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BROOKLYN OFFICE

MEG:JMS/DGR/NJM
F.#2017R01253/OCDETF#NY-NYE858

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

UNITED STATES OF AMERICA

- against -

JEFFREY BUSH,
also known as "Chuck" and
"Chuck Taylor,"
TYSHAWN ATKINS,
also known as "Breeze,"
INDIA LANE,
also known as
"Gorgeous Gangsta,"
LOUIS LOVE,
also known as "Scoobz"
and "Scoobie,"
MARVIN PIPPINS,
also known as "Mukk,"
YONETTE RESPASS,
also known as "Star Brim,"
JAMES SEASE,
also known as "Chop Whop,"
MONTEL SHUEMAKE,
also known as "Buzzo," and
RODOLFO ZAMBRANO,
also known as "Latinn Dinero,"

Defendants.

----- X

THE GRAND JURY CHARGES:

INTRODUCTION

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

SUPERSEDING
INDICTMENT

Cr. No. 19-378 (S-1) (DLI)
(T. 18, U.S.C., §§ 924(c)(1)(A)(i),
924(d)(1), 924(j)(1), 1959(a)(1),
1959(a)(5), 1959(a)(6), 1962(d), 1963,
1963(a), 1963(m), 2 and 3551 et seq.;
T. 21, U.S.C., §§ 841(a)(1),
841(b)(1)(A)(iii), 841(b)(1)(C),
841(b)(1)(D), 846, 853(a) and 853(p);
T. 28, U.S.C., § 2461(c))

The Enterprise

1. The "5-9 Brims" (hereinafter, the "5-9 Brims" and the "enterprise") was a set of the Bloods street gang formed in Los Angeles, California in the early 1970s. In the 1990s, certain individual "sets" of the Bloods street gang, including the 5-9 Brims, began operating on the east coast of the United States, including in New York, under what was known as the "United Blood Nation," also known as the "UBN."

2. In the early 2000s, members and associates of the 5-9 Brims broke away from the UBN and began operating under the "New York Blood Brim Army," also known as the "NYBBA," which was composed of, in part, multiple subsets known as "hoods," which included the 5-9 Brims, the Bloodhound Brims, the Mac Balla Brims and the Low Rida Brims, among others. Despite having different names and being comprised of individuals from different areas of New York, each subset of the NYBBA, including the 5-9 Brims, maintained common tattoos, communication codes, language and gestures, and members of every set were identifiable as Bloods because they wore the color red. The 5-9 Brims was a gang comprised primarily of individuals residing in and around Brooklyn, Queens, the Bronx and Manhattan, New York, and elsewhere.

3. The 5-9 Brims, including its leadership, membership and associates, constituted an "enterprise," as defined in Title 18, United States Code, Sections 1959(b)(2) and 1961(4), 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.

Purposes of the Enterprise

4. The purposes of the 5-9 Brims included the following:
- a. Enriching the members and associates of the enterprise through criminal activity, including drug trafficking, robbery, fraud and trafficking in stolen identities;
 - 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 murder, robbery and assault; and
 - d. Keeping victims and rivals in fear of the enterprise and its members and associates.

Means and Methods of the Enterprise

5. Among the means and methods by which the defendants and their associates conducted and participated in the conduct of the affairs of the enterprise were the following:
- a. Members of the enterprise and their associates used, attempted to use and conspired to use drug trafficking, robbery, fraud and trafficking in stolen identities as a means of obtaining money;
 - b. Members of the enterprise and their associates committed, attempted to commit and threatened to commit acts of violence, including acts involving murder, robbery and assault, to enhance the enterprise's prestige and protect and expand the enterprise's criminal operations; and

c. Members of the enterprise and their associates used and threatened to use physical violence against various individuals, including members of rival criminal organizations.

The Defendants

6. The defendants JEFFREY BUSH, also known as “Chuck” and “Chuck Taylor,” TYSHAWN ATKINS, also known as “Breeze,” INDIA LANE, also known as “Gorgeous Gangsta,” LOUIS LOVE, also known as “Scoobz” and “Scoobie,” MARVIN PIPPINS, also known as “Mukk,” YONETTE RESPASS, also known as “Star Brim,” JAMES SEASE, also known as “Chop Whop,” MONTEL SHUEMAKE, also known as “Buzzo,” and RODOLFO ZAMBRANO, also known as “Latinn Dinero,” were members of the 5-9 Brims.

