

AO 257 (Rev. 6/78)

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

BY: COMPLAINT INFORMATION INDICTMENT
 SUPERSEDING

OFFENSE CHARGED

See attached.

- Petty
- Minor
- Misdemeanor
- Felony

PENALTY: See attached.

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

NORTHERN DISTRICT OF CALIFORNIA

OAKLAND DIVISION

DEFENDANT - U.S.

DIONTE HOUFF

DISTRICT COURT NUMBER

CR12-00574 PJH

FILED
 JUL 19 2012
 RICHARD W. WIEKING
 CLERK U.S. DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 OAKLAND

PROCEEDING

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

ATF, SPECIAL AGENT SARAH MAURICIO

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 re prosecution 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

4-12-70778 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) BRIGID S. MARTIN

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 been filed? Yes 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

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

Defendant Address:

Date/Time: _____ Before Judge: _____

Comments:

**PENALTY SHEET ATTACHMENT – DIONTE HOUFF
(a/k/a “Bird,” a/k/a “Birdman,” a/k/a “Tay”)**

Count One: Racketeering Conspiracy (18 U.S.C. § 1962(d))

Maximum term of life imprisonment

Maximum term of supervised release of 5 years

Maximum fine of the greatest of either: (a) \$250,000; or (b) twice the gross pecuniary gain to the defendant; or (c) twice the gross pecuniary loss inflicted on another

Mandatory special assessment of \$100

Count Nine: Murder in Aid of Racketeering (18 U.S.C. §§ 1959(a)(1) and 2)

Maximum punishment is death

Mandatory minimum term of life imprisonment

Maximum term of supervised release of 5 years

Maximum fine of the greatest of either: (a) \$250,000; or (b) twice the gross pecuniary gain to the defendant; or (c) twice the gross pecuniary loss inflicted on another

Mandatory special assessment of \$100

Counts Ten, Twelve, Fourteen, Sixteen, Eighteen, and Twenty: Assault with a Dangerous Weapon in Aid of Racketeering (18 U.S.C. §§ 1959(a)(3) and 2)

For *each* count:

Maximum term of 20 years imprisonment

Maximum term of supervised release of 3 years

Maximum fine of the greatest of either: (a) \$250,000; or (b) twice the gross pecuniary gain to the defendant; or (c) twice the gross pecuniary loss inflicted on another

Mandatory special assessment of \$100

Counts Eleven, Thirteen, Fifteen, Seventeen, Nineteen, and Twenty-One: Attempted Murder in Aid of Racketeering (18 U.S.C. §§ 1959(a)(5) and 2)

For *each* count:

Maximum term of 10 years imprisonment

Maximum term of supervised release of 3 years

Maximum fine of the greatest of either: (a) \$250,000; or (b) twice the gross pecuniary gain to the defendant; or (c) twice the gross pecuniary loss inflicted on another

Mandatory special assessment of \$100

Count Twenty-Two: Use of Firearm in Furtherance of a Crime of Violence Causing Death (18 U.S.C. § 924(j)(1))

Maximum punishment is death

Maximum term of supervised release of 5 years

Maximum fine of the greatest of either: (a) \$250,000; or (b) twice the gross pecuniary gain to the defendant; or (c) twice the gross pecuniary loss inflicted on another

Mandatory special assessment of \$100

Count Twenty-Three: Use of Firearm in Furtherance of a Crime of Violence (18 U.S.C. § 924(c)(1)(A))

Mandatory minimum term of 10 years imprisonment, consecutive

Maximum term of supervised release of 5 years

Maximum fine of the greatest of either: (a) \$250,000; or (b) twice the gross pecuniary gain to the defendant; or (c) twice the gross pecuniary loss inflicted on another

Mandatory special assessment of \$100

AO 257 (Rev. 6/78)

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

BY: COMPLAINT INFORMATION INDICTMENT
 SUPERSEDING

OFFENSE CHARGED

See attached.

- Petty
- Minor
- Misdemeanor
- Felony

PENALTY: See attached.

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

NORTHERN DISTRICT OF CALIFORNIA

OAKLAND DIVISION

DEFENDANT - U.S.

HOUSTON NATHANIEL, III

DISTRICT COURT NUMBER

CR12-00574

FILED
JUL 19 2012

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

PJH

PROCEEDING

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

ATF, SPECIAL AGENT SARAH MAURICIO

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 re prosecution of charges previously dismissed which were dismissed on motion of:

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SHOW DOCKET NO.

this prosecution relates to a pending case involving this same defendant

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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) BRIGID S. MARTIN

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

Glenn Dyer Jail

Has detainer been filed? Yes No

If "Yes" give date filed

DATE OF ARREST

Month/Day/Year
December 8, 2011

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: NO BAIL

If Summons, complete following:

Arraignment Initial Appearance

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

Defendant Address:

Date/Time: Before Judge:

Comments:

**PENALTY SHEET ATTACHMENT – HOUSTON NATHANIEL, III
(a/k/a “No No,” a/k/a “Lil No”)**

Count One: Racketeering Conspiracy (18 U.S.C. § 1962(d))

Maximum term of life imprisonment

Maximum term of supervised release of 5 years

Maximum fine of the greatest of either: (a) \$250,000; or (b) twice the gross pecuniary gain to the defendant; or (c) twice the gross pecuniary loss inflicted on another

Mandatory special assessment of \$100

Count Two: Maiming in Aid of Racketeering (18 U.S.C. §§ 1959(a)(2) and 2)

Maximum term of 20 years imprisonment

Maximum term of supervised release of 3 years

Maximum fine of the greatest of either: (a) \$250,000; or (b) twice the gross pecuniary gain to the defendant; or (c) twice the gross pecuniary loss inflicted on another

Mandatory special assessment of \$100

Counts Three, Six, Ten, Twelve, Fourteen, Sixteen, Eighteen, and Twenty: Assault with a Dangerous Weapon in Aid of Racketeering (18 U.S.C. §§ 1959(a)(3) and 2)

For *each* count:

Maximum term of 20 years imprisonment

Maximum term of supervised release of 3 years

Maximum fine of the greatest of either: (a) \$250,000; or (b) twice the gross pecuniary gain to the defendant; or (c) twice the gross pecuniary loss inflicted on another

Mandatory special assessment of \$100

Counts Four, Seven, Eleven, Thirteen, Fifteen, Seventeen, Nineteen, and Twenty-One: Attempted Murder in Aid of Racketeering (18 U.S.C. §§ 1959(a)(5) and 2)

For *each* count:

Maximum term of 10 years imprisonment

Maximum term of supervised release of 3 years

Maximum fine of the greatest of either: (a) \$250,000; or (b) twice the gross pecuniary gain to the defendant; or (c) twice the gross pecuniary loss inflicted on another

Mandatory special assessment of \$100

Count Nine: Murder in Aid of Racketeering (18 U.S.C. §§ 1959(a)(1) and 2)

