

in Counts 2 and 3 of this Superseding Indictment, which counts are incorporated herein by reference, which violations were part of a continuing series of violations of subchapters I and II of the Drug Abuse and Control Act of 1970 undertaken by FERNANDO MARIA LUMINATI-TONELLI and MICHELL LUMINATI-TONNELLI, in concert with at least five other persons with respect to whom defendants FERNANDO MARIA LUMINATI-TONELLI and MICHELL LUMINATI-TONNELLI occupied a position of organizer, supervisor and manager, and from which continuing series of violations defendants FERNANDO MARIA LUMINATI-TONELLI and MICHELL LUMINATI-TONNELLI obtained substantial income and resources; all in violation of Title 21, United States Code, Section 848(a).

COUNT 2

Beginning in or about January, 1995, and continuing thereafter until in or about October 2000, in Miami-Dade County, in the Southern District of Florida, and elsewhere, the defendants,

**FERNANDO MARIA LUMINATI-TONELLI,
MICHELL LUMINATI-TONNELLI,
CAMILLA BROE, and
FORTUNATO IVANO CORNELLI,**

did knowingly and intentionally combine, conspire, confederate and agree with each other and with persons known and unknown to the Grand Jury, to import into the United States from a place outside thereof, a Schedule I controlled substance, that is, a mixture and substance containing a detectable amount of 3, 4 Methylenedioxyamphetamine (MDMA), also known as "ecstasy," in violation of Title 21, United States Code, Section 952(a); all in violation of Title 21, United States Code, Section 963.

COUNT 3

Beginning in or about January, 1995, and continuing thereafter until in or about October 2000, in Miami-Dade County, in the Southern District of Florida, and elsewhere, the defendants,

**FERNANDO MARIA LUMINATI-TONELLI,
MICHELL LUMINATI-TONNELLI,
CAMILLA BROE, and
FORTUNATO IVANO CORNELLI,**

did knowingly and intentionally combine, conspire, confederate and agree with each other and with persons known and unknown to the Grand Jury, to possess with intent to distribute, a Schedule I controlled substance, that is, a mixture and substance containing a detectable amount of 3, 4 Methylenedioxymethamphetamine (MDMA), also known as "ecstasy," in violation of Title 21, United States Code, Section 841(a)(1); all in violation of Title 21, United States Code, Section 846.

COUNT 4

Beginning in or about January, 1995, and continuing thereafter until in or about October 2000, in Miami-Dade County, in the Southern District of Florida, and elsewhere, the defendants

**FERNANDO MARIA LUMINATI-TONELLI,
MICHELL LUMINATI-TONNELLI,
CAMILLA BROE, and
FORTUNATO IVANO CORNELLI,**

did knowingly and willfully combine, conspire, confederate and agree with each other, and with persons known and unknown to the Grand Jury, to knowingly transport, transmit, transfer and attempt to transport, transmit, and transfer monetary instruments, that is, United States currency, from a place inside the United States to a place outside of the United States, knowing that such transportation, transmission, and transfer is designed in whole or in part to conceal and disguise the nature, location, source, ownership and the control of the proceeds of specified unlawful activity, that

is, the felonious importation, receiving, concealment, buying, selling and otherwise dealing in a controlled substance or listed chemical (as defined in Section 102 of the Controlled Substances Act) punishable under the laws of the United States, and knowing that the monetary instruments involved in the transportation, transmission, and transfer represented the proceeds of some form of unlawful activity, in violation of Title 18, United States Code, Section 1956(a)(2)(B)(i). All in violation of Title 18, United States Code, Section 1956(h).

**FORFEITURE ALLEGATION
PURSUANT TO TITLE 18, UNITED STATES CODE, SECTION 1956
TITLE 21, UNITED STATES CODE, SECTION 853**

18:1956
(9)

1. The allegations contained in Counts 1 through 4 of this indictment, by this reference fully incorporated herein for the purpose of alleging forfeitures to the United States of America of certain property in which the defendants have an interest pursuant to the provisions of Title 18, United States Code, Section 982 and Title 21, United States Code, Section 853.

2. Upon conviction of the offenses alleged in Counts 1 through 4 of this indictment, the defendants shall forfeit to the United States any property in which the defendants have an interest constituting or derived from, any proceeds which the defendants obtained, directly or indirectly, as the result of such violation; and any property in which the defendants have an interest, which was used, or intended to be used, in any manner or part, to commit, or facilitate the commission of such violation; or any property, real or personal, in which the defendants have an interest, involved in such offense or traceable to such property.

3. Pursuant to Title 21, United States Code, Section 853(p), as incorporated by reference by Title 18, United States Code, Section 982(b), if any of the above-described forfeitable property, as a result of any act or omission of the defendants:

- 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 subdivided without difficulty;

it is the intent of the United States, pursuant to Title 18, United States Code, Section 982(b) and Title 21, United States Code, Section 853(p), to seek the forfeiture of any other property of the defendants up to the value of the above-described forfeitable property.

4. All in accordance with Title 18, United States Code, Section 982(a)(1) and Title 21, United States Code, Sections 853(a)(1) and (a)(2).