COUNT ONE
(Racketeering Conspiracy)

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 January 2012 and February 2020, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendants JEFFREY BUSH, also known as “Chuck” and “Chuck Taylor,” TYSHAWN ATKINS, also known as “Breeze,” LOUIS LOVE, also known as “Scoobz” and “Scoobie,” MARVIN PIPPINS, also known as “Mukk,” JAMES SEASE, also known as “Chop Whop,” MONTEL SHUEMAKE, also known as “Buzzo,” and RODOLFO ZAMBRANO, also known as “Latinn Dinero,” together with others, being persons employed by and associated with the 5-9 Brims, an enterprise that engaged in, and the activities of which affected,

interstate and foreign commerce, did knowingly and intentionally conspire 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 that enterprise through a pattern of racketeering activity, as defined in Title 18, United States Code, Sections 1961(1) and 1961(5).

9. The pattern of racketeering activity through which the defendants JEFFREY BUSH, TYSHAWN ATKINS, LOUIS LOVE, MARVIN PIPPINS, JAMES SEASE, MONTEL SHUEMAKE and RODOLFO ZAMBRANO, together with others, agreed to conduct and participate, directly and indirectly, in the conduct of the affairs of the enterprise consisted of multiple acts indictable under:

a. Title 18, United States Code, Section 1028 (fraud and related activity in connection with identification documents); and

b. Title 18, United States Code, Section 1029 (fraud and related activity in connection with access devices);

multiple acts involving murder, in violation of New York State Penal Law Sections 125.25, 110.00, 105.15 and 20.00; and multiple offenses involving dealing in controlled substances in violation of Title 21, United States Code, Sections 841 and 846. 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.

Notice of Enhanced Sentencing Concerning Count One

10. On or about December 19, 2015, within the Eastern District of New York and elsewhere, the defendant MARVIN PIPPINS, together with others, with intent to

cause the death of Sean Peart, also known as "S. Dot," did knowingly and intentionally cause his death, in violation of New York Penal Law Sections 125.25 and 20.00.

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

COUNT TWO

(Conspiracy to Commit Murder In-Aid-Of Racketeering – Members of Real Ryte)

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

12. At all times relevant to this Superseding Indictment, the 5-9 Brims, 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, acts involving murder that are chargeable under New York Penal Law and punishable by imprisonment for more than one year; offenses involving dealing in controlled substances in violation of Title 21, United States Code, Sections 841 and 846; and acts indictable under Title 18, United States Code, Sections 1028 (relating to fraud and related activity in connection with identification documents) and 1029 (relating to fraud and related activities in connection with access devices).

13. In or about and between October 2015 and February 2020, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendants MARVIN PIPPINS, also known as "Mukk," JAMES SEASE, also known as "Chop Whop," and MONTEL SHUEMAKE, also known as "Buzzo," together with others, for the purpose of gaining entrance to and maintaining and increasing position in the 5-9 Brims, an enterprise engaged in racketeering activity, did knowingly and intentionally conspire to murder one or more individuals, to wit: members of the rival crew "Real Ryte,"

also known as the “Rytes,” in violation of New York Penal Law Sections 125.25(1) and 105.15.

(Title 18, United States Code, Sections 1959(a)(5) and 3551 et seq.)

COUNT THREE

(Murder In-Aid-Of Racketeering – Sean Peart)

14. The allegations contained in paragraphs one through six and 12 are realleged and incorporated as if fully set forth in this paragraph.

15. On or about December 19, 2015, within the Eastern District of New York, the defendant MARVIN PIPPINS, also known as “Mukk,” for the purpose of gaining entrance to and maintaining and increasing position in the 5-9 Brims, an enterprise engaged in racketeering activity, did knowingly and intentionally murder Sean Peart, also known as “S. Dot,” in violation of New York Penal Law Sections 125.25(1) and 20.00.

(Title 18, United States Code, Sections 1959(a)(1), 2 and 3551 et seq.)

