



TH/KCB:DEL/JKW/JBD/AP
F. #2020R00851

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK
-----X

UNITED STATES OF AMERICA

- against -


MARTIAL H. AMILCAR,
also known as "Drippy,"
BRADLEY AUGUSTIN,
also known as "Cradley,"
DAVE AUGUSTIN,
also known as "Juice,"
MATTHEW HARRIS,
also known as "Kappy,"
RICK JASMIN,
also known as "Jab,"
WISNY JOSEPH,
also known as "Weezy,"

 and
RICHLER MORETTE,
also known as "Breezy,"

Defendants.

-----X

THE GRAND JURY CHARGES:

INTRODUCTION

At all times relevant to this Superseding Indictment, unless otherwise indicated:

The Enterprise

1. The Hyena Crips gang (the "Hyena Crips" or the "Enterprise") was a violent street gang with members principally located in Brooklyn, New York. Members and

SUPERSEDING
INDICTMENT

Cr. No. 23-CR-18 (S-1) (AMD)
(T. 18, U.S.C., §§ 924(d)(1), 924(j)(1),
1962(c), 1963(a), 1963(m), 2 and 3551 et
seq.; T. 21, U.S.C., § 853(p); T. 28,
U.S.C., § 2461(c))

associates of the Hyena Crips engaged in acts involving murder, assault, robbery, drug trafficking, bank fraud, access device offenses and other crimes. Participation by a member or an associate in criminal activity, especially violence directed at rival gangs or anyone who disrespected the Hyena Crips, increased the respect accorded to that member or associate and could result in gaining entrance to the Hyena Crips or to promotion to a leadership position.

2. Members of the Hyena Crips sometimes signified their membership through the use of symbols of the Hyena Crips, including a hand sign where the index and pinky finger are extended and the other fingers remain down, as well as social media emojis, including a bluish/purple face with horns and an animal resembling what appears to be a hyena, wolf or fox.

3. The Hyena Crips, including its leaders, members and associates, constituted an “enterprise” as defined in Title 18, United States Code, Sections 1961(4) and 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. The Enterprise operated in the Eastern District of New York and elsewhere.

Purposes of the Enterprise

4. The purposes of the Enterprise included the following:

(a) enriching the members and associates of the Enterprise through criminal activity, including but not limited to robbery, drug trafficking, bank fraud and access-device fraud offenses;

(b) promoting and enhancing the prestige, reputation and position of the Enterprise with respect to rival criminal organizations;

(c) preserving and protecting the power, territory and criminal ventures of the Enterprise through the use of intimidation, threats of violence and acts of violence, including acts involving murder and assault;

(d) keeping victims and rivals in fear of the Enterprise and its members and associates;

(e) ensuring discipline within the Enterprise and compliance with the Enterprise's rules by members and associates through threats of violence and acts of violence; and

(f) concealing the activities of the Enterprise from law enforcement.

Means and Methods of the Enterprise

5. Among the means and methods by which members and associates of the Hyena Crips conducted and participated in the conduct of the affairs of the Enterprise were the following:

(a) members and associates of the Enterprise committed, attempted to commit and conspired to commit robbery, drug trafficking, bank fraud and access-device fraud offenses as means of obtaining money;

(b) members and associates of the Enterprise committed, attempted to commit and conspired to commit acts of violence, including acts involving murder and assault, to enhance the Enterprise's prestige and protect and expand the Enterprise's criminal operations; and

(c) members and associates of the Enterprise used and threatened to use physical violence against various individuals, including members of rival criminal organizations and Hyena Crips members or associates believed to have violated the Enterprise's rules.

The Defendants

6. The defendants [REDACTED] MARTIAL H. AMILCAR, also known as "Drippy," BRADLEY AUGUSTIN, also known as "Cradley," DAVE AUGUSTIN, also known as "Juice," MATTHEW HARRIS, also known as "Kappy," RICK JASMIN, also known as "Jab," WISNY JOSEPH, also known as "Weezy," [REDACTED] and RICHLER MORETTE, also known as "Breezy," were members of the Hyena Crips.

