

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

UNITED STATES OF AMERICA	:	CRIMINAL NO. <u>09-230</u>
v.	:	DATE FILED: <u>4/7/09</u>
DARRYL BROTHERS	:	VIOLATIONS:
WALTER JOHNSON	:	18 U.S.C. § 1951(a) (conspiracy to
DEION SUMPTER	:	interfere with interstate commerce by
	:	robbery - 1 count)
	:	18 U.S.C. § 1951(a) (interference with
	:	interstate commerce by robbery
	:	- 9 counts)
	:	18 U.S.C. § 924(c)(1) (using and carrying
	:	a firearm during a crime of violence
	:	- 7 counts)
	:	18 U.S.C. § 2 (aiding and abetting)
		Notice of forfeiture

INFORMATION

COUNT ONE

THE UNITED STATES ATTORNEY CHARGES THAT:

At all times relevant to this information:

1. The following businesses located in Philadelphia, Pennsylvania were engaged in interstate commerce:

- a. Sunoco A-Plus Mini Mart, 5700 Roosevelt Blvd;
- b. Sunoco A-Plus Mini Mart, 5901 Wissahickon Avenue;
- c. 7-Eleven, 7901 Frankford Avenue;
- d. 7-Eleven, 6927 Torresdale Avenue; and
- e. 7-Eleven, 5231 Harbison Avenue;

2. From on or about June 1, 2008 through on or about July 9, 2008, in Philadelphia, in the Eastern District of Pennsylvania, defendants

**DARRYL BROTHERS,
WALTER JOHNSON, and
DEION SUMPTER**

conspired and agreed, together and with persons known and unknown to the United States Attorney, to commit robbery, which robbery would unlawfully obstruct, delay and affect commerce, and the movement of articles and commodities in commerce, in that defendants BROTHERS, JOHNSON, and SUMPTER conspired to unlawfully take and obtain money and other items of value from the businesses set forth in paragraph 1 above, in the presence of employees and witnesses of these businesses, and against their will, by means of actual and threatened force, violence, and fear of injury, immediate and future, to their person and property, all in violation of Title 18, United States Code, Section 1951(a), (b)(1), and (b)(3).

MANNER AND MEANS

It was part of the conspiracy that defendants DARRYL BROTHERS, WALTER JOHNSON, DEION SUMPTER and persons known and unknown to the United States Attorney:

3. Stole over \$1,755 in cash through the commission of eight armed robberies of the businesses listed in paragraph 1 above, and by placing patrons and employees of those businesses in fear of physical harm;

4. Traveled together to the business establishments listed in paragraph 1 above, opened for service to the general public in Philadelphia, Pennsylvania;

5. Used and carried a BB gun or a handgun in the commission of each robbery;

6. Threatened and intimidated at point of BB gun or handgun the customers and employees working at the businesses to obtain cash and other property; and

7. Received a portion of the stolen money.

OVERT ACTS

In furtherance of the conspiracy and to effect the object of the conspiracy, defendants DARRYL BROTHERS, WALTER JOHNSON, and DEION SUMPTER and persons known and unknown to the United States Attorney, committed the following overt acts, among others, in the Eastern District of Pennsylvania and elsewhere:

THE JUNE 1, 2008 SUNOCO A-PLUS MINI MART ROBBERY

On or about June 1, 2008, at approximately 2:02 a.m.:

1. Defendants DARRYL BROTHERS and WALTER JOHNSON drove to the Sunoco A-Plus Mini-Mart, located at 5700 Roosevelt Boulevard in Philadelphia.

2. Defendant DARRYL BROTHERS, who was armed with a BB gun, entered the store, displayed a BB gun, and demanded money from the cash register and lottery machine. Defendant BROTHERS stole approximately \$500 in cash, while defendant WALTER JOHNSON stood near the door, and acted as a lookout.

3. Defendants DARRYL BROTHERS and WALTER JOHNSON subsequently shared the stolen money they received from the robbery.

THE JUNE 5, 2008 7-ELEVEN ARMED ROBBERY

On or about June 5, 2008, at approximately 11:29 p.m.:

4. Defendant DARRYL BROTHERS, who was armed with a handgun, defendant WALTER JOHNSON, who was armed with a Hi Point, Model C, 9mm Luger

handgun, a juvenile known to the United States Attorney (robber #1), and another robber unknown to the United States Attorney (robber #2) drove to the 7-Eleven store, located at 7901 Frankford Avenue in Philadelphia.

