

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA : SEALED
: SUPERSEDING
: INDICTMENT

- v. -

S1 18 Cr. 41 (DLC)

TOSHNELLE FOSTER,
a/k/a "Tosh,"
CHRISTOPHER ASHE,
a/k/a "Chips,"
DAWAYNE BELL,
JASON CHRISTIAN,
a/k/a "Hungry,"
NAVONE DOZIER,
a/k/a "Dollaz,"
NATHANIEL FLUDD,
a/k/a "Juntao,"
KEVON GAITHER,
a/k/a "KK,"
CLARENCE GLASGO
a/k/a "Chuck,"
XAVIER HOLMAN,
a/k/a "Rico,"
JAFARI JONES,
a/k/a "JJ,"
SEAN JONES,
a/k/a "S Dot,"
KEENAN MCFARLAND,
AUSTIN MORRISHOW,
a/k/a "Chuckey,"
DEANDRE MORRISON,
a/k/a "D Nice,"
DEONTE MORRISON,
a/k/a "Suki,"
KEITH OUTLAW,
a/k/a "Keefy,"
LASYAH PALMER,
a/k/a "Timbo,"
JASON RAMOS,

a/k/a "Chico," :
 FRANCISCO TORRES, :
 a/k/a "Baby," and :
 BO WILLIAMS, :
 a/k/a "Boski," :
 :
 Defendants. :
 :
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COUNT ONE
 (MacBallas Racketeering Conspiracy)

The Grand Jury charges:

1. At all times relevant to this Indictment, TOSHNELLE FOSTER, a/k/a "Tosh," CHRISTOPHER ASHE, a/k/a "Chips," DAWAYNE BELL, JASON CHRISTIAN, a/k/a "Hungry," NAVONE DOZIER, a/k/a "Dollaz," KEVON GAITHER, a/k/a "KK," CLARENCE GLASGO, a/k/a "Chuck," XAVIER HOLMAN, a/k/a "Rico," JAFARI JONES, a/k/a "JJ," SEAN JONES, a/k/a "S Dot," KEENAN MCFARLAND, AUSTIN MORRISHOW, a/k/a "Chuckey," DEANDRE MORRISON, a/k/a "D Nice," DEONTE MORRISON, a/k/a "Suki," KEITH OUTLAW, a/k/a "Keefy," LASYAH PALMER, a/k/a "Timbo," JASON RAMOS, a/k/a "Chico," FRANCISCO TORRES, a/k/a "Baby," and BO WILLIAMS, a/k/a "Boski," the defendants, and others known and unknown, were members and associates of the "MacBallas" (the "Enterprise"), a criminal organization whose members and associates engaged in, among other things, acts of violence and narcotics trafficking. The MacBallas

operated principally in and around the 40th Precinct in the Bronx, New York.

2. The MacBallas, including its leadership, its membership, and its associates, constituted an "enterprise," as defined by Title 18, United States Code, Section 1961(4), that is, a group of individuals associated in fact, although not a legal entity. The Enterprise constituted an ongoing organization whose members functioned as a continuing unit for a common purpose of achieving the objectives of the Enterprise. At all times relevant to this Indictment, the Enterprise was engaged in, and its activities affected, interstate and foreign commerce. TOSHNELLE FOSTER, a/k/a "Tosh," CHRISTOPHER ASHE, a/k/a "Chips," DAWAYNE BELL, JASON CHRISTIAN, a/k/a "Hungry," NAVONE DOZIER, a/k/a "Dollaz," KEVON GAITHER, a/k/a "KK," CLARENCE GLASGO, a/k/a "Chuck," XAVIER HOLMAN, a/k/a "Rico," JAFARI JONES, a/k/a "JJ," SEAN JONES, a/k/a "S Dot," KEENAN MCFARLAND, AUSTIN MORRISHOW, a/k/a "Chuckey," DEANDRE MORRISON, a/k/a "D Nice," DEONTE MORRISON, a/k/a "Suki," KEITH OUTLAW, a/k/a "Keefy," LASYAH PALMER, a/k/a "Timbo," JASON RAMOS, a/k/a "Chico," FRANCISCO TORRES, a/k/a "Baby," and BO WILLIAMS, a/k/a "Boski," the defendants, participated in the operation of the Enterprise, and participated in unlawful and other activities in furtherance of the conduct of the Enterprise's affairs.

PURPOSES OF THE ENTERPRISE

3. The purposes of the Enterprise included the following:

a. Enriching the members and associates of the Enterprise through, among other things, robbery and the distribution of narcotics, including marijuana, heroin, and cocaine base in a form commonly known as "crack."

b. Preserving and protecting the power of the Enterprise and its members and associates through acts of violence and threats of violence.

c. Promoting and enhancing the Enterprise and the activities of its members and associates.

