

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF KENTUCKY
CENTRAL DIVISION
LEXINGTON

Eastern District of Kentucky
FILED

OCT 21 2021

AT LEXINGTON
ROBERT R. CARR
CLERK U.S. DISTRICT COURT

UNITED STATES OF AMERICA

V.

INDICTMENT NO. 5:21-cr-111-DCR

CRAIG DUPREE ROBERTSON,
BRENDA NICOLE FUGATE,
 aka NIKKI,
CASEY RYAN CREECH,
TONY CHRISTOPHER FUGATE,
HOUSTON PAUL JOHNSON,
PAMELA SMITH-BAKER,
ANGELA MARIE HALSEY,
MICHAEL DUSTIN JOHNSON,
 aka DUSTY and
PATRICIA ANN MORGAN

* * * * *

THE GRAND JURY CHARGES:

COUNT 1
21 U.S.C. § 846

Beginning in or about October 2020, the exact date unknown, and continuing through in or about September 2021, the exact date unknown, in Fayette County, Montgomery County, Clark County, and Powell County, in the Eastern District of Kentucky, and elsewhere,

CRAIG DUPREE ROBERTSON,
BRENDA NICOLE FUGATE,
 aka NIKKI,
CASEY RYAN CREECH,
TONY CHRISTOPHER FUGATE,

**HOUSTON PAUL JOHNSON,
PAMELA SMITH-BAKER,
ANGELA MARIE HALSEY,
MICHAEL DUSTIN JOHNSON,
aka DUSTY and
PATRICIA ANN MORGAN**

did knowingly and intentionally conspire together and with others to distribute 500 grams or more of mixtures or substances containing a detectable amount of methamphetamine, a Schedule II controlled substance, and mixtures or substances containing a detectable amount of fentanyl, a Schedule II controlled substance, in violation of 21 U.S.C. § 841(a)(1), all in violation of 21 U.S.C. § 846.

**COUNT 2
21 U.S.C. § 841(a)(1)**

On or about November 20, 2020, in Clark County, in the Eastern District of Kentucky,

CASEY RYAN CREECH

did knowingly and intentionally distribute a mixture or substance containing a detectable amount of methamphetamine, a Schedule II controlled substance, all in violation of 21 U.S.C. § 841(a)(1).

**COUNT 3
21 U.S.C. § 841(a)(1)**

On or about November 25, 2020, in Clark County, in the Eastern District of Kentucky,

**BRENDA NICOLE FUGATE,
aka NIKKI, and
CASEY RYAN CREECH**

did knowingly and intentionally distribute a mixture or substance containing a detectable amount of methamphetamine, a Schedule II controlled substance, all in violation of 21 U.S.C. § 841(a)(1).

COUNT 4
21 U.S.C. § 841(a)(1)

On or about November 30, 2020, in Clark County, in the Eastern District of Kentucky,

BRENDA NICOLE FUGATE,
aka NIKKI, and
CASEY RYAN CREECH

did knowingly and intentionally distribute a mixture or substance containing a detectable amount of methamphetamine, a Schedule II controlled substance, all in violation of 21 U.S.C. § 841(a)(1).

COUNT 5
21 U.S.C. § 841(a)(1)

On or about December 8, 2020, in Clark County, in the Eastern District of Kentucky,

BRENDA NICOLE FUGATE,
aka NIKKI, and
CASEY RYAN CREECH

did knowingly and intentionally distribute a mixture or substance containing a detectable amount of methamphetamine, a Schedule II controlled substance, and a mixture or substance containing a detectable amount of fentanyl, a Schedule II controlled substance, all in violation of 21 U.S.C. § 841(a)(1).

COUNT 6
21 U.S.C. § 841(a)(1)

On or about December 11, 2020, in Fayette County, in the Eastern District of Kentucky,

BRENDA NICOLE FUGATE,
aka NIKKI, and
CASEY RYAN CREECH

did knowingly and intentionally possess with intent to distribute 50 grams or more of a mixture or substance containing a detectable amount of methamphetamine, a Schedule II controlled substance, all in violation of 21 U.S.C. § 841(a)(1).

COUNT 7
21 U.S.C. § 841(a)(1)

On or about February 4, 2021, in Fayette County, in the Eastern District of Kentucky,

BRENDA NICOLE FUGATE,
aka NIKKI,

did knowingly and intentionally distribute 50 grams or more of a mixture or substance containing a detectable amount of methamphetamine, a Schedule II controlled substance, and a mixture or substance containing a detectable amount of fentanyl, a Schedule II controlled substance, all in violation of 21 U.S.C. § 841(a)(1).

