

ERIC PRESCOTT KAY

# 4 - 20 CR - 269 - Y

#### **INDICTMENT**

The Grand Jury charges:

<u>Count One</u> Conspiracy to Possess with Intent to Distribute a Controlled Substance (Violation of 21 U.S.C. § 846)

Beginning in or before 2017, the exact date being unknown to the Grand Jury and continuing until in or around July 2019, in the Northern District of Texas and elsewhere, the defendant, **Eric Prescott Kay**, and others, did knowingly and intentionally combine, conspire, confederate, and agree with others both known and unknown to the Grand Jury to commit the following offense against the United States: to possess with the intent to distribute and to distribute a mixture and substance containing a detectable amount of fentanyl, a Schedule II controlled substance, in violation of 21 U.S.C. § 841(a)(1) and (b)(1)(C).

All in violation of 21 U.S.C. § 846.

### Count Two

Distribution of a Controlled Substance Resulting in Death and Serious Bodily Injury (Violation of 21 U.S.C. §§ 841(a)(1) and (b)(1)(C))

On or about June 30, 2019, in the Fort Worth Division of the Northern District of Texas, Eric Prescott Kay, the defendant, did knowingly and intentionally distribute a mixture and substance containing a detectable amount of fentanyl, a Schedule II controlled substance, and the use of said substance resulted in the death and serious bodily injury of T.S.

In violation of 21 U.S.C. § 841(a)(1), the penalty for which is found at 21 U.S.C. § 841(b)(1)(C).

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# Forfeiture Notice (21 U.S.C. § 853(a))

Upon conviction for the offense alleged in Count One of this Indictment and pursuant to 21 U.S.C. § 853(a), the defendant, Eric Prescott Kay, shall forfeit to the United States of America all property, real or personal, constituting, or derived from, the proceeds obtained, directly or indirectly, as the result of the offense and any property, real or personal, used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of the offense.

A TRUE BILL:

FOREPF

ERIN NEALY COX UNITED STATES ATTORNEY

Assistant United States Attorney Texas Bar No. 24051767 ERRIN MARTIN Assistant United States Attorney Texas State Bar No. 24032572 1100 Commerce Street, Third Floor Dallas, Texas 75242-1699 Telephone: 214-659-8600 Facsimile: 214-659-8800 Email: lindsey.beran@usdoj.gov Email: errin.martin@usdoj.gov

# IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF TEXAS FORT WORTH DIVISION

# THE UNITED STATES OF AMERICA

v.

# ERIC PRESCOTT KAY

## INDICTMENT

21 U.S.C. § 846 Conspiracy to Possess with Intent to Distribute a Controlled Substance (Count 1)

21 U.S.C. §§ 841(a)(1) and (b)(1)(C) Distribution of a Controlled Substance Resulting in Death and Serious Bodily Injury (Count 2)

> 21 U.S.C. § 853(a) Forfeiture Notice

> > 2 Count

A true bill rendered	
	Morch
FORT WORTH	FOREPERSON
Filed in open court this $\frac{12}{5}$	day of October, 2020.
No Warrant Needed	
	Amitan
	UNITED STATES MAGISTRATE JUDGE
	Magistrate Court Number:

4:20-MJ-488-BJ