

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA : Hon. William H. Walls
 :
 v. : Crim. No. 10-366 (WHW)
 :
 KELVIN L. JONES, : 18 U.S.C. §§ 371, 924(c),
 a/k/a "Mike Smith," : 981(a)(1)(C), 1512(b)(1)
 DANNY BANNOUT, : and (b)(3), 1951(a),
 a/k/a "D," : 2314 and § 2; 28 U.S.C.
 ANSELMO JIMENES, : § 2461
 a/k/a "Ansemo Jimenes," :
 and :
 LUIS REYES :

SUPERSEDING INDICTMENT

The Grand Jury in and for the District of New Jersey,
sitting at Newark, charges:

COUNT 1

(JONES, D. BANNOUT, JIMENES and REYES)

Conspiracy to Obstruct Interstate Commerce by Armed Robbery

Defendants and Others

1. At all times relevant to Count 1 of this Superseding
Indictment:

a. Defendant KELVIN L. JONES, (hereinafter, "defendant
JONES") was employed as a patrolman in the New York Police
Department ("NYPD").

b. Defendant DANNY BANNOUT, a/k/a "D" (hereinafter,
"defendant D. BANNOUT") was a resident of Brooklyn, New York.

c. Defendant ANSELMO JIMENES, a/k/a "Ansemo Jimenes,"
(hereinafter, "JIMENES") was a resident of Brooklyn, New York.

d. Defendant LUIS REYES (hereinafter, "defendant REYES") was a resident of New York, New York.

e. RICHARD LeBLANCA and BRIAN CHECO (hereinafter, "LeBLANCA" and "CHECO," respectively) were employed as patrolmen in the NYPD.

f. ORLANDO GARCIA (hereinafter, "GARCIA") was a former NYPD officer.

g. GABRIEL VARGAS (hereinafter, "VARGAS"), LUIS R. MORALES (hereinafter, "MORALES"), ALAN A. BANNOUT (hereinafter, "A. BANNOUT") and Co-conspirator #1 were residents of New York.

h. In-Style USA, Inc. ("In-Style"), a distributor of various perfumes and fragrances, was a corporation that operated and maintained a warehouse located in Carlstadt, New Jersey (hereinafter, "the Warehouse"). In-Style used the Warehouse for, among other purposes, storage of various types of perfumes and fragrances that were sold at, among other locations, an In-Style site located in Manhattan.

i. A certain individual (hereinafter, "Victim #1") was the owner and general manager of the Warehouse operated by In-Style.

The Conspiracy

2. From in or about December 2009 to in or about February 2010, in Bergen County, in the District of New Jersey and elsewhere, defendants

KELVIN L. JONES, a/k/a "Mike Smith,"
DANNY BANNOUT, a/k/a "D,"
ANSELMO JIMENES, a/k/a "Ansemo Jimenes,"
and
LUIS REYES

did knowingly and intentionally conspire and agree with others, known and unknown, including LeBLANCA, CHECO, GARCIA, VARGAS, MORALES, A. BANNOUT, and Co-conspirator #1 (hereinafter, collectively, the "Co-conspirators"), to obstruct, delay, and affect commerce and the movement of articles and commodities in commerce by robbery.

3. It was the object of the conspiracy that defendants JONES, D. BANNOUT, JIMENES, and REYES and the Co-conspirators would rob the Warehouse located in Carlstadt, New Jersey to obtain hundreds of boxes of perfumes and fragrances, worth more than \$500,000, and transport the merchandise from the State of New Jersey to the State of New York.

4. It was a part of the conspiracy that, in or about early December 2009, defendant D. BANNOUT and VARGAS traveled from New York to the Warehouse to surveil the area in preparation for the robbery. Further, between on or about December 2009 and early February 2010, defendants D. BANNOUT, JONES, JIMENES, and REYES and the Co-conspirators otherwise planned the robbery.

5. It was a further part of the conspiracy that, on or about February 9, 2010, all of the Co-conspirators traveled from locations in the State of New York to the State of New Jersey to

conduct final preparations for, and to commit, the robbery of the Warehouse.

