances were of an aggregate weight of one-half ounce or more.

COUNT 106

THE GRAND JURY OF QUEENS COUNTY, by this Indictment, accuses the defendant, **EDUARDO HERNANDEZ** of the crime of **CRIMINAL SALE OF A CONTROLLED SUBSTANCE IN THE THIRD DEGREE**, in violation of Section 220.39(1) of the Penal Law of the State of New York, committed as follows:

Said defendant, acting in concert with UCC#2, on or about and between October 5, 2021 and October 8, 2021, in Queens County, did knowingly and unlawfully sell a narcotic drug, to wit: cocaine.

COUNT 107

THE GRAND JURY OF QUEENS COUNTY, by this Indictment, accuses the defendant, **EDUARDO HERNANDEZ** of the crime of **CRIMINAL POSSESSION OF A CONTROLLED SUBSTANCE IN THE SECOND DEGREE**, in violation of Section 220.18(1) of the Penal Law of the State of New York, committed as follows:

Said defendant, acting in concert with UCC#2, on or about and between October 5, 2021 and October 8, 2021, in Queens County, did knowingly and unlawfully possess one or more preparations, compounds, mixtures or substances containing a narcotic drug, to wit: cocaine, and said preparations, compounds, mixtures or substances were of an aggregate weight of four ounces or more.

COUNT 108

THE GRAND JURY OF QUEENS COUNTY, by this Indictment, accuses the defendant, **EDUARDO HERNANDEZ** of the crime of **CRIMINAL POSSESSION OF A**

CONTROLLED SUBSTANCE IN THE THIRD DEGREE, in violation of Section 220.16(1) of the Penal Law of the State of New York, committed as follows:

Said defendant, acting in concert with UCC#2, on or about and between October 5, 2021 and October 8, 2021, in Queens County, did knowingly and unlawfully possess a narcotic drug, to wit: cocaine, with intent to sell it.

COUNT 109

THE GRAND JURY OF QUEENS COUNTY, by this Indictment, accuses the defendant, **EDUARDO HERNANDEZ** of the crime of **CRIMINAL POSSESSION OF A CONTROLLED SUBSTANCE IN THE THIRD DEGREE**, in violation of Section 220.16(12) of the Penal Law of the State of New York, committed as follows:

Said defendant, acting in concert with UCC#2, on or about and between October 5, 2021 and October 8, 2021, in Queens County, did knowingly and unlawfully possess one or more preparations, compounds, mixtures or substances containing a narcotic drug, to wit: cocaine, and said preparations, compounds, mixtures or substances were of an aggregate weight of one-half ounce or more.

COUNT 110

THE GRAND JURY OF QUEENS COUNTY, by this Indictment, accuses the defendant, **EDUARDO HERNANDEZ** of the crime of **CRIMINAL SALE OF A CONTROLLED SUBSTANCE IN THE FIRST DEGREE**, in violation of Section 220.43(1) of the Penal Law of the State of New York, committed as follows:

Said defendant, on or about and between October 18, 2021 and October 28, 2021, in Queens County, did knowingly and unlawfully sell one or more preparations, compounds, mixtures or substances containing a narcotic drug, to wit: cocaine, and said preparations, compounds, mixtures or substances were of an aggregate weight of two ounces or more.

COUNT 111

THE GRAND JURY OF QUEENS COUNTY, by this Indictment, accuses the defendant, **EDUARDO HERNANDEZ** of the crime of **CRIMINAL SALE OF A CONTROLLED SUBSTANCE IN THE SECOND DEGREE**, in violation of Section 220.41(1) of the Penal Law of the State of New York, committed as follows:

Said defendant, on or about and between October 18, 2021 and October 28, 2021, in Queens County, did knowingly and unlawfully sell one or more preparations, compounds, mixtures or substances containing a narcotic drug, to wit: cocaine and said preparations, compounds, mixtures or substances were of an aggregate weight of one-half ounce or more.

COUNT 112

THE GRAND JURY OF QUEENS COUNTY, by this Indictment, accuses the defendant, **EDUARDO HERNANDEZ** of the crime of **CRIMINAL SALE OF A CONTROLLED SUBSTANCE IN THE THIRD DEGREE**, in violation of Section 220.39(1) of the Penal Law of the State of New York, committed as follows:

Said defendant, on or about and between October 18, 2021 and October 28, 2021, in Queens County, did knowingly and unlawfully sell a narcotic drug, to wit: cocaine.

COUNT 113

THE GRAND JURY OF QUEENS COUNTY, by this Indictment, accuses the defendant, **EDUARDO HERNANDEZ** of the crime of **CRIMINAL POSSESSION OF A CONTROLLED SUBSTANCE IN THE SECOND DEGREE**, in violation of Section 220.18(1) of the Penal Law of the State of New York, committed as follows:

Said defendant, on or about and between October 18, 2021 and October 28, 2021, in Queens County, did knowingly and unlawfully possess one or more preparations, compounds, mixtures or substances containing a narcotic drug, to wit: cocaine, and said preparations, compounds, mixtures or substances were of an aggregate weight of four ounces or more.

COUNT 114

THE GRAND JURY OF QUEENS COUNTY, by this Indictment, accuses the defendant, **EDUARDO HERNANDEZ** of the crime of **CRIMINAL POSSESSION OF A CONTROLLED SUBSTANCE IN THE THIRD DEGREE**, in violation of Section 220.16(1) of the Penal Law of the State of New York, committed as follows:

Said defendant, on or about and between October 18, 2021 and October 28, 2021, in Queens County, did knowingly and unlawfully possess a narcotic drug, to wit: cocaine, with intent to sell it.