COUNT ONE
(Racketeering)

7. The allegations contained in paragraphs one through six are realleged and incorporated as if fully set forth in this paragraph.

8. In or about and between September 1, 2012 and December 31, 2021, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendants [REDACTED] MARTIAL H. AMILCAR, also known as "Drippy," BRADLEY AUGUSTIN, also known as "Cradley," DAVE AUGUSTIN, also known as "Juice," MATTHEW HARRIS, also known as "Kappy," RICK JASMIN, also known as "Jab," WISNY JOSEPH, also known as "Weezy," and RICHLER MORETTE, also known as "Breezy," together with others, each being persons employed by and associated with the Hyena Crips, an enterprise that engaged in, and the activities of which

affected, interstate and foreign commerce, did knowingly and intentionally conduct and participate, directly and indirectly, in the conduct of the affairs of the Hyena Crips through a pattern of racketeering activity, as that term is defined in Title 18, United States Code, Sections 1961(1) and 1961(5), consisting of the racketeering acts set forth below.

RACKETEERING ACT ONE
(Murder of Leandre Mallinckrodt)

9. On or about September 3, 2012, within the Eastern District of New York and elsewhere, the defendant RICK JASMIN, together with others, with intent to cause the death of another person, to wit: Leandre Mallinckrodt, did knowingly and intentionally cause his death, in violation of New York Penal Law Sections 125.25(1) and 20.00.

RACKETEERING ACT TWO
(Conspiracy to Commit Robbery of Check Cashing Business)

10. On or about March 14, 2014, within the Eastern District of New York and elsewhere, the defendant WISNY JOSEPH, together with others, did knowingly and intentionally conspire to obstruct, delay and affect commerce, and the movement of articles and commodities in commerce, by robbery, to wit: the robbery of United States currency from employees at a check cashing store located in Brooklyn, New York, through the use of actual and threatened force, physical violence and fear of injury to such persons and to others present, in violation of Title 18, United States Code, Section 1951(a).

RACKETEERING ACT THREE
(Murder of Samuel Joseph)

11. On or about February 22, 2019, within the Eastern District of New York and elsewhere, the defendant MARTIAL H. AMILCAR, together with others, with intent to cause the death of another person, to wit: Samuel Joseph, did knowingly and intentionally cause his death, in violation of New York Penal Law Sections 125.25(1) and 20.00.

RACKETEERING ACT FOUR
(Attempted Murder of John Doe #1)

12. On or about May 23, 2020, within the Eastern District of New York and elsewhere, the defendant RICK JASMIN, together with others, did knowingly and intentionally attempt to cause the death of another person, to wit: John Doe #1, an individual whose identity is known to the Grand Jury, in violation of New York Penal Law Sections 125.25(1), 110.00 and 20.00.

RACKETEERING ACT FIVE
(Conspiracy to Commit Fraud with Means of Identification)

13. In or about and between March 2020 and March 2021, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendants [REDACTED] DAVE AUGUSTIN, RICK JASMIN, WISNY JOSEPH, and RICHLER MORETTE, together with others, did knowingly and intentionally conspire to transfer, possess and use, without lawful authority and in and affecting interstate and foreign commerce, a means of identification of another person, to wit: the names, addresses and social security numbers of one or more victims, whose identities are known to the Grand Jury, with the intent to commit, and to aid and abet, and in connection with, unlawful activity that constituted one or more violations of Federal law, to wit: the submission of fraudulent claims for

unemployment insurance benefits, in violation of Title 18, United States Code, Sections 1341 and 1343, in and affecting interstate and foreign commerce, in violation of Title 18, United States Code, Sections 1028(a)(7), 1028(f) and 1028(c)(3)(A).

