UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA
SAVANNAH DIVISION

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| UNITED STATES OF AMERICA | ) INDICTMENT NO. CR422-0114 |
| v. | ) 21 U.S.C. § 846 Conspiracy to Possess With Intent to Distribute and to Distribute Controlled Substances (Cocaine, Methamphetamine, Cocaine Base, Heroin, Marijuana) |
| DENNIS RODRIGUEZ KINCHEN, SHERMAN LEVON SCOTT, ANGEL AMARAL, JACQUELINE SOMESSO, TONY HELDORE | ) 21 U.S.C. § 841(a)(1) Possession with Intent to Distribute and Distribution a Controlled Substances (Cocaine, Methamphetamine, Cocaine Base, and Heroin) |
| | ) 21 U.S.C. § 856(a)(1) Maintaining Drug-Involved Premises |
| | ) 18 U.S.C. § 924(c) Possession of a Firearm in Furtherance of a Drug Trafficking Offense |
| | ) 18 U.S.C. § 922(g) Possession of a Firearm by a Prohibited Person |
| | ) 18 U.S.C. § 287 False, Fictitious, or Fraudulent Claims |
| | ) 18 U.S.C. § 1344 Bank Fraud |
| | ) 18 U.S.C. § 1956(h) Conspiracy to Launder Money |
| | ) 18 U.S.C. § 2 Aiding and Abetting |

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**THE GRAND JURY CHARGES THAT:**

**COUNT ONE**

*Conspiracy to Possess With Intent to Distribute and to Distribute Controlled Substances (Cocaine, Methamphetamine, Cocaine Base, Heroin, Marijuana)*
21 U.S.C. § 846

Beginning on a date at least as early as April 2019, up to and including the return date of this indictment, the precise dates being unknown, in Chatham, Laurens counties, within the Southern District of Georgia, and elsewhere, the Defendants,

**DENNIS RODRIGUEZ KINCHEN,**
**SHERMAN LEVON SCOTT,**
**ANGEL AMARAL,**
**JACQUELINE SOMESSO,**
**TONY HELDORE,**

aided and abetted by each other and by others known and unknown, with some joining the conspiracy earlier and others joining later, did knowingly and intentionally combine, conspire, confederate and agree together and with each other, and with others known and unknown, to possess with intent to distribute and to distribute 5 kilograms or more of a mixture or substance containing a detectable amount of cocaine, a Schedule II controlled substance, 50 grams or more of methamphetamine, a Schedule II controlled substance, 280 grams or more of a mixture or substance containing a detectable amount of cocaine base, a Schedule II controlled substance, 100 grams or more of a mixture or substance containing a detectable amount of heroin, a Schedule I controlled substance, a mixture or substance containing a detectable amount of marijuana, a Schedule I controlled substance.

All in violation of Title 21, United States Code, Sections 841(a)(1) and 846 and Title 18, United States Code, Section 2.

**COUNT TWO**
*Maintaining Drug-Involved Premises*
21 U.S.C. § 856(a)(1)

Beginning on a date at least as early as February 2020, up to and including the return date of this indictment, the precise dates being unknown, in Chatham County, within the Southern District of Georgia, the Defendants,

**DENNIS RODRIGUEZ KINCHEN,**
**JACQUELINE SOMESSO,**

aided and abetted by each other and others unknown, did lease, rent, use, and maintain a place located at 325 Westbrook Lane, Pooler, Georgia, for the purpose of distributing cocaine, a Schedule II controlled substance, and heroin, a Schedule I controlled substance.

All in violation of Title 21, United States Code, Section 856(a)(1) and Title 18, United States Code, Section 2.

## COUNT THREE

*Maintaining Drug-Involved Premises*
21 U.S.C. § 856(a)(1)

Beginning on a date at least as early as February 2020, up to and including the return date of this indictment, the precise dates being unknown, in Laurens County, within the Southern District of Georgia, the Defendant,

**DENNIS RODRIGUEZ KINCHEN,**

did lease, rent, use, and maintain a place located at 240 Deerwood Trail, Dublin, Georgia, for the purpose of distributing cocaine, a Schedule II controlled substance, methamphetamine, a Schedule II controlled substance, heroin, a Schedule I controlled substance, and marijuana, a Schedule I controlled substance.

All in violation of Title 21, United States Code, Section 856(a)(1).