5. At gunpoint, defendant DARRYL BROTHERS demanded that the employee of the store place money into a black plastic bag, while defendant WALTER JOHNSON, robber #1, and robber #2 remained near the door as lookouts.

6. After defendants DARRYL BROTHERS, WALTER JOHNSON, robber #1, and robber #2 fled the store with approximately \$185 in stolen cash, they subsequently shared the stolen money.

THE JUNE 6, 2008 7-ELEVEN ARMED ROBBERY

On or about June 6, 2008, at approximately 12:08 a.m.:

7. Defendant DARRYL BROTHERS, who was armed with a handgun, defendant WALTER JOHNSON, who was armed with a Hi Point, Model C, 9mm Luger handgun, robber #1, and robber #2 drove to the 7-Eleven store located at 6927 Torresdale Avenue in Philadelphia.

8. At gunpoint, defendant DARRYL BROTHERS demanded money from an employee of the store, while defendant WALTER JOHNSON, robber #1, and robber #2 remained near the door as lookouts.

9. After defendants DARRYL BROTHERS, WALTER JOHNSON, robber #1, and robber #2 fled the store with approximately \$300 in stolen cash, they subsequently shared the stolen money.

THE JUNE 17, 2008 SUNOCO A-PLUS MINI MART ARMED ROBBERY

On or about June 17, 2008, at approximately 10:56 p.m.:

10. Defendants DARRYL BROTHERS and WALTER JOHNSON drove to the Sunoco A-Plus Mini Mart, located at 5901 Wissahickon Avenue in Philadelphia.

11. Defendant DARRYL BROTHERS entered the store, pulled out a BB gun and demanded that the employee put money in a black plastic bag, while defendant WALTER JOHNSON, armed with a Hi Point, Model C, 9mm Luger handgun, remained at the door as the lookout.

12. Defendants DARRYL BROTHERS and WALTER JOHNSON stole approximately \$30 in cash before exiting the store.

THE JUNE 18, 2008 SUNOCO A-PLUS MINI MART ARMED ROBBERY

On or about June 18, 2008, at approximately 12:41 a.m.:

13. Defendants DARRYL BROTHERS and WALTER JOHNSON drove to the Sunoco A-Plus Mini Mart, located at 5700 Roosevelt Boulevard in Philadelphia.

14. Defendant DARRYL BROTHERS entered the store, pulled out a BB gun, and demanded that the employee put money in a black plastic bag, while defendant WALTER JOHNSON, armed with a Hi Point, Model C, 9mm Luger handgun, remained at the door as the lookout.

15. After defendants DARRYL BROTHERS and WALTER JOHNSON fled the store with approximately \$400 in stolen cash, they subsequently shared the stolen money.

THE JUNE 21, 2008 SUNOCO A-PLUS MINI MART ARMED ROBBERY

16. On or about June 21, 2008, defendants DARRYL BROTHERS and

WALTER JOHNSON returned to the Sunoco A-Plus Mini Mart, located at 5700 Roosevelt Boulevard in Philadelphia.

17. Defendant DARRYL BROTHERS entered the door, pulled out a BB gun, and demanded that the employee put money in a black plastic bag, while defendant WALTER JOHNSON, armed with a Hi Point, Model C, 9mm Luger handgun, remained at the door as the lookout.

18. After defendants DARRYL BROTHERS and WALTER JOHNSON fled the store with approximately \$300 in stolen cash, they subsequently shared the stolen money.

THE JUNE 27, 2008 7-ELEVEN ARMED ROBBERY

19. On or about June 27, 2008, defendant DARRYL BROTHERS, who was armed with a BB gun, and defendant WALTER JOHNSON, who was armed with a Hi Point, Model C, 9mm Luger handgun, drove to the 7-Eleven store, located at 7901 Frankford Avenue in Philadelphia.

20. At gunpoint, defendant WALTER JOHNSON entered the store and demanded money from an employee of the store, while defendant DARRYL BROTHERS remained near the door as the lookout.

21. After defendants DARRYL BROTHERS and WALTER JOHNSON fled the store with approximately \$30 in stolen cash, they subsequently shared the stolen money.

THE JULY 9, 2008 7-ELEVEN ARMED ROBBERY

22. On or about July 9, 2008, defendants DARRYL BROTHERS, WALTER JOHNSON, DEION SUMPTER, and robber #1 drove to the 7-Eleven store, located at 5231 Harbison Avenue in Philadelphia.

23. Defendant DEION SUMPTER entered the store, then returned to defendant DARRYL BROTHERS, defendant WALTER JOHNSON, and robber #1.