COUNT 8
21 U.S.C. § 841(a)(1)

On or about February 5, 2021, in Montgomery County, in the Eastern District of Kentucky,

ANGELA MARIE HALSEY

did knowingly and intentionally possess with intent to distribute 50 grams or more of a mixture or substance containing a detectable amount of methamphetamine, a Schedule II controlled substance, and a mixture or substance containing a detectable amount of fentanyl, a Schedule II controlled substance, all in violation of 21 U.S.C. § 841(a)(1).

COUNT 9
21 U.S.C. § 841(a)(1)

On or about February 8, 2021, in Powell County, in the Eastern District of Kentucky,

HOUSTON PAUL JOHNSON

did knowingly and intentionally possess with intent to distribute 50 grams or more of a mixture or substance containing a detectable amount of methamphetamine, a Schedule II controlled substance, all in violation of 21 U.S.C. § 841(a)(1).

COUNT 10
21 U.S.C. § 841(a)(1)

On or about February 22, 2021, in Powell County, in the Eastern District of Kentucky,

HOUSTON PAUL JOHNSON

did knowingly and intentionally possess with intent to distribute 50 grams or more of a mixture or substance containing a detectable amount of methamphetamine, a Schedule II controlled substance, and a mixture or substance containing a detectable amount of fentanyl, a Schedule II controlled substance, all in violation of 21 U.S.C. § 841(a)(1).

COUNT 11
21 U.S.C. § 841(a)(1)

On or about March 3, 2021, in Fayette County, in the Eastern District of Kentucky,

BRENDA NICOLE FUGATE,
aka NIKKI,

did knowingly and intentionally distribute 50 grams or more of a mixture or substance containing a detectable amount of methamphetamine, a Schedule II controlled substance, and a mixture or substance containing a detectable amount of fentanyl, a Schedule II controlled substance, all in violation of 21 U.S.C. § 841(a)(1).

COUNT 12
21 U.S.C. § 841(a)(1)

On or about March 3, 2021, in Powell County, in the Eastern District of Kentucky,

MICHAEL DUSTIN JOHNSON,
aka DUSTY,

did knowingly and intentionally possess with intent to distribute 50 grams or more of a mixture or substance containing a detectable amount of methamphetamine, a Schedule II controlled substance, and a mixture or substance containing a detectable amount of fentanyl, a Schedule II controlled substance, all in violation of 21 U.S.C. § 841(a)(1).

COUNT 13
21 U.S.C. § 841(a)(1)

On or about March 4, 2021, in Clark County, in the Eastern District of Kentucky,

**BRENDA NICOLE FUGATE,
aka NIKKI,**

did knowingly and intentionally distribute 40 grams or more of a mixture or substance containing a detectable amount of fentanyl, a Schedule II controlled substance, and a mixture or substance containing a detectable amount of methamphetamine, a Schedule II controlled substance, all in violation of 21 U.S.C. § 841(a)(1).

**COUNT 14
21 U.S.C. § 841(a)(1)**

On or about March 4, 2021, in Powell County, in the Eastern District of Kentucky,

PAMELA SMITH-BAKER

did knowingly and intentionally possess with intent to distribute 40 grams or more of a mixture or substance containing a detectable amount of fentanyl, a Schedule II controlled substance, and 50 grams or more of a mixture or substance containing a detectable amount of methamphetamine, a Schedule II controlled substance, all in violation of 21 U.S.C. § 841(a)(1).

**COUNT 15
21 U.S.C. § 841(a)(1)**

On or about April 22, 2021, in Montgomery County, in the Eastern District of Kentucky,

**BRENDA NICOLE FUGATE,
aka NIKKI,**

did knowingly and intentionally distribute 50 grams or more of methamphetamine (actual), a Schedule II controlled substance, and a mixture or substance containing a

detectable amount of fentanyl, a Schedule II controlled substance, all in violation of 21 U.S.C. § 841(a)(1).