MEANS AND METHODS OF THE ENTERPRISE

4. Among the means and methods employed by the members and associates in conducting and participating in the conduct of the affairs of the Enterprise were the following:

a. Members and associates of the Enterprise committed, conspired to commit, and attempted to commit, acts of violence, including murder, to protect and expand the Enterprise's criminal operations, and in connection with rivalries with members of other street gangs.

b. Members and associates of the Enterprise used physical violence and threats of violence, including murder and

attempted murder, against various people, including in particular rival gang members.

c. Members and associates of the Enterprise planned and committed robberies of individuals and businesses in and around the Bronx and New York, New York.

d. Members and associates of the Enterprise sold narcotics, including marijuana, heroin, and cocaine base in a form commonly known as "crack."

THE RACKETEERING CONSPIRACY

5. From approximately in or about 2011, up to and including in or about June 2018, in the Southern District of New York and elsewhere, TOSHNELLE FOSTER, a/k/a "Tosh," CHRISTOPHER ASHE, a/k/a "Chips," DAWAYNE BELL, JASON CHRISTIAN, a/k/a "Hungry," NAVONE DOZIER, a/k/a "Dollaz," KEVON GAITHER, a/k/a "KK," CLARENCE GLASGO, a/k/a "Chuck," XAVIER HOLMAN, a/k/a "Rico," JAFARI JONES, a/k/a "JJ," SEAN JONES, a/k/a "S Dot," KEENAN MCFARLAND, AUSTIN MORRISHOW, a/k/a "Chuckey," DEANDRE MORRISON, a/k/a "D Nice," DEONTE MORRISON, a/k/a "Suki," KEITH OUTLAW, a/k/a "Keefy," LASYAH PALMER, a/k/a "Timbo," JASON RAMOS, a/k/a "Chico," FRANCISCO TORRES, a/k/a "Baby," and BO WILLIAMS, a/k/a "Boski," the defendants, and others known and unknown, being persons employed by and associated with the racketeering enterprise described in Paragraphs 1 through 4 above, namely, the MacBallas, which enterprise was engaged in, and the activities of which

affected, interstate and foreign commerce, willfully and knowingly combined, conspired, confederated, and agreed together and with each other to violate the racketeering laws of the United States, to wit, 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 MacBallas 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 multiple:

a. acts involving murder, chargeable under the following provisions of state law: New York Penal Law, Sections 125.25 (murder), 105.15 (conspiracy to commit murder), 110.00 (attempted murder), and 20.00 (aiding and abetting); and

b. acts involving robbery, chargeable under the following provisions of state law: New York Penal Law, Sections 160.00, 160.05, 160.10, 160.15 (robbery), 105.05, 105.10 (conspiracy to commit robbery), 110.00 (attempted robbery), and 20.00 (aiding and abetting);

c. acts involving robbery, in violation of the laws of the United States, namely Title 18, United States Code, Sections 1951 and 2;

d. offenses involving the distribution of controlled substances, including marijuana, heroin, and cocaine base in a form commonly known as "crack," in violation of the laws of the United States, namely Title 21, United States Code, Sections 812,

841(a)(1), and 846.

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

(Title 18, United States Code, Section 1962(d).)

COUNT TWO
(Conspiracy to Distribute Narcotics)

The Grand Jury further charges:

7. Between in or about 2011 and in or about June 2018, in the Southern District of New York and elsewhere, JASON CHRISTIAN, a/k/a "Hungry," CHRISTOPHER ASHE, a/k/a "Chips," NAVONE DOZIER, a/k/a "Dollaz," KEVON GAITHER, a/k/a "KK," JAFARI JONES, a/k/a "JJ," SEAN JONES, a/k/a "S Dot," KEENAN MCFARLAND, AUSTIN MORRISHOW, a/k/a "Chuckey," DEONTE MORRISON, a/k/a "Suki," KEITH OUTLAW, a/k/a "Keefy," LASYAH PALMER, a/k/a "Timbo," JASON RAMOS, a/k/a "Chico," FRANCISCO TORRES, a/k/a "Baby," and BO WILLIAMS, a/k/a "Boski," the defendants, and others known and unknown, did combine, conspire, confederate, and agree together and with each other to violate the narcotics laws of the United States.

8. It was a part and object of the conspiracy that JASON CHRISTIAN, a/k/a "Hungry," CHRISTOPHER ASHE, a/k/a "Chips," NAVONE DOZIER, a/k/a "Dollaz," KEVON GAITHER, a/k/a "KK," JAFARI JONES, a/k/a "JJ," SEAN JONES, a/k/a "S Dot," KEENAN MCFARLAND, AUSTIN MORRISHOW, a/k/a "Chuckey," DEONTE MORRISON, a/k/a "Suki,"

KEITH OUTLAW, a/k/a "Keefy," LASYAH PALMER, a/k/a "Timbo," JASON RAMOS, a/k/a "Chico," FRANCISCO TORRES, a/k/a "Baby," and BO WILLIAMS, a/k/a "Boski," the defendants, and others known and unknown, would and did distribute and possess with the intent to distribute controlled substances, in violation of 21 U.S.C. § 841(a)(1).