6. It was a further part of the conspiracy that, on or about February 9, 2010, defendant JIMENES hired approximately 15 day laborers (hereinafter, "the Day Laborers") and brought them to a truck rental facility located in Brooklyn, New York (hereinafter, "the NY Truck Rental Facility"), where they were directed into the back of one of the rental trucks and then driven by VARGAS to a motel located in Jersey City, New Jersey (the "Motel"). After arriving at the Motel, defendant JIMENES rented three rooms at the Motel and directed the Day Laborers to wait in those rooms pending further instructions from the Co-conspirators.

7. It was a further part of the conspiracy that, on or about February 9, 2010, defendant JONES and CHECO, followed shortly thereafter by defendant REYES, LeBLANCA, and GARCIA, entered the Warehouse office while possessing black-colored firearms and held approximately 11 employees of In-Style hostage by, among other means, tying the employees' hands behind their backs with plastic ties.

8. It was a further part of the conspiracy that, while defendants JONES and REYES, together with LeBLANCA, CHECO, and GARCIA held the In-Style employees hostage, defendant JIMENES and other co-conspirators directed the Day Laborers to load hundreds

of brown boxes, all containing various types of perfumes and fragrances belonging to In-Style, into rental trucks that the Co-conspirators and others had driven to the Warehouse. Once a rental truck was loaded with stolen merchandise, one of the Co-conspirators then drove the trucks away from the Warehouse.

9. It was a further part of the conspiracy that, once the rental trucks were loaded with stolen merchandise, the trucks were ultimately driven by the Co-conspirators to a storage facility in New York where the stolen merchandise was to be concealed.

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

COUNT 2

(JONES, D. BANNOUT, JIMENES and REYES)

Obstruction of Interstate Commerce by Armed Robbery

1. Paragraphs 1 and 4 to 9 of Count 1 of this Superseding Indictment are hereby incorporated and realleged as if fully set forth herein.

2. On or about February 9, 2010, in Bergen County, in the District of New Jersey and elsewhere, defendants

KELVIN L. JONES, a/k/a "Mike Smith,"
DANNY BANNOUT, a/k/a "D,"
ANSELMO JIMENES, a/k/a "Ansemo Jimenes,"
and
LUIS REYES

did knowingly and willfully obstruct, delay, and affect commerce and the movement of articles and commodities in commerce by robbery of the In-Style USA, Inc. warehouse in Carlstadt, New Jersey.

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

COUNT 3

(JONES)

Possession Of A Firearm In Furtherance Of A Crime of Violence

1. Paragraphs 1 and 4 to 9 of Count 1 of this Superseding Indictment are hereby incorporated and realleged as if fully set forth herein.

2. On or about February 9, 2010, in Bergen County, in the District of New Jersey, and elsewhere, defendant

KELVIN L. JONES, a/k/a "Mike Smith,"

during and in relation to a crime of violence for which he may be prosecuted in a court of the United States, that is, the violations of Title 18, United States Code, Section 1951(a) and Section 2 charged in Counts One and Two of this Superseding Indictment, did knowingly possess a firearm in furtherance of such crime.

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

COUNT 4

(JONES, D. BANNOUT, JIMENES and REYES)

Conspiracy to Transport Stolen Goods In Interstate Commerce

1. Paragraphs 1 and 4 to 9 of Count 1 of this Superseding Indictment are hereby incorporated and realleged as if fully set forth herein.

2. From in or about early December 2009 to in or about February 2010, in Bergen County, in the District of New Jersey and elsewhere, defendants

KELVIN L. JONES, a/k/a "Mike Smith,"
DANNY BANNOUT, a/k/a "D,"
ANSELMO JIMENES, a/k/a "Ansemo Jimenes,"
and
LUIS REYES

did knowingly and intentionally conspire and agree with others known and unknown, including the Co-conspirators, to transport, transmit, and transfer in interstate and foreign commerce goods, wares, merchandise, securities and money, of the value of \$5,000 and more, knowing the same to have been stolen and converted, contrary to Title 18, United States Code, Section 2314.

