

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA

SUPERSEDING
INDICTMENT

- v. -

ARMANI CUMMINGS,
a/k/a "A1,"

S7 12 Cr. 31 (VM)

BRYAN RHODES,
a/k/a "Fatts,"

CHRISTOPHER NWANKO,
a/k/a "CJ,"

YACKEEM MCFARLANE,
a/k/a "Captain,"

JOSE MUNOZ,
a/k/a "Rico,"

VICTOR ANDRADES,
a/k/a "Spider,"

JOSE NICOLE,
a/k/a "BO,"

ALLEN COLON,
a/k/a "Poe,"

CHARLES MATTHEWS,
a/k/a "Chucky,"

BERNARD MILES,
a/k/a "Paul,"

ANTHONY MARTINEZ,
a/k/a "Carter," and

JESSIE MCCOLLUM,
a/k/a "Shoddy,"

Defendants.

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COUNT ONE

The Grand Jury charges:

1. From at least in or about 2006, up to and including on or about February 20, 2013, in the Southern District of New York and elsewhere, ARMANI CUMMINGS, a/k/a "A1," BRYAN RHODES, a/k/a "Fatts," CHRISTOPHER NWANKO, a/k/a "CJ," YACKEEM MCFARLANE, a/k/a "Captain," JOSE MUNOZ, a/k/a "Rico," VICTOR

ANDRADES, a/k/a "Spider," JOSE NICOLE, a/k/a "BO," ALLEN COLON, a/k/a "Poe," CHARLES MATTHEWS, a/k/a "Chucky," BERNARD MILES, a/k/a "Paul," and ANTHONY MARTINEZ, a/k/a "Carter," the defendants, and others known and unknown, intentionally and knowingly did combine, conspire, confederate, and agree together and with each other to violate the narcotics laws of the United States.

2. It was a part and an object of the conspiracy that ARMANI CUMMINGS, a/k/a "A1," BRYAN RHODES, a/k/a "Fatts," CHRISTOPHER NWANKO, a/k/a "CJ," YACKEEM MCFARLANE, a/k/a "Captain," JOSE MUNOZ, a/k/a "Rico," VICTOR ANDRADES, a/k/a "Spider," JOSE NICOLE, a/k/a "BO," ALLEN COLON, a/k/a "Poe," CHARLES MATTHEWS, a/k/a "Chucky," BERNARD MILES, a/k/a "Paul," and ANTHONY MARTINEZ, a/k/a "Carter," the defendants, and others known and unknown, would and did distribute and possess with intent to distribute a controlled substance, in violation of Title 21, United States Code, Section 841(a)(1).

3. The controlled substance involved in the offense was 280 grams and more of mixtures and substances containing a detectable amount of cocaine base, in a form commonly known as "crack," in violation of Title 21, United States Code, Section 841(b)(1)(A).

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

COUNT TWO

The Grand Jury further charges:

4. From at least in or about 2006, up to and including on or about February 20, 2013, on occasions other than the fatal shooting of Lequan Jones, a/k/a "Bills," that occurred on or about January 14, 2010, as charged in Counts Three and Five of this Indictment, the fatal shooting of Carl Copeland, a/k/a "Giovanni," that occurred on or about June 9, 2010, as charged in Counts Six and Eight of this Indictment, and the fatal shooting of Shameek Young, a/k/a "Little Boom," that occurred on or about December 31, 2011, as charged in Counts Nine and Eleven of this Indictment, in the Southern District of New York and elsewhere,

ARMANI CUMMINGS, a/k/a "Al," BRYAN RHODES, a/k/a "Fatts," CHRISTOPHER NWANKO, a/k/a "CJ," YACKEEM MCFARLANE, a/k/a "Captain," JOSE MUNOZ, a/k/a "Rico," VICTOR ANDRADES, a/k/a "Spider," JOSE NICOLE, a/k/a "BO," ALLEN COLON, a/k/a "Poe," CHARLES MATTHEWS, a/k/a "Chucky," BERNARD MILES, a/k/a "Paul," and ANTHONY MARTINEZ, a/k/a "Carter," the defendants, and others known and unknown, during and in relation to a narcotics offense for which they may be prosecuted in a court of the United States, namely, the narcotics conspiracy charged in Count One of this Indictment, knowingly did use and carry firearms, and, in

furtherance of such crime, did possess firearms, and did aid and abet the use, carrying, and possession of firearms.

