

**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>EMMANUEL DURAN,</b>	<b>:</b>	<b>VIOLATIONS:</b>
<b>a/k/a “Manny,”</b>	<b>:</b>	<b>18 U.S.C. § 1951(a) (conspiracy to</b>
<b>a/k/a “Manny Yunk,”</b>	<b>:</b>	<b>commit robbery which interfered with</b>
<b>JOHN BOWIE,</b>	<b>:</b>	<b>interstate commerce – 1 count)</b>
<b>a/k/a “Heads,”</b>	<b>:</b>	<b>18 U.S.C. § 1951(a) (robbery which</b>
<b>LAMAR STATEN</b>	<b>:</b>	<b>interfered with interstate commerce –</b>
<b>JACKLYN SMITH</b>	<b>:</b>	<b>4 counts)</b>
	<b>:</b>	<b>18 U.S.C. § 924(c)(1) (using and carrying</b>
	<b>:</b>	<b>a firearm during and in relation to a</b>
	<b>:</b>	<b>crime of violence – 4 counts)</b>
	<b>:</b>	<b>18 U.S.C. §922(g)(1) (possession of a</b>
	<b>:</b>	<b>firearm by a convicted felon – 1 count)</b>
	<b>:</b>	<b>18 U.S.C. § 2 (aiding and abetting)</b>
		<b>Notice of forfeiture</b>

**INDICTMENT**

**COUNT ONE**

**THE GRAND JURY CHARGES THAT:**

1.       The illegal sale, distribution, possession with intent to distribute, and trafficking of controlled substances are activities which affect interstate commerce.

**The Conspiracy**

2.       From on or about March 24, 2010, through on or about March 25, 2010, in Philadelphia and Yeadon, Pennsylvania, in the Eastern District of Pennsylvania, and elsewhere defendants

**EMMANUEL DURAN,  
    a/k/a “Manny,”  
    a/k/a “Manny Yunk,”  
    JOHN BOWIE,**

**a/k/a “Heads,”  
LAMAR STATEN, and  
JACKLYN SMITH**

conspired and agreed, together and with others known and 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 DURAN, BOWIE, STATEN, and SMITH conspired to unlawfully take and obtain money, drugs, and other items of value from persons they believed were involved in the illegal sales of narcotics, as well as the homes and residences where those persons stored the money and drugs obtained from the distribution of illegal narcotics, against their will, by means of actual and threatened force, violence, and fear of injury, immediate and future to their person and property, 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:

3. Defendants EMMANUEL DURAN, JOHN BOWIE, LAMAR STATEN, and JACKLYN SMITH, and others known and unknown to the grand jury, planned to rob “B.C.” because they believed “B.C.” was involved in the illegal trafficking of controlled substances.

4. Defendants EMMANUEL DURAN, JOHN BOWIE, LAMAR STATEN, and JACKLYN SMITH planned to use and did use and carry multiple handguns and other weapons to commit robberies of individuals they believed to be drug dealers.

5. Defendants EMMANUEL DURAN, JOHN BOWIE, LAMAR STATEN, and JACKLYN SMITH used handguns to hold “B.C.” and “H.H.” against their will, and used handguns to enter, or attempt to enter, three separate residences in an effort to locate drugs and

money.

### **OVERT ACTS**

In furtherance of the conspiracy, and to effect the object of the conspiracy, defendants EMMANUEL DURAN, JOHN BOWIE, LAMAR STATEN, and JACKLYN SMITH, and others known and unknown to the grand jury, committed the following overt acts, among others, in Philadelphia and Yeadon, in the Eastern District of Pennsylvania, and elsewhere:

#### **The Abduction and Robbery of “B.C.” and “H.H.”**

On or about March 24, 2010:

