

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

<b>UNITED STATES OF AMERICA</b>	<b>:</b>	<b>CRIMINAL NO. 08-</b>
<b>v.</b>	<b>:</b>	<b>DATE FILED: <u>April 24, 2008</u></b>
<b>RICHARD BOYKIN</b>	<b>:</b>	<b>VIOLATIONS:</b>
<b>WARREN BARCLAY</b>	<b>:</b>	<b>18 U.S.C. § 1951(a) (conspiracy to</b>
<b>ANDRE ROUSE</b>	<b>:</b>	<b>interfere with interstate commerce by</b>
	<b>:</b>	<b>robbery - 1 count)</b>
	<b>:</b>	<b>18 U.S.C. § 1951(a) (interference with</b>
	<b>:</b>	<b>interstate commerce by robbery - 1 count)</b>
	<b>:</b>	<b>18 U.S.C. § 2119 (carjacking - 1 count)</b>
	<b>:</b>	<b>18 U.S.C. § 924(c)(1) (carrying and using</b>
	<b>:</b>	<b>a firearm during a crime of violence - 1</b>
	<b>:</b>	<b>count)</b>
	<b>:</b>	<b>18 U.S.C. § 922(g)(1) (felon in possession</b>
	<b>:</b>	<b>of a firearm - 1 count)</b>
	<b>:</b>	<b>18 U.S.C. § 2 (aiding and abetting)</b>
		<b>Notice of forfeiture</b>

**INDICTMENT**

**COUNT ONE**

**THE GRAND JURY CHARGES THAT:**

1. At all times material to this indictment, Person No. 1, an individual known to the grand jury, operated a Chinese food restaurant located at 3739 Lancaster Avenue, Philadelphia, Pennsylvania, which was engaged in the retail sale of food in interstate commerce and was an enterprise which affected interstate commerce.

**THE ROBBERY CONSPIRACY**

2. On or about April 27, 2007, in Philadelphia, in the Eastern District of Pennsylvania, defendants

**RICHARD BOYKIN,  
WARREN BARCLAY,  
and**

## **ANDRE ROUSE**

conspired and agreed together, and with others known and unknown to the grand jury, to commit robbery, which robbery would unlawfully obstruct, delay and affect commerce, and the movement of articles and commodities in commerce, in that the defendants conspired to unlawfully take and obtain restaurant food, as well as the money and vehicle of Person No. 1, from the person or in the presence of another, against his will, by means of actual and threatened force, violence, and fear of injury, immediate and future, to his person and property in his control, all in violation of Title 18, United States Code, Section 1951(a), (b)(1), and (b)(3).

## **MANNER AND MEANS**

It was part of the conspiracy that:

3. Defendants RICHARD BOYKIN, WARREN BARCLAY, and ANDRE ROUSE planned to rob, at point of a short-barreled shotgun, the owner of a Chinese restaurant, who was delivering food.

4. Defendants RICHARD BOYKIN, WARREN BARCLAY, and ANDRE ROUSE placed the owner in fear by brandishing the shotgun, by forcing him to give them approximately \$100 in cash, the food, and his vehicle.

## **OVERT ACTS**

In furtherance of the conspiracy, in the Eastern District of Pennsylvania, defendants RICHARD BOYKIN, WARREN BARCLAY, and ANDRE ROUSE committed the following overt acts:

On or about April 27, 2007:

1. The defendants ordered Chinese food from Person No. 1's restaurant

business to be delivered at 3202 Mantua Road, Philadelphia, Pennsylvania.

2. When Person No. 1 arrived in his vehicle, a 2005 Nissan, at 3202 Mantua Road with the food order, defendants approached Person No. 1 to rob him.

3. Defendant RICHARD BOYKIN held a shotgun against Person No. 1, pushed him against a wall, and ordered Person No. 1 not to move.

4. Defendants WARREN BARCLAY and ANDRE ROUSE took approximately \$100 cash from Person No. 1's wallet, took the Chinese food, and searched his vehicle.

5. Defendant RICHARD BOYKIN got into Person No. 1's vehicle and drove away.

6. Defendants WARREN BARCLAY and ANDRE ROUSE fled on foot.

7. To evade detection by law enforcement, defendant RICHARD BOYKIN changed the license plate on Person No. 1's vehicle.

All in violation of Title 18, United States Code, Section 1951(a).

