

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

UNITED STATES OF AMERICA : **CRIMINAL NO.** _____
v. : **DATE FILED:** _____
GENE CHRISTOPHER WRIGHT : **VIOLATIONS:**
KYLE RODGERS : **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 - 7 counts)**
: **18 U.S.C. § 924(c) (using and carrying a**
: **firearm during a crime of violence - 5 counts)**
: **18 U.S.C. § 2 (aiding and abetting)**
: **Notice of forfeiture**

INDICTMENT

COUNT ONE

THE GRAND JURY CHARGES THAT:

1. At all times relevant to this indictment, the following businesses (hereafter “the victim businesses”) were engaged in and affecting interstate commerce, by providing customers with food and drink or goods and services, which were produced and transported from other states to Pennsylvania, to residents of the Commonwealth of Pennsylvania and out-of-state residents:

- a. Franchises of Checkers/Rally’s Restaurants (“Checkers”) located at: (i) 5726 Baltimore Avenue in Philadelphia, Pennsylvania; and (ii) 4813 Lancaster Avenue in Philadelphia, Pennsylvania
- b. A franchise of KFC Corporation (“KFC”) located at 5700 Baltimore Avenue in Philadelphia, Pennsylvania;

- c. A franchise of Burger King Corporation (“Burger King”) located at 3000 Island Avenue in Philadelphia, Pennsylvania;
- d. A franchise of McDonald’s Corporation (“McDonalds”) located at 5495 Woodland Avenue in Philadelphia, Pennsylvania; and
- e. A franchise of Family Dollar Stores, Inc. (“Family Dollar”) located at 4701 Girard Avenue in Philadelphia, Pennsylvania.

THE ROBBERY CONSPIRACY

2. From on or about August 8, 2009, through on or about September 24, 2009, in Philadelphia, in the Eastern District of Pennsylvania, defendants

**GENE CHRISTOPHER WRIGHT and
KYLE RODGERS**

conspired and agreed, together and with Vance Napper, charged elsewhere, and with others known and unknown to the grand jury, to commit robbery, which would unlawfully obstruct, delay, and affect commerce, and the movement of articles and commodities in commerce, in that defendants WRIGHT and RODGERS, Vance Napper, and others known and unknown to the grand jury, conspired to unlawfully take and obtain money in the presence of others and against their will, by means of actual and threatened force, violence, and fear of injury, immediate and future, to their persons 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 this conspiracy that:

3. On two separate occasions, defendant KYLE RODGERS helped Vance Napper obtain a .38 caliber revolver from others known and unknown to the grand jury, so that Napper could use the firearm to rob employees of the victim businesses to obtain money.

4. Defendant KYLE RODGERS also provided Vance Napper with a silver Jennings .22 caliber semi-automatic pistol that Napper used on four separate occasions to rob employees of the victim businesses to obtain money.

5. On five separate occasions, defendant GENE CHRISTOPHER WRIGHT drove Vance Napper to the victim businesses so Napper could rob them and drove Napper from the victim businesses after the robberies so Napper could evade police detection and custody.

6. On at least one occasion, defendant GENE CHRISTOPHER WRIGHT kept in cellular telephone contact with Vance Napper as Napper robbed a victim business so that defendant WRIGHT could warn Napper if any police were coming.

7. Defendants KYLE RODGERS and GENE CHRISTOPHER WRIGHT willingly accepted from Vance Napper some of the proceeds from robberies with knowledge that the money they accepted was proceeds of the robberies.

OVERT ACTS

In furtherance of the conspiracy and to accomplish its objects, defendants KYLE RODGERS and GENE CHRISTOPHER WRIGHT, Vance Napper, and others, known and unknown to the grand jury, committed the following overt acts, among others, in the Eastern District of Pennsylvania, and elsewhere:

The Checkers Robbery

1. On or about August 8, 2009, brandishing a .38 caliber revolver that defendant KYLE RODGERS helped him obtain from other persons known and unknown to the grand jury, Vance Napper robbed the Checkers restaurant, located at 5726 Baltimore Avenue in Philadelphia, stole cash, and fled in a vehicle driven by a person known to the grand jury.

The KFC Robbery

2. On or about August 10, 2009, Vance Napper, brandishing a .38 caliber revolver that defendant KYLE RODGERS helped him obtain from other persons known and unknown to the grand jury, robbed the KFC restaurant, located at 5700 Baltimore Avenue in Philadelphia, stole cash, and fled in a vehicle driven by defendant GENE CHRISTOPHER WRIGHT.