COUNT 16
21 U.S.C. § 841(a)(1)

On or about April 22, 2021, in Montgomery County, in the Eastern District of Kentucky,

ANGELA MARIE HALSEY

did knowingly and intentionally possess with intent to distribute 50 grams or more of methamphetamine (actual), a Schedule II controlled substance, and a mixture or substance containing a detectable amount of fentanyl, a Schedule II controlled substance, all in violation of 21 U.S.C. § 841(a)(1).

COUNT 17
21 U.S.C. § 841(a)(1)

On or about July 14, 2021, in Fayette County, in the Eastern District of Kentucky,

BRENDA NICOLE FUGATE,
aka NIKKI,

did knowingly and intentionally distribute a mixture or substance containing a detectable amount of methamphetamine, a Schedule II controlled substance, all in violation of 21 U.S.C. § 841(a)(1).

COUNT 18
21 U.S.C. § 841(a)(1)

On or about August 1, 2021, in Fayette County, in the Eastern District of Kentucky,

**CRAIG DUPREE ROBERTSON and
BRENDA NICOLE FUGATE,
aka NIKKI,**

did knowingly and intentionally distribute 50 grams or more of a mixture or substance containing a detectable amount of methamphetamine, a Schedule II controlled substance, and a mixture or substance containing a detectable amount of fentanyl, a Schedule II controlled substance, all in violation of 21 U.S.C. § 841(a)(1).

**COUNT 19
21 U.S.C. § 841(a)(1)**

On or about August 2, 2021, in Clark County, in the Eastern District of Kentucky,

TONY CHRISTOPHER FUGATE

did knowingly and intentionally possess with intent to distribute 50 grams or more of a mixture or substance containing a detectable amount of methamphetamine, a Schedule II controlled substance, and a mixture or substance containing a detectable amount of fentanyl, a Schedule II controlled substance, all in violation of 21 U.S.C. § 841(a)(1).

**COUNT 20
21 U.S.C. § 841(a)(1)**

On or about September 23, 2021, in Fayette County, in the Eastern District of Kentucky,

**BRENDA NICOLE FUGATE
aka NIKKI,**

did knowingly and intentionally possess with intent to distribute 50 grams or more of a mixture or substance containing a detectable amount of methamphetamine, a Schedule II

controlled substance, and 400 grams or more of a mixture or substance containing a detectable amount of fentanyl, a Schedule II controlled substance, all in violation of 21 U.S.C. § 841(a)(1).

COUNT 21
21 U.S.C. § 841(a)(1)

On or about September 23, 2021, in Fayette County, in the Eastern District of Kentucky,

**CRAIG DUPREE ROBERTSON and
PATRICIA ANN MORGAN**

did knowingly and intentionally possess with intent to distribute 500 grams or more of a mixture or substance containing a detectable amount of methamphetamine, a Schedule II controlled substance, all in violation of 21 U.S.C. § 841(a)(1).

COUNT 22
18 U.S.C. § 922(g)(1)

On or about September 23, 2021, in Fayette County, in the Eastern District of Kentucky,

**BRENDA NICOLE FUGATE,
aka NIKKI,**

knowing that she had been convicted of a crime punishable by imprisonment for a term exceeding one year, did knowingly possess a firearm, to wit, a North American Arms .22 caliber revolver, model NAA22, with serial number L147409, and a Charter Arms .38 caliber revolver, model undercover, with serial number 179346, said firearm(s) having been shipped and transported in commerce, all in violation of 18 U.S.C. § 922(g)(1).

COUNT 23
18 U.S.C. § 924(c)(1)(A)

On or about September 23, 2021, in Fayette County, in the Eastern District of Kentucky,

BRENDA NICOLE FUGATE
aka NIKKI,

did knowingly and intentionally possess a firearm, to wit, a North American Arms .22 caliber revolver, model NAA22, with serial number L147409, in furtherance of a drug trafficking crime charged in Counts 1 and 20 of this Indictment for which she may be prosecuted in a court of the United States, all in violation of 18 U.S.C. § 924(c)(1)(A).

COUNT 24
18 U.S.C. § 922(g)(1)

On or about September 23, 2021, in Fayette County, in the Eastern District of Kentucky,

CRAIG DUPREE ROBERTSON,

knowing that he had been convicted of a crime punishable by imprisonment for a term exceeding one year, did knowingly possess a firearm, to wit, a Glock 9 mm pistol, model 17, with serial number SVG346, said firearm having been shipped and transported in commerce, all in violation of 18 U.S.C. § 922(g)(1).