9. The controlled substances that JASON CHRISTIAN, a/k/a "Hungry," CHRISTOPHER ASHE, a/k/a "Chips," NAVONE DOZIER, a/k/a "Dollaz," KEVON GAITHER, a/k/a "KK," JAFARI JONES, a/k/a "JJ," SEAN JONES, a/k/a "S Dot," KEENAN MCFARLAND, AUSTIN MORRISHOW, a/k/a "Chuckey," DEONTE MORRISON, a/k/a "Suki," KEITH OUTLAW, a/k/a "Keefy," LASYAH PALMER, a/k/a "Timbo," JASON RAMOS, a/k/a "Chico," FRANCISCO TORRES, a/k/a "Baby," and BO WILLIAMS, a/k/a "Boski," the defendants, conspired to distribute and possess with the intent to distribute were: (a) 280 grams and more of mixtures and substances containing a detectable amount of cocaine base, in a form commonly known as "crack," in violation of Title 21, United States Code, Section 841(b)(1)(A); (b) mixtures and substances containing a detectable amount of heroin, in violation of Title 21, United States Code, Section 841(b)(1)(C); and (c) marijuana, in violation of Title 21, United States Code, Section 841(b)(1)(D).

(Title 21, United States Code, Section 846.)

COUNT THREE
(Murder in Aid of Racketeering)

The Grand Jury further charges:

10. At all times relevant to this Indictment, the MacBallas, as described in paragraphs 1 through 4 of Count One of this Indictment, which are repeated and incorporated by reference as though fully set forth herein, including its leadership, members, and associates, constituted an enterprise, as that term is defined in Title 18, United States Code, Section 1959(b)(2), that is, an association in fact of individuals 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.

11. At all relevant times to this Indictment, the MacBallas, through its members and associates, engaged in racketeering activity, as that term is defined in Title 18, United States Code, Sections 1961(1) and 1959(b)(1), namely acts involving murder, in violation of New York Penal Law, acts involving robbery, in violation of New York Penal Law and Title 18, United States Code Sections 1951 and 2, and narcotics

trafficking, in violation of Title 21, United States Code, Sections 812, 841, and 846.

12. On or about August 1, 2011, in the Southern District of New York, NATHANIEL FLUDD, a/k/a "Juntao," and DEONDRE MORRISON, a/k/a "D Nice," the defendants, and others known and unknown, as consideration for the receipt of, and as consideration for a promise and agreement to pay, a thing of pecuniary value from the MacBallas, and for the purpose of gaining entrance to and maintaining and increasing position in the MacBallas, an enterprise engaged in racketeering activity, as described above, knowingly murdered and aided and abetted the murder of Daniel Delgado in the vicinity of 281 East 153rd Street, Bronx, New York, in violation of New York Penal Law, Sections 125.25, 125.27, and 20.00, in that, (i) with intent to cause the death of another person, FLUDD and DEONDRE MORRISON caused the death of Daniel Delgado; and (ii) under circumstances evincing a depraved indifference to human life, FLUDD and DEONDRE MORRISON recklessly engaged in conduct which created a grave risk of death to another person, and thereby caused the death of Delgado, and aided and abetted the same.

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

COUNT FOUR
(Firearms Offense)

The Grand Jury further charges:

13. On or about August 1, 2011, in the Southern District of New York, NATHANIEL FLUDD, a/k/a "Juntao" and DEONDRE MORRISON, a/k/a "D Nice," the defendants, and others known and unknown, during and in relation to a crime of violence for which they may be prosecuted in a court of the United States, namely, the murder in aid of racketeering charged in Count Three of this Indictment, willfully and knowingly did use and carry a firearm, and, in furtherance of such crime of violence, did possess a firearm, and in the course of that crime of violence did cause the death of a person through the use of a firearm, which killing is murder as defined in Title 18, United States Code, Section 1111(a), and did aid and abet the same, to wit, FLUDD ordered DEONDRE MORRISON to murder Daniel Delgado and then DEONDRE MORRISON shot and killed Delgado, and aided and abetted the shooting and killing of Delgado, in the vicinity of 281 East 153rd Street, Bronx, New York.

(Title 18, United States Code, Sections
924(j)(1) and 2.)

SPECIAL FINDINGS AS TO NATHANIEL FLUDD

14. Counts Three and Four of the Indictment are realleged and incorporated by reference as though fully set forth herein. As to Counts Three and Four of the Indictment,

alleging the murder of Daniel Delgado, NATHANIEL FLUDD, a/k/a "Juntao," the defendant:

a. was 18 years of age or older at the time of the offenses; and

b. intentionally participated in an act, contemplating that the life of a person would be taken and intending that lethal force would be used in connection with a person, other than one of the participants in the offenses, and Daniel Delgado died as a direct result of the act (Title 18, United States Code, Section 3591(a)(2)(C)).