24. Defendant BROTHERS, who was armed with a BB gun, and defendant JOHNSON, who was armed with a Hi Point, Model C, 9mm Luger handgun, entered the store. Defendant SUMPTER remained outside the store as a lookout. Defendant DARRYL BROTHERS pulled out a BB gun and demanded that the employee put money in a black plastic bag. Defendant WALTER JOHNSON, who brandished the Hi Point, Model C, 9mm Luger handgun, remained at the door. Meanwhile, robber #1 drove the getaway vehicle closer to the front door of the store.

25. After defendants DARRYL BROTHERS and WALTER JOHNSON fled the store with approximately \$10 in stolen cash, defendants BROTHERS, JOHNSON, and SUMPTER returned to the waiting getaway vehicle and fled the area.

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

COUNT TWO

THE UNITED STATES ATTORNEY FURTHER CHARGES THAT:

On or about June 1, 2008, in Philadelphia, in the Eastern District of Pennsylvania,
defendants

**DARRYL BROTHERS and
WALTER JOHNSON**

obstructed, delayed, and affected commerce, and the movement of articles and commodities in commerce, by robbery, in that, defendants BROTHERS and JOHNSON unlawfully took and obtained, and aided and abetted the taking and obtaining of, cash from Sunoco A-Plus Mini Mart, located at 5700 Roosevelt Boulevard in Philadelphia, Pennsylvania, in the presence of employees of the Sunoco A-Plus Mini Mart and against their will, by means of actual and threatened force, violence, and fear of injury, immediate and future to the employees of the Sunoco A-Plus Mini Mart, by pointing a BB gun at, demanding money from, and otherwise threatening them.

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

COUNT THREE

THE UNITED STATES ATTORNEY FURTHER CHARGES THAT:

On or about June 3, 2008, in Philadelphia, in the Eastern District of Pennsylvania,
defendant

DARRYL BROTHERS

obstructed, delayed, and affected commerce, and the movement of articles and commodities in commerce, by robbery, in that, defendant BROTHERS unlawfully attempted to take and obtain cash from the Sunoco A-Plus Mini Mart, located at 5901 Wissahickon Avenue in Philadelphia, Pennsylvania, in the presence of employees of the Sunoco A-Plus Mini Mart and against their will, by means of actual and threatened force, violence, and fear of injury, immediate and future to the employees of the Sunoco A-Plus Mini Mart, by pointing a BB gun at, demanding money from, and otherwise threatening them.

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

COUNT FOUR

THE UNITED STATES ATTORNEY FURTHER CHARGES THAT:

On or about June 5, 2008, in Philadelphia, in the Eastern District of Pennsylvania,
defendants

**DARRYL BROTHERS and
WALTER JOHNSON**

obstructed, delayed, and affected commerce, and the movement of articles and commodities in commerce, by robbery, in that, defendants BROTHERS and JOHNSON unlawfully took and obtained, and aided and abetted the taking and obtaining of, cash from the 7-Eleven, located at 7901 Frankford Avenue in Philadelphia, Pennsylvania, in the presence of employees of the 7-Eleven and against their will, by means of actual and threatened force, violence, and fear of injury, immediate and future to the employees of the 7-Eleven, by displaying a firearm, demanding money from, and otherwise threatening them.

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

COUNT FIVE

THE UNITED STATES ATTORNEY FURTHER CHARGES THAT:

On or about June 5, 2008, in Philadelphia, in the Eastern District of Pennsylvania,
defendants

**DARRYL BROTHERS and
WALTER JOHNSON**

knowingly used and carried, and aided and abetted the use and carrying of, a firearm, that is, a Hi Point, Model C, 9mm Luger, serial number P209283, during and in relation to a crime of violence for which they may be prosecuted in a court of the United States, that is, conspiracy to interfere with commerce by robbery, and interference with commerce by robbery, in violation of Title 18, United States Code, Sections 1951(a) and 2.

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

COUNT SIX

THE UNITED STATES ATTORNEY FURTHER CHARGES THAT:

On or about June 6, 2008, in Philadelphia, in the Eastern District of Pennsylvania,
defendants

**DARRYL BROTHERS and
WALTER JOHNSON**

obstructed, delayed, and affected commerce, and the movement of articles and commodities in commerce, by robbery, in that, defendants BROTHERS and JOHNSON unlawfully took and obtained, and aided and abetted the taking and obtaining of, cash from the 7-Eleven, located at 6927 Torresdale Avenue in Philadelphia, Pennsylvania, in the presence of an employee of the 7-Eleven and against his will, by means of actual and threatened force, violence, and fear of injury, immediate and future to the employee of the 7-Eleven, by displaying a firearm, demanding money from, and otherwise threatening him.