**COUNT TWO**

**THE GRAND JURY FURTHER CHARGES THAT:**

1. Paragraphs 1, 3, and 4, and Overt Acts 1 through 7 of Count One of this indictment are incorporated here.

2. On or about April 27, 2007, in Philadelphia, in the Eastern District of Pennsylvania, defendants

**RICHARD BOYKIN,  
WARREN BARCLAY,  
and  
ANDRE ROUSE**

obstructed, delayed and affected commerce and the movement of articles and commodities in commerce, and attempted to do so, by robbery, in that, defendants BOYKIN, BARCLAY, and ROUSE unlawfully took and obtained, and aided and abetted the unlawful taking and obtaining of, restaurant food, as well as approximately \$100 cash and the vehicle from the person and presence of Person No. 1 and against his will, by means of actual and threatened force, violence, and fear of injury, immediate and future, to his person and property, that is, by brandishing a shotgun at him and taking the food, \$100 of his money, and his vehicle.

In violation of Title 18, United States Code, Sections 1951(a) and 2.

**COUNT THREE**

**THE GRAND JURY FURTHER CHARGES THAT:**

On or about April 27, 2007, in Philadelphia, in the Eastern District of Pennsylvania, defendants

**RICHARD BOYKIN,  
WARREN BARCLAY,  
and  
ANDRE ROUSE,**

with the intent to cause death and serious bodily harm, at gun point, took, and aided and abetted, and willfully caused the taking of, a motor vehicle, that is a 2005 Nissan Altima, VIN 1N4AL11D35C22422, from the person and presence of another, that is, Person No. 1, by force, violence, and intimidation, that had been transported, shipped, and received in interstate commerce.

In violation of Title 18, United States Code, Sections 2119 and 2.

**COUNT FOUR**

**THE GRAND JURY FURTHER CHARGES THAT:**

On or about April 27, 2007, in Philadelphia, in the Eastern District of Pennsylvania, defendants

**RICHARD BOYKIN,  
WARREN BARCLAY,  
and  
ANDRE ROUSE**

knowingly used and carried, and aided and abetted the use and carrying of, a firearm, that is a short-barreled North American Arms 12-gauge shotgun, serial no. 19761, with the barrel sawed-off to a length of 14 inches and the overall length of 25 ½ inches, loaded with one round of ammunition, during and in relation to a crime of violence for which each may be prosecuted in a court of the United States, that is, conspiracy to interfere with interstate commerce by robbery, and interference with interstate commerce by robbery, of an owner of a Chinese restaurant, in violation of Title 18, United States Code, Section 1951, and taking a motor vehicle of another, in violation of Title 18, United States Code, Section 2119.

In violation of Title 18, United States Code, Section 924(c)(1)(A), (c)(1)(B)(i), and Title 18, United States Code, Section 2.

**COUNT FIVE**

**THE GRAND JURY FURTHER CHARGES THAT:**

On or about April 27, 2007, in Philadelphia, in the Eastern District of Pennsylvania, defendant

**RICHARD BOYKIN,**

having been convicted in a court of the Commonwealth of Pennsylvania of a crime punishable by imprisonment for a term exceeding one year, knowingly possessed in and affecting interstate and foreign commerce a firearm, that is, a short-barreled North American Arms 12-gauge shotgun, serial no. 19761, loaded with one round of ammunition.

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

**NOTICE OF FORFEITURE**

**THE GRAND JURY FURTHER CHARGES THAT:**

As a result of the violations of Title 18, United States Code, Sections 922(g)(1) and 924(c)(1), as set forth in this indictment, defendants

**RICHARD BOYKIN,  
WARREN BARCLAY, and  
ANDRE ROUSE**

shall forfeit to the United States of America, the firearm and ammunition involved in the commission of such offenses, including, but not limited to:

- (a) a short-barreled North American Arms 12-gauge shotgun, serial no. 19761;
- (b) one round of ammunition; and
- (c) two Remington shotgun shells.

All pursuant to Title 28, United States Code, Section 2461(c), and Title 18, United States Code, Section 924(d).

**A TRUE BILL:**

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**GRAND JURY FOREPERSON**

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**PATRICK L. MEEHAN  
UNITED STATES ATTORNEY**