SPECIAL FINDINGS AS TO DEONDRE MORRISON

15. Counts Three and Four of the Indictment are realleged and incorporated by reference as though fully set forth herein. As to Counts Three and Four of the Indictment, alleging the murder of Daniel Delgado, DEONDRE MORRISON, a/k/a "D Nice," the defendant:

a. was 18 years of age or older at the time of the offenses; and

b. intentionally killed DANIEL DELGADO (Title 18, United States Code, Section 3591(a)(2)(A)).

COUNT FIVE
(Violent Crime in Aid of Racketeering)

The Grand Jury further charges:

16. At all times relevant to this Indictment, the MacBallas, as described in paragraphs 1 through 4 of Count One of this Indictment, which are repeated and incorporated by reference as though fully set forth herein, including its leadership, members, and associates, constituted an enterprise, as that term is defined in Title 18, United States Code, Section 1959(b)(2), that is, an association in fact of individuals 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.

17. At all relevant times to this Indictment, the MacBallas, through its members and associates, engaged in racketeering activity, as that term is defined in Title 18, United States Code, Sections 1961(1) and 1959(b)(1), namely acts involving murder, in violation of New York Penal Law, acts involving robbery, in violation of New York Penal Law and Title 18, United States Code Sections 1951 and 2, and narcotics

trafficking, in violation of Title 21, United States Code, Sections 812, 841, and 846.

18. On or about July 27, 2013, in the Southern District of New York, SEAN JONES, a/k/a "S Dot," NAVONE DOZIER, a/k/a "Dollaz," DAWAYNE BELL, and CLARENCE GLASGO, a/k/a "Chuck," the defendants, and others known and unknown, as consideration for the receipt of, and as consideration for a promise and agreement to pay, a thing of pecuniary value from the MacBallas, and for the purpose of gaining entrance to and maintaining and increasing position in the MacBallas, an enterprise engaged in racketeering activity, as described above, knowingly assaulted an individual with a dangerous weapon; attempted to murder an individual; and aided and abetted the same, to wit, SEAN JONES shot at and attempted to murder an individual ("Victim-1"), and DOZIER, BELL, and GLASGO aided and abetted the same, during which Victim-1 was injured, in the vicinity of 338 East 145th Street in the Bronx, New York, in violation of New York Penal Law, Sections 120.05, 125.25, 110.00, and 20.00.

(Title 18, United States Code,
Sections 1959(a)(3), 1959(a)(5), and 2.)

COUNT SIX
(Firearms Offense)

The Grand Jury further charges:

19. On or about July 27, 2013, in the Southern District of New York, SEAN JONES, a/k/a "S Dot," NAVONE DOZIER, a/k/a

"Dollaz," DAWAYNE BELL, and CLARENCE GLASGO, a/k/a "Chuck," the defendants, during and in relation to a crime of violence for which they may be prosecuted in a court of the United States, namely, the violent crime in aid of racketeering charged in Count Five of this Indictment, knowingly did use and carry a firearm, and in furtherance of such crime, did possess a firearm, and did aid and abet the use, carrying, and possession of a firearm, which was brandished and discharged.

(Title 18, United States Code, Sections
924(c)(1)(A)(i), (ii), (iii) and 2.)

COUNT SEVEN
(Hobbs Act Robbery)

The Grand Jury further charges:

20. On or about October 4, 2013, in the Southern District of New York and elsewhere, JAFARI JONES, a/k/a "JJ," the defendant, and others known and unknown, unlawfully and knowingly did commit robbery, as that term is defined in Title 18, United States Code, Section 1951(b)(1), and did thereby obstruct, delay, and affect commerce and the movement of articles and commodities in commerce, as that term is defined in Title 18, United States Code, Section 1951(b)(3), to wit, JAFARI JONES committed a gunpoint robbery of a drug dealer, and aided and abetted the commission of a gunpoint robbery of a drug dealer, during which the drug dealer

was shot and injured, in the vicinity of 700 Morris Avenue, in the Bronx, New York.

(Title 18, United States Code, Sections 1951 and 2.)

COUNT EIGHT
(Firearms Offense)

The Grand Jury further charges:

21. On or about October 4, 2013, JAFARI JONES, a/k/a "JJ," the defendant, during and in relation to a crime of violence for which he may be prosecuted in a court of the United States, namely, the Hobbs Act robbery charged in Count Seven of this Indictment, knowingly did use and carry a firearm, and in furtherance of such crime, did possess a firearm, and did aid and abet the use, carrying, and possession of a firearm, which was brandished and discharged.