Maximum punishment is death

Mandatory minimum term of life imprisonment

Maximum term of supervised release of 5 years

Maximum fine of the greatest of either: (a) \$250,000; or (b) twice the gross pecuniary gain to the defendant; or (c) twice the gross pecuniary loss inflicted on another

Mandatory special assessment of \$100

Count Twenty-Two: Use of Firearm in Furtherance of a Crime of Violence Causing Death (18 U.S.C. § 924(j)(1))

Maximum punishment is death

Maximum term of supervised release of 5 years

Maximum fine of the greatest of either: (a) \$250,000; or (b) twice the gross pecuniary gain to the defendant; or (c) twice the gross pecuniary loss inflicted on another

Mandatory special assessment of \$100

Counts Five, Eight and Twenty-Three: Use of Firearm in Furtherance of a Crime of Violence (18 U.S.C. § 924(c)(1)(A))

For *each* count:

Mandatory minimum term of 10 years imprisonment, consecutive

Conviction on second and successive convictions: mandatory minimum term of 25 years imprisonment, consecutive

Maximum term of supervised release of 5 years

Maximum fine of the greatest of either: (a) \$250,000; or (b) twice the gross pecuniary gain to the defendant; or (c) twice the gross pecuniary loss inflicted on another

Mandatory special assessment of \$100

United States District Court

FOR THE
NORTHERN DISTRICT OF CALIFORNIA

VENUE: Oakland

FILED
JUL 19 2012
RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND

UNITED STATES OF AMERICA,

v.

DIONTE HOUFF,
a/k/a "Bird,"
a/k/a "Birdman,"
a/k/a "Tay," and
HOUSTON NATHANIEL, III,
a/k/a "No No,"
a/k/a "Lil No,"

CR12-00574

PJH

DEFENDANT.

INDICTMENT

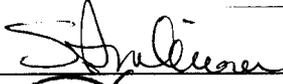
Title 18, United States Code, Section 1962(d) – Racketeering Conspiracy; Title 18, United States Code, Section 1959 – Violent Crimes in Aid of Racketeering; Title 18, United States Code, Section 924(c) – Use/Possession of Firearm in Furtherance of Crime of Violence; Title 18, United States Code, Section 924(j) – Use of Firearm in Furtherance of a Crime of Violence Causing Death; Title 18, United States Code, Section 2 – Aiding and Abetting

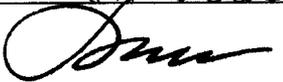
A true bill.



Foreman

Filed in open court this 19 day of July 2012



 7/19/12
Clerk

Bail, \$

Houff - no process
Nathaniel - no bail warrant

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MELINDA HAAG (CABN 132612)
United States Attorney

FILED
JUL 19 2012
RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

CR12-00574 PJH

UNITED STATES OF AMERICA,)
)
v.)
)
DIONTE HOUFF,)
a/k/a "Bird,")
a/k/a "Birdman,")
a/k/a "Tay," and)
HOUSTON NATHANIEL, III,)
a/k/a "No No,")
a/k/a "Lil No,")
Defendants.)

No. **CR12-00574 PJH**
VIOLATIONS: Title 18, United States Code, Section 1962(d) – Racketeering Conspiracy; Title 18, United States Code, Section 1959 – Violent Crimes in Aid of Racketeering; Title 18, United States Code, Section 924(c) – Use/Possession of Firearm in Furtherance of Crime of Violence; Title 18, United States Code, Section 924(j) – Use of Firearm in Furtherance of a Crime of Violence Causing Death; Title 18, United States Code, Section 2 – Aiding and Abetting

OAKLAND VENUE

INDICTMENT

The Grand Jury charges:

COUNT ONE: (18 U.S.C. § 1962(d) – Racketeering Conspiracy)

Introductory Allegations

1. At all times relevant to this Indictment, "Acorn" is a street gang that formed in Oakland, California, in the 1980s, when its members originally called themselves the "Acorn Mob." Acorn members engaged in drug distribution, robbery, and other criminal acts for the

INDICTMENT

1 financial profit of its members and to promote respect for and fear of the gang.

2 2. Acorn is primarily comprised of African American males and females of all ages.
3 Acorn operates and controls the West Oakland neighborhood in and around the Acorn
4 Redevelopment Housing Project from which the gang's name derives. The geographic territory
5 or "turf" claimed by the Acorn gang is roughly bordered by 12th Street to the north, 7th Street to
6 the south, Market Street to the east, and Union Street to the west, and includes the Acorn Tower,
7 Mohr Tower, and City Tower housing complexes.

8 3. Most Acorn members live or have previously lived in Acorn territory, or have
9 family who live in Acorn territory. Membership is often through association with existing Acorn
10 members. Prospective members must commit crimes to prove themselves and their loyalty to the
11 gang.

12 4. Some Acorn members also identify as members of one or more smaller subsets of
13 the main gang, generally divided by age. Subsets of Acorn claimed by older Acorn members –
14 i.e., approximately 25 and older – include "Acorn Mob," "Gas Team," and "A-Team." Subsets
15 of Acorn claimed by younger Acorn members – i.e., under age 25 – include "Baby Gas Team,"
16 "Junior Gas Team," and "TOI" ("Take Off Instantly"). Anyone claiming affiliation with one of
17 these subsets also claims membership in the main Acorn gang.

18 5. Members identify themselves and show loyalty to Acorn through tattoos, clothing
19 items, and hand signs. Acorn members often use Internet social networking sites to promote
20 Acorn and to disrespect rival gangs. Acorn members often refer to one another by street
21 monikers as a sign of respect, as well as to avoid identification by law enforcement, and may not
22 know fellow gang members by any name other than their street names.

23 6. The principal, although not the only, rival to Acorn is the "Lower Bottoms," also
24 referred to as "the Bottoms." Lower Bottoms is a street gang that claims the territory in the
25 Lower Bottoms neighborhood of West Oakland, including the Campbell Village housing
26 projects.

27 The Racketeering Enterprise

28 7. Acorn, including its leadership, members, and non-member associates constituted

1 an "enterprise," as defined by Title 18, United States Code, Section 1961(4), that is, a group of
2 individuals associated in fact. The enterprise constituted an ongoing organization whose
3 members functioned as a continuing unit for a common purpose of achieving the objectives of
4 the enterprise. The enterprise was engaged in, and its activities affected, interstate and foreign
5 commerce.