1. Defendant JACKLYN SMITH drove “B.C.” and “H.H.” to her apartment in Yeadon, Pennsylvania as part of the plan to rob “B.C.” because “B.C.” was believed to be a drug dealer.
2. Meanwhile, defendants EMMANUEL DURAN, JOHN BOWIE, and LAMAR STATEN, and others known and unknown to the grand jury, were waiting, at defendant JACKLYN SMITH’s apartment armed with multiple guns to carry out the robbery.
3. Before arriving at the apartment, defendant JACKLYN SMITH notified the remaining defendants by cell phone that she was about to arrive at the apartment with the intended victims.
4. When defendant JACKLYN SMITH and “B.C.” and “H.H.” arrived at her apartment, defendants EMMANUEL DURAN, JOHN BOWIE, LAMAR STATEN, and persons known and unknown to the grand jury:
  - a. forced “B.C.” and “H.H.” onto the floor at gunpoint and tied them

up;

- b. forced “B.C.” into another room, where he was ordered to tell the defendants where the money and drugs were; and
- c. when “B.C.” told them that he did not have any money, the defendants tortured him by repeatedly stabbing him with a knife in his back, kicking him, and burning him with a hot iron.

5. “H.H.” agreed to take the defendants to addresses where he said drugs and money could be located.

6. Defendants EMMANUEL DURAN, JOHN BOWIE and LAMAR STATEN then took “H.H.” as a hostage, and forced him at gunpoint to drive with them in defendant JACKLYN SMITH’s car to various residences in Philadelphia to obtain drugs and money.

7. Defendant JACKLYN SMITH and others known and unknown to the grand jury remained with “B.C.” to prevent him from escaping.

**The Home Invasion at 6040 Cedar Avenue, Philadelphia**

8. Later the same night, defendants EMMANUEL DURAN, JOHN BOWIE and LAMAR STATEN drove “H.H.” at gunpoint in defendant JACKLYN SMITH’s car to 6040 Cedar Avenue in Philadelphia, which was “B.C.’s” residence.

9. At gunpoint, defendants EMMANUEL DURAN, JOHN BOWIE, and LAMAR STATEN forced their way into the residence with “H.H.,” where they woke up the residents, including two young children and their mother, tied up the mother, threatened her and the youngest of the children by brandishing their guns, and then searched the residence for drugs

and money. The robbers stole \$800, jewelry, and a laptop computer.

10. Defendants EMMANUEL DURAN, JOHN BOWIE, and LAMAR STATEN fled with “H.H.”, who was still being held as a hostage.

**The Home Invasion at 5918 Cedar Avenue, Philadelphia**

11. Defendants EMMANUEL DURAN, JOHN BOWIE, and LAMAR STATEN next drove in defendant JACKLYN SMITH’s car, with “H.H.” to 5918 Cedar Avenue in Philadelphia.

12. Once again, defendants EMMANUEL DURAN, JOHN BOWIE, and LAMAR STATEN forced their way into the residence at gunpoint, threatened the residents, who included a number of children, with handguns, searched the residence for drugs and money, and stole an I-pod and XBox electronic game.

13. During the robbery, “H.H.” managed to escape as other residents also fled the residence. Defendants EMMANUEL DURAN, JOHN BOWIE, and LAMAR STATEN took another hostage at gunpoint with them as they fled.

**The Home Invasion at 547 South Redfield Street, Philadelphia**

14. Defendants EMMANUEL DURAN, JOHN BOWIE, and LAMAR STATEN, still holding their newest hostage at gunpoint, walked a short distance to “H.H.’s” residence, located at 547 South Redfield Street in Philadelphia.

15. As defendants EMMANUEL DURAN, JOHN BOWIE, and LAMAR STATEN were about to force their way into the residence at gunpoint, the defendants fired gunshots at the South Redfield Street address, using, among other firearms, a .40 caliber Glock handgun.

16. Defendants EMMANUEL DURAN, JOHN BOWIE, and LAMAR STATEN fled the area of 547 South Redfield Street in defendant JACKLYN SMITH's car.

17. As defendants EMMANUEL DURAN, JOHN BOWIE, and LAMAR STATEN were making their getaway, they were chased by police, who had responded to the report of gunfire. During the chase, the defendants called their conspirators, including defendant JACKLYN SMITH, who were still holding "B.C." hostage in defendant SMITH's apartment. As a result of the phone call, conspirators inside defendant SMITH's apartment forcibly removed "B.C.'s" clothing, forced him inside the trunk of a conspirator's car, despite the fact that he was still bleeding from the stab wounds and multiple burns inflicted on him by the defendants, and drove away to prevent apprehension by the police and disclosure of their armed robbery plot.

