

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

NO. 5:16-CR-12-D-1
NO. 5:16-CR-12-D-4
NO. 5:16-CR-12-D-5
NO. 5:16-CR-12-D-6
NO. 5:16-CR-12-D-7
NO. 5:16-CR-12-D-8
NO. 5:16-CR-12-D-9
NO. 5:16-CR-12-D-10
NO. 5:16-CR-12-D-11
NO. 5:16-CR-12-D-12

UNITED STATES OF AMERICA)
)
 v.) SUPERSEDING INDICTMENT
) SEALED
)
DEMETRICE REGUS DEVINE) Count 1: Conspiracy to
 a/k/a "Respect") Participate in a Pattern of
 Counts 1, 7, and 8-11) Racketeering,
) 18 U.S.C. § 1962(d);
DONTAOUS DEMOND DEVINE)
 a/k/a "Scooch") Count 2: Murder in Aid of
 a/k/a "Boochie") Racketeering,
 Counts 1 - 3, 6, and 7) 18 U.S.C. § 1959(a)(1);
) Aiding and Abetting,
DEMETRIUS DESHAUN TONEY) 18 U.S.C. § 2;
 a/k/a "Meat")
 Count 4) Count 3: Murder with Firearm
) During and In Relation to
BRANDON JOWAN MANGUM) Crime of Violence,
 a/k/a "B-Easy") 18 U.S.C. 924(j);
 Counts 2 and 3) Aiding and Abetting,
) 18 U.S.C. § 2;
JAMARIO KEON JONES)
 a/k/a "Spect Junior") Count 4: Murder with Firearm
 a/k/a "Skeeno") During and In Relation to
 Count 5) Crime of Violence,
) 18 U.S.C. 924(j);
CLEVELAND MCNAIR) Aiding and Abetting,
 a/k/a "Blee") 18 U.S.C. § 2;
 Counts 1 and 7)
) Count 5: Murder with Firearm
) During and In Relation to
) Crime of Violence,

CHRISTOPHER DARNELL EVANS
a/k/a "Racks"
a/k/a "Snacks"
Counts 1 and 7

) 18 U.S.C. § 924(j);
) Aiding and Abetting,
) 18 U.S.C. § 2;
)

BRENDA JOYCE BROWN
a/k/a "Lady Banga"
Count 6

) Count 6: Violent Crime in
) Aid of Racketeering,
) 18 U.S.C. § 1959(a)(3);
) Aiding and Abetting,
) 18 U.S.C. § 2;

KATHERINE VICTORIA GAST
a/k/a "Kat Stacks"
Count 6

)
) Count 7: Conspiracy to Distribute
) and Possess with the Intent to
) Distribute Controlled Substances,
) 21 U.S.C. § 846;

SHAIONA MARIE SMITH
a/k/a "Slyfox"
Count 6

)
) Count 8: Conspiracy to Commit
) Witness Tampering,
) 18 U.S.C. § 1512(k);
)

) Count 9: Witness Tampering,
) 18 U.S.C. § 1512(b);
) Aiding and Abetting,
) 18 U.S.C. § 2;

)
) Count 10: Obstruction of an
) Official Proceeding,
) 18 U.S.C. § 1512(c);
) Aiding and Abetting,
) 18 U.S.C. § 2;

)
) Count 11: Obstruction of Justice,
) 18 U.S.C. § 1503(a);
) Aiding and Abetting,
) 18 U.S.C. § 2;

)
) Forfeiture, 18 U.S.C. § 1963
) 28 U.S.C. § 2461(c);
) 18 U.S.C. § 942(d);
) 21 U.S.C. § 853.
)
)

THE GRAND JURY CHARGES:

COUNT ONE
(Conspiracy to Participate in Racketeering Activity -
RICO Conspiracy)
(18 U.S.C. § 1962(d))

Introduction

1. The defendants, DEMETRICE REGUS DEVINE, a/k/a "Respect," DONTAOUS DEMOND DEVINE, a/k/a "Scooch" a/k/a "Boochie," CHRISTOPHER DARNELL EVANS, a/k/a "Racks" a/k/a "Snacks," and CLEVELAND MCNAIR, a/k/a "Blee"; others known and unknown to the Grand Jury to include, but not limited to, Demetrius Deshaun Toney, a/k/a "Meat," Brandon Jowan Mangum, a/k/a "B-Easy," Jamarío Keon Jones, a/k/a "Spect Junior" a/k/a "Skeeno," Brenda Joyce Brown, a/k/a "Lady Banga," Katherine Victoria Gast, a/k/a "Kat Stacks," and Shaiona Marie Smith, a/k/a "Slyfox," were members of an organization known as the Black Mob Gangstas organization ("BMG"), which later became a part of the Donald Gee Family organization ("DGF") (hereinafter referred to as "the BMG/DGF organization" or "BMG/DGF").

2. At all times relevant to this Superseding Indictment, BMG/DGF was a set of "the Bloods" gang. BMG was formed in the early 2000s in Raleigh, North Carolina. In approximately 2013, BMG became a part of the Donald Gee Family ("DGF"). BMG/DGF operated in various parts of Raleigh, North Carolina including Haywood Street and the surrounding blocks.