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

COUNT SEVEN

THE UNITED STATES ATTORNEY FURTHER CHARGES THAT:

On or about June 6, 2008, in Philadelphia, in the Eastern District of Pennsylvania,
defendants

**DARRYL BROTHERS and
WALTER JOHNSON**

knowingly used and carried, and aided and abetted the use and carrying of, a firearm, that is, a Hi
Point, Model C, 9mm Luger, serial number P209283, during and in relation to a crime of
violence for which they may be prosecuted in a court of the United States, that is, conspiracy to
interfere with commerce by robbery, and interference with commerce by robbery, in violation of
Title 18, United States Code, Sections 1951(a) and 2.

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

COUNT EIGHT

THE UNITED STATES ATTORNEY FURTHER CHARGES THAT:

On or about June 17, 2008, in Philadelphia, in the Eastern District of Pennsylvania, defendants

**DARRYL BROTHERS and
WALTER JOHNSON**

obstructed, delayed, and affected commerce, and the movement of articles and commodities in commerce, by robbery, in that, defendants BROTHERS and JOHNSON unlawfully took and obtained, and aided and abetted the taking and obtaining of, cash from the Sunoco A-Plus Mini Mart, located at 5901 Wissahickon Avenue in Philadelphia, Pennsylvania, in the presence of an employee of the Sunoco A-Plus Mini Mart and against his will, by means of actual and threatened force, violence, and fear of injury, immediate and future to the employee of the Sunoco A-Plus Mini Mart, by pointing a BB gun at, possessing a firearm, demanding money from, and otherwise threatening them.

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

COUNT NINE

THE UNITED STATES ATTORNEY FURTHER CHARGES THAT:

On or about June 17, 2008, in Philadelphia, in the Eastern District of
Pennsylvania, defendants

**DARRYL BROTHERS and
WALTER JOHNSON**

used and carried, and aided and abetted the use and carrying of, a firearm, that is, a Hi Point,
Model C, 9mm Luger, serial number P209283, during and in relation to a crime of violence for
which they may be prosecuted in a court of the United States, that is, conspiracy to interfere with
commerce by robbery, and interference with commerce by robbery, in violation of Title 18,
United States Code, Sections 1951(a) and 2.

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

COUNT TEN

THE UNITED STATES ATTORNEY FURTHER CHARGES THAT:

On or about June 18, 2008, in Philadelphia, in the Eastern District of Pennsylvania, defendants

**DARRYL BROTHERS and
WALTER JOHNSON**

obstructed, delayed, and affected commerce, and the movement of articles and commodities in commerce, by robbery, in that, defendants BROTHERS and JOHNSON unlawfully took and obtained, and aided and abetted the taking and obtaining of, cash from the Sunoco A-Plus Mini Mart, located at 5700 Roosevelt Boulevard in Philadelphia, Pennsylvania, in the presence of an employee of the Sunoco A-Plus Mini Mart and against his will, by means of actual and threatened force, violence, and fear of injury, immediate and future to the employee of the Sunoco A-Plus Mini Mart, by pointing a BB gun at, possessing a firearm, demanding money from, and otherwise threatening them.

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

COUNT ELEVEN

THE UNITED STATES ATTORNEY FURTHER CHARGES THAT:

On or about June 18, 2008, in Philadelphia, in the Eastern District of
Pennsylvania, defendants

**DARRYL BROTHERS and
WALTER JOHNSON**

used and carried, and aided and abetted the use and carrying of, a firearm, that is, a Hi Point,
Model C, 9mm Luger, serial number P209283, during and in relation to a crime of violence for
which they may be prosecuted in a court of the United States, that is, conspiracy to interfere with
commerce by robbery, and interference with commerce by robbery, in violation of Title 18,
United States Code, Sections 1951(a) and 2.

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

COUNT TWELVE

THE UNITED STATES ATTORNEY FURTHER CHARGES THAT:

On or about June 21, 2008, in Philadelphia, in the Eastern District of Pennsylvania, defendants

**DARRYL BROTHERS and
WALTER JOHNSON**

obstructed, delayed, and affected commerce, and the movement of articles and commodities in commerce, by robbery, in that, defendants BROTHERS and JOHNSON unlawfully took and obtained, and aided and abetted the taking and obtaining of, cash from the Sunoco A-Plus Mini Mart, located at 5700 Roosevelt Boulevard in Philadelphia, Pennsylvania, in the presence of an employee of the Sunoco A-Plus Mini Mart and against his will, by means of actual and threatened force, violence, and fear of injury, immediate and future to the employee of the Sunoco A-Plus Mini Mart, by pointing a BB gun at, possessing a firearm, demanding money from, and otherwise threatening them.