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

COUNT THREE

The Grand Jury further charges:

5. On or about January 14, 2010, in the Southern District of New York, while engaged in an offense punishable under Section 841(b) (1) (A) of Title 21, United States Code, to wit, a conspiracy to distribute, and to possess with the intent to distribute, 280 grams and more of mixtures and substances containing a detectable amount of cocaine base, in a form commonly known as "crack," ARMANI CUMMINGS, a/k/a "A1," the defendant, intentionally and knowingly killed, and counseled, commanded, induced, procured, and caused the intentional killing of Lequan Jones, a/k/a "Bills," in the vicinity of 650 Adee Avenue, in the Bronx, New York.

(Title 21, United States Code, Section 848(e) (1) (A);
and Title 18, United States Code, Section 2.)

COUNT FOUR

The Grand Jury further charges:

6. On or about January 14, 2010, in the Southern District of New York, ARMANI CUMMINGS, a/k/a "A1," the defendant, during and in relation to a crime of violence for which he may be prosecuted in a court of the United States, namely, the murder charged in Count Three of this Indictment, knowingly did use and

carry a firearm, and, in furtherance of such crime, did possess a firearm, and did aid and abet the use, carrying, and possession of a firearm, which was discharged during the murder charged in Count Three of this Indictment.

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

COUNT FIVE

The Grand Jury further charges:

7. On or about January 14, 2010, in the Southern District of New York, ARMANI CUMMINGS, a/k/a "A1," the defendant, willfully and knowingly, during and in relation to a drug trafficking crime for which he may be prosecuted in a court of the United States, namely, the narcotics conspiracy charged in Count One of this Indictment, did use and carry a firearm, and, in furtherance of such crime, did possess a firearm, and did aid and abet the use, carrying, and possession of a firearm, and in the course of that crime did cause the death of a person through the use of a firearm, which killing is murder as defined in Title 18, United States Code, Section 1111(a), to wit, CUMMINGS shot and killed Lequan Jones, a/k/a "Bills," in the vicinity of 650 Adeo Avenue, in the Bronx, New York.

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

COUNT SIX

The Grand Jury further charges:

8. On or about June 9, 2010, in the Southern District of New York, while engaged in an offense punishable under Section 841(b)(1)(A) of Title 21, United States Code, to wit, a conspiracy to distribute, and to possess with the intent to distribute, 280 grams and more of mixtures and substances containing a detectable amount of cocaine base, in a form commonly known as "crack," ARMANI CUMMINGS, a/k/a "A1," and BRYAN RHODES, a/k/a "Fatts," the defendants, intentionally and knowingly killed, and counseled, commanded, induced, procured, and caused the intentional killing of Carl Copeland, a/k/a "Giovanni," in the vicinity of Britton Street and Olinville Avenue, in the Bronx, New York.

(Title 21, United States Code, Section 848(e)(1)(A);
and Title 18, United States Code, Section 2.)

COUNT SEVEN

The Grand Jury further charges:

9. On or about June 9, 2010, in the Southern District of New York, ARMANI CUMMINGS, a/k/a "A1," and BRYAN RHODES, a/k/a "Fatts," the defendants, during and in relation to a crime of violence for which they may be prosecuted in a court of the United States, namely, the murder charged in Count Six of this Indictment, knowingly did use and carry firearms, and, in furtherance of such crime, did possess firearms, and did aid and

abet the use, carrying, and possession of firearms, which were discharged during the murder charged in Count Four of this Indictment.

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

COUNT EIGHT

The Grand Jury further charges:

10. On or about June 9, 2010, in the Southern District of New York, ARMANI CUMMINGS, a/k/a "Al," and BRYAN RHODES a/k/a "Fatts," the defendants, willfully and knowingly, during and in relation to a drug trafficking crime for which they may be prosecuted in a court of the United States, namely, the narcotics conspiracy charged in Count One of this Indictment, did use and carry firearms, and, in furtherance of such crime, did possess firearms, and did aid and abet the use, carrying, and possession of firearms, and in the course of that crime did cause the death of a person through the use of firearms, which killing is murder as defined in Title 18, United States Code, Section 1111(a), to wit, CUMMINGS and RHODES shot and killed Carl Copeland, a/k/a "Giovanni," in the vicinity of Britton Street and Olinville Avenue, in the Bronx, New York.