3. Gang dues were collected from each BMG/DGF member for the benefit of the BMG and DGF organization. A portion of the dues were saved and utilized locally in what was referred to as a "community rent box" ("CRB"), while another portion was sent up the chain of command to gang leadership. BMG/DGF members were permitted to earn their money for CRB dues through various methods, including, but not limited to, robberies, fraud schemes, and drug distribution. The monies could be used locally for loans to gang members, to buy drugs or maintain drug houses, to buy firearms, as gifts to high-ranking members who were in jail as a form of respect, and to buy cellular telephones for communication between members in and out of jail.

4. Individuals selling narcotics in and around Haywood Street, Raleigh, North Carolina who were not BMG/DGF members were also required to pay gang dues in order to continue their drug sales in territory controlled by BMG/DGF. Individuals who did not pay gang dues risked being robbed, assaulted, or murdered.

5. During the period of this conspiracy, BMG/DGF created and maintained an organized hierarchal membership structure. At all times relevant to this Superseding Indictment, defendants **DEMETRICE REGUS DEVINE**, a/k/a "Respect," **DONTAOUS DEMOND DEVINE**, a/k/a "Scooch" a/k/a "Boochie," and others, known and unknown to the grand jury, were the primary leaders of BMG and DGF operating within the Eastern District of North Carolina, and elsewhere. Defendants

DEMETRICE REGUS DEVINE, DONTAOUS DEMOND DEVINE, and others known and unknown to the grand jury managed, promoted, and further established the criminal enterprise and directed lower-ranking members to further the enterprise.

6. At all times relevant to this Superseding Indictment, the following defendants were members of BMG/DGF:

DEMETRICE REGUS DEVINE
a/k/a "Respect"
DONTAOUS DEMOND DEVINE
a/k/a "Scooch" a/k/a "Boochie"
CLEVELAND MCNAIR
a/k/a "Blee"
CHRISTOPHER DARNELL EVANS
a/k/a "Racks" a/k/a "Snacks"

7. At all times relevant to this Superseding Indictment, BMG/DGF members in the Eastern District of North Carolina and elsewhere engaged in criminal activity, including, but not limited to, murder, attempted murder, assaults with dangerous weapons, drug trafficking, witness tampering, extortion, obstruction of justice, and conspiracy to commit these crimes, among other crimes. BMG/DGF members committed acts of violence to maintain membership and discipline, both within the gang and against non-gang members. Members committed acts of violence, including murder, attempted murder, and assaults, in order to be promoted within the leadership structure of the gang.

8. At all times relevant to this Superseding Indictment, BMG/DGF members met in order to, among other things, initiate new

members, issue sanctions for failure to follow real or perceived rules, plan future criminal activities, and report on business related to the gang enterprise, including, but not limited to, discussions of crimes to be committed in furtherance of the enterprise, including drug trafficking, acts of violence, and other gang activities.

The Racketeering Enterprise

9. BMG/DGF, including its leadership, members, and associates, in the Eastern District of North Carolina, and elsewhere, constituted an "enterprise" as defined by Title 18, United States Code, Section 1961(4), that is, a group of individuals associated-in-fact. The enterprise constituted an ongoing organization, whose members functioned as a continuing unit for a common purpose of achieving the objectives of the enterprise. The enterprise was engaged in, and its activities affected, interstate and foreign commerce.

Purposes of the Enterprise

10. The purposes of the BMG/DGF enterprise included the following:

a. Preserving and protecting the power, territory, reputation, respect, and profits of the enterprise through the use of intimidation, violence, threats of violence, assaults, murder, and attempted murder;

b. Promoting and enhancing the enterprise and its members' and associates' activities, including, but not limited to, murders, attempted murders, robberies, drug distribution, and other criminal activities;

c. Keeping the community and rivals in fear of the enterprise and its members and associates through violence and threats of violence;

d. Providing financial support and information to gang members, including those incarcerated in the United States;

e. Providing assistance to other gang members who committed crimes for and on behalf of the gang; and,

f. Hindering, obstructing, and preventing law enforcement officers from identifying, apprehending, and successfully prosecuting and punishing members of the enterprise.

The Racketeering Conspiracy

11. Beginning on a date unknown to the Grand Jury, but from at least in or about 2008, and continuing to the date of this Superseding Indictment, in the Eastern District of North Carolina and elsewhere, defendants,

DEMETRICE REGUS DEVINE

a/k/a "Respect"

DONTAOUS DEMOND DEVINE

a/k/a "Scooch," a/k/a "Boochie"

CLEVELAND MCNAIR

a/k/a "Blee"

CHRISTOPHER DARNELL EVANS

a/k/a "Racks," a/k/a "Snacks"

together with others known and unknown to the Grand Jury, each being a person employed by and associated with BMG/DGF, an enterprise engaged in, and the activities of which affected, interstate and foreign commerce, did knowingly and intentionally combine, conspire, confederate, and agree with each other and other persons, to violate Title 18, United States Code, Section 1962(c), that is, to conduct and participate, directly and indirectly, in the conduct of the affairs of the BMG/DGF enterprise through a pattern of racketeering activity, as defined in Title 18, United States Code, Sections 1961(1) and (5), which pattern of racketeering activity consisted of:

a. Multiple acts involving:

- i. Murder, in violation of North Carolina General Statutes §§ 14-17, 14-2.4, 14-2.5, and 14-5.2;
 - ii. Extortion, in violation of North Carolina General Statutes §§ 14-118.4, 14-2.4, and 14-2.5;
- and

b. Multiple acts indictable under:

- i. 18 U.S.C. § 1503 (Obstruction of Justice);
 - ii. 18 U.S.C. § 1512 (Tampering with Witnesses);
 - iii. 18 U.S.C. § 1951 (Hobbs Act Extortion);
- and

c. Multiple offenses involving the distribution and possession with intent to distribute controlled substances, including cocaine, cocaine base, and marijuana, in violation of the laws of the United States, namely, 21 U.S.C. §§ 841 and 846.

12. It was part of the conspiracy that each defendant agreed that a conspirator would commit at least two acts of racketeering activity in the conduct of the affairs of the enterprise.

Manner and Means of the Conspiracy

13. It was further part of the conspiracy that some defendants, as gang members of BMG/DGF, were required to have and did have regular meetings with other BMG/DGF gang members to discuss, among other things, the structure and organization of the gang; the initiation of new members; collection of dues; the enforcement and reinforcement of gang rules; the discipline of BMG/DGF members; the status of BMG/DGF members who were arrested or incarcerated; police interactions with BMG/DGF members; the identities of individuals suspected of cooperating with law enforcement and proposed actions to be taken against them; plans and agreements regarding the commission of crimes, to include murder, attempted murder, assaults, drug trafficking, extortion, and plans to obstruct justice and impede and prevent the prosecution of members of the enterprise.

14. It was further part of the conspiracy that some defendants and other members and associates of BMG/DGF agreed to purchase, maintain, share, and circulate a collection of firearms for use in criminal activity by BMG/DGF members.

15. It was further part of the conspiracy that some defendants and other members and associates of the BMG/DGF enterprise distributed controlled substances, including cocaine, cocaine base (commonly known as "crack" cocaine), and marijuana, and used the proceeds of those drug transactions to benefit gang members and to help finance the enterprise.

16. It was further part of the conspiracy that some defendants and other members and associates of BMG/DGF agreed that acts of violence, including murder, attempted murder, and assaults, would be committed by members and associates of BMG/DGF against rival gang members and others when it suited the enterprise's purposes. BMG/DGF members also used violence to impose discipline within the gang.

17. It was further part of the conspiracy that some defendants and other members of the BMG/DGF enterprise were required to pay membership dues each week or month ("community rent box" or "CRB"). Additionally, drug dealers who were not members of the BMG/DGF enterprise were also required to pay money to BMG/DGF members in order to sell drugs in areas controlled by the BMG/DGF enterprise. Dues

were used to purchase drugs, pay commissary in jail or prison, pay defense counsel, purchase firearms and cellular phones, pay bail, meet other needs of the BMG/DGF enterprise, and compensate the gang leadership, including defendant **DEMETRICE REGUS DEVINE, a/k/a "Respect."**

18. It was further part of the conspiracy that some defendants and other members and associates of the enterprise distributed controlled substances, committed robberies, and committed extortion to generate proceeds to support the enterprise.

19. It was further part of the conspiracy that some defendants and other members and associates of the BMG/DGF enterprise agreed to commit robberies, murders, attempted murders, assaults, extortion, and other crimes, and to conceal their criminal activities by threatening and intimidating witnesses and by obstructing justice.

Overt Acts

20. In furtherance of the conspiracy and to achieve the objectives thereof, the defendants, and others known and unknown to the Grand Jury, performed and caused to be performed the following overt acts, among others, in the Eastern District of North Carolina, and elsewhere:

a. On or about November 21, 2008, defendant JAMARIO KEON JONES, a/k/a "Spect Junior," a/k/a "Skeeno," not a defendant in this Count, and another gang member, following the instructions

of a high-ranking BMG/DGF gang member, shot at rival gang member Adarius Fowler, and Fowler died from gunshot wounds.

b. On or about November 26, 2008, defendant JAMARIO KEON JONES, a/k/a "Spect Junior," a/k/a "Skeeno," not a defendant in this Count, following the instructions of a high-ranking BMG/DGF gang member, shot a person with the initials P.B., who had provided information to law enforcement regarding the murder of Adarius Fowler.

c. On or about December 10, 2008, defendant DEMETRICE REGUS DEVINE, a/k/a "Respect," presided over a beat-in gang initiation of a BMG/DGF gang member.

d. On or about April 8, 2009, defendant DEMETRICE REGUS DEVINE, a/k/a "Respect," ordered gang members to buy narcotics only from other BMG/DGF gang members for the purpose of keeping the money within the gang family.

e. On or about April 24, 2009, defendant DEMETRICE REGUS DEVINE, a/k/a "Respect," lectured other gang members about the importance of making money by selling drugs and committing robberies on behalf of the gang, and in distributing a portion of the criminal proceeds to the weekly community rent box ("CRB").

f. On or about April 24, 2009, defendant DEMETRICE REGUS DEVINE, a/k/a "Respect," assaulted a BMG/DGF gang member for questioning the loyalty of the gang.