## COUNT FOUR

*Maintaining Drug-Involved Premises*
21 U.S.C. § 856(a)(1)

Beginning on a date at least as early as February 2020, up to and including the return date of this indictment, the precise dates being unknown, in Chatham County, within the Southern District of Georgia, the Defendant,

**SHERMAN LEVON SCOTT,**

did lease, rent, use, and maintain a place located at 6 Cassidy Court, Pooler, Georgia, for the purpose of distributing cocaine, a Schedule II controlled substance, and cocaine base, a Schedule II controlled substance.

All in violation of Title 21, United States Code, Section 856(a)(1).

## COUNT FIVE

*Distribution of a Controlled Substance (Cocaine Base)*
21 U.S.C. § 841(a)(1)

On or about February 12, 2021, in Chatham County, within the Southern District of Georgia, the Defendant,

**SHERMAN LEVON SCOTT,**

did knowingly and intentionally distribute 28 grams or more of a mixture and substance containing a detectable amount of cocaine base, a Schedule II controlled substance.

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

## COUNT SIX

*Distribution of a Controlled Substance (Cocaine Base)*
21 U.S.C. § 841(a)(1)

On or about March 22, 2021, in Chatham County, within the Southern District of Georgia, the Defendant,

**SHERMAN LEVON SCOTT,**

did knowingly and intentionally distribute 28 grams or more of a mixture and substance containing a detectable amount of cocaine base, a Schedule II controlled substance.

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

**COUNT SEVEN**

*Distribution of a Controlled Substance (Cocaine Base)*
21 U.S.C. § 841(a)(1)

On or about May 4, 2021, in Chatham County, within the Southern District of Georgia, the Defendant,

**SHERMAN LEVON SCOTT,**

did knowingly and intentionally distribute 28 grams or more of a mixture and substance containing a detectable amount of cocaine base, a Schedule II controlled substance.

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

**<u>COUNT EIGHT</u>**
*Bank Fraud*
18 U.S.C. § 1344

On or about May 21, 2021, in the Southern District of Georgia, and elsewhere, the Defendant,

**JACQUELINE SOMESSO,**

did knowingly execute and attempt to execute a scheme and artifice to defraud Community Federal Savings Bank, and to obtain money, funds and property owned by and under the custody and control of Community Federal Savings Bank, by means of false and fraudulent pretenses, representations, and promises, and schemes and artifice being in substance as follows:

**<u>THE SCHEME AND ARTIFICE</u>**

It was a part of the scheme and artifice that the defendant submitted fake bank statements to Community Federal Saving Bank, which is a federally insured financial institution with locations throughout the Southern District of Georgia,

The false documents were submitted for the purpose of obtaining a Paycheck Protection Program ("PPP') loan for Liquid Café, which according to the Georgia Corporations Division of the Georgia Secretary of State, as of July 23, 2022, list the defendant as the Registered Agent.

As a part of the scheme and artifice, the defendant made or caused to be made, fake bank statements for the purpose of falsifying her payroll expenses.

The fake statements purported to be from Colony Bank and ranged from February 2021 to April 2021. However, the statements were later determined to be fake, and were allegedly created and submitted to Community Federal Savings Bank in an application for PPP funds.

On May 14, 2021, via a wire transfer from Community Federal Savings Bank, the defendant's Colony Bank account number 231151752, held in the name of Liquid Café, LLC's, received a deposit of $570,736.87.

All in violation of Title 18, United States Code, Section 1344.

**COUNT NINE**

*Distribution of a Controlled Substance (Cocaine Base)*

21 U.S.C. § 841(a)(1)

On or about June 2, 2021, in Chatham County, within the Southern District of Georgia, the Defendant,

**SHERMAN LEVON SCOTT,**

did knowingly and intentionally distribute 28 grams or more of a mixture and substance containing a detectable amount of cocaine base, a Schedule II controlled substance.

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

**COUNT TEN**

*False, Fictitious, or Fraudulent Claims*

18 U.S.C. § 287 and 2

On or about September 21, 2021, in the Southern District of Georgia, and elsewhere, the Defendant,

**DENNIS RODRIGUEZ KINCHEN,**

aided and abetted by others, made and presented to the SBA a claim upon the United States and the Small Business Administration ("SBA"), that is, an application for an Economic Injury Disaster Loan ("EIDL") on behalf of Infinity Trucking Company, LLC., wherein **KINCHEN** stated that program funds were to be used "*solely as working capital to alleviate economic injury,"* however at the time the attestation was made the Defendant knew that said claim was false.