6 Purposes of the Enterprise

7 8. The purposes of the Acorn enterprise included the following:

8 a. Preserving and protecting the territory, power, profits, and reputation of
9 Acorn through, among other things, the use of intimidation, violence, threat of violence, assault,
10 and murder;

11 b. Enriching the members and associates of Acorn through, among
12 other things, the control of and participation in the distribution of controlled substances in the
13 territory controlled by the enterprise;

14 c. Enriching the members and associates of Acorn through, among
15 other things, violence and threats of violence, extortion, assault, and robbery;

16 d. Promoting and enhancing the activities and authority of Acorn and its
17 members and associates;

18 e. Keeping victims, potential victims, and witnesses in fear of Acorn and in
19 fear of its members and associates through violence and threats of violence;

20 f. Providing financial support to other Acorn members, including those
21 incarcerated for committing acts of violence, robbery, distribution of controlled substances and
22 other offenses; and

23 g. Providing assistance to other Acorn members who committed crimes for
24 and on behalf of Acorn, to hinder, obstruct, and prevent law enforcement officers from
25 identifying, apprehending, and successfully prosecuting the offenders.

26 //

The Defendants

1
2 9. The defendant, DIONTE HOUFF, a/k/a “Bird,” a/k/a “Birdman,” a/k/a “Tay,” has
3 been a member of Acorn since at least in or about 2000, when he was approximately 20 years
4 old. HOUFF, now approximately 32, is one of the older members of Acorn.

5 10. The defendant, HOUSTON NATHANIEL, III, a/k/a “No No,” a/k/a “Lil No,” has
6 been a member of Acorn since at least in or about 2008, when he was approximately 19 years
7 old. NATHANIEL is a leader among younger Acorn members.

8 11. Among other activities taken in furtherance of the Acorn gang:

9 a. On or about November 6, 2011, in the vicinity of 10th and Peralta Streets
10 in Oakland, California, NATHANIEL and at least one accomplice shot and maimed a teenaged
11 boy (“Victim-1”).

12 b. Later, on or about November 6, 2011, in the vicinity of the Acorn housing
13 project on Adeline Street in Oakland, California, NATHANIEL and at least one accomplice shot
14 and wounded another teenaged boy (“Victim-2”).

15 c. On or about November 28, 2011, in the vicinity of 7th and Willow Streets
16 in Oakland, California, HOUFF, NATHANIEL, and an accomplice shot at a group of
17 individuals, hitting seven, wounding six (“Victim-3,” “Victim-4,” “Victim-5,” “Victim-6,”
18 “Victim-7,” and “Victim-8”), and killing an infant (the “Infant Victim”).

19 12. The defendants, who are members of Acorn, acted individually, with each other,
20 and also with other Acorn members and non-member Acorn associates in the commission of
21 racketeering activities and other criminal conduct.

The Racketeering Conspiracy

22
23 13. Beginning on a date unknown to the Grand Jury but since at least 2008, and
24 continuing up through and including the present, in the Northern District of California, the
25 defendants,

26 DIONTE HOUFF, a/k/a “Bird,” a/k/a “Birdman,” a/k/a “Tay,” and

27 HOUSTON NATHANIEL, III, a/k/a “No No,” a/k/a “Lil No,”

28 //

1 together with others known and unknown, each being a person employed by and associated with
2 Acorn, an enterprise engaged in, and the activities of which affected, interstate and foreign
3 commerce, unlawfully, knowingly, and intentionally did conspire to violate Title 18, United
4 States Code, Section 1962(c), that is to conduct and participate, directly and indirectly, in the
5 conduct of the affairs of the Acorn enterprise through a pattern of racketeering activity, as
6 defined in Title 18, United States Code, Section 1961(1) and (5), which pattern of racketeering
7 activity consisted of:

8 a. multiple acts and threats involving murder, in violation of California Penal
9 Code §§ 187, 188, 189, 182, 21a, 664, 653f, and 422;

10 b. multiple acts and threats involving robbery, in violation of California
11 Penal Code §§ 211, 212, 212.5, 213, 182, 21a, 664, 653f, and 422;

12 c. multiple acts and threats involving extortion, in violation of California
13 Penal Code §§ 518, 519, 520, 524, 664, 182, 653f, and 422

14 d. multiple acts involving dealing in controlled substances, in violation of
15 21 U.S.C. §§ 841(a)(1) and 846;

16 e. multiple acts indictable under 18 U.S.C. § 1951 (robbery/extortion
17 affecting commerce);

18 f. multiple acts indictable under 18 U.S.C. § 1513, 1512, and 1503
19 (obstruction of justice/witness tampering).

20 14. It was part of the conspiracy that each defendant agreed that a conspirator would
21 commit at least two acts of racketeering activity in the conduct of the affairs of the enterprise.

22 Manner and Means of the Conspiracy

23 15. It was part of the manner and means of the conspiracy that the defendants and
24 other members and associates of Acorn discussed with other members and associates of Acorn,
25 among other things: the status of Acorn members and associates who were arrested or
26 incarcerated; how to handle internal Acorn disagreements among members; Acorn members'
27 encounters with law enforcement; the identities of individuals suspected of cooperating with law
28 enforcement; and plans and agreements regarding the commission of future crimes, including

1 murder, robbery, extortion, narcotics distribution, illegal possession of firearms, and assault.

2 16. It was further part of the manner and means of the conspiracy that the defendants
3 and other members and associates of Acorn agreed that acts of violence, including murder,
4 attempted murder, and assault, would be committed by members and associates of Acorn against
5 rival gang members and others, including those who defied the will of Acorn, when it suited the
6 enterprise's purpose.

7 17. It was further part of the manner and means of the conspiracy that the defendants
8 and other members and associates of Acorn agreed to distribute controlled substances, to commit
9 robbery, extortion, and other crimes, and to conceal their criminal activities by threatening and
10 intimidating witnesses, among other manner and means.

11 All in violation of Title 18, United States Code, Section 1962(d).

12 COUNT TWO: (18 U.S.C. § 1959(a)(2) – Maiming in Aid of Racketeering of
13 Victim-1)

14 18. Paragraphs 1 through 12, and 15 through 17 of this Indictment are realleged and
15 incorporated by reference as though fully set forth herein.

16 19. At all times relevant to this Indictment, Acorn constituted an enterprise as defined
17 in Title 18, United States Code, Section 1959(b)(2), that is, a group of individuals associated in
18 fact that was engaged in, and the activities of which affected, interstate and foreign commerce.
19 The enterprise constituted an ongoing organization whose members functioned as a continuing
20 unit for a common purpose of achieving the objectives of the enterprise.

21 20. At all times relevant to this Indictment, Acorn, the above-described enterprise,
22 through its members and associates, engaged in racketeering activity, as defined in Title 18,
23 United States Code, Sections 1959(b)(1) and 1961(1), namely, multiple acts and threats
24 involving murder, in violation of California Penal Code §§ 187, 188, 189, 182, 21a, 664, 653f
25 and 422, robbery, in violation of California Penal Code §§ 211, 212, 212.5, 213, 182, 21a, 664,
26 653f, and 422, and extortion, in violation of California Penal Code §§ 518, 519, 520, 524, 664,
27 182, 653f, and 422; multiple acts involving dealing in controlled substances, in violation of 21
28 U.S.C. §§ 841(a)(1) and 846; and multiple acts indictable under 18 U.S.C. §§ 1951, 1513, 1512

1 and 1503.