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

COUNT THIRTEEN

THE UNITED STATES ATTORNEY FURTHER CHARGES THAT:

On or about June 21, 2008, in Philadelphia, in the Eastern District of
Pennsylvania, defendants

**DARRYL BROTHERS and
WALTER JOHNSON**

used and carried, and aided and abetted the use and carrying of, a firearm, that is, a Hi Point,
Model C, 9mm Luger, serial number P209283, during and in relation to a crime of violence for
which they may be prosecuted in a court of the United States, that is, conspiracy to interfere with
commerce by robbery, and interference with commerce by robbery, in violation of Title 18,
United States Code, Sections 1951(a) and 2.

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

COUNT FOURTEEN

THE UNITED STATES ATTORNEY FURTHER CHARGES THAT:

On or about June 27, 2008, in Philadelphia, in the Eastern District of
Pennsylvania, defendants

**DARRYL BROTHERS and
WALTER JOHNSON**

obstructed, delayed, and affected commerce, and the movement of articles and commodities in commerce, by robbery, in that, defendants BROTHERS and JOHNSON unlawfully took and obtained, and aided and abetted the taking and obtaining of, cash from the 7-Eleven, located at 7901 Frankford Avenue in Philadelphia, Pennsylvania, in the presence of an employee of the 7-Eleven and against his will, by means of actual and threatened force, violence, and fear of injury, immediate and future to the employee of the 7-Eleven, by pointing a BB gun at, possessing a firearm, demanding money from, and otherwise threatening him.

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

COUNT FIFTEEN

THE UNITED STATES ATTORNEY FURTHER CHARGES THAT:

On or about June 27, 2008, in Philadelphia, in the Eastern District of
Pennsylvania, defendants

**DARRYL BROTHERS and
WALTER JOHNSON**

used and carried, and aided and abetted the use and carrying of, a firearm, that is, a Hi Point,
Model C, 9mm Luger, serial number P209283, during and in relation to a crime of violence for
which they may be prosecuted in a court of the United States, that is, conspiracy to interfere with
commerce by robbery, and interference with commerce by robbery, in violation of Title 18,
United States Code, Sections 1951(a) and 2.

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

COUNT SIXTEEN

THE UNITED STATES ATTORNEY FURTHER CHARGES THAT:

On or about July 9, 2008, in Philadelphia, in the Eastern District of Pennsylvania,
defendants

**DARRYL BROTHERS,
WALTER JOHNSON, and
DEION SUMPTER**

obstructed, delayed, and affected commerce, and the movement of articles and commodities in commerce, by robbery, in that, defendants BROTHERS, JOHNSON and SUMPTER unlawfully took and obtained, and aided and abetted the taking and obtaining of, cash from the 7-Eleven, located at 5231 Harbison Avenue in Philadelphia, Pennsylvania, in the presence of an employee of the 7-Eleven and against his will, by means of actual and threatened force, violence, and fear of injury, immediate and future to the employee of the 7-Eleven, by pointing a BB gun at, displaying a firearm, demanding money from, and otherwise threatening him.

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

COUNT SEVENTEEN

THE UNITED STATES ATTORNEY FURTHER CHARGES THAT:

On or about July 9, 2008, in Philadelphia, in the Eastern District of Pennsylvania,
defendants

**DARRYL BROTHERS,
WALTER JOHNSON, and
DEION SUMPTER**

used and carried, and aided and abetted the use and carrying of, a firearm, that is, a Hi Point, Model C, 9mm Luger, serial number P209283, during and in relation to a crime of violence for which they may be prosecuted in a court of the United States, that is, conspiracy to interfere with commerce by robbery, and interference with commerce by robbery, in violation of Title 18, United States Code, Sections 1951(a) and 2.

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

NOTICE OF FORFEITURE

THE UNITED STATES ATTORNEY FURTHER CHARGES THAT:

As a result of the violations of Title 18, United States Code, Section 924(c)(1), set forth in this information, defendants

**DARRYL BROTHERS,
WALTER JOHNSON, and
DEION SUMPTER**

shall forfeit to the United States of America the firearm involved in the commission of these offenses, including, but not limited to, a Hi Point, Model C, 9mm Luger, serial number P209283.

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

**LAURIE MAGID
UNITED STATES ATTORNEY**