g. On or about May 15, 2009, defendant **DEMETRICE REGUS DEVINE**, a/k/a "Respect," led a gang meeting and stressed the importance of keeping track of guns because guns served as protection during drug sales and against rival gang members.

h. On or about May 25, 2009, defendants **DONTAOUS DEMOND DEVINE**, a/k/a "Scooch," a/k/a "Boochie," **DEMETRIUS DESHAUN TONEY**, a/k/a "Meat," not a defendant in this Count, and **BRANDON JOWAN MANGUM**, a/k/a "B-Easy," not a defendant in this Count, agreed to shoot rival gang member Rodriguez Burrell in BMG/DGF controlled territory because Burrell refused to pay money to BMG/DGF, and Burrell died from gunshot wounds.

i. During the years of the conspiracy, including but not limited to 2009 until 2015, BMG/DGF members sold controlled substances in BMG/DGF controlled territory, including Haywood Street, Raleigh, North Carolina.

j. On or about February 28, 2013, defendants **CHRISTOPHER DARNELL EVANS**, a/k/a "Racks" a/k/a "Snacks," **BRANDON JOWAN MANGUM**, a/k/a "B-Easy," not a defendant in this Count, and **DEMETRIUS DESHAUN TONEY**, a/k/a "Meat," not a defendant in this Count, attended a gang meeting at Sanderford Road Park in Raleigh, North Carolina.

k. On or about October 1, 2014, defendant **SHAIONA MARIE SMITH**, a/k/a "Slyfox," not a defendant in this Count, told another gang member about changes to the gang's structure.

1. On or about November 13, 2014, members of BMG/DGF, aided and abetted by **DONTAOUS DEMOND DEVINE, a/k/a "Scooch," a/k/a "Boochie,"** used a razor to assault a person having the initials D.P.

m. In or about March, 2015, defendant **DEMETRICE REGUS DEVINE, a/k/a "Respect,"** possessed gang literature in his jail cell, and that literature included the names and addresses of known BMG/DGF members.

n. In or about April, 2015, defendant **DEMETRICE REGUS DEVINE, a/k/a "Respect,"** possessed gang literature in his jail cell, and that literature included information about the BMG/DGF hierarchy.

o. In or about Spring of 2015, defendant **CLEVELAND MCNAIR, a/k/a "Blee,"** held gang meetings at his home.

p. On or about April 5, 2015, defendant **DEMETRICE REGUS DEVINE, a/k/a "Respect,"** gave instructions to a BMG/DGF member regarding how to respond to insubordinate gang members.

q. On or about April 9, 2015, defendant **DEMETRICE REGUS DEVINE, a/k/a "Respect,"** gave instructions to **CHRISTOPHER DARNELL EVANS, a/k/a "Racks," a/k/a "Snacks,"** regarding adjustments to BMG/DGF's rank structure and paying of dues ("CRB").

r. On or about April 14, 2015, defendant **CLEVELAND MCNAIR, a/k/a "Blee,"** sold approximately one ounce of cocaine base (crack) to a confidential informant for \$1,100.00.

y. On or about May 4, 2015, defendant **DEMETRICE REGUS DEVINE**, a/k/a "Respect," instructed a BMG/DGF member to provide information to other BMG/DGF members exactly as **DEVINE** instructed.

z. On or about May 27, 2015, defendant **DEMETRICE REGUS DEVINE**, a/k/a "Respect," gave instructions to defendant **DONTAOUS DEMOND DEVINE**, a/k/a "Scooch," a/k/a "Boochie," regarding the collection of gang dues ("CRB").

aa. On or about June 3, 2015, defendant **CHRISTOPHER DARNELL EVANS**, a/k/a "Racks," a/k/a "Snacks," sold a quantity of cocaine for \$250.00.

bb. On or about June 6, 2015, defendant **CLEVELAND MCNAIR**, a/k/a "Blee," conducted a gang meeting at his home and collected gang dues.

cc. On or about June 9, 2015, defendant **CHRISTOPHER DARNELL EVANS**, a/k/a "Racks" a/k/a "Snacks," sold a quantity of cocaine for \$180.00.

dd. On or about June 17, 2015, defendant **CHRISTOPHER DARNELL EVANS**, a/k/a "Racks" a/k/a "Snacks," sold a quantity of cocaine for \$1,000.00.

ee. On or about June 25, 2015, defendant **CHRISTOPHER DARNELL EVANS**, a/k/a "Racks" a/k/a "Snacks," sold a quantity of cocaine for \$250.00.

s. On or about April 14, 2015, a BMG/DGF member repaid DONTAOUS DEMOND DEVINE, a/k/a "Scooch," a/k/a "Boochie," for a quantity of marijuana that had been fronted to him/her on credit, and DONTAOUS DEMOND DEVINE, a/k/a "Scooch," a/k/a "Boochie," discussed his prostitution operation.

t. On or about April 17, 2015, defendant DEMETRICE REGUS DEVINE, a/k/a "Respect," instructed a BMG/DGF member to act as his "eyes" while DEVINE was in custody.