All in violation of Title 18 United States Code, Sections 287 and 2.

**COUNT ELEVEN**
*Conspiracy Money Laundering*
18 U.S.C. § 1956(h)

On or about September 21, 2021, in the Southern District of Georgia, and elsewhere, the Defendant,

**DENNIS RODRIGUEZ KINCHEN,**

aided and abetted by each other and by others known and unknown, with some joining the conspiracy earlier and others joining later, did knowingly and intentionally combine, conspire, confederate and agree with each other and others, to conduct and attempt to conduct financial transactions affecting interstate commerce, with funds which were proceeds of a specified unlawful activity, that is conspiracy to commit wire fraud, in violation of Title 18, United States Code, Section 1341.

In furtherance of the conspiracy, the defendant committed and caused to be committed in the Southern District of Georgia and elsewhere, financial transactions affecting interstate commerce, using funds which were, and which the defendant knew to be, proceeds of the unlawful conspiracy to commit wire fraud, through the transactions limited below:

a. On or about September 21, 2021, the SBA deposited $412,700 into Morris Bank account number 94595, held in the name of INFINITY TRUCKING COMPANY, LLC. The deposit was induced based on a false statement made by the defendant in an application for an EIDL as described above in Count 13.

b. Prior to receiving the $412,700 in SBA funds the statement balance of Morris Bank account #94595 was only $4,722.68.

c. Following this deposit, on October 21, 2021, the defendant conducted a wire transfer in the amount of $325,000 from Morris Bank account #94595 to Colony Bank account number #8218 held in the name INFINITY TRUCKING CO LLC. Documentation for this wire transfer stated that the purpose for the transfer is "Purchase Property."

d. Prior to the receipt of this wire transfer, bank records indicated account number #8218 had a balance of only $3,905.53. Following this, on October 22, 2021, the records show an outgoing wire transfer to a law firm in the amount of $25,000.

e. On October 25, 2021, a Colony Bank "Miscellaneous Form" was utilized to conduct a transfer in the amount of $300,000. On the form a handwritten note reads, "transfer to cd #213026794 loan collateral per Dennis Kinchen." This "Miscellaneous Form" also purports to be signed by KINCHEN.

f. On this same date, October 25, 2021, KINCHEN was also issued a check from Colony Bank for the amount of $300,000. The back of this check shows that it was specially endorsed by KINCHEN in the following manner: "Pay to the order of Infinity Trucking Co LLC." The bank's internal transaction stamps show, however, that this check was not deposited into Colony Bank account number #8218 until October 26, 2021; after the purchase of the CD on October 25, 2021. Furthermore, these Colony Bank records included a separate "Miscellaneous Form," which is also dated October 25, 2021, which included the handwritten description "loan fees xx8692 (POC)" and which also purports to be signed by KINCHEN.

g. These records corroborate the belief that the funds used to purchase CD #213026794 were the SBA funds that KINCHEN transferred from his account at Morris Bank (account #94595).

h. Additionally, on November 3, 2021, a cash deposit in the amount of $6,500 was made into Colony Bank account #8218. The next day, on November 4, 2021, Colony Bank records detail an outgoing wire transfer to another law firm in the amount of $306,380.72.

i. An internet search of the above referenced law firm shows that they are located in the Atlanta, Georgia area, and specializes in only four areas, including residential real estate closings. A search of the Fulton County, Georgia's Board of Assessors website revealed a property record in the name of Dennis KINCHEN for property located at 2734 Peachtree Rd NW, Unit #C202. The property record further shows that the sale to KINCHEN took place on November 5, 2021.

j. The Government believes that this residential property was purchased with money traceable to and/or derived from Wire Fraud and subsequent misuse of SBA COVID EIDL loan funds as well as through the use of comingled illicit proceeds.

All done in violation of Title 18, United States Code, Section 1956(h).

**COUNT TWELVE**

*Possession with Intent to Distribute a Controlled Substance (Cocaine)*
21 U.S.C. § 841(a)(1)

On or about January 29, 2022, in Chatham County, within the Southern District of Georgia, the Defendants,

**DENNIS RODRIGUEZ KINCHEN,**
**ANGEL AMARAL,**
**JACQUELINE SOMESSO,**

aided and abetted by each other, did knowingly and intentionally possess with intent to distribute 500 grams or more of a mixture and substance containing a detectable amount of cocaine, a Schedule II controlled substance.