(Title 18, United States Code,
Sections 924(c)(1)(A)(i), (ii), (iii), and 2.)

COUNT NINE
(Violent Crime in Aid of Racketeering)

The Grand Jury further charges:

22. At all times relevant to this Indictment, the MacBallas, as described in paragraphs 1 through 4 of Count One of this Indictment, which are repeated and incorporated by reference as though fully set forth herein, including its leadership, members, and associates, constituted an enterprise, as that term is defined in Title 18, United States Code, Section 1959(b)(2),

that is, an association in fact of individuals 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.

23. At all relevant times to this Indictment, the MacBallas, through its members and associates, engaged in racketeering activity, as that term is defined in Title 18, United States Code, Sections 1961(1) and 1959(b)(1), namely acts involving murder, in violation of New York Penal Law, acts involving robbery, in violation of New York Penal Law and Title 18, United States Code Sections 1951 and 2, and narcotics trafficking, in violation of Title 21, United States Code, Sections 812, 841, and 846.

24. On or about November 15, 2013, in the Southern District of New York, KEITH OUTLAW, a/k/a "Keefy," the defendant, and others known and unknown, as consideration for the receipt of, and as consideration for a promise and agreement to pay, a thing of pecuniary value from the MacBallas, and for the purpose of gaining entrance to and maintaining and increasing position in the MacBallas, an enterprise engaged in racketeering activity, as described above, knowingly assaulted an individual with a dangerous weapon; attempted to murder an individual; and aided and abetted the same, to wit, OUTLAW shot at and attempted to murder

individuals from the Moore Houses, during which two individuals were injured, in the vicinity of 535 Jackson Avenue, in the Bronx, New York, in violation of New York Penal Law, Sections 120.05, 125.25, 110.00, and 20.00.

(Title 18, United States Code,
Sections 1959(a)(3), 1959(a)(5), and 2.)

COUNT TEN
(Firearms Offense)

The Grand Jury further charges:

25. On or about November 15, 2013, in the Southern District of New York, KEITH OUTLAW, a/k/a "Keefy," the defendant, during and in relation to a crime of violence for which he may be prosecuted in a court of the United States, namely, the violent crime in aid of racketeering charged in Count Nine of this Indictment, knowingly did use and carry a firearm, and in furtherance of such crime, did possess a firearm, and did aid and abet the use, carrying, and possession of a firearm, which was brandished and discharged.

(Title 18, United States Code, Sections
924(c)(1)(A)(i), (ii), (iii) and 2.)

COUNT ELEVEN
(Violent Crime in Aid of Racketeering)

The Grand Jury further charges:

26. At all times relevant to this Indictment, the MacBallas, as described in paragraphs 1 through 4 of Count One of this Indictment, which are repeated and incorporated by reference

as though fully set forth herein, including its leadership, members, and associates, constituted an enterprise, as that term is defined in Title 18, United States Code, Section 1959(b)(2), that is, an association in fact of individuals 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.

27. At all relevant times to this Indictment, the MacBallas, through its members and associates, engaged in racketeering activity, as that term is defined in Title 18, United States Code, Sections 1961(1) and 1959(b)(1), namely acts involving murder, in violation of New York Penal Law, acts involving robbery, in violation of New York Penal Law and Title 18, United States Code Sections 1951 and 2, and narcotics trafficking, in violation of Title 21, United States Code, Sections 812, 841, and 846.

28. On or about June 17, 2014, in the Southern District of New York, DEONTE MORRISON, a/k/a "Suki," the defendant, and others known and unknown, as consideration for the receipt of, and as consideration for a promise and agreement to pay, a thing of pecuniary value from the MacBallas, and for the purpose of gaining entrance to and maintaining and increasing position in the MacBallas, an enterprise engaged in racketeering activity, as

described above, knowingly assaulted an individual with a dangerous weapon; attempted to murder an individual; and aided and abetted the same, to wit, DEONTE MORRISON shot at and attempted to murder individuals from the Dyckman Houses, and as a result an innocent bystander was injured, in the vicinity of 3784 10th Avenue, in New York, New York, in violation of New York Penal Law, Sections 120.05, 125.25, 110.00, and 20.00.

(Title 18, United States Code,
Sections 1959(a)(3), 1959(a)(5), and 2.)

COUNT TWELVE
(Firearms Offense)

The Grand Jury further charges:

29. On or about June 17, 2014, in the Southern District of New York, DEONTE MORRISON, a/k/a "Suki," the defendant, during and in relation to a crime of violence for which he may be prosecuted in a court of the United States, namely, the violent crime in aid of racketeering charged in Count Eleven of this Indictment, knowingly did use and carry a firearm, and in furtherance of such crime, did possess a firearm, and did aid and abet the use, carrying, and possession of a firearm, which was brandished and discharged.

(Title 18, United States Code, Sections
924(c)(1)(A)(i), (ii), (iii) and 2.)