u. On or about April 23, 2015, defendant CLEVELAND MCNAIR, a/k/a "Blee," sold approximately one ounce of cocaine base (crack) for \$1,150.00.

v. On or about April 24, 2015, defendant CLEVELAND MCNAIR, a/k/a "Blee," sold approximately two (2) ounces of cocaine for \$2,700.00.

w. On or about May 2, 2015, defendant DEMETRICE REGUS DEVINE, a/k/a "Respect," instructed a BMG/DGF member to discuss gang unity and encourage gang members to realize what they have in the gang during that day's BMG/DGF gang meeting.

x. On or about May 3, 2015, defendant DEMETRICE REGUS DEVINE, a/k/a "Respect," instructed a BMG/DGF member to send a message to defendants CHRISTOPHER DARNELL EVANS, a/k/a "Racks," a/k/a "Snacks," and CLEVELAND MCNAIR, a/k/a "Blee," regarding their gang dues.

ff. On or about July 4, 2015, defendant **DEMETRICE REGUS DEVINE, a/k/a "Respect,"** instructed a BMG/DGF gang member to enforce the payment of gang dues ("CRB").

gg. On or about July 19, 2015, defendant **DEMETRICE REGUS DEVINE, a/k/a "Respect,"** discussed investing money in the drug trafficking activities of defendant **CLEVELAND MCNAIR, a/k/a "Blee."**

hh. On or about August 29, 2015, defendant **CLEVELAND MCNAIR, a/k/a "Blee,"** informed defendant **DEMETRICE REGUS DEVINE, a/k/a "Respect,"** that he was selling marijuana, and defendant **DEMETRICE REGUS DEVINE, a/k/a "Respect,"** provided instructions to defendant **CLEVELAND MCNAIR, a/k/a "Blee,"** regarding obtaining additional financial support for his drug distribution activities.

ii. On or about September 13, 2015, defendant **DEMETRICE REGUS DEVINE, a/k/a "Respect,"** told a BMG/DGF member that **DEVINE** was continuing to provide financial support for the drug distribution activities of defendant **CLEVELAND MCNAIR, a/k/a "Blee."**

jj. On or about October 8, 2015, defendant **DONTAOUS DEMOND DEVINE, a/k/a "Scooch," a/k/a "Boochie,"** informed defendant **DEMETRICE REGUS DEVINE, a/k/a "Respect,"** that Brenda Joyce Brown, a/k/a "Lady Banga," not a defendant in this Count, had received a subpoena to testify in a federal proceeding.

kk. On or about October 14, 2015, defendant **DEMETRICE REGUS DEVINE, a/k/a "Respect,"** spoke with Katherine Victoria Gast, a/k/a "Kat Stacks," not a defendant in this Count, about a federal subpoena that she had received, and Devine told her, "You already know how to play it, I don't need to say anything, you already know."

ll. On or about October 29, 2015, defendant **DEMETRICE REGUS DEVINE, a/k/a "Respect,"** agreed with others to threaten federal grand jury witnesses for the purpose of influencing, delaying, and preventing testimony before the Federal Grand Jury.

NOTICE OF SPECIAL SENTENCING FACTORS

21. Regarding Count One, on or about May 25, 2009, in the Eastern District of North Carolina and elsewhere, the defendant,

**DONTAOUS DEMOND DEVINE
a/k/a "Scooch"
a/k/a "Boochie"**

aiding abetting others known and unknown to the Grand Jury, unlawfully, willfully, and deliberately murdered Rodriguez Burrell with premeditation and malice aforethought, in violation of North Carolina General Statutes Sections 14-17, 14-2.4, 14-2.5, and 14-5.2, and Title 18, United States Code, Sections 1963(a) and 2.

22. Regarding Count One, in or about 2008 and continuing up to and including the date of this Superseding Indictment, in the Eastern

District of North Carolina and elsewhere, the defendant,

DEMETRICE REGUS DEVINE
a/k/a "Respect"

did knowingly and intentionally combine, conspire, confederate, agree, and have a tacit understanding with other persons known and unknown to the Grand Jury to knowingly and intentionally distribute and possess with the intent to distribute two hundred and eighty (280) grams or more of a mixture and substance containing a detectable amount of cocaine base (crack), a Schedule II controlled substance, in violation of Title 21, United States Code, Sections 841(a)(1), 841(b)(1)(A), and 846.

All in violation of Title 18, United States Code, Section 1962(d).

COUNT TWO
**(Murder in Aid of Racketeering,
Aiding and Abetting)**
(18 U.S.C. §§ 1959(a)(1) and 2)

23. At various times relevant to this Superseding Indictment, the defendants,

DONTAOUS DEMOND DEVINE
a/k/a "Scooch" a/k/a "Boochie"
BRANDON JOWAN MANGUM
a/k/a "B-Easy"

and others known and unknown to the Grand Jury, were members and associates of BMG/DGF, a criminal organization described in paragraphs 1 through 10, which paragraphs are re-alleged and fully incorporated by reference herein. BMG/DGF, including its leadership, membership, and associates, constituted an enterprise as defined in Title 18, United States Code, Section 1959(b)(2), that is, a group of individuals associated in fact that engaged in, and the activities of which affected, interstate and foreign commerce. The enterprise constituted an ongoing organization whose members functioned as a continuing unit for a common purpose of achieving the objectives of the enterprise.