2 21. On or about November 6, 2011, in the Northern District of California, for the
3 purpose of gaining entrance to, and maintaining and increasing position in, Acorn, an enterprise
4 engaged in racketeering activity, the defendant,

5 HOUSTON NATHANIEL, III, a/k/a "No No," a/k/a "Lil No,"
6 together with others known and unknown, unlawfully and knowingly did maim Victim-1, in
7 violation of California Penal Code, Sections 203, 204, and 205.

8 All in violation of Title 18, United States Code, Sections 1959(a)(2) and 2.

9 COUNT THREE: (18 U.S.C. § 1959(a)(3) – Assault with a Dangerous Weapon in
10 Aid of Racketeering of Victim-1)

11 22. Paragraphs 1 through 12, 15 through 17, and 19 through 20 of this Indictment are
12 realleged and incorporated by reference as though fully set forth herein.

13 23. On or about November 6, 2011, in the Northern District of California, for the
14 purpose of gaining entrance to, and maintaining and increasing position in, Acorn, an enterprise
15 engaged in racketeering activity, the defendant,

16 HOUSTON NATHANIEL, III, a/k/a "No No," a/k/a "Lil No,"
17 together with others known and unknown, unlawfully and knowingly did assault Victim-1 with a
18 dangerous weapon, in violation of California Penal Code, Section 245(a)(1).

19 All in violation of Title 18, United States Code, Sections 1959(a)(3) and 2.

20 COUNT FOUR: (18 U.S.C. § 1959(a)(5) – Attempted Murder in Aid of
21 Racketeering of Victim-1)

22 24. Paragraphs 1 through 12, 15 through 17, and 19 through 20 of this Indictment are
23 realleged and incorporated by reference as though fully set forth herein.

24 25. On or about November 6, 2011, in the Northern District of California, for the
25 purpose of gaining entrance to, and maintaining and increasing position in, Acorn, an enterprise
26 engaged in racketeering activity, the defendant,

27 HOUSTON NATHANIEL, III, a/k/a "No No," a/k/a "Lil No,"

28 //

1 together with others known and unknown, unlawfully and knowingly did attempt to murder
2 Victim-1, in violation of California Penal Code, Sections 187, 188, 189, 21a, and 664.

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

4 COUNT FIVE: (18 U.S.C. § 924(c)(1)(A) – Use/Possession of Firearm in
5 Furtherance of Crime of Violence)

6 26. On or about November 6, 2011, in the Northern District of California, the
7 defendant,

8 HOUSTON NATHANIEL, III, a/k/a “No No,” a/k/a “Lil No,”

9 together with others known and unknown, unlawfully and knowingly did use and carry a firearm
10 during and in relation to a crime of violence for which he may be prosecuted in a court of the
11 United States, namely, the maiming in aid of racketeering of Victim-1 charged in Count Two of
12 this Indictment, the assault with a dangerous weapon in aid of racketeering of Victim-1 charged
13 in Count Three of this Indictment, and the attempted murder in aid of racketeering of Victim-1
14 charged in Count Four of this Indictment, and did possess, brandish, and discharge a firearm in
15 furtherance of the offenses charged in Counts Two, Three, and Four of this Indictment.

16 All in violation of Title 18, United States Code, Sections 924(c)(1)(A) and 2.

17 COUNT SIX: (18 U.S.C. § 1959(a)(3) – Assault with a Dangerous Weapon in
18 Aid of Racketeering of Victim-2)

19 27. Paragraphs 1 through 12, 15 through 17, and 19 through 20 of this Indictment are
20 realleged and incorporated by reference as though fully set forth herein.

21 28. On or about November 6, 2011, in the Northern District of California, for the
22 purpose of gaining entrance to, and maintaining and increasing position in, Acorn, an enterprise
23 engaged in racketeering activity, the defendant,

24 HOUSTON NATHANIEL, III, a/k/a “No No,” a/k/a “Lil No,”

25 together with others known and unknown, unlawfully and knowingly did assault Victim-2 with a
26 dangerous weapon, in violation of California Penal Code, Section 245(a)(1).

27 All in violation of Title 18, United States Code, Sections 1959(a)(3) and 2.

28 //

1 COUNT SEVEN: (18 U.S.C. § 1959(a)(5) – Attempted Murder in Aid of
2 Racketeering of Victim-2)

3 29. Paragraphs 1 through 12, 15 through 17, and 19 through 20 of this Indictment are
4 realleged and incorporated by reference as though fully set forth herein.

5 30. On or about November 6, 2011, in the Northern District of California, for the
6 purpose of gaining entrance to, and maintaining and increasing position in, Acorn, an enterprise
7 engaged in racketeering activity, the defendant,

8 HOUSTON NATHANIEL, III, a/k/a “No No,” a/k/a “Lil No,”
9 together with others known and unknown, unlawfully and knowingly did attempt to murder
10 Victim-2, in violation of California Penal Code, Sections 187, 188, 189, 21a, and 664.

11 All in violation of Title 18, United States Code, Sections 1959(a)(5) and 2.

12 COUNT EIGHT: (18 U.S.C. § 924(c)(1)(A) – Use/Possession of Firearm in
13 Furtherance of Crime of Violence)

14 31. On or about November 6, 2011, in the Northern District of California, the
15 defendant,

16 HOUSTON NATHANIEL, III, a/k/a “No No,” a/k/a “Lil No,”
17 together with others known and unknown, unlawfully and knowingly did use and carry a firearm
18 during and in relation to a crime of violence for which he may be prosecuted in a court of the
19 United States, namely, the assault with a dangerous weapon in aid of racketeering of Victim-2
20 charged in Count Six of this Indictment and the attempted murder in aid of racketeering of
21 Victim-2 charged in Count Seven of this Indictment, and did possess, brandish, and discharge a
22 firearm in furtherance of the offenses charged in Counts Six and Seven of this Indictment.

23 All in violation of Title 18, United States Code, Sections 924(c)(1)(A) and 2.

24 COUNT NINE: (18 U.S.C. § 1959(a)(1) – Murder in Aid of Racketeering of the
25 Infant Victim)

26 32. Paragraphs 1 through 12, 15 through 17, and 19 through 20 of this Indictment are
27 realleged and incorporated by reference as though fully set forth herein.

28 33. On or about November 28, 2011, in the Northern District of California, for the

1 purpose of gaining entrance to, and maintaining and increasing position in, Acorn, an enterprise
2 engaged in racketeering activity, the defendants,

3 DIONTE HOUFF, a/k/a "Bird," a/k/a "Birdman," a/k/a "Tay," and

4 HOUSTON NATHANIEL, III, a/k/a "No No," a/k/a "Lil No,"

5 together with others known and unknown, unlawfully and knowingly did murder the Infant
6 Victim, in violation of California Penal Code, Sections 187, 188, 189, 21a, and 664.