3. To further the conspiracy and effect its objects, the following acts were committed in the District of New Jersey and elsewhere:

a. On or about February 8, 2010, defendant JIMENES hired approximately 15 day laborers to assist the Co-conspirators in removing the stolen boxes of perfume from the Warehouse and

loading those boxes into rental trucks used to transport the stolen goods to New York.

b. On or about February 9, 2010, defendants JONES and REYES, together with LeBLANCA, CHECO, and GARCIA, rented two trucks from a truck rental facility located in Jersey City, New Jersey (hereinafter, "the NJ Truck Rental Facility") to transport the merchandise that they planned on stealing from the Warehouse to locations in New York.

c. On or about February 9, 2010, defendant D. BANNOUT, A. BANNOUT, VARGAS, MORALES, and another individual, rented four trucks from the NY Truck Rental Facility to transport the merchandise that they planned on stealing from the Warehouse to locations in New York.

d. On or about February 9, 2010, defendant JONES and CHECO, followed shortly thereafter by defendant REYES, LeBLANCA, and GARCIA, entered the Warehouse office while possessing black-colored firearms and held approximately 11 employees of In-Style hostage by, among other means, tying the employees' hands behind their backs with plastic ties, in order to allow defendant JIMENES and other Co-conspirators, with the assistance of the Day Laborers, to steal In-Style's merchandise.

e. On or about February 9, 2010, defendant JIMENES and other Co-conspirators directed the Day Laborers to remove hundreds of boxes containing perfumes and fragrances belonging to

In-Style from the Warehouse and load those boxes on to the rental trucks.

f. On or about February 9, 2010, the Co-conspirators drove four trucks loaded with stolen merchandise from the Warehouse to other locations in New Jersey.

g. From in or about early to the middle of February 2010, the trucks with the merchandise stolen from the Warehouse were driven by VARGAS and other Co-conspirators from New Jersey to locations in New York where the merchandise was unloaded and stored.

In violation of Title 18, United States Code, Section 371.

COUNT 5

(JONES)

Attempted Witness Tampering

1. Paragraphs 1 and 4 to 9 of Count One of this Superseding Indictment are incorporated and realleged as if set forth fully herein.

2. From in or about late February 2010 to the date of this Superseding Indictment, a Federal Grand Jury convened in Newark, New Jersey and Federal law enforcement officials were investigating allegations that certain individuals, including defendant JONES and LeBLANCA, among other criminal offenses, conspired to obstruct interstate commerce by robbing the Warehouse, as alleged in Count 1 of this Superseding Indictment.

3. Defendant JONES and LeBLANCA were arrested on March 8, 2010 and March 5, 2010, respectively, after being charged by federal complaint, Magistrate Numbers 10-6023 (MAS) and 10-6037 (MAS), respectively, filed in the District of New Jersey (the "Complaints"), with the robbery conspiracy alleged in Count 1 of this Indictment.

4. Following their arrests, both defendant JONES and LeBLANCA were detained in the Hudson County Correctional Facility, located in Kearny, New Jersey.

5. On or about March 21, 2010, defendant JONES passed a note into LeBLANCA's jail cell along with blank sheets of paper

and a pen. The note instructed LeBLANCA, in substance and in part, to write a statement falsely exculpating defendant JONES from the allegations in the Complaints. Specifically, the note instructed LeBLANCA to do the following:

"You have to explain you was looking for furniture and you asked me & I told you about some guys, that I heard of who sell discount furniture. Say these names. Al B. [A. BANNOUT], Paulie, Mike."

"Explain you called me that day & said you was meeting up w/ them. But, I never went w/u so u called Orlando [GARCIA] & Orlando called Checo to come w/u."

"Then explain every thing else, going to the truck rental. Also explain who drove the trucks & cars if you can't remember say u don't recall."

"Next explain what happen @ the spot then explain how you called me after & you was upset."

"Explain how u Checo & Orlando [GARCIA] said if anything goes wrong they will say my name cause u felt you was set up."

"You have to give a detailed letter bro"

"* remember Orlando [GARCIA] have to read your letter. Also on a separate paper explain to Orlando [GARCIA] what Checo did & let him know not to say my name & say it was the Italian dudes."

"* Thanks bro please do this ASAP we have to get out of here & lawyer is already paid for."

"* I will pick it up in a few hours."