RACKETEERING ACT SIX
(Conspiracy to Commit Fraud with Means of Identification)

14. In or about and between March 2020 and December 2021, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendants [REDACTED], DAVE AUGUSTIN and MATTHEW HARRIS, together with others, did knowingly and intentionally conspire to transfer, possess and use, without lawful authority, and in and affecting interstate and foreign commerce, a means of identification of another person, to wit: the names, addresses and social security numbers of one or more victims, whose identities are known to the Grand Jury, with the intent to commit, and to aid and abet, and in connection with, unlawful activity that constituted one or more violations of Federal law, to wit: the submission of fraudulent applications to the Small Business Administration, in violation of Title 18, United States Code, Sections 1341 and 1343, in and affecting interstate and foreign commerce, in violation of Title 18, United States Code, Sections 1028(a)(7), 1028(f) and 1028(c)(3)(A).

RACKETEERING ACT SEVEN
(Money Laundering Conspiracy)

15. In or about and between August 2019 and December 2021, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendants [REDACTED], DAVE AUGUSTIN, MATTHEW HARRIS, WISNY JOSEPH and RICHLER MORETTE, together with others, did knowingly and intentionally conspire to conduct one or more financial transactions in and affecting interstate and foreign

commerce, to wit: the transfer and delivery of United States currency, which transactions in fact involved the proceeds of specified unlawful activity, to wit: wire fraud, mail fraud and bank fraud, in violation of Title 18, United States Code Sections 1341, 1343 and 1344, knowing that the property involved in such transactions represented the proceeds of some form of unlawful activity, and knowing that the transactions were designed in whole and in part to conceal and disguise the nature, the location, the source, the ownership and the control of the proceeds of specified unlawful activity, in violation of Title 18, United States Code, Section 1956(a)(1)(B)(i), in violation of Title 18, United States Code, Section 1956(h).

RACKETEERING ACT EIGHT
(Attempted Robbery of a Brooklyn Pharmacy)

16. On or about June 9, 2020, within the Eastern District of New York and elsewhere, the defendant MARTIAL H. AMILCAR, together with others, did knowingly and intentionally attempt to obstruct, delay and affect commerce, and the movement of articles and commodities in commerce, by robbery, to wit: the attempted robbery of employees at a pharmacy located in Brooklyn, New York, through the use of actual and threatened force, physical violence and fear of injury to such persons and to others present, in violation of Title 18, United States Code, Sections 1951(a) and 2.

RACKETEERING ACT NINE
(Attempted Robbery of a Queens Caribbean Airmail Store)

17. On or about June 19, 2020, within the Eastern District of New York and elsewhere, the defendants MARTIAL H. AMILCAR and BRADLEY AUGUSTIN, together with others, did knowingly and intentionally attempt to obstruct, delay and affect commerce, and the movement of articles and commodities in commerce, by robbery, to wit: the attempted robbery of employees at a Caribbean Airmail store located in Queens, New York, through the

use of actual and threatened force, physical violence and fear of injury to such persons and to others present, in violation of Title 18, United States Code, Sections 1951(a) and 2.

RACKETEERING ACT TEN

(Conspiracy to Murder Rival Gang Members and Associates of Rival Gangs)

18. In or about and between June 2020 and August 2021, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendants [REDACTED], DAVE AUGUSTIN and RICHLER MORETTE, together with others, did knowingly and intentionally conspire to cause the death of members and associates of a rival gang, in violation of New York Penal Law Sections 125.25(1) and 105.15.

RACKETEERING ACT ELEVEN

(Conspiracy to Murder John Doe #2)

19. In or about and between June 2020 and September 2020, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendant DAVE AUGUSTIN, together with others, did knowingly and intentionally conspire to cause the death of another person, to wit: John Doe #2, an individual whose identity is known to the Grand Jury, in violation of New York Penal Law Sections 125.25(1) and 105.15.