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

COUNT NINE

The Grand Jury further charges:

11. On or about December 31, 2011, in the Southern District of New York, while engaged in an offense punishable under Section 841(b)(1)(A) of Title 21, United States Code, to wit, a conspiracy to distribute, and to possess with the intent to distribute, 280 grams and more of mixtures and substances containing a detectable amount of cocaine base, in a form commonly known as "crack," JOSE MUNOZ, a/k/a "Rico," the defendant, intentionally and knowingly killed, and counseled, commanded, induced, procured, and caused the intentional killing of Shameek Young, a/k/a "Little Boom," in the vicinity of 2366 Webster Avenue, in the Bronx, New York.

(Title 21, United States Code, Section 848(e)(1)(A);
and Title 18, United States Code, Section 2.)

COUNT TEN

The Grand Jury further charges:

12. On or about December 31, 2011, in the Southern District of New York, JOSE MUNOZ, a/k/a "Rico," the defendant, during and in relation to a crime of violence for which he may be prosecuted in a court of the United States, namely, the murder charged in Count Nine of this Indictment, knowingly did use and carry a firearm, and, in furtherance of such crime, did possess a firearm, and did aid and abet the use, carrying, and possession

of a firearm, which was discharged during the murder charged in Count Five of this Indictment.

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

COUNT ELEVEN

The Grand Jury further charges:

13. On or about December 31, 2011 in the Southern District of New York, JOSE MUNOZ, a/k/a "Rico," the defendant, willfully and knowingly, during and in relation to a drug trafficking crime for which he may be prosecuted in a court of the United States, namely, the narcotics conspiracy charged in Count One of this Indictment, did use and carry a firearm, and, in furtherance of such crime, did possess a firearm, and did aid and abet the use, carrying, and possession of a firearm, and in the course of that crime did cause the death of a person through the use of a firearm, which killing is murder as defined in Title 18, United States Code, Section 1111(a), to wit, MUNOZ shot and killed Shameek Young, a/k/a "Little Boom," in the vicinity of 2366 Webster Avenue, in the Bronx, New York.

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

COUNT TWELVE

The Grand Jury further charges:

14. On or about December 31, 2011, in the Southern District of New York, JESSIE MCCOLLUM, a/k/a "Shoddy," the defendant, after having been previously convicted in a court of a

crime punishable by imprisonment for a term exceeding one year, knowingly did possess in and affecting commerce a firearm, to wit, a handgun, which had previously been shipped and transported in interstate and foreign commerce.

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

COUNT THIRTEEN

The Grand Jury further charges:

15. On or about January 2, 2012, in the Southern District of New York, JESSIE MCCOLLUM, a/k/a "Shoddy," the defendant, after having been previously convicted in a court of a crime punishable by imprisonment for a term exceeding one year, knowingly did possess in and affecting commerce a firearm, to wit, a Hi-Point pistol, which had previously been shipped and transported in interstate and foreign commerce.

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

COUNT FOURTEEN

The Grand Jury further charges:

16. On or about December 31, 2011, in the Southern District of New York, JESSIE MCCOLLUM, a/k/a "Shoddy," the defendant, during and in relation to a narcotics trafficking offense for which he may be prosecuted in a court of the United States, namely, a narcotics trafficking offense involving a conspiracy to distribute and possess with intent to distribute mixtures and substances containing a detectable amount of cocaine base, in a form commonly known as "crack," knowingly did use and

carry a firearm, and, in furtherance of such crime, did possess a firearm, and did aid and abet the use, carrying, and possession of a firearm, which was brandished and discharged.

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

COUNT FIFTEEN

17. In or about the late summer of 2010, in the Southern District of New York and elsewhere, JOSE MUNOZ, a/k/a "Rico," the defendant, and others known and unknown, unlawfully and knowingly did combine, conspire, confederate, and agree together and with each other to commit robbery, as that term is defined in Title 18, United States Code, Section 1951(b)(1), and would and did thereby obstruct, delay, and affect commerce and the movement of articles and commodities in commerce, as that term is defined in Title 18, United States Code, Section 1951(b)(3), to wit, MUNOZ agreed with others to commit robberies of suspected narcotics traffickers in the Bronx, New York.