6. Later that same day, defendant JONES asked LeBLANCA if he had written the "confession."

7. On or about March 21, 2010, in Hudson County, in the District of New Jersey, and elsewhere, defendant

KELVIN L. JONES, a/k/a "Mike Smith,"

did knowingly attempt to intimidate, threaten, corruptly persuade, and engage in misleading conduct toward another person with the intent to influence, delay and prevent the testimony of that person in an official proceeding and to hinder, delay and prevent the communication to a law enforcement officer of information relating to the commission and possible commission of Federal offenses.

In violation of Title 18, United States Code, Sections 1512 (b)(1) and (b)(3), and Section 2.

COUNT 6

(D. BANNOUT and JIMENES)

Conspiracy to Transport Stolen Goods In Interstate Commerce

1. Paragraph 1 of Count 1 of this Superseding Indictment is hereby incorporated and realleged as if fully set forth herein.

The Conspiracy

2. In or about December 2009, in Middlesex County, in the District of New Jersey and elsewhere, defendants

DANNY BANNOUT, a/k/a "D,"
and
ANSELMO JIMENES, a/k/a "Ansemo Jimenes,"

did knowingly and intentionally conspire and agree with others known and unknown, including A. BANNOUT and VARGAS, to transport, transmit, and transfer in interstate and foreign commerce goods, wares, and merchandise, of the value of \$5,000 and more, knowing the same to have been stolen, converted and taken by fraud, contrary to Title 18, United States Code, Section 2314.

3. It was the object of the conspiracy that defendants D. BANNOUT and JIMENES, and others known and unknown, would use a rental truck to transport stolen merchandise to New York after burglarizing a storage unit (the "Storage Unit") at a public storage facility located in North Brunswick, New Jersey (the "North Brunswick Storage Facility") and stealing the contents therein, which consisted of miscellaneous items having a value of

\$5,000 and more.

Acts In Furtherance of the Conspiracy

5. To further the conspiracy and effect its objects, the following acts were committed in the District of New Jersey and elsewhere:

a. On or about December 28, 2009, defendant JIMENES rented a storage unit (the "Storage Unit") in his name at the North Brunswick Storage Facility, and was provided a passcode by that facility which allowed him to enter the North Brunswick Storage Facility where the Storage Unit was located.

b. On or about December 29, 2009, defendants D. BANNOUT and JIMENES met with VARGAS to prepare and plan the burglary of the Storage Unit. During this meeting, defendant D. BANNOUT directed defendant JIMENES to hire day laborers to assist with the removal of the merchandise from the Storage Unit, and directed VARGAS to rent a truck that could be used to transport the merchandise from that unit.

c. On or about December 29, 2009, VARGAS rented a truck from a rental facility in Brooklyn, New York.

d. On or about the early morning of December 30, 2009, defendant JIMENES and the day laborers were picked up by VARGAS in Brooklyn, New York, and thereafter followed A. BANNOUT to the North Brunswick Storage Facility.

e. Upon arriving at the North Brunswick Storage Facility, defendant JIMENES and VARGAS entered the facility using defendant JIMENES's passcode, while defendant D. BANNOUT, A. BANNOUT and Co-conspirator #1 waited for them at a nearby gas station with the day laborers.

f. Once inside the North Brunswick Storage Facility, defendant JIMENES directed VARGAS to drive to the Storage Unit, which was locked shut.

g. Defendant JIMENES then used lock cutters to break the lock on the Storage Unit.

h. After the lock was broken on the Storage Unit, defendant JIMENES and VARGAS left the North Brunswick Storage Facility in the rental truck and picked up the day laborers who were waiting at the nearby gas station.

i. Defendant JIMENES and VARGAS then drove the day laborers into the North Brunswick Storage Facility, again accessing the facility using defendant JIMENES's passcode.

j. Defendant JIMENES then directed the day laborers to load up the rental truck with the merchandise from the Storage Unit.

k. Once the rental truck was loaded, defendant JIMENES and VARGAS followed defendant D. BANNOUT, A. BANNOUT and Co-conspirator #1 from the North Brunswick Storage Facility to a storage facility located in the State of New York. Thereafter,

the stolen merchandise was unloaded and stored by the day laborers at the direction of A. BANNOUT, D.BANNOUT and Co-conspirator #1.