24. BMG/DGF, through its members and associates, engaged in racketeering activity as defined in Title 18, United States Code, Sections 1959(b)(1) and 1961(1), offenses involving narcotics trafficking, in violation of Sections 841 and 846 (conspiracy to distribute and possess with intent to distribute controlled

substances) of Title 21, United States Code; acts indictable under Title 18, United States Code, Section 1503 (obstruction of justice), 1512 (tampering with witnesses), 1951 (Hobbs Act extortion); and acts involving murder, in violation of North Carolina General Statutes §§ 14-17, 14-2.4, 14-2.5, and 14-5.2; and extortion, in violation of North Carolina General Statutes §§ 14-118.4, 14-2.4, and 14-2.5.

25. On or about May 25, 2009, in Wake County, within the Eastern District of North Carolina, and elsewhere, the defendants,

DONTAOUS DEMOND DEVINE
a/k/a "Scooch" a/k/a
"Boochie"
BRANDON JOWAN MANGUM
a/k/a "B-Easy"

aiding and abetting one another and others known and unknown to the Grand Jury, for the purpose of maintaining and increasing position in BMG/DGF, an enterprise engaged in racketeering activity, did unlawfully, willfully, and deliberately murder Rodriguez Burrell in violation of North Carolina General Statutes Sections 14-17, 14-2.4, 14-2.5, and 14-5.2.

All in violation of Title 18, United States Code, Sections 1959(a)(1) and 2.

COUNT THREE

(Murder with Firearm During and in Relation to a
Crime of Violence, Aiding and Abetting)
(18 U.S.C. §§ 924(c)(1)(A) & (j), and 2)

26. On or about May 25, 2009, in Wake County, within the Eastern District of North Carolina, and elsewhere defendants DONTAOUS DEMOND DEVINE, a/k/a "Scooch" a/k/a "Boochie," and BRANDON JOWAN MANGUM, a/k/a "B-Easy" aiding and abetting one another and others known and unknown to the Grand Jury, did knowingly use and carry, a firearm, and said firearm was brandished and discharged, during and in relation to a crime of violence for which they may be prosecuted in a Court of the United States, that is, Murder in Aid of Racketeering Activity, in violation of Title 18, United States Code, Section 1959(a)(1), as set forth in Count Two of this Superseding Indictment, which is re-alleged and incorporated herein, and Assault with a Dangerous Weapon, in violation of Title 18, United States Code, Section 1959(a)(3), and in the course of said offenses, caused the death of Rodriguez Burrell through the use of a firearm, and the killing constituted murder, as defined in Title 18, United States Code, Section 1111(a).

All in violation of Title 18, United States Code, Sections 924(c)(1)(A) and (j), and 2.

COUNT FOUR

(Murder with Firearm During and in Relation to
a Crime of Violence, Aiding and Abetting)
(18 U.S.C. §§ 924(c) (1) (A) & (j), and 2)

27. On or about May 25, 2009, in Wake County, within the Eastern District of North Carolina, and elsewhere defendant **DEMETRIUS DESHAUN TONEY**, a/k/a "Meat," aiding and abetting others known and unknown to the Grand Jury, did knowingly use and carry, a firearm, and said firearm was brandished and discharged, during and in relation to a crime of violence for which he may be prosecuted in a Court of the United States, that is, Assault with a Dangerous Weapon, in violation of Title 18, United States Code, Section 1959(a) (3), and in the course of said offenses, caused the death of Rodriguez Burrell through the use of a firearm, and the killing constituted murder, as defined in Title 18, United States Code, Section 1111(a).

All in violation of Title 18, United States Code, Sections 924(c) (1) (A) and (j), and 2.

COUNT FIVE

(Murder with Firearm During and in Relation to
a Crime of Violence, Aiding and Abetting)
(18 U.S.C. §§ 924(c) (1) (A) & (j), and 2)

28. On or about November 21, 2008, in Wake County, within the
Eastern District of North Carolina, the defendant,

JAMARIO KEON JONES
a/k/a "Spect Junior" a/k/a "Skeeno"

aiding and abetting others known and unknown to the Grand Jury,
did knowingly use and carry, a firearm, and said firearm was
brandished and discharged, during and in relation to a crime of
violence for which he may be prosecuted in a Court of the United
States, that is, Assault with a Dangerous Weapon, in violation of
Title 18, United States Code, Section 1959(a) (3), and in the course
of said offenses, caused the death of Adarius Fowler through the
use of a firearm, and the killing constituted murder, as defined in
Title 18, United States Code, Section 1111(a).

All in violation of Title 18, United States Code, Sections
924(c) (1) (A) and (j), and 2.