(Title 18, United States Code, Section 1951.)

COUNT SIXTEEN

The Grand Jury further charges:

18. In or about the late summer of 2010, in the Southern District of New York, JOSE MUNOZ, a/k/a "Rico," the defendant, and others known and unknown, unlawfully and knowingly did commit robbery, as that term is defined in Title 18, United States Code, Section 1951(b)(1), and did thereby obstruct, delay,

and affect commerce and the movement of articles and commodities in commerce, as that term is defined in Title 18, United States Code, Section 1951(b)(3), to wit, MUNOZ and others robbed an individual of narcotics proceeds in or around the vicinity of 660 Arnow Avenue, Bronx, New York.

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

COUNT SEVENTEEN

The Grand Jury further charges:

19. In or about the late summer of 2010, in the Southern District of New York, JOSE MUNOZ, a/k/a "Rico," the defendant, during and in relation to a crime of violence for which he may be prosecuted in a court of the United States, namely, the robbery charged in Count Sixteen of this Indictment, knowingly did use and carry a firearm, and, in furtherance of such crime, did possess a firearm, and did aid and abet the use, carrying and possession of a firearm, which was brandished.

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

FORFEITURE ALLEGATIONS

20. As a result of committing the controlled substance offense alleged in Count One of this Indictment, ARMANI CUMMINGS, a/k/a "A1," BRYAN RHODES, a/k/a "Fatts," CHRISTOPHER NWANKO, a/k/a "CJ," YACKEEM MCFARLANE, a/k/a "Captain," JOSE MUNOZ, a/k/a "Rico," VICTOR ANDRADES, a/k/a "Spider," JOSE NICOLE, a/k/a "BO," ALLEN COLON, a/k/a "Poe," CHARLES MATTHEWS, a/k/a "Chucky,"

BERNARD MILES, a/k/a "Paul," and ANTHONY MARTINEZ, a/k/a "Carter," the defendants, shall forfeit to the United States pursuant to 21 U.S.C. § 853, any and all property constituting or derived from any proceeds the defendant obtained directly or indirectly as a result of the said violation and any and all property used or intended to be used in any manner or part to commit and to facilitate the commission of the violation alleged in Count One of this Indictment.

21. As the result of committing one or more of the robbery offenses in violation of Title 18, United States Code, Section 1951, alleged in Counts Fifteen and Sixteen of this Indictment, JOSE MUNOZ, a/k/a "Rico," the defendant, 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 constitutes or is derived from proceeds traceable to the commission of one or more of the offenses alleged in Counts Fifteen and Sixteen of this Indictment.

22. If any of the above-described forfeitable property, as a result of any act or omission of the defendant:

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

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

c. has been placed beyond the jurisdiction of the Court;

d. has been substantially diminished in value;
or

e. has been commingled with other property which cannot be subdivided without difficulty; it is the intent of the United States, pursuant to 21 U.S.C. § 853(p), to seek forfeiture of any other property of said defendants up to the value of the above forfeitable property.

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

SPECIAL FINDINGS AS TO ARMANI CUMMINGS (MURDER OF LEQUAN JONES)

23. Counts Three and Five of the Indictment are re-alleged and incorporated by reference as though fully set forth herein. As to Counts Three and Five of the Indictment, alleging the murder of Lequan Jones, a/k/a "Bills," in connection with a drug trafficking crime, the defendant ARMANI CUMMINGS, a/k/a "A1:"

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

b. intentionally killed the victim (Title 18, United States Code, Section 3591(a)(2)(A);

c. intentionally participated in an act, contemplating that the life of a person would be taken or intending that lethal force would be used in connection with a person, other than one of the participants in the offense, and Lequan Jones, a/k/a "Bills," died as a direct result of the act (Title 18, United States Code, Section 3591(a)(2)(c); and

d. intentionally and specifically engaged in an act of violence, knowing that the act created a grave risk of death to a person, other than one of the participants in the offense, such that participation in the act constituted a reckless disregard for human life and Lequan Jones, a/k/a "Bills," died as a direct result of the act (Title 18, United States Code, Section 3591(a)(2)(D)).