7 All in violation of Title 18, United States Code, Sections 1959(a)(1) and 2.

8 COUNT TEN: (18 U.S.C. § 1959(a)(3) – Assault with a Dangerous Weapon in
9 Aid of Racketeering of Victim-3)

10 34. Paragraphs 1 through 12, 15 through 17, and 19 through 20 of this Indictment are
11 realleged and incorporated by reference as though fully set forth herein.

12 35. On or about November 28, 2011, in the Northern District of California, for the
13 purpose of gaining entrance to, and maintaining and increasing position in, Acorn, an enterprise
14 engaged in racketeering activity, the defendants,

15 DIONTE HOUFF, a/k/a "Bird," a/k/a "Birdman," a/k/a "Tay," and

16 HOUSTON NATHANIEL, III, a/k/a "No No," a/k/a "Lil No,"

17 together with others known and unknown, unlawfully and knowingly did assault Victim-3 with a
18 dangerous weapon, in violation of California Penal Code, Section 245(a)(1).

19 All in violation of Title 18, United States Code, Sections 1959(a)(3) and 2.

20 COUNT ELEVEN: (18 U.S.C. § 1959(a)(5) – Attempted Murder in Aid of
21 Racketeering of Victim-3)

22 36. Paragraphs 1 through 12, 15 through 17, and 19 through 20 of this Indictment are
23 realleged and incorporated by reference as though fully set forth herein.

24 37. On or about November 28, 2011, in the Northern District of California, for the
25 purpose of gaining entrance to, and maintaining and increasing position in, Acorn, an enterprise
26 engaged in racketeering activity, the defendants,

27 DIONTE HOUFF, a/k/a "Bird," a/k/a "Birdman," a/k/a "Tay," and

28 HOUSTON NATHANIEL, III, a/k/a "No No," a/k/a "Lil No,"

1 together with others known and unknown, unlawfully and knowingly did attempt to murder
2 Victim-3, in violation of California Penal Code, Sections 187, 188, 189, 21a, and 664.

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

4 COUNT TWELVE: (18 U.S.C. § 1959(a)(3) – Assault with a Dangerous Weapon in
5 Aid of Racketeering of Victim-4)

6 38. Paragraphs 1 through 12, 15 through 17, and 19 through 20 of this Indictment are
7 realleged and incorporated by reference as though fully set forth herein.

8 39. On or about November 28, 2011, in the Northern District of California, for the
9 purpose of gaining entrance to, and maintaining and increasing position in, Acorn, an enterprise
10 engaged in racketeering activity, the defendants,

11 DIONTE HOUFF, a/k/a “Bird,” a/k/a “Birdman,” a/k/a “Tay,” and

12 HOUSTON NATHANIEL, III, a/k/a “No No,” a/k/a “Lil No,”

13 together with others known and unknown, unlawfully and knowingly did assault Victim-4 with a
14 dangerous weapon, in violation of California Penal Code, Section 245(a)(1).

15 All in violation of Title 18, United States Code, Sections 1959(a)(3) and 2.

16 COUNT THIRTEEN: (18 U.S.C. § 1959(a)(5) – Attempted Murder in Aid of
17 Racketeering of Victim-4)

18 40. Paragraphs 1 through 12, 15 through 17, and 19 through 20 of this Indictment are
19 realleged and incorporated by reference as though fully set forth herein.

20 41. On or about November 28, 2011, in the Northern District of California, for the
21 purpose of gaining entrance to, and maintaining and increasing position in, Acorn, an enterprise
22 engaged in racketeering activity, the defendants,

23 DIONTE HOUFF, a/k/a “Bird,” a/k/a “Birdman,” a/k/a “Tay,” and

24 HOUSTON NATHANIEL, III, a/k/a “No No,” a/k/a “Lil No,”

25 together with others known and unknown, unlawfully and knowingly did attempt to murder
26 Victim-4, in violation of California Penal Code, Sections 187, 188, 189, 21a, and 664.

27 All in violation of Title 18, United States Code, Sections 1959(a)(5) and 2.

28 //

1 COUNT FOURTEEN: (18 U.S.C. § 1959(a)(3) – Assault with a Dangerous Weapon in
2 Aid of Racketeering of Victim-5)

3 42. Paragraphs 1 through 12, 15 through 17, and 19 through 20 of this Indictment are
4 realleged and incorporated by reference as though fully set forth herein.

5 43. On or about November 28, 2011, in the Northern District of California, for the
6 purpose of gaining entrance to, and maintaining and increasing position in, Acorn, an enterprise
7 engaged in racketeering activity, the defendants,

8 DIONTE HOUFF, a/k/a “Bird,” a/k/a “Birdman,” a/k/a “Tay,” and

9 HOUSTON NATHANIEL, III, a/k/a “No No,” a/k/a “Lil No,”

10 together with others known and unknown, unlawfully and knowingly did assault Victim-5 with a
11 dangerous weapon, in violation of California Penal Code, Section 245(a)(1).

12 All in violation of Title 18, United States Code, Sections 1959(a)(3) and 2.

13 COUNT FIFTEEN: (18 U.S.C. § 1959(a)(5) – Attempted Murder in Aid of
14 Racketeering of Victim-5)

15 44. Paragraphs 1 through 12, 15 through 17, and 19 through 20 of this Indictment are
16 realleged and incorporated by reference as though fully set forth herein.

17 45. On or about November 28, 2011, in the Northern District of California, for the
18 purpose of gaining entrance to, and maintaining and increasing position in, Acorn, an enterprise
19 engaged in racketeering activity, the defendants,

20 DIONTE HOUFF, a/k/a “Bird,” a/k/a “Birdman,” a/k/a “Tay,” and

21 HOUSTON NATHANIEL, III, a/k/a “No No,” a/k/a “Lil No,”

22 together with others known and unknown, unlawfully and knowingly did attempt to murder
23 Victim-5, in violation of California Penal Code, Sections 187, 188, 189, 21a, and 664.

24 All in violation of Title 18, United States Code, Sections 1959(a)(5) and 2.

25 COUNT SIXTEEN: (18 U.S.C. § 1959(a)(3) – Assault with a Dangerous Weapon in
26 Aid of Racketeering of Victim-6)

27 46. Paragraphs 1 through 12, 15 through 17, and 19 through 20 of this Indictment are
28 realleged and incorporated by reference as though fully set forth herein.

1 47. On or about November 28, 2011, in the Northern District of California, for the
2 purpose of gaining entrance to, and maintaining and increasing position in Acorn, an enterprise
3 engaged in racketeering activity, the defendants,

4 DIONTE HOUFF, a/k/a "Bird," a/k/a "Birdman," a/k/a "Tay," and

5 HOUSTON NATHANIEL, III, a/k/a "No No," a/k/a "Lil No.,"

6 together with others known and unknown, unlawfully and knowingly did assault Victim-6 with a
7 dangerous weapon, in violation of California Penal Code, Section 245(a)(1).