COUNT THIRTEEN
(Violent Crime in Aid of Racketeering)

The Grand Jury further charges:

30. At all times relevant to this Indictment, the MacBallas, as described in paragraphs 1 through 4 of Count One of this Indictment, which are repeated and incorporated by reference as though fully set forth herein, including its leadership, members, and associates, constituted an enterprise, as that term is defined in Title 18, United States Code, Section 1959(b)(2), that is, an association in fact of individuals 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.

31. At all relevant times to this Indictment, the MacBallas, through its members and associates, engaged in racketeering activity, as that term is defined in Title 18, United States Code, Sections 1961(1) and 1959(b)(1), namely acts involving murder, in violation of New York Penal Law, acts involving robbery, in violation of New York Penal Law and Title 18, United States Code Sections 1951 and 2, and narcotics trafficking, in violation of Title 21, United States Code, Sections 812, 841, and 846.

32. On or about June 16, 2017, in the Southern District

of New York, TOSHNELLE FOSTER, a/k/a "Tosh," the defendant, and others known and unknown, as consideration for the receipt of, and as consideration for a promise and agreement to pay, a thing of pecuniary value from the MacBallas, and for the purpose of gaining entrance to and maintaining and increasing position in the MacBallas, an enterprise engaged in racketeering activity, as described above, knowingly assaulted an individual with a dangerous weapon; attempted to murder an individual; and aided and abetted the same, to wit, FOSTER shot at and attempted to murder an individual, and as a result a different individual was shot, in the vicinity of 158th Street and Park Avenue, in the Bronx, New York, in violation of New York Penal Law, Sections 120.05, 125.25, 110.00, and 20.00.

(Title 18, United States Code,
Sections 1959(a)(3), 1959(a)(5), and 2.)

COUNT FOURTEEN
(Firearms Offense)

The Grand Jury further charges:

33. On or about June 16, 2017, in the Southern District of New York, TOSHNELLE FOSTER, a/k/a "Tosh," the defendant, during and in relation to a crime of violence for which he may be prosecuted in a court of the United States, namely, the violent crime in aid of racketeering charged in Count Thirteen of this Indictment, knowingly did use and carry a firearm, and in furtherance of such crime, did possess a firearm, and did aid and

abet the use, carrying, and possession of a firearm, which was brandished and discharged.

(Title 18, United States Code, Sections 924(c)(1)(A)(i), (ii), (iii) and 2.)

COUNT FIFTEEN
(Violent Crime in Aid of Racketeering)

The Grand Jury further charges:

34. At all times relevant to this Indictment, the MacBallas, as described in paragraphs 1 through 4 of Count One of this Indictment, which are repeated and incorporated by reference as though fully set forth herein, including its leadership, members, and associates, constituted an enterprise, as that term is defined in Title 18, United States Code, Section 1959(b)(2), that is, an association in fact of individuals 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.

35. At all relevant times to this Indictment, the MacBallas, through its members and associates, engaged in racketeering activity, as that term is defined in Title 18, United States Code, Sections 1961(1) and 1959(b)(1), namely acts involving murder, in violation of New York Penal Law, acts involving robbery, in violation of New York Penal Law and Title 18, United States Code Sections 1951 and 2, and narcotics

trafficking, in violation of Title 21, United States Code, Sections 812, 841, and 846.

36. On or about July 9, 2017, in the Southern District of New York, KEITH OUTLAW, a/k/a "Keefy," the defendant, and others known and unknown, as consideration for the receipt of, and as consideration for a promise and agreement to pay, a thing of pecuniary value from the MacBallas, and for the purpose of gaining entrance to and maintaining and increasing position in the MacBallas, an enterprise engaged in racketeering activity, as described above, knowingly assaulted an individual with a dangerous weapon; attempted to murder an individual; and aided and abetted the same, to wit, OUTLAW shot at and attempted to murder an individual who was in a crowd, during which shooting three different individuals were injured, in the vicinity of 1168 Clay Avenue, in the Bronx, New York, in violation of New York Penal Law, Sections 120.05, 125.25, 110.00, and 20.00.

(Title 18, United States Code,
Sections 1959(a)(3), 1959(a)(5), and 2.)

COUNT SIXTEEN
(Violent Crime in Aid of Racketeering)

The Grand Jury further charges:

37. At all times relevant to this Indictment, the MacBallas, as described in paragraphs 1 through 4 of Count One of this Indictment, which are repeated and incorporated by reference as though fully set forth herein, including its leadership,

members, and associates, constituted an enterprise, as that term is defined in Title 18, United States Code, Section 1959(b)(2), that is, an association in fact of individuals 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.

