

DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURT

BY: ☐ COMPLAINT ☐ INFORMATION ☒ INDICTMENT
☐ SUPERSEDING

OFFENSE CHARGED

See Attachment.

- ☐ Petty
☐ Minor
☐ Misdemeanor
☒ Felony

PENALTY: See Attachment.

Name of District Court, and/or Judge/Magistrate location
 NORTHERN DISTRICT OF CALIFORNIA

OAKLAND DIVISION **FILED**
APR - 5 2012

DEFENDANT - U.S.

RICHARD W. WIEKING
 CLERK, U.S. DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 OAKLAND

▶ KHUSAR MOBLEY

DISTRICT COURT NUMBER

CR12-00235 YGR

PROCEEDING

Name of Complainant Agency, or Person (& Title, if any)

Bureau of Alcohol, Tobacco, Firearms and Explosives

☐ person is awaiting trial in another Federal or State Court,
 give name of court

☐ this person/proceeding is transferred from another district
 per (circle one) FRCrp 20, 21, or 40. Show District

☐ this is a reprosecution of
 charges previously dismissed
 which were dismissed on motion
 of:

☐ U.S. ATTORNEY ☐ DEFENSE

SHOW
DOCKET NO.

☐ this prosecution relates to a
 pending case involving this same
 defendant

MAGISTRATE
CASE NO.

☒ prior proceedings or appearance(s)
 before U.S. Magistrate regarding this
 defendant were recorded under

4-12-70356 MAG

Name and Office of Person

Furnishing Information on this form MELINDA HAAG

☒ U.S. Attorney ☐ Other U.S. Agency

Name of Assistant U.S.

Attorney (if assigned) JAMES C. MANN, AUSA

DEFENDANT**IS NOT IN CUSTODY**

Has not been arrested, pending outcome this proceeding.

- 1) ☐ If not detained give date any prior
 summons was served on above charges
- 2) ☐ Is a Fugitive
- 3) ☐ Is on Bail or Release from (show District)

IS IN CUSTODY

- 4) ☒ On this charge
- 5) ☐ On another conviction } ☐ Federal ☐ State
- 6) ☐ Awaiting trial on other charges

If answer to (6) is "Yes", show name of institution

Has detainer ☐ Yes
 been filed? ☐ No

If "Yes"
 give date
 filed

DATE OF
ARREST

Month/Day/Year

Or... if Arresting Agency & Warrant were not

DATE TRANSFERRED
TO U.S. CUSTODY

Month/Day/Year

☐ This report amends AO 257 previously submitted

ADDITIONAL INFORMATION OR COMMENTS**PROCESS:**

☐ SUMMONS ☒ NO PROCESS* ☐ WARRANT

Bail Amount: _____

If Summons, complete following:

☐ Arraignment ☐ Initial Appearance

Defendant Address:

* Where defendant previously apprehended on complaint, no new summons or
 warrant needed, since Magistrate has scheduled arraignment

Date/Time: _____ Before Judge: _____

Comments:

ATTACHMENT TO PENALTY SHEET

Count One: 18 U.S.C. § 371 - Conspiracy to Commit Robbery of Mail, Money, or Other Property of United States and Assault on a Federal Officer.

- (1) Imprisonment: Maximum 5 Years Imprisonment
- (2) Fine: Maximum \$250,000
- (3) Supervised Release: Maximum 3 Years
- (4) Special Assessment: \$100.00

Count Two: 18 U.S.C. § 111(b) - Assault on a Federal Officer with a Deadly or Dangerous Weapon.

- (1) Imprisonment: Maximum 20 Years Imprisonment
- (2) Fine: Maximum \$250,000
- (3) Supervised Release: Maximum 3 Years
- (4) Special Assessment: \$100.00

Count Three: 18 U.S.C. § 2114(a) - Robbery of Mail, Money, or Other Property of United States.

- (1) Imprisonment: Maximum 25 Years Imprisonment
- (2) Fine: Maximum \$250,000
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Count Four: 18 U.S.C. § 924(c)(1)(A)(ii) - Using, Carrying, Possessing, and Brandishing a Firearm During, in Relation to, and in Furtherance of a Crime of Violence.

- (1) Imprisonment: Maximum Life Imprisonment
Mandatory Minimum 7 Years Imprisonment Consecutive
To Any Other Term Of Imprisonment
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NORTHERN DISTRICT OF CALIFORNIA

OAKLAND DIVISION
 RICHARD W. WIEKING
 U.S. DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 OAKLAND

DEFENDANT - U.S.

▶ OTIS MOBLEY

DISTRICT COURT NUMBER

CR12-00235

YGR

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Month/Day/Year

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☐ U.S. ATTORNEY ☐ DEFENSE

SHOW DOCKET NO.

☐ this prosecution relates to a pending case involving this same defendant

MAGISTRATE CASE NO.