8 All in violation of Title 18, United States Code, Sections 1959(a)(3) and 2.

9 COUNT SEVENTEEN: (18 U.S.C. § 1959(a)(5) – Attempted Murder in Aid of
10 Racketeering of Victim-6)

11 48. Paragraphs 1 through 12, 15 through 17, and 19 through 20 of this Indictment are
12 realleged and incorporated by reference as though fully set forth herein.

13 49. On or about November 28, 2011, in the Northern District of California, for the
14 purpose of gaining entrance to, and maintaining and increasing position in, Acorn, an enterprise
15 engaged in racketeering activity, the defendants,

16 DIONTE HOUFF, a/k/a "Bird," a/k/a "Birdman," a/k/a "Tay," and

17 HOUSTON NATHANIEL, III, a/k/a "No No," a/k/a "Lil No.,"

18 together with others known and unknown, unlawfully and knowingly did attempt to murder
19 Victim-6, in violation of California Penal Code, Sections 187, 188, 189, 21a, and 664.

20 All in violation of Title 18, United States Code, Sections 1959(a)(5) and 2.

21 COUNT EIGHTEEN: (18 U.S.C. § 1959(a)(3) – Assault with a Dangerous Weapon in
22 Aid of Racketeering of Victim-7)

23 50. Paragraphs 1 through 12, 15 through 17, and 19 through 20 of this Indictment are
24 realleged and incorporated by reference as though fully set forth herein.

25 51. On or about November 28, 2011, in the Northern District of California, for the
26 purpose of gaining entrance to, and maintaining and increasing position in, Acorn, an enterprise
27 engaged in racketeering activity, the defendants,

28 //

1 DIONTE HOUFF, a/k/a "Bird," a/k/a "Birdman," a/k/a "Tay," and
2 HOUSTON NATHANIEL, III, a/k/a "No No," a/k/a "Lil No,"
3 together with others known and unknown, unlawfully and knowingly did assault Victim-7 with a
4 dangerous weapon, in violation of California Penal Code, Section 245(a)(1).

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

6 COUNT NINETEEN: (18 U.S.C. § 1959(a)(5) – Attempted Murder in Aid of
7 Racketeering of Victim-7)

8 52. Paragraphs 1 through 12, 15 through 17, and 19 through 20 of this Indictment are
9 realleged and incorporated by reference as though fully set forth herein.

10 53. On or about November 28, 2011, in the Northern District of California, for the
11 purpose of gaining entrance to, and maintaining and increasing position in, Acorn, an enterprise
12 engaged in racketeering activity, the defendants,

13 DIONTE HOUFF, a/k/a "Bird," a/k/a "Birdman," a/k/a "Tay," and
14 HOUSTON NATHANIEL, III, a/k/a "No No," a/k/a "Lil No,"
15 together with others known and unknown, unlawfully and knowingly did attempt to murder
16 Victim-7, in violation of California Penal Code, Sections 187, 188, 189, 21a, and 664.

17 All in violation of Title 18, United States Code, Sections 1959(a)(5) and 2.

18 COUNT TWENTY: (18 U.S.C. § 1959(a)(3) – Assault with a Dangerous Weapon in
19 Aid of Racketeering of Victim-8)

20 54. Paragraphs 1 through 12, 15 through 17, and 19 through 20 of this Indictment are
21 realleged and incorporated by reference as though fully set forth herein.

22 55. On or about November 28, 2011, in the Northern District of California, for the
23 purpose of gaining entrance to, and maintaining and increasing position in, Acorn, an enterprise
24 engaged in racketeering activity, the defendants,

25 DIONTE HOUFF, a/k/a "Bird," a/k/a "Birdman," a/k/a "Tay," and
26 HOUSTON NATHANIEL, III, a/k/a "No No," a/k/a "Lil No,"
27 together with others known and unknown, unlawfully and knowingly did assault Victim-8 with a
28 dangerous weapon, in violation of California Penal Code, Section 245(a)(1).

1 All in violation of Title 18, United States Code, Sections 1959(a)(3) and 2.

2 COUNT TWENTY-ONE: (18 U.S.C. § 1959(a)(5) – Attempted Murder in Aid of
3 Racketeering of Victim-8)

4 56. Paragraphs 1 through 12, 15 through 17, and 19 through 20 of this Indictment are
5 realleged and incorporated by reference as though fully set forth herein.

6 57. On or about November 28, 2011, in the Northern District of California, for the
7 purpose of gaining entrance to, and maintaining and increasing position in, Acorn, an enterprise
8 engaged in racketeering activity, the defendants,

9 DIONTE HOUFF, a/k/a “Bird,” a/k/a “Birdman,” a/k/a “Tay,” and

10 HOUSTON NATHANIEL, III, a/k/a “No No,” a/k/a “Lil No,”

11 together with others known and unknown, unlawfully and knowingly did attempt to murder
12 Victim-8, in violation of California Penal Code, Sections 187, 188, 189, 21a, and 664.

13 All in violation of Title 18, United States Code, Sections 1959(a)(5) and 2.

14 COUNT TWENTY-TWO: (18 U.S.C. § 924(j)(1) – Use of a Firearm in Furtherance of Crime
15 of Violence Causing the Death of the Infant Victim)

16 58. On or about November 28, 2011, in the Northern District of California, the
17 defendants,

18 DIONTE HOUFF, a/k/a “Bird,” a/k/a “Birdman,” a/k/a “Tay,” and

19 HOUSTON NATHANIEL, III, a/k/a “No No,” a/k/a “Lil No,”

20 together with others known and unknown, unlawfully and knowingly, during and in relation to a
21 crime of violence for which they may be prosecuted in a court of the United States, namely, the
22 murder in aid of racketeering of the Infant Victim, charged in Count Nine of this Indictment; the
23 assault with a dangerous weapon in aid of racketeering of Victim-3, Victim-4, Victim-5, Victim-
24 6, Victim-7, and Victim-8, charged in Counts Ten, Twelve, Fourteen, Sixteen, Eighteen, and
25 Twenty, respectively, of this Indictment; and the attempted murder in aid of racketeering of
26 Victim-3, Victim-4, Victim-5, Victim-6, Victim-7, and Victim-8, charged in Counts Eleven,
27 Thirteen, Fifteen, Seventeen, Nineteen, and Twenty-One, respectively, of this Indictment, did use
28 and carry a firearm, and in furtherance of such crime, did possess a firearm, and in the course of

1 that crime did cause the death of the Infant Victim through the use of a firearm, which killing
2 was murder as defined in Title 18, United States Code, Section 1111, and manslaughter as
3 defined in Title 18, United States Code, Section 1112.

