

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

<b>UNITED STATES OF AMERICA</b>	<b>:</b>	<b>CRIMINAL NO.</b>
<b>v.</b>	<b>:</b>	<b>DATE FILED:</b>
<b>KWAME THOMAS</b>	<b>:</b>	<b>VIOLATIONS:</b>
	<b>:</b>	<b>18 U.S.C. § 1951(a) (conspiracy to commit robbery which interfered with commerce - 1 count)</b>
	<b>:</b>	<b>18 U.S.C. § 1951(a) (robbery which interfered with commerce - 3 counts)</b>
	<b>:</b>	<b>18 U.S.C. § 924(c)(1)(using and carrying a firearm during and in relation to a crime of violence - 3 counts)</b>
	<b>:</b>	<b>18 U.S.C. § 2 (aiding and abetting)</b>
	<b>:</b>	<b>Notice of forfeiture</b>

**INDICTMENT**

**COUNT ONE**

**THE GRAND JURY CHARGES THAT:**

1. At all time relevant to this indictment, Smitty's Mill Creek Bar, located at 601 North 52<sup>nd</sup> Street, in Philadelphia, Pennsylvania, was a privately owned business that was engaged in and affecting interstate commerce, providing for sale liquor, food, and/or other goods produced and transported from outside of the Commonwealth of Pennsylvania.

2. On or about June 17, 2009, in Philadelphia, in the Eastern District of Pennsylvania, defendant

**KWAME THOMAS**

obstructed, delayed and affected commerce and the movement of articles and commodities in commerce, and attempted to do so, by robbery, in that, defendant THOMAS unlawfully took and obtained approximately \$600 in cash, from the person and in the presence of others, against their

will, by means of actual and threatened force, violence, and fear of injury, immediate and future to their person and property in their possession, that is, by pointing a firearm at an employee of Smitty's Mill Creek Bar, and demanding money in that employee's possession.

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

**COUNT TWO**

**THE GRAND JURY FURTHER CHARGES THAT:**

On or about June 17, 2009, in Philadelphia, in the Eastern District of Pennsylvania, defendant

**KWAME THOMAS**

knowingly used and carried a firearm 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 robbery of Smitty's Mill Creek Bar, located at 601 North 52<sup>nd</sup> Street, which robbery interfered with interstate commerce, in violation of Title 18, United States Code, Section 1951(a).

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

**COUNT THREE**

**THE GRAND JURY FURTHER CHARGES THAT:**

1. At all times material to this indictment, the following businesses (“the victim businesses”) were engaged in and affecting interstate commerce, providing for sale liquor, food, and/or other goods produced and transported from outside of the Commonwealth of Pennsylvania:

a. Nikel’s Lounge, a privately-owned business, located at 400 North 59<sup>th</sup> Street, in Philadelphia, Pennsylvania (“Nikel’s Lounge”); and

b. The Wine & Spirits Store, a business owned by the Commonwealth of Pennsylvania, located at 5101 Lancaster Avenue, in Philadelphia, Pennsylvania.

2. From on or about August 8, 2009 to on or about August 25, 2009, in Philadelphia, in the Eastern District of Pennsylvania, defendant

**KWAME THOMAS**

conspired and agreed with persons unknown to the grand jury to commit robbery, which robbery would unlawfully obstruct, delay and affect commerce, and the movement of articles and commodities in commerce, in that defendant KWAME THOMAS conspired to unlawfully take and obtain money and other items of value from the person and in the presence of employees of the victim businesses against their will, by means of actual and threatened force, violence, and fear of injury, immediate and future, to their person and property in their possession, all in violation of Title 18, United States Code, Section 1951(a), (b)(1), and (b)(3).

### **MANNER AND MEANS**

5. It was part of this conspiracy that defendant KWAME THOMAS and others unknown to the grand jury entered the victim businesses armed with firearms, robbed the victim businesses' employees while threatening and assaulting the employees with the firearms, and fled with cash and personal property.

### **OVERT ACTS**

In furtherance of the conspiracy and to accomplish its object, defendant KWAME THOMAS and others unknown to the grand jury committed the following overt acts, among others, in Philadelphia, in the Eastern District of Pennsylvania:

On or about August 8, 2009, at approximately 10:30 p.m.:

1. Defendant KWAME THOMAS entered Nikel's Lounge, pointed one firearm at the bartender, known to the grand jury ("Employee #1"), and another firearm at patrons, and announced, "This is a robbery." Defendant THOMAS ordered Employee #1 to open the cash register. Defendant THOMAS took money, a firearm, and other personal property from one patron of Nikel's Lounge, known to the grand jury ("Patron #1"), and defendant THOMAS took money and personal property from other patrons.