☒ prior proceedings or appearance(s) before U.S. Magistrate regarding this defendant were recorded under

4-12-70355 MAG

Name and Office of Person

Furnishing Information on this form MELINDA HAAG

☒ U.S. Attorney ☐ Other U.S. Agency

Name of Assistant U.S.

Attorney (if assigned) JAMES C. MANN, AUSA

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Name of District Court, and/or Judge, Magistrate Location

NORTHERN DISTRICT OF CALIFORNIA

OAKLAND DIVISION

DEFENDANT - U.S.

DMARCE HUTCHERSON

DISTRICT COURT NUMBER

CR12-00235

DEFENDANT**IS NOT IN CUSTODY**

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☒ prior proceedings or appearance(s) before U.S. Magistrate regarding this defendant were recorded under

4-12-70354 MAG

Name and Office of Person

Furnishing Information on this form MELINDA HAAG

☒ U.S. Attorney ☐ Other U.S. Agency

Name of Assistant U.S.

Attorney (if assigned) JAMES C. MANN, AUSA

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- (4) Special Assessment: \$100.00

United States District Court

FILED

APR - 5 2012

FOR THE
NORTHERN DISTRICT OF CALIFORNIA

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND

VENUE: Oakland

CR12-00235

YGR

UNITED STATES OF AMERICA,

v.

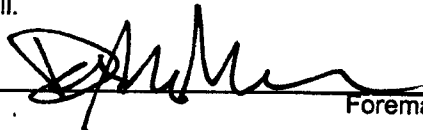
KHUSAR MOBLEY,
OTIS MOBLEY, and
DMARCE HUTCHERSON,

DEFENDANT.

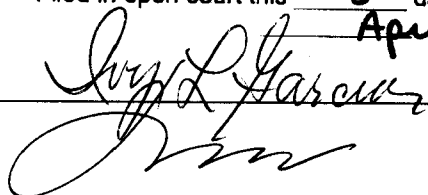
INDICTMENT

Title 18, United States Code, Section 371 – Conspiracy to Commit Robbery of Mail, Money, or Other Property of United States and Assault on a Federal Officer; Title 18, United States Code, Sections 111(b) – Assault on a Federal Officer; Title 18, United States Code, Sections 2114(a) – Robbery of Mail, Money, or Other Property of United States; Title 18, United States Code, Sections 924(c)(1)(A) – Using, Carrying, Brandishing and Possessing a Firearm During, in Relation to, and in Furtherance of a Crime of Violence; Title 18, United States Code, Section 2 – Aiding and Abetting; Title 18, United States Code, Section 924(d)(1) – Gun Forfeiture Allegation

A true bill.


Foreman

Filed in open court this 5 day of April, 2012


Clerk
4/5/12

Bail, \$

no bond

MELINDA HAAG (CABN 132612)
United States Attorney

FILED

APR - 5 2012

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

CR12-00235

YGR

UNITED STATES OF AMERICA,

Plaintiff,

v.

KHUSAR MOBLEY,
OTIS MOBLEY, and
DMARCE HUTCHERSON,

Defendants.

No.

VIOLATIONS: Title 18, United States Code, Section 371 – Conspiracy to Commit Robbery of Mail, Money, or Other Property of United States and Assault on a Federal Officer; Title 18, United States Code, Sections 111(b) – Assault on a Federal Officer; Title 18, United States Code, Sections 2114(a) – Robbery of Mail, Money, or Other Property of United States; Title 18, United States Code, Sections 924(c)(1)(A) – Using, Carrying, Brandishing and Possessing a Firearm During, in Relation to, and in Furtherance of a Crime of Violence; Title 18, United States Code, Section 2 – Aiding and Abetting; Title 18, United States Code, Section 924(d)(1) – Gun Forfeiture Allegation

OAKLAND VENUE

INDICTMENT

The Grand Jury charges:

COUNT ONE: (18 U.S.C. § 371 – Conspiracy to Commit Robbery of Mail, Money, or Other Property of United States and Assault on a Federal Officer)

1. Beginning on a date unknown to the Grand Jury, but no later than March 28,

INDICTMENT

2012, and continuing to on or about the same date, in the Northern District of California, the defendants,

KHUSAR MOBLEY,
OTIS MOBLEY, and
DMARCE HUTCHERSON,

did knowingly and willfully conspire to: (1) forcibly assault a person having lawful charge, control, or custody of any money of the United States with the intent to rob, steal, or purloin such money, in violation of Title 18, United States Code, Section 2114, and (2) forcibly assault a federal officer, in violation of Title 18, United States Code, Section 111.