4 All in violation of Title 18, United States Code, Sections 924(j)(1) and 2.

5 COUNT TWENTY-THREE: (18 U.S.C. § 924(c)(1)(A) – Use/Possession of Firearm in
6 Furtherance of Crime of Violence)

7 59. On or about November 28, 2011, in the Northern District of California, the
8 defendants,

9 DIONTE HOUFF, a/k/a “Bird,” a/k/a “Birdman,” a/k/a “Tay,” and

10 HOUSTON NATHANIEL, III, a/k/a “No No,” a/k/a “Lil No,”

11 together with others known and unknown, unlawfully and knowingly did use and carry a firearm
12 during and in relation to a crime of violence for which they may be prosecuted in a court of the
13 United States, namely, the murder in aid of racketeering of the Infant Victim, charged in Count
14 Nine of this Indictment; the assault with a dangerous weapon in aid of racketeering of Victim-3,
15 Victim-4, Victim-5, Victim-6, Victim-7, and Victim-8, charged in Counts Ten, Twelve,
16 Fourteen, Sixteen, Eighteen, and Twenty, respectively, of this Indictment; and the attempted
17 murder in aid of racketeering of Victim-3, Victim-4, Victim-5, Victim-6, Victim-7, and Victim-
18 8, charged in Counts Eleven, Thirteen, Fifteen, Seventeen, Nineteen, and Twenty-One,
19 respectively, of this Indictment, and did possess, brandish, and discharge a firearm in furtherance
20 of the offenses charged in Counts Nine, Ten, Eleven, Twelve, Thirteen, Fourteen, Fifteen,
21 Sixteen, Seventeen, Eighteen, Nineteen, Twenty, and Twenty-One of this Indictment.

22 All in violation of Title 18, United States Code, Sections 924(c)(1)(A) and 2.

23 NOTICE OF SPECIAL SENTENCING FACTORS REGARDING COUNT ONE

24 Number 1: Conspiracy to Commit Murder

25 60. Beginning on a date unknown to the Grand Jury but since at least 2008, and
26 continuing up through and including the present, in the Northern District of California and
27 elsewhere, the defendants,

28 //

1 DIONTE HOUFF, a/k/a "Bird," a/k/a "Birdman," a/k/a "Tay," and
2 HOUSTON NATHANIEL, III, a/k/a "No No," a/k/a "Lil No,"
3 together with others known and unknown, unlawfully, knowingly, and intentionally did conspire
4 to commit murder, in violation of California Penal Code §§ 187, 188, 189, and 182, to wit, the
5 defendants agreed together and with each other to kill, with malice aforethought, actual and
6 suspected members of rival gangs to Acorn and individuals suspected of cooperating with law
7 enforcement.

8 Number 2: HOUSTON NATHANIEL, III - Attempted First Degree Murder of Victim-1

9 61. On or about November 6, 2011, in the Northern District of California, the
10 defendant,

11 HOUSTON NATHANIEL, III, a/k/a "No No," a/k/a "Lil No,"
12 unlawfully, knowingly, and intentionally, and with deliberation and premeditation, did attempt to
13 kill, with malice aforethought, Victim-1, in violation of California Penal Code, Sections 187,
14 188, 189, 21a, and 664.

15 Number 3: HOUSTON NATHANIEL, III - Attempted First Degree Murder of Victim-2

16 62. On or about November 6, 2011, in the Northern District of California, the
17 defendant,

18 HOUSTON NATHANIEL, III, a/k/a "No No," a/k/a "Lil No,"
19 unlawfully, knowingly, and intentionally, and with deliberation and premeditation, did attempt to
20 kill, with malice aforethought, Victim-2, in violation of California Penal Code, Sections 187,
21 188, 189, 21a, and 664.

22 Number 4: DIONTE HOUFF and HOUSTON NATHANIEL, III - Murder of the Infant
23 Victim

24 63. On or about November 28, 2011, in the Northern District of California, the
25 defendants,

26 DIONTE HOUFF, a/k/a "Bird," a/k/a "Birdman," a/k/a "Tay," and
27 HOUSTON NATHANIEL, III, a/k/a "No No," a/k/a "Lil No,"

28 //

1 unlawfully, knowingly, and intentionally, did kill, with malice aforethought, the Infant Victim, in
2 violation of California Penal Code, Sections 187, 188, and 189.

3 Number 5: DIONTE HOUFF and HOUSTON NATHANIEL, III - Attempted First
4 Degree Murder of Victim-3

5 64. On or about November 28, 2011, in the Northern District of California, the
6 defendants,

7 DIONTE HOUFF, a/k/a "Bird," a/k/a "Birdman," a/k/a "Tay," and

8 HOUSTON NATHANIEL, III, a/k/a "No No," a/k/a "Lil No,"

9 unlawfully, knowingly, and intentionally, and with deliberation and premeditation, did attempt to
10 kill, with malice aforethought, Victim-3, in violation of California Penal Code, Sections 187,
11 188, 189, 21a, and 664.

12 Number 6: DIONTE HOUFF and HOUSTON NATHANIEL, III - Attempted First
13 Degree Murder of Victim-4

14 65. On or about November 28, 2011, in the Northern District of California, the
15 defendants,

16 DIONTE HOUFF, a/k/a "Bird," a/k/a "Birdman," a/k/a "Tay," and

17 HOUSTON NATHANIEL, III, a/k/a "No No," a/k/a "Lil No,"

18 unlawfully, knowingly, and intentionally, and with deliberation and premeditation, did attempt to
19 kill, with malice aforethought, Victim-4, in violation of California Penal Code, Sections 187,
20 188, 189, 21a, and 664.

21 Number 7: DIONTE HOUFF and HOUSTON NATHANIEL, III - Attempted First
22 Degree Murder of Victim-5

23 66. On or about November 28, 2011, in the Northern District of California, the
24 defendants,

25 DIONTE HOUFF, a/k/a "Bird," a/k/a "Birdman," a/k/a "Tay," and

26 HOUSTON NATHANIEL, III, a/k/a "No No," a/k/a "Lil No,"

27 unlawfully, knowingly, and intentionally, and with deliberation and premeditation, did attempt to
28 kill, with malice aforethought, Victim-5, in violation of California Penal Code, Section 187,

1 188, 189, 21a, and 664.

2 Number 8: DIONTE HOUFF and HOUSTON NATHANIEL, III - Attempted First
3 Degree Murder of Victim-6

4 67. On or about November 28, 2011, in the Northern District of California, the
5 defendants,

6 DIONTE HOUFF, a/k/a "Bird," a/k/a "Birdman," a/k/a "Tay," and
7 HOUSTON NATHANIEL, III, a/k/a "No No," a/k/a "Lil No,"

8 unlawfully, knowingly, and intentionally, and with deliberation and premeditation, did attempt to
9 kill, with malice aforethought, Victim-6, in violation of California Penal Code, Sections 187,
10 188, 189, 21a, and 664.