All in violation of Title 21, United States Code, Section 841(a)(1) and Title 18, United States Code, Section 2.

**COUNT THIRTEEN**
*Possession of Firearm in Furtherance of a Drug Trafficking Crime*
18 U.S.C. § 924(c)

On or about January 29, 2022, in Chatham County, within the Southern District of Georgia, the Defendants,

**DENNIS RODRIGUEZ KINCHEN,**
**JACQUELINE SOMESSO,**

aided and abetted by each other, did knowingly possess firearms in furtherance of at least one drug trafficking crime for which they may be prosecuted in a court of the United States, to wit, Conspiracy to Possess with Intent to Distribute and to Distribute Controlled Substances, in violation of Title 21, United States Code, Section 846, as charged in Count 1 of this Indictment and Possession with Intent to Distribute Controlled Substances, in violation of Title 21, United States Code, Section 841(a)(1), as charged in Count 12 of this Indictment.

All in violation of Title 18, United States Code, Sections 924(c) and 2.

**COUNT FOURTEEN**
*Possession of Firearms by a Prohibited Person*
18 U.S.C. § 922(g)(1)

On or about January 29, 2022, in Chatham County, within the Southern District of Georgia, the Defendant,

**DENNIS RODRIGUEZ KINCHEN,**

knowing he had previously been convicted of a crime punishable by imprisonment for a term exceeding one year, did knowingly possess, in and affecting commerce, firearms, to wit,

- Beretta, Model CX4 Storm 9mm caliber rifle
- Mossberg, Model 930 JM Pro, 12-gauge shotgun
- Taurus, Model PT111 G2, 9mm caliber pistol

all which had previously been transported in interstate and foreign commerce.

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

## COUNT FIFTEEN

*Possession with Intent to Distribute a Controlled Substance (Cocaine, Heroin, Methamphetamine)*
21 U.S.C. § 841(a)(1)

On or about January 29, 2022, in Laurens County, within the Southern District of Georgia, the Defendant,

**DENNIS RODRIGUEZ KINCHEN,**

did knowingly and intentionally possess with intent to distribute 500 grams or more of a mixture and substance containing a detectable amount of cocaine, a Schedule II controlled substance; 100 grams or more of a mixture and substance containing a detectable amount of heroin, a Schedule I controlled substance; and a mixture and substance containing a detectable amount of methamphetamine, a Schedule II controlled substance.

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

## FORFEITURE ALLEGATIONS

The allegations contained in Counts One through Fifteen of this Indictment are hereby re-alleged and incorporated by reference for the purpose of alleging forfeiture pursuant to Title 18, United States Code, Sections 981(a)(1)(C) and 924(d), Title 21, United States Code, Section 853, and 982(a)(7), and Title 28, United States Code, Section 2461(c).

Upon conviction of one or more of the Title 21 offenses set forth in this Indictment, Defendants,

**DENNIS RODRIGUEZ KINCHEN,**
**SHERMAN LEVON SCOTT,**
**ANGEL AMARAL,**
**JACQUELINE SOMESSO,**
**TONY HELDORE,**

shall forfeit to the United States pursuant to Title 21, United States Code, Section 853, any proceeds obtained, directly or indirectly, as the result of such offense and any property used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of, the offense, including but not limited to:

a. $570,736.87 in U.S. Currency

b. $325,000 in U.S. Currency

c. 6 Cassidy Court, Pooler, Georgia

d. 325 Westbrook Court, Pooler, Georgia

e. 240 Deerwood Trail, Dublin, Georgia

Additionally, upon conviction of one or more of the Title 18 offenses set forth in this Indictment, Defendants,

DENNIS RODRIGUEZ KINCHEN,
JACQUELINE SOMESSO,

shall forfeit to the United States any firearms or ammunition used or intended to be used in violation of the charged offense(s).

If any of the property described above, as a result of any act or commission of the defendant:

a. cannot be located upon the exercise of due diligence;

b. has been transferred or sold to, or deposited with, a third party;

c. has been placed beyond the jurisdiction of the court;

d. has been substantially diminished in value; or

e. has been commingled with other property which cannot be divided without difficulty,

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

A True Bill.

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