



*United States Attorney  
Southern District of New York*

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**FOR IMMEDIATE RELEASE**  
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**CONTACT: U.S. ATTORNEY'S OFFICE**  
**YUSILL SCRIBNER,**  
**REBEKAH CARMICHAEL**  
**PUBLIC INFORMATION OFFICE**  
**(212) 637-2600**

**BRONX HIT-MAN FOUND GUILTY OF**  
**THREE SEPARATE CONTRACT MURDERS**

MICHAEL J. GARCIA, the United States Attorney for the Southern District of New York, announced today that CYRIL SMITH, a/k/a "Nicholas Smith," a/k/a "Nicholas Wright," a/k/a "Mark Nicholas Smith," a/k/a "Zero," was found guilty late yesterday afternoon in Manhattan federal court of, among other things, committing three separate contract murders in the Bronx between 1998 and 2000. Following a two-week trial, the jury found SMITH guilty on eight counts in the Indictment, including counts charging SMITH for the murder of JAMAL KITT, on July 5, 1998; the murder of TERRENCE CELESTINE, on July 30, 1998; and the murder of SANFORD MALONE, on February 14, 2000. SMITH was also convicted of three counts related to his distribution of "crack" cocaine and other drugs between 1998 and 2005. According to documents filed in Manhattan federal court and the proof at trial:

SMITH was a crack dealer who sold crack at street-level drug spots in the Bronx, including at the corner of 188<sup>th</sup> Street and Webster Avenue, and in the area of the Monterey Houses, a

public housing project located between Monterey and LaFontaine Avenues, from 180<sup>th</sup> to 181<sup>st</sup> Streets. SMITH also transported crack from the Bronx to Virginia for sale. In early July 1998, a major Bronx drug dealer named EDGARDO COLON recruited SMITH to murder a rival drug dealer - JAMAL KITT - who was selling crack at a drug spot operated by COLON in the vicinity of Chisholm Street and Freeman Avenue, in the Bronx. In return for the murder, COLON promised to supply SMITH with drugs that SMITH could sell outside of New York City. SMITH shot and killed KITT with a 9-mm firearm. Roughly three weeks later, EDGARDO COLON recruited SMITH to murder another rival drug dealer - TERRENCE CELESTINE - who was selling crack in and around the Monterey Houses, where COLON's drug business was based. SMITH disguised himself with a black hooded jacket and black mask, and snuck up behind CELESTINE in a rear courtyard of the Monterey Houses. SMITH then shot CELESTINE at least 13 times, including three times in the head, with the same 9-mm firearm that he had previously used to murder JAMAL KITT. The evidence showed that SMITH also shot a bystander through the thigh. Following CELESTINE's murder, COLON paid SMITH with narcotics that SMITH then sold in Virginia. Prior to SMITH's indictment by the United States Attorney's Office, no one was ever prosecuted for the murders of KITT and CELESTINE.

The third murder for which SMITH was found guilty, that

of SANFORD MALONE, occurred on Valentine's day 2000, during a wake at a funeral home on Bathgate Avenue, between 178<sup>th</sup> Street and Tremont Avenue, in the Bronx. At the time, MALONE was the head of a large-scale drug distribution organization located on Hughes Avenue. According to the proof at trial, MALONE's chief rival for the street-level crack trade in the Tremont Section of the Bronx was an organization led by EDWIN AVILEZ, a/k/a "DJ Ed," a drug dealer who operated on Monterey Avenue, between 178<sup>th</sup> and 179<sup>th</sup> Streets, just three blocks west of Hughes Avenue. Over several years, MALONE's organization had engaged in a series of violent confrontations with AVILEZ's crew. At the Valentine's Day wake on Bathgate Avenue, tensions came to a head when MALONE came to the funeral and behaved in ways that AVILEZ and his crew felt were disrespectful, such as playing loud music from his car stereo across the street from the funeral home. As a result, AVILEZ recruited SMITH to murder MALONE at the wake. The plan was for SMITH to shoot MALONE outside on the street -- in full view of many witnesses -- while AVILEZ and his associates were inside the funeral home. SMITH murdered MALONE with another 9-mm pistol, firing at least 14 shots. SMITH also shot one of MALONE's associates through the neck and a bystander in the leg.

SMITH faces a maximum sentence of life in prison on each of the murder counts on which he was found guilty, and a mandatory minimum sentence of 20 years in prison. SMITH also

faces a mandatory minimum sentence of 10 years, and a maximum sentence of life, on two of the narcotics charges on which he was found guilty. SMITH's sentencing is scheduled for September 21, 2007, before Judge DENISE L. COTE.

Mr. GARCIA praised the outstanding efforts of the New York City Police Department's Cold Case Squad in this case.

Mr. GARCIA stated: "Cyril Smith was a contract killer. His conviction brings closure for previously unsolved murders dating back to the 1990s, and again demonstrates the role this office plays in bringing the most violent offenders to justice and in helping to make our streets and communities safer."

Assistant United States Attorneys DAVID M. RODY and DAVID V. HARBACH, II, are in charge of the prosecution.

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