COUNT FOUR

(Unlawful Use of Firearms Resulting in Death – Murder of Sean Peart)

16. On or about December 19, 2015, within the Eastern District of New York, the defendant MARVIN PIPPINS, also known as “Mukk,” together with others, in the course of a violation of Title 18, United States Code, Section 924(c), to wit: the use of a firearm during and in relation to one or more crimes of violence, to wit: the crime charged in Count Three, did knowingly and intentionally cause the death of a person through the use of a firearm, which killing was a murder as defined in Title 18, United States Code, Section 1111(a), in that the defendant, with malice aforethought, did unlawfully kill, and cause the

killing of, Sean Peart, also known as “S. Dot,” willfully, deliberately, maliciously and with premeditation.

(Title 18, United States Code, Sections 924(j)(1) and 3551 et seq.)

COUNT FIVE

(Conspiracy to Commit Assault In-Aid-Of Racketeering)

17. The allegations contained in paragraphs one through six and 12 are realleged and incorporated as if fully set forth in this paragraph.

18. In or about August 2018, within the Eastern District of New York and elsewhere, the defendants JEFFREY BUSH, also known as “Chuck” and “Chuck Taylor,” INDIA LANE, also known as “Gorgeous Gangsta,” LOUIS LOVE, also known as “Scoobz” and “Scoobie,” YONETTE RESPASS, also known as “Star Brim,” and RODOLFO ZAMBRANO, also known as “Latinn Dinero,” together with others, for the purpose of gaining entrance to and maintaining and increasing position in the 5-9 Brims, an enterprise engaged in racketeering activity, did knowingly and intentionally conspire to commit assault resulting in serious bodily injury, in violation of New York Penal Law Sections 120.05(1) and 20.00.

(Title 18, United States Code, Sections 1959(a)(6) and 3551 et seq.)

COUNT SIX

(Conspiracy to Possess With Intent to Distribute Controlled Substances)

19. In or about and between January 2012 and February 2020, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendants JEFFREY BUSH, also known as “Chuck” and “Chuck Taylor,” TYSHAWN ATKINS, also known as “Breeze,” LOUIS LOVE, also known as “Scoobz” and “Scoobie,” MARVIN PIPPINS, also known as “Mukk,” JAMES SEASE, also known as “Chop Whop,”

MONTEL SHUEMAKE, also known as “Buzzo,” and RODOLFO ZAMBRANO, also known as “Latinn Dinero,” together with others, did knowingly and intentionally conspire to distribute and possess with intent to distribute one or more controlled substances, which offense involved (a) a substance containing cocaine, a Schedule II controlled substance, (b) a substance containing cocaine base, a Schedule II controlled substance, (c) a substance containing marijuana, a Schedule I controlled substance, (d) a substance containing oxycodone, a Schedule II controlled substance, and (e) a substance containing 4-methylenedioxymethamphetamine, also known as “ecstasy,” a Schedule I controlled substance, contrary to Title 21, United States Code, Section 841(a)(1). The amount of cocaine base involved in the conspiracy attributable to defendants BUSH, PIPPINS, SEASE and ZAMBRANO, as a result of their own conduct, and the conduct of other conspirators reasonably foreseeable to them, was 280 grams or more of a substance containing cocaine base.

(Title 21, United States Code, Sections 846, 841(b)(1)(A)(iii), 841(b)(1)(C) and 841(b)(1)(D); Title 18, United States Code, Sections 3551 et seq.)

COUNT SEVEN
(Unlawful Use of a Firearm)

20. In or about and between January 2012 and February 2020, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendants JEFFREY BUSH, also known as “Chuck” and “Chuck Taylor,” MARVIN PIPPINS, also known as “Mukk,” JAMES SEASE, also known as “Chop Whop,” MONTEL SHUEMAKE, also known as “Buzzo,” and RODOLFO ZAMBRANO, also known as “Latinn Dinero,” together with others, did knowingly and intentionally use and carry one or

more firearms during and in relation to a drug trafficking crime, to wit: the crime charged in Count Six, and did knowingly and intentionally possess such firearms in furtherance of said drug trafficking crime.