RACKETEERING ACT TWELVE

(Conspiracy to Murder Roodson Polynice and Murder of Roodson Polynice)

20. The defendants BRADLEY AUGUSTIN, DAVE AUGUSTIN and RICHLER MORETTE, together with others, committed the following acts, either one of which alone constitutes Racketeering Act 12:

A. Conspiracy to Murder

21. In or about and between June 2020 and September 2020, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the

defendants BRADLEY AUGUSTIN, DAVE AUGUSTIN and RICHLER MORETTE, together with others, did knowingly and intentionally conspire to cause the death of another person, to wit: Roodson Polynice, in violation of New York Penal Law Sections 125.25(1) and 105.15.

B. Murder of Roodson Polynice

22. On or about September 2, 2020, within the Eastern District of New York, the defendants BRADLEY AUGUSTIN, DAVE AUGUSTIN and RICHLER MORETTE, together with others, with intent to cause the death of another person, to wit: Roodson Polynice, did knowingly and intentionally cause his death, in violation of New York Penal Law 125.25(1) and 20.00.

(Title 18, United States Code, Sections 1962(c), 1963 and 3551 et seq.)

COUNT TWO

(The Murder of Samuel Joseph Through the Use of a Firearm)

23. The allegations contained in paragraphs one through six are realleged and incorporated as if fully set forth in this paragraph.

24. The Hyena Crips, through its members and associates, engaged in racketeering activity, as defined in Title 18, United States Code, Sections 1959(b)(1) and 1961(1), that is, multiple acts involving murder in violation of the law of New York State, and acts indictable under Title 18, United States Code, Section 1951(a) (relating to interference with commerce, robbery or extortion), Title 18, United States Code, Section 1028 (relating to fraud with means of identification) and Title 18, United States Code, Section 1956 (relating to money laundering).

25. On or about February 22, 2019, within the Eastern District of New York and elsewhere, the defendants MARTIAL H. AMILCAR, also known as “Drippy,” and

against, or property or contractual right of any kind affording a source of influence over, any enterprise which the person has established, operated, controlled, conducted or participated in the conduct of, in violation of Title 18, United States Code, Section 1962; and (c) any property constituting, or derived from, any proceeds which the person obtained, directly or indirectly, from racketeering activity or unlawful debt collection in violation of Title 18, United States Code, Section 1962.

28. If any of the above-described forfeitable property, as a result of any act or omission of the defendants:

- (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;

it is the intent of the United States, pursuant to Title 18, United States Code, Section 1963(m), to seek forfeiture of any other property of the defendants up to the value of the forfeitable property described in this forfeiture allegation.

(Title 18, United States Code, Sections 1963(a) and 1963(m))

CRIMINAL FORFEITURE ALLEGATION AS TO COUNT TWO

29. The United States hereby gives notice to the defendants charged in Count Two that, upon their conviction of such offense, the government will seek forfeiture in accordance with Title 18, United States Code, Section 924(d)(1) and Title 28, United States

Code, Section 2461(c), which require the forfeiture of any firearm or ammunition involved in or used in any knowing violation of Title 18, United States Code, Section 922 or Section 924.

30. If any of the above-described forfeitable property, as a result of any act or omission of the defendants:

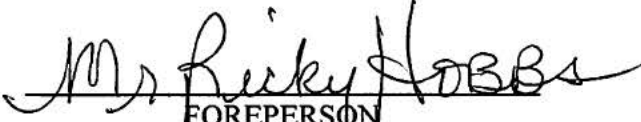
- (a) cannot be located upon the exercise of due diligence;
- (b) has been transferred or sold to, or deposited with, a third-party;
- (c) has been place beyond the jurisdiction of the court;
- (d) has been substantially diminished in value; or
- (e) has been commingled with other property which cannot be divided

without difficulty;

it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p), to seek forfeiture of any other property of the defendants up to the value of the forfeitable property described in this forfeiture allegation.

(Title 18, United States Code, Section 924(d)(1); Title 21, United States Code, Section 853(p); Title 28, United States Code, Section 2461(c))

A TRUE BILL


FOREPERSON

By Carolyn Pokorny, Assistant U.S. Attorney

BREON PEACE
UNITED STATES ATTORNEY
EASTERN DISTRICT OF NEW YORK