2. Person #1, unknown to the grand jury, entered Nikel's Lounge and pointed a firearm at the head of a patron. Person #1 also pointed the firearm at Employee #1 as Employee #1 removed money from the cash register. Person #1 snatched the cash register money from Employee #1's hands and demanded Employee #1's tip money.

3. Defendant KWAME THOMAS and Person #1 fled Nikel's Lounge with approximately \$300 from the business and approximately \$460, a firearm, and other personal property belonging to Patron #1 and other patrons.

On or about August 25, 2009 at approximately 8:00 p.m.:

4. Defendant KWAME THOMAS and Person #2, unknown to the grand jury, entered the Wine & Spirits Store, each carrying a firearm, wearing a hooded sweatshirt with the hood tightened around his face and a mask covering the lower portion of his face, and demanded an employee of the Wine & Spirits Store, known to the grand jury ("Employee #2"), to open the safe and another employee known to the grand jury ("Employee #3") to open the cash register.

5. Defendant KWAME THOMAS pointed a firearm at the head of Employee #2, walked Employee #2 to the safe, and kept the gun pointed at Employee #2's head until the top of the safe was opened. At one point, defendant THOMAS pointed the firearm at Employee #2's face, demanded that Employee #2 also open the bottom of the safe, and further threatened Employee #2 with the firearm.

6. Person #2 pointed a firearm at Employee #3 working the cash register and ordered Employee #3 to get down on the ground.

7. Person #2 removed approximately \$400 from the cash register.

8. Defendant KWAME THOMAS and Person #2 fled the Wine & Spirits Store.

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

**COUNT FOUR**

**THE GRAND JURY FURTHER CHARGES THAT:**

1. Paragraph 1 and Overt Acts 1 through 3 of Count Three of this indictment are incorporated here.
2. On or about August 8, 2009, in Philadelphia, in the Eastern District of Pennsylvania, defendant

**KWAME THOMAS**

obstructed, delayed and affected commerce and the movement of articles and commodities in commerce, and attempted to do so, by robbery, in that, defendant THOMAS unlawfully took and obtained, and aided and abetted the unlawful taking and obtaining of, approximately \$760 in cash and other items of value, from persons and in the presence of others, against their will, by means of actual and threatened force, violence, and fear of injury, immediate and future to their persons and property in their possession, that is, by pointing firearms at an employee and patrons of Nikel's Lounge, located at 400 North 59<sup>th</sup> Street, and demanding money, a firearm, and other things of value in their possession.

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

**COUNT FIVE**

**THE GRAND JURY FURTHER CHARGES THAT:**

On or about August 8, 2009, in Philadelphia, in the Eastern District of Pennsylvania, defendant

**KWAME THOMAS**

knowingly used and carried, and aided and abetted the use and carrying of, a firearm 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 robbery of Nikel's Lounge, located at 400 North 59<sup>th</sup> Street, which robbery interfered with interstate commerce, in violation of Title 18, United States Code, Section 1951(a).

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

**COUNT SIX**

**THE GRAND JURY FURTHER CHARGES THAT:**

1. Paragraph 1 and Overt Acts 4 through 8 of Count Three of this indictment are incorporated here.
2. On or about August 25, 2009, in Philadelphia, in the Eastern District of Pennsylvania, defendant

**KWAME THOMAS**

obstructed, delayed and affected commerce and the movement of articles and commodities in commerce, and attempted to do so, by robbery, in that, defendant THOMAS unlawfully took and obtained, and aided and abetted the unlawful taking and obtaining of, approximately \$400 in cash, from persons and in the presence of others, against their will, by means of actual and threatened force, violence, and fear of injury, immediate and future to their persons and property in their possession, that is, by pointing firearms at employees of the Wine & Spirits Store, located at 5101 Lancaster Avenue, and demanding money in their possession.

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

**COUNT SEVEN**

**THE GRAND JURY FURTHER CHARGES THAT:**

On or about August 8, 2009, in Philadelphia, in the Eastern District of Pennsylvania, defendant

**KWAME THOMAS**

knowingly used and carried, and aided and abetted the use and carrying of, a firearm 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 robbery of the Wine & Spirits Store, located at 5101 Lancaster Avenue, which robbery interfered with interstate commerce, in violation of Title 18, United States Code, Section 1951(a).

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

**NOTICE OF FORFEITURE**

**THE GRAND JURY FURTHER CHARGES THAT:**

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

**KWAME THOMAS**

shall forfeit to the United States of America the firearms and ammunition involved in the offenses.

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

**A TRUE BILL:**

**\_\_\_\_\_  
GRAND JURY FOREPERSON**

  
\_\_\_\_\_  
**ZANE DAVID MEMEGER**  
United States Attorney