COUNT SIX
(Violent Crime in Aid of Racketeering-
Assault with a Dangerous Weapon,
Aiding and Abetting)
(18 U.S.C. §§ 1959(a)(3) and 2)

29. At various times relevant to this Superseding Indictment, the defendants,

DONTAOUS DEMOND DEVINE
a/k/a "Scooch" a/k/a "Boochie"
BRENDA JOYCE BROWN
a/k/a "Lady Banga"
KATHERINE VICTORIA GAST
a/k/a "Kat Stacks"
SHAIONA MARIE SMITH
a/k/a "Slyfox"

and others known and unknown to the Grand Jury, were members and associates of BMG/DGF, a criminal organization described in paragraphs 1 through 10 of Count One, which paragraphs are re-alleged and fully incorporated by reference herein. BMG/DGF, including its leadership, membership, and associates, constituted an enterprise as defined in Title 18, United States Code, Section 1959(b)(2), that is, a group of individuals associated in fact that engaged in, and the activities of which affected, interstate and foreign commerce. The enterprise constituted an ongoing organization whose members functioned as a continuing unit for a common purpose of achieving the objectives of the enterprise.

30. BMG/DGF, through its members and associates, engaged in racketeering activity as defined in Title 18, United States Code,

Sections 1959(b)(1) and 1961(1), offenses involving narcotics trafficking, in violation of Sections 841 and 846 (conspiracy to distribute and possess with intent to distribute controlled substances) of Title 21, United States Code; acts indictable under Title 18, United States Code, Section 1503 (obstruction of justice), 1512 (tampering with witnesses), 1951 (Hobbs Act extortion); and acts involving murder, in violation of North Carolina General Statutes §§ 14-17, 14-2.4, 14-2.5, and 14-5.2; and extortion, in violation of North Carolina General Statutes §§ 14-118.4, 14-2.4, and 14-2.5.

31. On or about November 13, 2014, in Wake County, within the Eastern District of North Carolina, and elsewhere, the defendants,

DONTAOUS DEMOND DEVINE
a/k/a "Scooch" a/k/a "Boochie"
BRENDA JOYCE BROWN
a/k/a "Lady Banga"
KATHERINE VICTORIA GAST
a/k/a "Kat Stacks"
SHAIONA MARIE SMITH
a/k/a "Slyfox"

aiding and abetting one another and others known and unknown to the Grand Jury, for the purpose of maintaining and increasing position in BMG/DGF, an enterprise engaged in racketeering activity, did assault an individual with initials D.P. with a dangerous weapon,

that being a razor blade, in violation of North Carolina General Statutes Section 14-33(c)(1).

All in violation of Title 18, United States Code, Sections 1959(a)(3) and 2.

COUNT SEVEN
**(Conspiracy to Distribute and Possess with
Intent to Distribute Controlled Substances)**
(21 U.S.C. § 846)

32. Beginning in or about 2008, the exact date being unknown to the Grand Jury, and continuing up to and including the date of this Superseding Indictment, in the Eastern District of North Carolina, and elsewhere, the defendants,

DEMETRICE REGUS DEVINE
a/k/a "Respect"
DONTAOUS DEMOND DEVINE
a/k/a "Scooch" a/k/a "Boochie"
CLEVELAND MCNAIR
a/k/a "Blee"
CHRISTOPHER DARNELL EVANS
a/k/a "Racks" a/k/a "Snacks"

did knowingly and intentionally combine, conspire, confederate, agree, and have a tacit understanding with each other and other persons known and unknown to the Grand Jury to knowingly and intentionally distribute and possess with the intent to distribute a mixture and substance containing a detectable amount of cocaine, a Schedule II controlled substance, a mixture and substance containing a detectable amount of cocaine base (crack), a Schedule II controlled substance, and a mixture and substance containing a detectable amount of marijuana, a Schedule I controlled substance, in violation of Title 21, United States Code, Sections 841(a)(1) and 846.

Quantity of Controlled Substances Involved in the Conspiracy

With respect to **DEMETRICE REGUS DEVINE, a/k/a "Respect,"** the defendant herein, the amount involved in the conspiracy attributable to him as a result of his own conduct, and the conduct of other conspirators reasonably foreseeable to him, is two hundred and eighty (280) grams or more of cocaine base (crack), five hundred (500) grams or more of cocaine, and a quantity of marijuana, in violation of Title 21, United States Code, Sections 841(b)(1)(A), (B) and (D).

With respect to **DONTAOUS DEMOND DEVINE, a/k/a "Scooch," a/k/a "Boochie,"** the defendant herein, the amount involved in the conspiracy attributable to him as a result of his own conduct, and the conduct of other conspirators reasonably foreseeable to him, is twenty-eight (28) grams or more of cocaine base (crack), a quantity of cocaine, and a quantity of marijuana, in violation of Title 21, United States Code, Sections 841(b)(1)(B), (C), and (D).

With respect to **CLEVELAND MCNAIR, a/k/a "Blee,"** the defendant herein, the amount involved in the conspiracy attributable to him as a result of his own conduct, and the conduct of other conspirators reasonably foreseeable to him, is twenty-eight (28) grams or more of cocaine base (crack), and a quantity of cocaine, in violation of Title 21, United States Code, Sections 841(b)(1)(B), (C), and (D).

With respect to defendant CHRISTOPHER DARNELL EVANS, a/k/a "Racks," a/k/a "Snacks," the defendant herein, the amount involved in the conspiracy attributable to him as a result of his own conduct, and the conduct of other conspirators reasonably foreseeable to him, is five hundred (500) grams or more of cocaine, in violation of Title 21, United States Code, Section 841(b)(1)(B).

