

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

UNITED STATES OF AMERICA	:	CRIMINAL NO. _____
v.	:	DATE FILED: _____
TERRANCE LYDELL DOWNING	:	VIOLATIONS:
TYREE ERIC MANSELL,	:	18 U.S.C. § 1951 (conspiracy to commit
 a/k/a “Smash,”	:	robbery which interfered with interstate
NYFIS TOPPING,	:	commerce - 1 count)
 a/k/a “Feese”	:	18 U.S.C. § 1951 (robbery which
	:	interfered with interstate commerce - 1
	:	count)
	:	18 U.S.C. § 924(c)(1) (using and carrying
	:	a firearm during and in relation to a
	:	crime of violence - 1 count)
	:	18 U.S.C. § 2 (aiding and abetting)
		Notice of forfeiture

INDICTMENT

COUNT ONE

THE GRAND JURY CHARGES THAT:

1. At all times material to this indictment, K & C Beverage Store, located at 6500 West Market Street, Upper Darby, Pennsylvania, in the Eastern District of Pennsylvania, was a business engaged in and affecting interstate commerce, providing goods which were produced and transported from other states to Pennsylvania, to residents of the Commonwealth of Pennsylvania and out-of-state residents.
2. At all times material to this indictment, a person known to the grand jury (“the owner”) owned K & C Beverage Store.

THE ROBBERY CONSPIRACY

3. On or about August 8, 2010, in Upper Darby, in the Eastern District of Pennsylvania, and elsewhere, defendants

**TERRANCE LYDELL DOWNING,
TYREE ERIC MANSELL,
a/k/a “Smash,” and
NYFIS TOPPING,
a/k/a “Reese,”**

conspired and agreed, together and with another person 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 defendants DOWNING, MANSELL, and TOPPING conspired to unlawfully take and obtain money and other things of value from K & C Beverage Store and from its owner, and against his will, by means of actual and threatened force, violence, and fear of injury, immediate and future, to his person and property, all in violation of Title 18, United States Code, Section 1951(a), (b)(1) and (b)(3).

MANNER AND MEANS

4. It was part of the conspiracy that defendants TERRANCE LYDELL DOWNING, TYREE ERIC MANSELL, and NYFIS TOPPING planned and executed an armed robbery of the owner of K & C Beverage Store by following the owner from K & C Beverage Store to his residence, where he kept the proceeds of his business, and using loaded firearms to steal United States currency that was the business proceeds of K & C Beverage Store, from the owner.

OVERT ACTS

In furtherance of the conspiracy and to accomplish its objects, defendants TERRANCE LYDELL DOWNING, TYREE ERIC MANSELL, and NYFIS TOPPING, committed the following overt acts, among others, in the Eastern District of Pennsylvania:

On or about August 8, 2010:

1. Defendants TERRANCE LYDELL DOWNING, TYREE ERIC MANSELL, and NYFIS TOPPING armed themselves with handguns in preparation for robbing the owner of K & C Beverage Store.

2. Defendants TERRANCE LYDELL DOWNING, TYREE ERIC MANSELL, and NYFIS TOPPING learned of the location of the owner's residence, where the owner kept the business proceeds of K & C Beverage Store, by following the owner from the liquor store to his home in Havertown, Pennsylvania.

3. At approximately 2:30 a.m., defendants TERRANCE LYDELL DOWNING, TYREE ERIC MANSELL, and NYFIS TOPPING broke into the owner's residence through a rear window that led into the kitchen.

4. Once inside the residence, defendants TERRANCE LYDELL DOWNING, TYREE ERIC MANSELL, and NYFIS TOPPING, who were armed with handguns and wore masks and bandanas to hide their faces, forced the owner at gunpoint to show them where the money was located.

5. After taking approximately \$60,000 in United States currency from a safe located in the bedroom closet, defendants TERRANCE LYDELL DOWNING, TYREE ERIC

MANSELL, and NYFIS TOPPING fled from the residence with cash that was the business proceeds of K & C Beverage Store.

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

COUNT TWO

THE GRAND JURY FURTHER CHARGES THAT:

1. Paragraphs 1, 2, and 4, and Overt Acts 1 through 5 of Count One of this indictment are incorporated here.

2. On or about August 8, 2010, in the Eastern District of Pennsylvania, defendants

**TERRANCE LYDELL DOWNING,
TYREE ERIC MANSELL,
a/k/a “Smash,” and
NYFIS TOPPING,
a/k/a “Reese,”**

obstructed, delayed and affected commerce and the movement of articles and commodities in commerce, by robbery, in that defendants DOWNING, MANSELL, and TOPPING unlawfully took and obtained, and aided and abetted the unlawfully taking and obtaining of, personal property, that is, approximately \$60,000 in United States currency, belonging to K & C Beverage Store, located at 6500 West Market Street, Upper Darby, Pennsylvania, from the business owner against his will by means of actual and threatened force, violence, and fear of injury, immediate and future, to his person and property, that is, by pointing a firearm at the owner and demanding that the owner open the safe where the cash proceeds were stored.

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

COUNT THREE

THE GRAND JURY FURTHER CHARGES:

1. Paragraphs 1, 2, and 4, and Overt Acts 1 through 5 of Count One of this indictment are incorporated here.
2. On or about August 8, 2010, in the Eastern District of Pennsylvania, defendants

**TERRANCE LYDELL DOWNING,
TYREE ERIC MANSELL,
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NYFIS TOPPING,
a/k/a “Reese,”**

knowingly used and carried, and aided and abetted the use and carrying of, a firearm, that is, two handguns, 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 commit robbery which interfered with interstate commerce, and robbery which interfered with interstate commerce, in violation of Title 18, United States Code, Sections 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:

1. As a result of the violation of Title 18, United States Code, Section 1951, set forth in this indictment, defendants

**TERRANCE LYDELL DOWNING,
TYREE ERIC MANSELL,
a/k/a “Smash,” and
NYFIS TOPPING,
a/k/a “Reese,”**

shall forfeit to the United States of America any property, real or personal, that constitutes or is derived from proceeds traceable to the commission of such offense(s), including, but not limited to:

(1) the sum of approximately \$60,000 in United States currency; (2) a 2004 BMW 7 Series Sedan 745Li, VIN: WBAGN63454DS46006; and (3) a 2003 Infiniti M45 Sedan, VIN: JNKAY41E33M000200.

2. If any of the property subject to forfeiture, as a result of any act or omission of the defendants:

- (a) cannot be located upon the exercise of due diligence;
- (b) has been transferred or sold to, or deposited with, a third party;
- (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 divided without difficulty;

it is the intent of the United States, pursuant to Title 28, United States Code, Section 2461(c), incorporating Title 21, United States Code, Section 853(p), to seek forfeiture of any other property of the defendant(s) up to the value of the property subject to forfeiture.

All pursuant to Title 28, United States Code, Section 2461(c), and Title 18, United States Code, Section 981(a)(1)(C).

A TRUE BILL:

GRAND JURY FOREPERSON

**ZANE DAVID MEMEGER
UNITED STATES ATTORNEY**