COUNT 25
18 U.S.C. § 922(g)(1)

On or about September 23, 2021, in Powell County, in the Eastern District of Kentucky,

CASEY RYAN CREECH,

knowing that he had been convicted of a crime punishable by imprisonment for a term exceeding one year, did knowingly possess a firearm, to wit, a Marlin Firearms Company 12-gauge bolt-action shotgun, Glenfield Model 50, with an unknown serial number; and a Winchester 16-gauge shotgun, model 1400MKII, with serial number N481696, said firearms having been shipped and transported in commerce, all in violation of 18 U.S.C. § 922(g)(1).

COUNT 26
18 U.S.C. § 922(g)(1)

On or about September 23, 2021, in Powell County, in the Eastern District of Kentucky,

TONY CHRISTOPHER FUGATE,

knowing that he had been convicted of a crime punishable by imprisonment for a term exceeding one year, did knowingly possess a firearm, to wit, a Ruger .556 caliber, model AR-556, with serial number 850-81240; a Haskell .45 caliber pistol, model JHP with serial number 4306620, and Ruger .380 caliber pistol, model LCPII, with serial number 380804525, said firearm(s) having been shipped and transported in commerce, all in violation of 18 U.S.C. § 922(g)(1).

COUNT 27
18 U.S.C. § 1956(h)

Beginning in or about October 2020, the exact date unknown, and continuing through in or about August 2021, in Fayette County, in the Eastern District of Kentucky,

and elsewhere,

**CRAIG DUPREE ROBERTSON,
BRENDA NICOLE FUGATE,
aka NIKKI, and
PATRICIA MORGAN**

did knowingly conspire and agree with each other, and with other persons known and unknown to the Grand Jury, to commit offenses against the United States, in violation of 18 U.S.C. § 1956, to wit: to knowingly conduct and attempt to conduct a financial transaction affecting interstate and foreign commerce, which involved the proceeds of a specified unlawful activity, that is, drug trafficking, with the intent to promote the carrying on of specified unlawful activity, that is drug trafficking, and that while conducting and attempting to conduct such financial transaction knew that the property involved in the financial transaction represented the proceeds of some form of unlawful activity, in violation of 18 U.S.C. § 1956(a)(1)(A)(i), all in violation of 18 U.S.C. § 1956(h).

FORFEITURE ALLEGATIONS

21 U.S.C. § 853

18 U.S.C. § 924(d)

18 U.S.C. § 982

28 U.S.C. § 2461

1) In committing the offenses alleged in Counts 1 - 21 of this Indictment, the same being punishable by imprisonment for more than one year, **CRAIG DUPREE ROBERTSON, BRENDA NICOLE FUGATE, aka NIKKI, CASEY RYAN CREECH, TONY CHRISTOPHER FUGATE, HOUSTON PAUL JOHNSON, PAMELA SMITH-BAKER, ANGELA MARIE HALSEY, MICHAEL DUSTIN**

JOHNSON, aka DUSTY, and PATRICIA ANN MORGAN used and intended to use the below-described property to commit and to facilitate the commission of the said controlled substance violations, and the below-described property constitutes proceeds obtained directly and indirectly as a result of the commission of the aforesaid violations of 21 U.S.C. § 841(a)(1).

2) In committing the felony offense charged in Counts 22-26 of this Indictment, the same being punishable by imprisonment for more than one year, the United States seeks forfeiture of the firearms and ammunition listed below from **CRAIG DUPREE ROBERTSON, BRENDA NICOLE FUGATE, aka NIKKI, CASEY RYAN CREECH and TONY CHRISTOPHER FUGATE** pursuant to 18 U.S.C. § 924(d) and 28 U.S.C. § 2461.

3) In committing the felony offense charged in Count 27 of this Indictment, the same being punishable by imprisonment for more than one year, **CRAIG DUPREE ROBERTSON, BRENDA NICOLE FUGATE, aka NIKKI, and PATRICIA MORGAN**, shall forfeit a money judgment equal to the sum of the illegal proceeds involved in the offense, pursuant to 18 U.S.C. § 982.

The property sought for forfeiture includes, but is not limited to:

CURRENCY:

- a) \$25,700.00 in United States currency;
- b) \$64,100.00 in United States currency;
- c) \$7,080.00 in United States currency;
- d) \$2,093.00 in United States currency;
- e) \$16,000.00 in United States currency;
- f) \$875.00 in United States currency.