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

## **COUNT TWO**

### **THE GRAND JURY FURTHER CHARGES THAT:**

1. Paragraphs 1 and 3 through 5, and Overt Acts 1 through 15 of Count One of this indictment are incorporated here.
2. From on or about March 24, 2010, through March 25, 2010, in Philadelphia and Yeadon, Pennsylvania, the Eastern District of Pennsylvania, defendants

**EMMANUEL DURAN,  
a/k/a “Manny,”  
a/k/a “Manny Yunk,”  
JOHN BOWIE,  
a/k/a “Heads,”  
LAMAR STATEN, and  
JACKLYN SMITH,**

and others known and unknown to the grand jury, attempted to obstruct, delay, and affect commerce and the movement of articles and commodities in commerce, by robbery, in that defendants DURAN, BOWIE, STATEN and SMITH unlawfully took and obtained, attempted to take and obtain, and aided and abetted the taking of, money, illegal controlled substances, and other items of value from “B.C” and “H.H.” 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).

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

**COUNT THREE**

**THE GRAND JURY FURTHER CHARGES THAT:**

From on or about March 24, 2010, through on or about March 25, 2010, in Philadelphia and Yeadon, the Eastern District of Pennsylvania, defendants

**EMMANUEL DURAN,  
a/k/a “Manny,”  
a/k/a “Manny Yunk,”  
JOHN BOWIE,  
a/k/a “Heads,”  
LAMAR STATEN, and  
JACKLYN SMITH**

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 or she may be prosecuted in a court of the United States, that is, robbery which interferes with interstate commerce, 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 FOUR**

**THE GRAND JURY FURTHER CHARGES THAT:**

1. Paragraphs 1 and 3 through 5, and Overt Acts 8 through 10 of Count One of this indictment are incorporated here.

2. On or about March 25, 2010, in Philadelphia and Yeadon, the Eastern District of Pennsylvania, defendants

**EMMANUEL DURAN,  
a/k/a “Manny,”  
a/k/a “Manny Yunk,”  
JOHN BOWIE,  
a/k/a “Heads,”  
LAMAR STATEN, and  
JACKLYN SMITH,**

and others known and unknown to the grand jury, attempted to obstruct, delay, and affect commerce and the movement of articles and commodities in commerce, by robbery, in that defendants DURAN, BOWIE, STATEN and SMITH unlawfully took and obtained, attempted to take and obtain, and aided and abetted the taking of, money, illegal controlled substances, and other items of value from the residents and occupants of the residence located at 6040 Cedar Avenue in Philadelphia, Pennsylvania, 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).

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

**COUNT FIVE**

**THE GRAND JURY FURTHER CHARGES THAT:**

From on or about March 24, 2010, through March 25, 2010, in Philadelphia and Yeadon, the Eastern District of Pennsylvania, defendants

**EMMANUEL DURAN,  
a/k/a “Manny,”  
a/k/a “Manny Yunk,”  
JOHN BOWIE,  
a/k/a “Heads,”  
LAMAR STATEN, and  
JACKLYN SMITH**

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 or she may be prosecuted in a court of the United States, that is, robbery which interferes with interstate commerce, 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 GRAND JURY FURTHER CHARGES THAT:**

1. Paragraphs 1 and 3 through 5, and Overt Acts 11 through 13 of Count One of this indictment are incorporated here.

2. On or about March 25, 2010, in Philadelphia and Yeadon, the Eastern District of Pennsylvania, defendants

**EMMANUEL DURAN,  
a/k/a “Manny,”  
a/k/a “Manny Yunk,”  
JOHN BOWIE,  
a/k/a “Heads,”  
LAMAR STATEN, and  
JACKLYN SMITH,**

and others known and unknown to the grand jury, attempted to obstruct, delay, and affect commerce and the movement of articles and commodities in commerce, by robbery, in that defendants DURAN, BOWIE, STATEN, and SMITH unlawfully took and obtained, attempted to take and obtain, and aided and abetted the taking of, money, illegal controlled substances, and other items of value from the residents and occupants of the residence located at 5918 Cedar Avenue in Philadelphia, Pennsylvania, 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).