11 Number 9: DIONTE HOUFF and HOUSTON NATHANIEL, III - Attempted First
12 Degree Murder of Victim-7

13 68. On or about November 28, 2011, in the Northern District of California, the
14 defendants,

15 DIONTE HOUFF, a/k/a "Bird," a/k/a "Birdman," a/k/a "Tay," and
16 HOUSTON NATHANIEL, III, a/k/a "No No," a/k/a "Lil No,"

17 unlawfully, knowingly, and intentionally, and with deliberation and premeditation, did attempt to
18 kill, with malice aforethought, Victim-7, in violation of California Penal Code, Sections 187,
19 188, 189, 21a, and 664.

20 Number 10: DIONTE HOUFF and HOUSTON NATHANIEL, III - Attempted First
21 Degree Murder of Victim-8

22 69. On or about November 28, 2011, in the Northern District of California, the
23 defendants,

24 DIONTE HOUFF, a/k/a "Bird," a/k/a "Birdman," a/k/a "Tay," and
25 HOUSTON NATHANIEL, III, a/k/a "No No," a/k/a "Lil No,"

26 unlawfully, knowingly, and intentionally, and with deliberation and premeditation, did attempt to
27 kill, with malice aforethought, Victim-8, in violation of California Penal Code, Sections 187,
28 188, 189, 21a, and 664.

1 NOTICE OF SPECIAL FINDINGS REGARDING DEFENDANT DIONTE HOUFF

2 70. The allegations of Counts Nine and Twenty-Two of this Indictment are realleged
3 and incorporated by reference as though fully set forth herein.

4 71. As to Counts Nine and Twenty-Two of this Indictment, the defendant, DIONTE
5 HOUFF, a/k/a "Bird," a/k/a "Birdman," a/k/a "Tay":

6 (1) was more than 18 years of age at the time of the offenses (18 U.S.C.
7 § 3591(a));

8 (2) intentionally killed the Infant Victim named in the respective capital
9 counts (18 U.S.C. § 3591(a)(2)(A));

10 (3) intentionally inflicted serious bodily injury that resulted in the death of the
11 Infant Victim named in the respective capital counts (18 U.S.C. § 3591(a)(2)(B));

12 (4) intentionally participated in one or more acts, contemplating that the life of
13 a person would be taken or intending that lethal force would be used in connection with a person,
14 other than a participant in the offense, and the Infant Victim named in the respective capital
15 counts died as a direct result of such act or acts (18 U.S.C. § 3591(a)(2)(C)); and

16 (5) intentionally and specifically engaged in one or more acts of violence,
17 knowing that the act or acts created a grave risk of death to a person, other than a participant in
18 the offense, such that participation in such act or acts constituted a reckless disregard for human
19 life, and the Infant Victim named in the respective capital counts died as a direct result of such
20 act or acts (18 U.S.C. § 3591(a)(2)(D)).

21 72. As to Counts Nine and Twenty-Two of this Indictment, the defendant, DIONTE
22 HOUFF, a/k/a "Bird," a/k/a "Birdman," a/k/a "Tay," in the commission of the offense,
23 knowingly created a grave risk of death to one or more persons in addition to the victim of the
24 offense (18 U.S.C. § 3592(c)(5)).

25 73. As to Counts Nine and Twenty-Two of this Indictment, the defendant, DIONTE
26 HOUFF, a/k/a "Bird," a/k/a "Birdman," a/k/a "Tay," committed the offense after substantial
27 planning and premeditation to cause the death of a person (18 U.S.C. § 3592(c)(9)).

28 //

1 74. As to Counts Nine and Twenty-Two of this Indictment, the Infant Victim was
2 particularly vulnerable due to his youth (18 U.S.C. § 3592(c)(11)).

3 75. As to Counts Nine and Twenty-Two of this Indictment, the defendant, DIONTE
4 HOUFF, a/k/a “Bird,” a/k/a “Birdman,” a/k/a “Tay,” intentionally killed or attempted to kill more
5 than one person in a single criminal episode (18 U.S.C. § 3592(c)(16)).

6 NOTICE OF SPECIAL FINDINGS REGARDING DEFENDANT

7 HOUSTON NATHANIEL, III

8 76. The allegations of Counts Nine and Twenty-Two of this Indictment are realleged
9 and incorporated by reference as though fully set forth herein.

10 77. As to Counts Nine and Twenty-Two of this Indictment, the defendant,
11 HOUSTON NATHANIEL, III, a/k/a “No No,” a/k/a “Lil No”:

12 (1) was more than 18 years of age at the time of the offenses (18 U.S.C.
13 § 3591(a));

14 (2) intentionally killed the Infant Victim named in the respective capital
15 counts (18 U.S.C. § 3591(a)(2)(A));

16 (3) intentionally inflicted serious bodily injury that resulted in the death of the
17 Infant Victim named in the respective capital counts (18 U.S.C. § 3591(a)(2)(B));

18 (4) intentionally participated in one or more acts, contemplating that the life of
19 a person would be taken or intending that lethal force would be used in connection with a person,
20 other than a participant in the offense, and the Infant Victim named in the respective capital
21 counts, died as a direct result of such act or acts (18 U.S.C. § 3591(a)(2)(C)); and

22 (5) intentionally and specifically engaged in one or more acts of violence,
23 knowing that the act or acts created a grave risk of death to a person, other than a participant in
24 the offense, such that participation in such act or acts constituted a reckless disregard for human
25 life, and the Infant Victim named in the respective capital counts died as a direct result of such
26 act or acts (18 U.S.C. § 3591(a)(2)(D)).

27 78. As to Counts Nine and Twenty-Two of this Indictment, the defendant,
28 HOUSTON NATHANIEL, III, a/k/a “No No,” a/k/a “Lil No,” in the commission of the offense,

1 knowingly created a grave risk of death to one or more persons in addition to the victim of the
2 offense (18 U.S.C. § 3592(c)(5)).

3 79. As to Counts Nine and Twenty-Two of this Indictment, the defendant,
4 HOUSTON NATHANIEL, III, a/k/a "No No," a/k/a "Lil No," committed the offense after
5 substantial planning and premeditation to cause the death of a person (18 U.S.C. § 3592(c)(9)).

6 80. As to Counts Nine and Twenty-Two of this Indictment, the Infant Victim was
7 particularly vulnerable due to his youth (18 U.S.C. § 3592(c)(11)).

8 81. As to Counts Nine and Twenty-Two of this Indictment, the defendant,
9 HOUSTON NATHANIEL, III, a/k/a "No No," a/k/a "Lil No," intentionally killed or attempted to
10 kill more than one person in a single criminal episode (18 U.S.C. § 3592(c)(16)).

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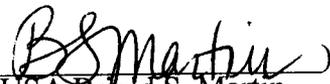
DATED: 19 July 2012

A TRUE BILL.


FOREPERSON

MELINDA HAAG
United States Attorney


MIRANDA KANE
Chief, Criminal Division

(Approved as to form: )
AUSA Brigid S. Martin
AUSA W.S. Wilson Leung