SPECIAL FINDINGS AS TO ARMANI CUMMINGS (MURDER OF CARL COPELAND)

24. Counts Six and Eight of the Indictment are re-alleged and incorporated by reference as though fully set forth herein. As to Counts Six and Eight of the Indictment, alleging the murder of Carl Copeland, a/k/a "Giovanni," in connection with a drug trafficking crime, the defendant ARMANI CUMMINGS, a/k/a "Al:"

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

b. intentionally killed the victim (Title 18, United States Code, Section 3591(a)(2)(A);

c. intentionally participated in an act, contemplating that the life of a person would be taken or intending that lethal force would be used in connection with a person, other than one of the participants in the offense, and Carl Copeland, a/k/a "Giovanni," died as a direct result of the act (Title 18, United States Code, Section 3591(a)(2)(c); and

d. intentionally and specifically engaged in an act of violence, knowing that the act created a grave risk of

death to a person, other than one of the participants in the offense, such that participation in the act constituted a reckless disregard for human life and Carl Copeland, a/k/a "Giovanni," died as a direct result of the act (Title 18, United States Code, Section 3591(a)(2)(D)).

SPECIAL FINDINGS AS TO BRYAN RHODES

25. Counts Six and Eight of the Indictment are re-alleged and incorporated by reference as though fully set forth herein. As to Counts Six and Eight of the Indictment, alleging the murder of Carl Copeland, a/k/a "Giovanni," in connection with a drug trafficking crime, the defendant BRYAN RHODES, a/k/a "Fatts:"

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

b. intentionally killed the victim (Title 18, United States Code, Section 3591(a)(2)(A);

c. intentionally participated in an act, contemplating that the life of a person would be taken or intending that lethal force would be used in connection with a person, other than one of the participants in the offense, and Carl Copeland, a/k/a "Giovanni," died as a direct result of the act (Title 18, United States Code, Section 3591(a)(2)(c); and

d. intentionally and specifically engaged in an act of violence, knowing that the act created a grave risk of death to a person, other than one of the participants in the offense, such that participation in the act constituted a

reckless disregard for human life and Carl Copeland, a/k/a "Giovanni," died as a direct result of the act (Title 18, United States Code, Section 3591(a)(2)(D)).

SPECIAL FINDINGS AS TO JOSE MUNOZ

26. Counts Nine and Eleven of the Indictment are re-alleged and incorporated by reference as though fully set forth herein. As to Counts Nine and Eleven of the Indictment, alleging the murder of Shameek Young, a/k/a "Little Boom," in connection with a drug trafficking crime, the defendant JOSE MUNOZ, a/k/a "Rico:"

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

b. intentionally killed the victim (Title 18, United States Code, Section 3591(a)(2)(A);

c. intentionally participated in an act, contemplating that the life of a person would be taken or intending that lethal force would be used in connection with a person, other than one of the participants in the offense, and Shameek Young, a/k/a "Little Boom," died as a direct result of the act (Title 18, United States Code, Section 3591(a)(2)(c); and

d. intentionally and specifically engaged in an act of violence, knowing that the act created a grave risk of death to a person, other than one of the participants in the offense, such that participation in the act constituted a reckless disregard for human life and Shameek Young, a/k/a

"Little Boom," died as a direct result of the act (Title 18,
United States Code, Section 3591(a)(2)(D)).



FOREPERSON

Preet Bharara

PREET BHARARA ¹³
United States Attorney

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

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ARMANI CUMMINGS, a/k/a "A1," BRYAN RHODES, a/k/a "Fatts,"
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CHARLES MATTHEWS, a/k/a "Chucky," BERNARD MILES, a/k/a "Paul,"
ANTHONY MARTINEZ, a/k/a "Carter," and JESSIE MCCOLLUM, a/k/a
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Defendants.

SUPERSEDING INDICTMENT

S7 12 Cr. 31 (VM)

(21 U.S.C. §§ 846, 848(e)(1);
18 U.S.C. §§ 2, 922(g), 924(c)(i),
924(c)(iii), 924(j), 1951)

PREET BHARARA
United States Attorney.


(Foreperson.