In violation of Title 18, United States Code, Section 371.

COUNT 7

(D. BANNOUT and JIMENES)

Transportation of Stolen Goods in Interstate Commerce

1. Paragraph 1 of Count 1 and Paragraph 5 of Count 6 of this Superseding Indictment are incorporated and realleged as if set forth fully herein.

2. On or about December 30, 2009, in Middlesex County, in the District of New Jersey and elsewhere, defendants

DANNY BANNOUT, a/k/a "D,"
and
ANSELMO JIMENES, a/k/a "Ansemo Jimenes"

did transport, transmit, and transfer in interstate and foreign commerce goods, wares, and merchandise, of the value of \$5,000 and more, knowing the same to have been stolen.

In violation of Title 18, United States Code, Section 2314 and Section 2.

Forfeiture Allegation No. 1 Relating To Counts 1, 2 and 4

As the result of committing the aforementioned offenses in violation of Title 18, United States Code, Sections 1951(a) and 2314, as alleged in Counts 1, 2 and 4 of this Superseding Indictment, defendants JONES, D. BANNOUT, JIMENES and REYES, shall forfeit to the United States pursuant to 18 U.S.C. § 981(a)(1)(C) and 28 U.S.C. § 2461, all property, real and personal, that constituted or was derived from proceeds traceable to the commission of the offenses, including but not limited to, the perfumes and fragrances stolen from In-Style USA Inc., and any United States currency that constituted or was derived, directly or indirectly, from proceeds traceable to the commission of the offenses alleged in Counts 1, 2 and 4 of this Superseding Indictment. If more than one defendant is convicted of an offense, the defendants so convicted are jointly and severally liable for the amount subject to forfeiture under this paragraph.

If any of the above-described forfeitable property, as a result of any act or omission of defendants JONES, D. BANNOUT, JIMENES and REYES:

- (1) cannot be located upon the exercise of due diligence;
- (2) has been transferred or sold to, or deposited with, a third party;
- (3) has been placed beyond the jurisdiction of the Court;
- (4) has been substantially diminished in value; or

(5) has been commingled with other property which cannot be divided without difficulty;

it is the intent of the United States, pursuant to 21 U.S.C. § 853(p), to seek forfeiture of any other property of defendants JONES, D. BANNOUT, JIMENES and REYES, up to the value of the above forfeitable property.

In violation of Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461.

Forfeiture Allegation No. 2 Relating To Count 7

As the result of committing the aforementioned offense in violation of Title 18, United States Code, Section 2314, as alleged in Count 7 of this Superseding Indictment, defendants D. BANNOUT and JIMENES, shall forfeit to the United States pursuant to 18 U.S.C. § 981(a)(1)(C) and 28 U.S.C. § 2461, all property, real and personal, that constituted or was derived from proceeds traceable to the commission of the offense, including but not limited to, the merchandise stolen from the Storage Unit located at the North Brunswick Storage Facility, and any United States currency that constituted or was derived, directly or indirectly, from proceeds traceable to the commission of the offense alleged in Count 7 of this Superseding Indictment. If more than one defendant is convicted of this offense, the defendants so convicted are jointly and severally liable for the amount subject to forfeiture under this paragraph.

If any of the above-described forfeitable property, as a result of any act or omission of defendants D. BANNOUT and JIMENES:

- (1) cannot be located upon the exercise of due diligence;
- (2) has been transferred or sold to, or deposited with, a third party;
- (3) has been placed beyond the jurisdiction of the Court;
- (4) has been substantially diminished in value; or

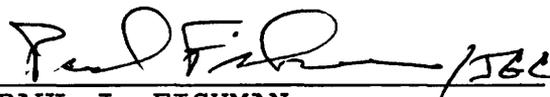
(5) has been commingled with other property which cannot be divided without difficulty;

it is the intent of the United States, pursuant to 21 U.S.C. § 853(p), to seek forfeiture of any other property of defendants D. BANNOUT and JIMENES, up to the value of the above forfeitable property.

In violation of Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461.

7

FOREPERSON



PAUL J. FISHMAN
UNITED STATES ATTORNEY