FIREARMS AND AMMUNITION:

- a) North American Arms .22 caliber revolver, model NAA22, with serial number L147409.
- b) Charter Arms .38 caliber revolver, model undercover with serial number 179346.
- c) Glock 9 mm pistol, model 17, with serial number SVG346.
- d) Marlin Firearms Company shotgun, 12-gauge bolt-action shotgun, Glenfield Model 50 and serial number unknown.
- e) Winchester 16-gauge shotgun, model 1400MKII, with serial number N481696.
- f) Ruger 556 caliber rifle, model AR-556 with serial number 850-81240.
- g) Haskell .45 caliber pistol, model JHP with serial number 4306620.
- h) Ruger .380 caliber pistol, model LCP11, with serial number 380804525.
- i) Miscellaneous ammunition and magazines.

MONEY JUDGMENT:

A sum equal to the amount of illegal proceeds involved in Count 27 of this indictment.

By virtue of the commission of the felony offenses charged in this Indictment, any and all interest **CRAIG DUPREE ROBERTSON, BRENDA NICOLE FUGATE, aka NIKKI, CASEY RYAN CREECH, TONY CHRISTOPHER FUGATE, HOUSTON PAUL JOHNSON, PAMELA SMITH-BAKER, ANGELA MARIE HALSEY, MICHAEL DUSTIN JOHNSON, aka DUSTY, and PATRICIA ANN MORGAN** have in the above-described property is vested in the United States and hereby forfeited to the United States pursuant to 21 U.S.C. § 853, 18 U.S.C. § 924(d) and 28 U.S.C. § 2461.

A TRUE BILL



FOREPERSON

A handwritten signature in cursive script, appearing to read "Carlton S. Shier, IV".

CARLTON S. SHIER, IV
ACTING UNITED STATES ATTORNEY

PENALTIES

COUNTS 1, 15, 16, 20 & 21:

500 grams or more of Methamphetamine, 400 grams or more of Fentanyl, or 50 grams or more of Methamphetamine (actual):

Imprisonment for not less than 10 years nor more than Life imprisonment, a fine of not more than \$10,000,000, and not less than 5 years supervised release.

If prior serious drug felony or serious violent felony conviction:

Imprisonment for not less than 15 years nor more than Life imprisonment, a fine of not more than \$20,000,000, and not less than 10 years supervised release.

A mixture or substance containing Methamphetamine or Fentanyl:

Imprisonment for not more than 20 years, a fine of not more than \$1,000,000, and not less than 3 years supervised release.

If prior drug felony conviction: Imprisonment for not more than 30 years, a fine of not more than \$2,000,000, and not less than 6 years supervised release.

COUNTS 2 -5 & 17:

Imprisonment for not more than 20 years, a fine of not more than \$1,000,000, and not less than 3 years supervised release.

If prior drug felony conviction: Imprisonment for not more than 30 years, a fine of not more than \$2,000,000, and not less than 6 years supervised release.

COUNTS 6 -14, 18 & 19:

50 grams or more of Methamphetamine or 40 grams or more of Fentanyl:

Imprisonment for not less than 5 years nor more than 40 years imprisonment, a fine of not more than \$5,000,000, and not less than 4 years supervised release.

If prior serious drug felony or serious violent felony conviction:

Imprisonment for not less than 10 years nor more than Life imprisonment, not more than an \$8,000,000 fine, and not less than 8 years supervised release.

A mixture or substance containing Methamphetamine or Fentanyl:

Imprisonment for not more than 20 years, a fine of not more than \$1,000,000, and not less than 3 years supervised release.

If prior drug felony conviction: Imprisonment for not more than 30 years, a fine of not more than \$2,000,000, and not less than 6 years supervised release.

COUNTS 22 & 24-26:

Imprisonment for not more than 10 years, a fine of not more than \$250,000, and not more than 3 years supervised release.

COUNT 23:

Imprisonment for not less than 5 years, nor more than Life imprisonment, consecutive to any other sentence, a fine of not more than \$250,000, and not more than 5 years supervised release.

COUNT 27:

Not more than 20 years imprisonment, not more than a \$500,000 fine or twice the value of the property involved in the transaction, whichever is greater, and not more than 3 years supervised release.

PLUS: Mandatory special assessment of \$100 per felony count.

PLUS: Forfeiture of all listed items.

PLUS: Restitution, if applicable.