38. At all relevant times to this Indictment, the MacBallas, through its members and associates, engaged in racketeering activity, as that term is defined in Title 18, United States Code, Sections 1961(1) and 1959(b)(1), namely acts involving murder, in violation of New York Penal Law, acts involving robbery, in violation of New York Penal Law and Title 18, United States Code Sections 1951 and 2, and narcotics trafficking, in violation of Title 21, United States Code, Sections 812, 841, and 846.

39. On or about January 12, 2018, in the Southern District of New York, XAVIER HOLMAN, a/k/a "Rico," the defendant, and others known and unknown, as consideration for the receipt of, and as consideration for a promise and agreement to pay, a thing of pecuniary value from the MacBallas, and for the purpose of gaining entrance to and maintaining and increasing position in the MacBallas, an enterprise engaged in racketeering activity, as described above, knowingly committed an assault with a dangerous

weapon and aided and abetted the same, to wit, HOLMAN shot at the door of a building in broad daylight, in the vicinity of 1023 College Avenue, in the Bronx, New York, in violation of New York Penal Law, Sections 120.05 and 20.00.

(Title 18, United States Code,
Sections 1959(a)(3) and 2.)

COUNT SEVENTEEN
(Firearms Offense)

The Grand Jury further charges:

40. On or about January 12, 2018, in the Southern District of New York, XAVIER HOLMAN, a/k/a "Rico," the defendant, during and in relation to a crime of violence for which he may be prosecuted in a court of the United States, namely, the violent crime in aid of racketeering charged in Count Sixteen of this Indictment, knowingly did use and carry a firearm, and in furtherance of such crime, did possess a firearm, and did aid and abet the use, carrying, and possession of a firearm, which was brandished and discharged.

(Title 18, United States Code, Sections
924(c)(1)(A)(i), (ii), (iii) and 2.)

COUNT EIGHTEEN
(Felon in Possession of Ammunition)

The Grand Jury charges:

41. On or about January 12, 2018, in the Southern District of New York, XAVIER HOLMAN, a/k/a "Rico," the defendant, after having been convicted in a court of a crime

punishable by imprisonment for a term exceeding one year, knowingly did possess in and affecting commerce ammunition, to wit, in the vicinity of 1023 College Avenue, Bronx, New York, HOLMAN shot three rounds of Luger 9mm ammunition, which had previously been shipped and transported in interstate and foreign commerce.

(Title 18, United States Code, Section 922(g)(1).)

COUNT NINETEEN
(Felon in Possession of Ammunition)

The Grand Jury charges:

42. On or about April 30, 2018, in the Southern District of New York, KEENAN MCFARLAND, the defendant, after having been convicted in a court of a crime punishable by imprisonment for a term exceeding one year, knowingly did possess in and affecting commerce ammunition, to wit, in the vicinity of 384 East 154th Street, Bronx, New York, MCFARLAND shot five rounds of Luger 9mm ammunition, which had previously been shipped and transported in interstate and foreign commerce.

(Title 18, United States Code, Section 922(g)(1).)

COUNT TWENTY
(Firearms Offense)

The Grand Jury further charges:

43. From approximately in or about 2011, up to and including in or about June 2018, in the Southern District of New York and elsewhere, JASON CHRISTIAN, a/k/a "Hungry," KEENAN

MCFARLAND, AUSTIN MORRISHOW, a/k/a "Chuckey," LASYAH PALMER, a/k/a "Timbo," JASON RAMOS, a/k/a "Chico," FRANCISCO TORRES, a/k/a "Baby," and BO WILLIAMS, a/k/a "Boski," the defendants, and others known and unknown, during and in relation to a narcotics conspiracy for which they may be prosecuted in a court of the United States, namely the narcotics conspiracy charged in Count Two of this Indictment, knowingly did use and carry firearms, and in furtherance of such crimes, did possess firearms, and did aid and abet the use, carrying, and possession of firearms, some of which were brandished and discharged.

(Title 18, United States Code, Sections
924(c)(1)(A)(i), (ii), (iii) and 2.)

FORFEITURE ALLEGATION AS TO COUNT ONE

44. As a result of committing the offense alleged in Count One of this Indictment, TOSHNELLE FOSTER, a/k/a "Tosh," CHRISTOPHER ASHE, a/k/a "Chips," DAWAYNE BELL, JASON CHRISTIAN, a/k/a "Hungry," NAVONE DOZIER, a/k/a "Dollaz," KEVON GAITHER, a/k/a "KK," CLARENCE GLASGO, a/k/a "Chuck," XAVIER HOLMAN, a/k/a "Rico," JAFARI JONES, a/k/a "JJ," SEAN JONES, a/k/a "S Dot," KEENAN MCFARLAND, AUSTIN MORRISHOW, a/k/a "Chuckey," DEANDRE MORRISON, a/k/a "D Nice," DEONTE MORRISON, a/k/a "Suki," KEITH OUTLAW, a/k/a "Keefy," LASYAH PALMER, a/k/a "Timbo," JASON RAMOS, a/k/a "Chico," FRANCISCO TORRES, a/k/a "Baby," and BO WILLIAMS, a/k/a "Boski,"