All in violation of Title 21, United States Code, Section 846.

COUNT EIGHT
(Conspiracy to Commit Witness Tampering)
(18 U.S.C. § 1512(k))

33. Beginning in or about July of 2015, and continuing to on or about January 20, 2016, in the Eastern District of North Carolina, and elsewhere, defendant DEMETRICE REGUS DEVINE, a/k/a "Respect," did knowingly combine, conspire, confederate, and agree with other persons known and unknown to the Grand Jury to commit offenses in violation Title 18, United States Code, Section 1512, specifically:

- a. to knowingly use intimidation, threaten, and corruptly persuade another person, with intent to influence, delay, and prevent the testimony of another person in an official proceeding, that is, before a federal grand jury, in violation of Title 18, United States Code, Section 1512(b)(1);
- b. to knowingly use intimidation, threaten, and corruptly persuade another person, with intent to cause and induce another person to withhold testimony from an official proceeding, that is, a federal grand jury investigation, in violation of Title 18, United States Code, Section 1512(b)(2)(A);
- c. to knowingly use intimidation, threaten, and corruptly persuade another person, with intent to hinder, delay, and prevent the communication to a law enforcement officer of information relating to the commission and possible commission of a Federal offense, in violation of Title 18, United States Code, Section 1512(b)(3); and
- d. to corruptly obstruct, influence, and impede an official proceeding, that is, a federal grand jury

investigation, and attempt to do so in violation of
Title 18, United States Code, Section 1512(c)(2).

All in violation of Title 18, United States Code, Section
1512(k).

COUNT NINE

(Witness Tampering and Aiding and Abetting;
18 U.S.C. §§ 1512(b) and 2)

34. Beginning in or about July of 2015, and continuing to on or about January 20, 2016, in the Eastern District of North Carolina, and elsewhere, defendant **DEMETRICE REGUS DEVINE, a/k/a "Respect,"** aiding and abetting others both known and unknown to the Grand Jury, knowingly used intimidation, threatened, and corruptly persuaded another person, and attempted to do so, with intent to: influence, delay, and prevent the testimony of another person in an official proceeding, that is, testimony before a federal grand jury; cause and induce another person to withhold testimony from such official proceeding; and hinder, delay, and prevent the communication to a law enforcement officer of information relating to the commission and possible commission of a Federal offense, all in violation of Title 18, United States Code, Sections 1512(b) and 2.

COUNT TEN

(Obstruction of an Official Proceeding and Aiding and Abetting;
18 U.S.C. §§ 1512(c) and 2)

35. Beginning in or about July of 2015, and continuing to on or about January 20, 2016, in the Eastern District of North Carolina, and elsewhere, defendant DEMETRICE REGUS DEVINE, a/k/a "Respect," aiding and abetting others both known and unknown to the Grand Jury, corruptly obstructed, influenced, and impeded an official proceeding, that is a federal grand jury investigation, and attempt to do so all in violation of Title 18, United States Code, Sections 1512(c) and 2.

COUNT ELEVEN

(Obstruction of Justice and Aiding and Abetting;
18 U.S.C. §§ 1503(a) and 2)

36. Beginning in or about July of 2015, and continuing to on or about January 20, 2016, in the Eastern District of North Carolina, and elsewhere, defendant **DEMETRICE REGUS DEVINE, a/k/a "Respect,"** aiding and abetting others both known and unknown to the Grand Jury, did corruptly endeavor to influence, obstruct, and impede the due administration of justice, all in violation of Title 18, United States Code, Sections 1503 and 2.

NOTICE OF FORFEITURE

Notice is hereby given of 18 U.S.C. § 924 and 28 U.S.C. § 2461(c). Under Section 2461(c), criminal forfeiture is applicable to any offenses for which forfeiture is authorized by any other statute, including but not limited to 18 U.S.C. § 981 and all specified unlawful activities listed or referenced in 18 U.S.C. § 1956(c)(7), which are incorporated as to proceeds by Section 981(a)(1)(C). The following property is subject to forfeiture in accordance with Section 924 and/or 2461(c):

- a. All property which constitutes or is derived from proceeds of the violations set forth in this Superseding Indictment;
- b. All firearms and ammunition involved or used in such violations; and

[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]

c. If, as set forth in 21 U.S.C. § 853(p), any property described in (a) or (b) cannot be located upon the exercise of due diligence, has been transferred or sold to, or deposited with, a third party, has been placed beyond the jurisdiction of the court, has been substantially diminished in value, or has been commingled with other property which cannot be divided without difficulty, all other property of the defendants to the extent of the value of the property described in (a) and (b).

A TRUE BILL:


REDACTED VERSION

Pursuant to the E-Government Act and the federal rules, the unredacted version of this document has been filed under seal.

FOREPERSON

01.19.17


JOHN STUART BRUCE
United States Attorney



DENA J. KING
ASSISTANT UNITED STATES ATTORNEY



SCOTT A. LEMMON
ASSISTANT UNITED STATES ATTORNEY



JOHN C. HANLEY
TRIAL ATTORNEY
UNITED STATES DEPARTMENT OF JUSTICE
ORGANIZED CRIME AND GANG SECTION