

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

<b>UNITED STATES OF AMERICA</b>	<b>:</b>	<b>CRIMINAL NO. 10-</b>
<b>v.</b>	<b>:</b>	<b>DATE FILED: February 2, 2010</b>
<b>MICHAEL SPIVEY</b>	<b>:</b>	<b>VIOLATIONS:</b>
<b>MARQUES REAVIS</b>	<b>:</b>	<b>18 U.S.C. § 1951(a) (conspiracy to</b>
	<b>:</b>	<b>commit robbery which interferes with</b>
	<b>:</b>	<b>interstate commerce – 1 count)</b>
	<b>:</b>	<b>18 U.S.C. § 1951(a) (robbery which</b>
	<b>:</b>	<b>interferes with interstate commerce – 1</b>
	<b>:</b>	<b>count)</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 – 1 count)</b>
	<b>:</b>	<b>18 U.S.C. § 2 (aiding and abetting)</b>

**INDICTMENT**

**COUNT ONE**

**THE GRAND JURY CHARGES THAT:**

At all times relevant to this indictment:

1. The McDonald's Restaurant located at 308 N. Lewis Road in Royersford, Limerick Township, Montgomery County, Pennsylvania, was a business engaged in and affecting interstate commerce.

**THE ROBBERY CONSPIRACY**

2. On or about June 25, 2009, in Royersford, in the Eastern District of Pennsylvania, defendants

**MICHAEL SPIVEY and  
MARQUES REAVIS**

and other persons, known and unknown to the grand jury, conspired and agreed together, to

commit robbery, which robbery would unlawfully obstruct, delay, and affect commerce and the movement of articles and commodities in commerce, in that defendants SPIVEY and REAVIS, and Person #1 known to the grand jury (Person # 1) conspired to unlawfully take and obtain money, and other items of value, from the person and presence of another and against her will, by means of actual and threatened force, violence, and fear of injury, immediate and future, to her person and property, in violation of Title 18, United States Code, Sections 1951(a) and 2.

### **MANNER AND MEANS**

It was part of the conspiracy that defendants MICHAEL SPIVEY and MARQUES REAVIS, and Person #1, and others unknown to the grand jury:

3. Planned to rob the McDonald's Restaurant located at 308 N. Lewis Road in Royersford;
4. Used Person #1's knowledge, as a former employee of the McDonald's restaurant, of the policies, procedures and layout to facilitate the robbery;
5. Concealed their identities by wearing masks and gloves during the robbery;
6. Armed themselves with a gun and used a gun during the robbery; and
7. Used plastic ties to restrain the victim and took a cell phone from the victim to prevent disclosure of the robbery.

### **OVERT ACTS**

In furtherance of the conspiracy and to effect the object of the conspiracy, defendants MICHAEL SPIVEY and MARQUES REAVIS, and others known and unknown to the grand jury, committed the following overt acts, among others, in the Eastern District of Pennsylvania:

1. Defendants MICHAEL SPIVEY MARQUES REAVIS, and Person #1 drove to the McDonald's Restaurant , located at 308 N. Lewis Road, in Royersford, Limerick Township, Montgomery County, Pennsylvania, where Person #1 had worked until shortly before the robbery.
2. Defendants MICHAEL SPIVEY and MARCUS REAVIS entered the McDonalds restaurant wearing masks and gloves and armed with a handgun.
3. While Person #1 waited in the car, defendants MICHAEL SPIVEY and MARQUES REAVIS confronted the manager as she was leaving the restaurant. They brandished a handgun, and forced her into the restaurant with the gun to her head. Once inside, they forced the manager to open the safe and stole approximately \$6,020 in United States currency and employee checks. They then restrained the manager with plastic ties, removed her cell phone from her back pants pocket, searched her other pockets, and fled.
4. After the robbery, defendants MICHAEL SPIVEY and MARQUES REAVIS drove with Person #1 to the home of Person #1, where they split the proceeds from the robbery.

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

## **COUNT TWO**

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

1. Paragraph 1, and 3 through 7, and Overt Acts 1 through 4 of Count One of this superseding indictment are incorporated here.

2. On or about June 25, 2009, in Royersford, Limerick Township, Montgomery County, in the Eastern District of Pennsylvania, defendants

### **MICHAEL SPIVEY and MARQUES REAVIS**

and Person #1 known to the grand jury, obstructed, delayed, and affected commerce and the movement of articles and commodities in commerce, and attempted to do so, by robbery, in that, defendants SPIVEY and REAVIS, and Person #1, unlawfully took and obtained, and aided and abetted the unlawful taking and obtaining of, money belonging to the McDonald's Restaurant, located at 308 N. Lewis Road in Royersford, Limerick Township, Montgomery County, Pennsylvania, in the presence of the employee manager of that business, and against her will, by means of actual and threatened force, violence, and fear of injury, immediate and future to her person and property, that is, by brandishing a handgun, demanding money and threatening the employee manager of the McDonald's Restaurant.

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

**COUNT THREE**

**THE GRAND JURY FURTHER CHARGES THAT:**

1. Paragraph 1, and 3 through 7, and Overt Acts 1 through 4 of Count One of this superseding indictment are incorporated here.

2. On or about June 25, 2009, in Royersford, Limerick Township, Montgomery County, in the Eastern District of Pennsylvania, defendants

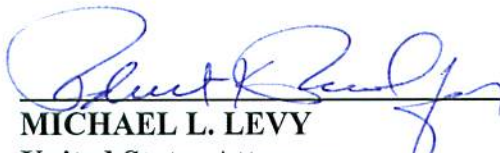
**MICHAEL SPIVEY and  
MARQUES REAVIS**

and Person #1 known to the grand jury, knowingly used and carried, and aided and abetted the use and carrying of, a firearm, that is, a handgun, 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 interferes with interstate commerce, and 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.

**A TRUE BILL:**

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

  
\_\_\_\_\_  
**MICHAEL L. LEVY**  
United States Attorney

No. \_\_\_\_\_

UNITED STATES DISTRICT COURT

Eastern District of Pennsylvania

Criminal Division

THE UNITED STATES OF AMERICA

vs.

MICHAEL SPIVEY  
MARQUES REAVIS

INDICTMENT

Counts

**18 U.S.C. § 1951(a) (conspiracy to commit robbery which interferes with interstate commerce – 1 count)**

**18 U.S.C. § 1951(a) (robbery which interferes 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)**

A true bill.

-----  
Foreman

Filed in open court this \_\_\_\_\_ day,

of \_\_\_\_\_ A.D. 20 \_\_\_\_\_

-----  
Clerk

Bail, \$ \_\_\_\_\_

-----  
-----