COUNT 115

THE GRAND JURY OF QUEENS COUNTY, by this Indictment, accuses the defendant, **EDUARDO HERNANDEZ** of the crime of **CRIMINAL POSSESSION OF A**

CONTROLLED SUBSTANCE IN THE THIRD DEGREE, in violation of Section 220.16(12) of the Penal Law of the State of New York, committed as follows:

Said defendant, on or about and between October 18, 2021 and October 28, 2021, in Queens County, did knowingly and unlawfully possess one or more preparations, compounds, mixtures or substances containing a narcotic drug, to wit: cocaine, and said preparations, compounds, mixtures or substances were of an aggregate weight of one-half ounce or more.

COUNT 116

THE GRAND JURY OF QUEENS COUNTY, by this Indictment, accuses the defendant, **EDUARDO HERNANDEZ** of the crime of **CRIMINAL SALE OF A CONTROLLED SUBSTANCE IN THE SECOND DEGREE**, in violation of Section 220.41(1) of the Penal Law of the State of New York, committed as follows:

Said defendant, on or about April 7, 2022, in Queens County, did knowingly and unlawfully sell one or more preparations, compounds, mixtures or substances containing a narcotic drug, to wit: cocaine and said preparations, compounds, mixtures or substances were of an aggregate weight of one-half ounce or more.

COUNT 117

THE GRAND JURY OF QUEENS COUNTY, by this Indictment, accuses the defendant, **EDUARDO HERNANDEZ** of the crime of **CRIMINAL SALE OF A CONTROLLED SUBSTANCE IN THE THIRD DEGREE**, in violation of Section 220.39(1) of the Penal Law of the State of New York, committed as follows:

Said defendant, on or about April 7, 2022, in Queens County, did knowingly and unlawfully sell a narcotic drug, to wit: cocaine.

COUNT 118

THE GRAND JURY OF QUEENS COUNTY, by this Indictment, accuses the defendant, **EDUARDO HERNANDEZ** of the crime of **CRIMINAL POSSESSION OF A CONTROLLED SUBSTANCE IN THE THIRD DEGREE**, in violation of Section 220.16(1) of the Penal Law of the State of New York, committed as follows:

Said defendant, on or about April 7, 2022, in Queens County, did knowingly and unlawfully possess a narcotic drug, to wit: cocaine, with intent to sell it.

COUNT 119

THE GRAND JURY OF QUEENS COUNTY, by this Indictment, accuses the defendant, **EDUARDO HERNANDEZ** of the crime of **CRIMINAL POSSESSION OF A CONTROLLED SUBSTANCE IN THE THIRD DEGREE**, in violation of Section 220.16(12) of the Penal Law of the State of New York, committed as follows:

Said defendant, on or about April 7, 2022, in Queens County, did knowingly and unlawfully possess one or more preparations, compounds, mixtures or substances containing a narcotic drug, to wit: cocaine, and said preparations, compounds, mixtures or substances were of an aggregate weight of one-half ounce or more.

COUNT 120

THE GRAND JURY OF QUEENS COUNTY, by this Indictment, accuses the defendant, **EDUARDO HERNANDEZ** of the crime of **CRIMINAL SALE OF A CONTROLLED SUBSTANCE IN THE SECOND DEGREE**, in violation of Section 220.41(1) of the Penal Law of the State of New York, committed as follows:

Said defendant, on or about June 15, 2022, in Queens County, did knowingly and unlawfully sell one or more preparations, compounds, mixtures or substances containing a narcotic drug, to wit: cocaine and said preparations, compounds, mixtures or substances were of an aggregate weight of one-half ounce or more.

COUNT 121

THE GRAND JURY OF QUEENS COUNTY, by this Indictment, accuses the defendant, **EDUARDO HERNANDEZ** of the crime of **CRIMINAL SALE OF A CONTROLLED SUBSTANCE IN THE THIRD DEGREE**, in violation of Section 220.39(1) of the Penal Law of the State of New York, committed as follows:

Said defendant, on or about June 15, 2022, in Queens County, did knowingly and unlawfully sell a narcotic drug, to wit: cocaine.

COUNT 122

THE GRAND JURY OF QUEENS COUNTY, by this Indictment, accuses the defendant, **EDUARDO HERNANDEZ** of the crime of **CRIMINAL POSSESSION OF A CONTROLLED SUBSTANCE IN THE THIRD DEGREE**, in violation of Section 220.16(1) of the Penal Law of the State of New York, committed as follows:

Said defendant, on or about June 15, 2022, in Queens County, did knowingly and unlawfully possess a narcotic drug, to wit: cocaine, with intent to sell it.

COUNT 123

THE GRAND JURY OF QUEENS COUNTY, by this Indictment, accuses the defendant, **EDUARDO HERNANDEZ** of the crime of **CRIMINAL POSSESSION OF A CONTROLLED SUBSTANCE IN THE THIRD DEGREE**, in violation of Section 220.16(12) of the Penal Law of the State of New York, committed as follows:

Said defendant, on or about June 15, 2022, in Queens County, did knowingly and unlawfully possess one or more preparations, compounds, mixtures or substances containing a narcotic drug, to wit: cocaine, and said preparations, compounds, mixtures or substances were of an aggregate weight of one-half ounce or more.

Dated: March ___, 2023
Queens County, New York

NICOLE KEARY
Deputy Attorney General
Organized Crime Task Force

By: _____
JASON E. NAVIA, ESQ.
Assistant Deputy Attorney General
Organized Crime Task Force

A TRUE BILL

GRAND JURY FOREPERSON
Dated: March ___, 2023