A TRUE BILL

L. M. Chandler, DPA
FOREPERSON

Thomas J. Mulvihill
MARCOS DANIEL JIMENEZ
UNITED STATES ATTORNEY

David S. Weinstein
DAVID S. WEINSTEIN
ASSISTANT UNITED STATES ATTORNEY

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

UNITED STATES OF AMERICA CASE NO. 00-899-CR-FAM(s)

v. CERTIFICATE OF TRIAL ATTORNEY*

FERNANDO MARIA LUMINATI-TONELLI, ET AL/ Superseding Case Information

Court Division: (Select One) New Defendant(s) Yes x No
X Miami Key West Number of New Defendants 4
 FTL WPB FTP Total number of counts 4

I do hereby certify that:

- I have carefully considered the allegations of the indictment, the number of defendants, the number of probable witnesses and the legal complexities of the Indictment/Information attached hereto.
- I am aware that the information supplied on this statement will be relied upon by the Judges of this Court in setting their calendars and scheduling criminal trials under the mandate of the Speedy Trial Act, Title 28 U.S.C. Section 3161.
- Interpreter: (Yes or No) YES
List language and/or dialect ITALIAN
- This case will take 8 days for the parties to try.

5. Please check appropriate category and type of offense listed below:
(Check only one) (Check only one)

I	0 to 5 days	<u> </u>	Petty	<u> </u>
II	6 to 10 days	<u>X</u>	Minor	<u> </u>
III	11 to 20 days	<u> </u>	Misdem.	<u> </u>
IV	21 to 60 days	<u> </u>	Felony	<u>X</u>
V	61 days and over	<u> </u>		

6. Has this case been previously filed in this District Court? (Yes or No) YES

If yes:
Judge: MORENO Case No. 00-899-CR-FAM
(Attach copy of dispositive order)

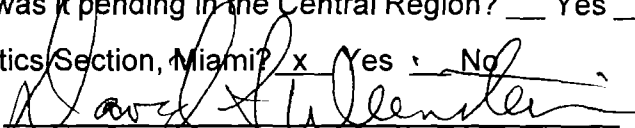
Has a complaint been filed in this matter? (Yes or No)

If yes:
Magistrate Case No.
Related Miscellaneous numbers:
Defendant(s) in federal custody as of
Defendant(s) in state custody as of
Rule 20 from the District of

Is this a potential death penalty case? (Yes or No) NO

7. Does this case originate from a matter pending in the U. S. Attorney's Office prior to April 1, 1999? Yes X No If yes, was it pending in the Central Region? Yes No

8. Did this case originate in the Narcotics Section, Miami? x Yes No


David S. Weinstein
ASSISTANT UNITED STATES ATTORNEY
Florida Bar No. 749214

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

PENALTY SHEET

Defendant's Name: FERNANDO MARIA LUMINATI-TONELLI Case No:00-899-CR-FAM(s)

Count #: 1

Continuing criminal enterprise

21 U.S.C. § 848

*** Max. Penalty:** Life imprisonment

Count #: 2

Conspiracy to import MDMA

21 U.S.C. § 963

***Max. Penalty:** 20 years' imprisonment

Count #: 3

Conspiracy to possess with intent to distribute MDMA

21 U.S.C. § 846

***Max. Penalty:** 20 years' imprisonment

Count #: 4

Money laundering

18 U.S.C. §1956

***Max. Penalty:** 20 years' imprisonment

***Refers only to possible term of incarceration, does not include possible fines, restitution, special assessments, parole terms, or forfeitures that may be applicable.**

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

PENALTY SHEET

Defendant's Name: MICHELL LUMINATI-TONNELLI Case No: 00-899-CR-FAM(s)

Count #: 1

Continuing criminal enterprise

21 U.S.C. § 848

*** Max. Penalty:** Life imprisonment

Count #: 2

Conspiracy to import MDMA

21 U.S.C. § 963

***Max. Penalty:** 20 years' imprisonment

Count #:3

Conspiracy to possess with intent to distribute MDMA

21 U.S.C. § 846

***Max. Penalty:** 20 years' imprisonment

Count #:4

Money laundering

18 U.S.C. §1956

***Max. Penalty:** 20 years' imprisonment

***Refers only to possible term of incarceration, does not include possible fines, restitution, special assessments, parole terms, or forfeitures that may be applicable.**

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

PENALTY SHEET

Defendant's Name: CAMILLA BROE Case No: 00-899-CR-FAM(s)

Count #: 2

Conspiracy to import MDMA

21 U.S.C. § 963

*Max. Penalty: 20 years' imprisonment

Count #: 3

Conspiracy to possess with intent to distribute MDMA

21 U.S.C. § 846

*Max. Penalty: 20 years' imprisonment

Count #: 4

Money laundering

18 U.S.C. §1956

*Max. Penalty: 20 years' imprisonment

***Refers only to possible term of incarceration, does not include possible fines, restitution, special assessments, parole terms, or forfeitures that may be applicable.**

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

PENALTY SHEET

Defendant's Name: FORTUNATO IVANO CORNELLI Case No: 00-899-CR-FAM(s)

Count #: 2

Conspiracy to import MDMA

21 U.S.C. § 963

*Max. Penalty: 20 years' imprisonment

Count #: 3

Conspiracy to possess with intent to distribute MDMA

21 U.S.C. § 846

*Max. Penalty: 20 years' imprisonment

Count #: 4

Money laundering

18 U.S.C. § 1956

*Max. Penalty: 20 years' imprisonment

***Refers only to possible term of incarceration, does not include possible fines, restitution, special assessments, parole terms, or forfeitures that may be applicable.**