the defendants, shall forfeit to the United States, pursuant to Title 18, United States Code, Section 1963:

a. any interest acquired and maintained in violation of Title 18, United States Code, Section 1962, which interests are subject to forfeiture to the United States pursuant to Title 18, United States Code, Section 1963(a)(1);

b. any interest in, security of, claims against, and property and contractual rights of any kind affording a source of influence over, the enterprise which the defendant has established, operated, controlled, conducted, and participated in the conduct of, in violation of Title 18, United States Code, Section 1962, which interests, securities, claims, and rights are subject to forfeiture to the United States pursuant to Title 18, United States Code, Section 1963(a)(2); and

c. any property constituting and derived from any proceeds which the defendant obtained, directly and indirectly, from racketeering activity, in violation of Title 18, United States Code, Section 1962, which property is subject to forfeiture to the United States pursuant to Title 18, United States Code, Section 1963(a)(3).

FORFEITURE ALLEGATION AS TO COUNT TWO

45. As a result of committing the controlled substance offense charged in Count Two of this Indictment, JASON CHRISTIAN, a/k/a "Hungry," CHRISTOPHER ASHE, a/k/a "Chips," NAVONE DOZIER,

a/k/a "Dollaz," KEVON GAITHER, a/k/a "KK," JAFARI JONES, a/k/a "JJ," SEAN JONES, a/k/a "S Dot," KEENAN MCFARLAND, AUSTIN MORRISHOW, a/k/a "Chuckey," DEONTE MORRISON, a/k/a "Suki," KEITH OUTLAW, a/k/a "Keefy," LASYAH PALMER, a/k/a "Timbo," JASON RAMOS, a/k/a "Chico," FRANCISCO TORRES, a/k/a "Baby," and BO WILLIAMS, a/k/a "Boski," the defendants, shall forfeit to the United States, pursuant to Title 21, United States Code, Section 853, any and all property constituting or derived from any proceeds the said defendants obtained directly or indirectly as a result of the said violation and any and all property used or intended to be used in any manner or part to commit and to facilitate the commission of the violation charged in Count Two of this Indictment, including but not limited to, a sum in United States currency representing the amount of all proceeds obtained as a result of the controlled substance offense charged in Count Two of the Indictment.

Substitute Assets Provision

46. If any of the above-described forfeitable property, as a result of any act or omission of TOSHNELLE FOSTER, a/k/a "Tosh," CHRISTOPHER ASHE, a/k/a "Chips," DAWAYNE BELL, JASON CHRISTIAN, a/k/a "Hungry," NAVONE DOZIER, a/k/a "Dollaz," KEVON GAITHER, a/k/a "KK," CLARENCE GLASGO, a/k/a "Chuck," XAVIER HOLMAN, a/k/a "Rico," JAFARI JONES, a/k/a "JJ," SEAN JONES, a/k/a "S Dot," KEENAN MCFARLAND, AUSTIN MORRISHOW, a/k/a "Chuckey," DEANDRE MORRISON, a/k/a "D Nice," DEONTE MORRISON, a/k/a "Suki,"

KEITH OUTLAW, a/k/a "Keefy," LASYAH PALMER, a/k/a "Timbo," JASON RAMOS, a/k/a "Chico," FRANCISCO TORRES, a/k/a "Baby," and BO WILLIAMS, a/k/a "Boski," the defendants:

a. cannot be located upon the exercise of due diligence;

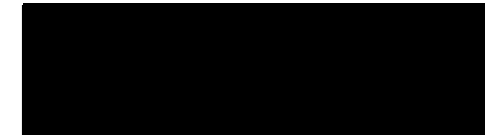
b. has been transferred or sold to, or deposited with, a third person;

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 subdivided 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 said defendants up to the value of the above forfeitable property.

(Title 18, United States Code, Section 1963; Title 21, United States Code, Sections 841(a)(1), 846 and 853.)



FOREPERSON


GEOFFREY S. BERMAN
United States Attorney

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

- v. -

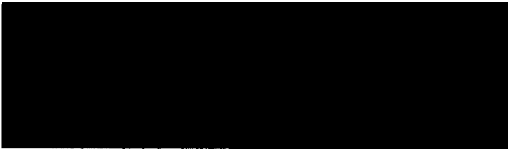
TOSHNELLE FOSTER, a/k/a "Tosh," et al.
Defendants.

SEALED SUPERSEDING INDICTMENT

S1 18 Cr. 41 (DLC)
(18 U.S.C. §§ 1951, 1959, 1962, 924(c),
924(j), and 2; 21 U.S.C. § 846.)

GEOFFREY S. BERMAN
United States Attorney.

A TRUE BILL

 Foreperson.