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

**COUNT SEVEN**

**THE GRAND JURY FURTHER CHARGES THAT:**

On or about March 25, 2010, in Philadelphia and Yeadon, the Eastern District of Pennsylvania, defendants

**EMMANUEL DURAN,  
a/k/a “Manny,”  
a/k/a “Manny Yunk,”  
JOHN BOWIE,  
a/k/a “Heads,”  
LAMAR STATEN, and  
JACKLYN SMITH**

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 or she may be prosecuted in a court of the United States, that is, robbery which 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 EIGHT**

**THE GRAND JURY FURTHER CHARGES THAT:**

1. Paragraphs 1 and 3 through 5, and Overt Acts 14 through 17 of Count One of this indictment are incorporated here.

2. On or about March 25, 2010, in Philadelphia and Yeadon, the Eastern District of Pennsylvania, defendants

**EMMANUEL DURAN,  
a/k/a “Manny,”  
a/k/a “Manny Yunk,”  
JOHN BOWIE,  
a/k/a “Heads,”  
LAMAR STATEN, and  
JACKLYN SMITH**

and others known and unknown to the grand jury, attempted to obstruct, delay, and affect commerce and the movement of articles and commodities in commerce, by robbery, in that defendants DURAN, BOWIE, STATEN, and SMITH unlawfully took and obtained, attempted to take and obtain, and aided and abetted the taking of, money, illegal controlled substances, and other items of value from the residents and occupants of the residence located at 547 South Redfield Street, Philadelphia, Pennsylvania, 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).

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

**COUNT NINE**

**THE GRAND JURY FURTHER CHARGES THAT:**

On or about March 25, 2010, in Philadelphia and Yeadon, the Eastern District of Pennsylvania, defendants

**EMMANUEL DURAN,  
a/k/a “Manny,”  
a/k/a “Manny Yunk,”  
JOHN BOWIE,  
a/k/a “Heads,”  
LAMAR STATEN, and  
JACKLYN SMITH**

knowingly used and carried, and aided and abetted the use and carrying of, a firearm, that is, a Glock .40 caliber handgun, Model 27, .40 S&W caliber, serial number KZZ043, and other handguns, during and in relation to a crime of violence for which he or she may be prosecuted in a court of the United States, that is, robbery which interfered with interstate commerce, 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 GRAND JURY FURTHER CHARGES THAT:**

On or about March 25, 2010, in Philadelphia and Yeadon, in the Eastern District of Pennsylvania, defendants

**EMMANUEL DURAN,  
a/k/a “Manny,”  
a/k/a “Manny Yunk,”  
JOHN BOWIE,  
a/k/a “Heads,” and  
LAMAR STATEN,**

having been convicted in a court of the Commonwealth of Pennsylvania of a crime punishable by imprisonment for a term exceeding one year, knowingly possessed, and aided and abetted the possession of, in and affecting interstate commerce a firearm, that is, a Glock .40 caliber handgun, Model 27, .40 S&W caliber, serial number KZZ043.

In violation of Title 18, United States Code, Sections 922(g)(1), 2, 924(a)(2), and 924(e).

**NOTICE OF FORFEITURE**

**THE GRAND JURY FURTHER CHARGES THAT:**

As a result of the violations of Title 18, United States Code, Section 924(c) and 922(g)(1), as charged in this indictment, defendants

**EMMANUEL DURAN,  
a/k/a “Manny,”  
a/k/a “Manny Yunk,”  
JOHN BOWIE,  
a/k/a “Heads,”  
LAMAR STATEN, and  
JACKLYN SMITH**

shall forfeit to the United States of America, the firearms and ammunition involved in the commission of these offenses, including, but not limited to:

1. a Glock .40 caliber handgun, Model 27, .40 S&W caliber, serial number KZZ043.

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

**A TRUE BILL:**

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

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