OVERT ACTS

2. In furtherance of the conspiracy and to accomplish the objects of the conspiracy, KHUSAR MOBLEY, OTIS MOBLEY, and DMARCE HUTCHERSON committed various overt acts in the Northern District of California on March 28, 2012, including but not limited to the following:

a. KHUSAR MOBLEY, OTIS MOBLEY, and DMARCE HUTCHERSON drove to a parking lot in Richmond, California to meet with an individual to whom they had previously offered to sell a weapon for \$1,000.00. Unbeknownst to KHUSAR MOBLEY, OTIS MOBLEY, and DMARCE HUTCHERSON, the individual to whom they proposed to sell the weapon was an undercover agent employed by the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF).

b. KHUSAR MOBLEY and DMARCE HUTCHERSON got into the vehicle of the undercover agent.

c. KHUSAR MOBLEY and DMARCE HUTCHERSON pointed loaded firearms at the undercover agent employed by the ATF and demanded that he empty his pockets.

All in violation of Title 18, United States Code, Section 371.

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INDICTMENT

1 COUNT TWO: (18 U.S.C. §§ 111(b) and 2 – Assault on a Federal Officer)

2 On or about March 28, 2012, in the Northern District of California, the defendants,

3 KHUSAR MOBLEY,
4 OTIS MOBLEY, and
DMARCE HUTCHERSON,

5 did forcibly assault a federal officer using deadly and dangerous weapons, namely, an Inter
6 Dynamic, Model Mini KG99, 9mm pistol with serial number 18164 and a Sturm Ruger and
7 Company, Model P85, 9mm pistol with serial number 302-61929, while such federal officer was
8 engaged in his official duties, and did aid and abet the same, in violation of Title 18, United
9 States Code, Sections 111(b) and 2.

10
11 COUNT THREE: (18 U.S.C. §§ 2114(a) and 2 – Robbery of Mail, Money, or Other Property
12 of the United States)

13 On or about March 28, 2012, in the Northern District of California, the defendants,

14 KHUSAR MOBLEY,
15 OTIS MOBLEY, and
DMARCE HUTCHERSON,

16 did forcibly assault a person having lawful charge, control, or custody of any money of the
17 United States and did so with the intent to rob, steal, or purloin such money, and in effecting the
18 robbery, did put the life of the person having custody of the money in jeopardy by the use of
19 dangerous weapons, namely, an Inter Dynamic, Model Mini KG99, 9mm pistol with serial
20 number 18164 and a Sturm Ruger and Company, Model P85, 9mm pistol with serial number
21 302-61929, and did aid and abet the same, in violation of Title 18, United States Code, Sections
22 2114(a) and 2.

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28 ///

INDICTMENT

COUNT FOUR: (18 U.S.C. §§ 924(c)(1)(A) and 2 – Using, Carrying, Possessing, and Brandishing a Firearm During, in Relation to, and in Furtherance of a Crime of Violence)

On or about March 28, 2012, in the Northern District of California, the defendants,

KHUSAR MOBLEY,
OTIS MOBLEY, and
DMARCE HUTCHERSON,

did knowingly use, carry, and brandish firearms during and in relation to the crimes of violence alleged in Counts Two and Three herein, which crimes may be prosecuted in a court of the United States, and, in furtherance of those crimes, did knowingly possess those firearms, and did aid and abet the same, in violation of Title 18, United States Code, Section 924(c)(1)(A) and 2.

FORFEITURE ALLEGATION: (18 U.S.C. § 924(d)(1) – Gun Forfeiture)

1. The allegations contained in Counts One through Four of this Indictment are realleged and by this reference fully incorporated herein for the purpose of alleging forfeiture pursuant to the provisions of 18 U.S.C. § 924(d)(1).

2. Upon a conviction for any of the offenses alleged in Counts One through Four, the defendants,

KHUSAR MOBLEY,
OTIS MOBLEY, and
DMARCE HUTCHERSON,

shall forfeit to the United States any firearm or ammunition involved in or used in any knowing violation of said offense, including but not limited to the following property:

- a. an Inter Dynamic, Model Mini KG99, 9mm pistol with serial number 18164; and

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INDICTMENT

b. a Sturm Ruger and Company, Model P85, 9mm pistol with serial number
302-61929.

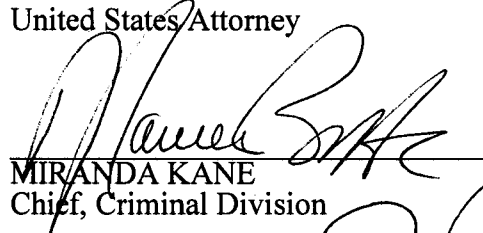
Pursuant to Title 18, United States Code, Section 924(d)(1).

DATED: April 5, 2012

A TRUE BILL.


FOR PERSON

MELINDA HAAG
United States Attorney


MIRANDA KANE
Chief, Criminal Division

(Approved as to form: )
AUSA JAMES C. MANN
AUSA NATALIE LEE

INDICTMENT