(Title 18, United States Code, Sections 924(c)(1)(A)(i), 2 and 3551 et seq.)

COUNT EIGHT

(Possession with Intent to Distribute Marijuana)

21. In or about and between January 2016 and February 2020, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendant LOUIS LOVE, also known as “Scoobz” and “Scoobie,” together with others, did knowingly and intentionally possess with intent to distribute a controlled substance, which offense involved a substance containing marijuana, a Schedule I controlled substance.

(Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(D); Title 18, United States Code, Sections 2 and 3551 et seq.)

COUNT NINE

(Possession with Intent to Distribute Cocaine Base)

22. In or about and between February 2019 and August 2019, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendant JEFFREY BUSH, also known as “Chuck” and “Chuck Taylor,” did knowingly and intentionally possess with intent to distribute a controlled substance, which offense involved 280 grams or more of a substance containing cocaine base, a Schedule II controlled substance.

(Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(A)(iii); Title 18, United States Code, Sections 3551 et seq.)

CRIMINAL FORFEITURE ALLEGATION AS TO COUNT ONE

23. The United States hereby gives notice to the defendants charged in Count One that, upon their conviction of such offense, the government will seek forfeiture in accordance with Title 18, United States Code, Section 1963(a), which requires any person convicted of such offense to forfeit: (a) any interest the person acquired or maintained in violation of Title 18, United States Code, Section 1962; (b) any interest in, security of, claim 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 in violation of Title 18, United States Code, Section 1962, including but not limited to the following property seized on or about August, 22, 2019 from premises located at Ten Eyck Street, Brooklyn, New York: (i) approximately fourteen thousand eight hundred and seventy dollars and zero cents (\$14,870.00) in United States currency; and (ii) one Louis Vuitton bag.

24. 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 COUNTS FOUR AND SEVEN

25. The United States hereby gives notice to the defendants charged in Counts Four and Seven that, upon their conviction of either 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, Sections 922 or 924.

26. 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 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))

CRIMINAL FORFEITURE ALLEGATION
AS TO COUNTS SIX, EIGHT AND NINE

27. The United States hereby gives notice to the defendants charged in Counts Six, Eight and Nine that, upon their conviction of any such offenses, the government will seek forfeiture in accordance with Title 21, United States Code, Section 853(a), which requires any person convicted of such offenses to forfeit: (a) any property constituting, or derived from, any proceeds obtained directly or indirectly as a result of such offenses; and (b) any property used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of, such offenses, including but not limited to the following property seized on or about August, 22, 2019 from premises located at Ten Eyck Street, Brooklyn, New York: (i) approximately fourteen thousand eight hundred and seventy dollars and zero cents (\$14,870.00) in United States currency; and (ii) one Louis Vuitton bag.

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 comingled 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 21, United States Code, Sections 853(a) and 853(p))

A TRUE BILL



FORFEITURE

RICHARD P. DONOGHUE
UNITED STATES ATTORNEY
EASTERN DISTRICT OF NEW YORK

BY: 
ACTING UNITED STATES ATTORNEY
PURSUANT TO 28 C.F.R. O.136

No. 19-CR-378 (S-1) (DLI)

UNITED STATES DISTRICT COURT

EASTERN District of NEW YORK

CRIMINAL DIVISION

THE UNITED STATES OF AMERICA

vs.

JEFFREY BUSH et al.,

Defendants.

SUPERSEDING INDICTMENT

(T. 18, U.S.C., §§ 924(c)(1)(A)(i), 924(d)(1), 924(j)(1), 1959(a)(1), 1959(a)(5),
1959(a)(6), 1962(d), 1963, 1963(a), 1963(m), 2 and 3551 *et seq.*; T. 21, U.S.C.,
§§ 841(a)(1), 841(b)(1)(A)(iii), 841(b)(1)(C), 841(b)(1)(D), 846, 853(a) and 853(p);
T. 28, U.S.C., § 2461(c))

A true bill.

[Redacted signature area]

Foreperson

Filed in open court this _____ day,

of _____ A.D. 20 _____

Clerk

Bail, \$ _____

Jennifer M. Sasso, Drew G. Rolle, Nicholas J. Moscow
Assistant U.S. Attorneys (718) 254-7000