The Second Checkers Robbery

3. On or about August 19, 2009, defendant GENE CHRISTOPHER WRIGHT drove Vance Napper to the Checkers restaurant, located at 4813 Lancaster Avenue in Philadelphia, where Napper, brandishing a starter pistol as if it were a genuine firearm, stole approximately \$800 in cash and then fled in a vehicle driven by defendant WRIGHT.

The Burger King Robbery

4. On or about August 24, 2009, defendant GENE CHRISTOPHER WRIGHT drove Vance Napper to and from the Burger King restaurant, located at 3000 Island Avenue in Philadelphia, where Napper, brandishing a starter pistol as if it were a genuine firearm, stole approximately \$250 in cash.

The First McDonald's Robbery

5. On or about September 13, 2009, defendant GENE CHRISTOPHER WRIGHT drove Vance Napper to and from the McDonalds restaurant, located at 5495 Woodland Avenue in Philadelphia, where Napper, brandishing a silver Jennings .22 caliber semi-automatic pistol that he had obtained from defendant KYLE RODGERS, stole cash.

The Second McDonalds Robbery

6. On or about September 19, 2009, defendant GENE CHRISTOPHER WRIGHT drove Vance Napper to and from the McDonalds restaurant, located at 5495 Woodland Avenue in Philadelphia, where Napper, brandishing a silver Jennings .22 caliber semi-automatic pistol that he had obtained from defendant KYLE RODGERS, stole approximately \$400 in cash.

The Family Dollar Robbery

7. On or about September 22, 2009, defendant KYLE RODGERS and Vance Napper robbed the Family Dollar store, located at 4701 W. Girard Avenue in Philadelphia. During the robbery, Napper brandished a silver Jennings .22 caliber semi-automatic pistol that he had obtained from defendant KYLE RODGERS.

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

COUNT TWO

THE GRAND JURY FURTHER CHARGES THAT

At all times material to this indictment:

1. Paragraph 1 of Count One of this indictment is incorporated here.
2. On or about August 8, 2009, in Philadelphia, in the Eastern District of

Pennsylvania, defendant

KYLE RODGERS

and Vance Napper, charged elsewhere, and others known and unknown 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, Napper, defendant RODGERS, and others known and unknown to the grand jury unlawfully took and obtained, and aided and abetted the unlawful taking and obtaining of, United States currency from the Checkers restaurant located at 5726 Baltimore Avenue in Philadelphia, in the presence of employees of the Checkers restaurant by means of actual and threatened force, violence, and fear of injury, immediate and future, to the Checkers employees' persons and property, that is, by brandishing a .38 caliber revolver, demanding money, and threatening the employees.

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

COUNT THREE

THE GRAND JURY FURTHER CHARGES THAT

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

KYLE RODGERS

and Vance Napper, charged elsewhere, knowingly used and carried, and aided and abetted the use and carrying of, a firearm, that is, a .38 caliber revolver, during and in relation to a crime of violence for which they may be prosecuted in a court of the United States, that is, the armed robbery of the KFC restaurant located at 5700 Baltimore Avenue in Philadelphia, in violation of 18 U.S.C. § 1951(a).

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

COUNT FOUR

THE GRAND JURY FURTHER CHARGES THAT

At all times material to this indictment:

1. Paragraph 1 of Count One of this indictment is incorporated here.
2. On or about August 10, 2009, in Philadelphia, in the Eastern District of

Pennsylvania, defendant

GENE CHRISTOPHER WRIGHT

and Vance Napper, charged elsewhere, and others known and unknown 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, Napper, defendant WRIGHT, and others known and unknown to the grand jury unlawfully took and obtained, and aided and abetted the unlawful taking and obtaining of, United States currency from the KFC restaurant located at 5700 Baltimore Avenue in Philadelphia, in the presence of employees of the KFC restaurant by means of actual and threatened force, violence, and fear of injury, immediate and future, to the KFC employees' persons and property, that is, by brandishing a .38 caliber revolver, demanding money, and threatening the employees.

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 10, 2009, in Philadelphia, in the Eastern District of Pennsylvania, defendant

GENE CHRISTOPHER WRIGHT

and Vance Napper, charged elsewhere, knowingly used and carried, aided and abetted the use and carrying of, a firearm, that is, a .38 caliber revolver, during and in relation to a crime of violence for which they may be prosecuted in a court of the United States, that is, the armed robbery of the KFC restaurant located at 5700 Baltimore Avenue in Philadelphia, in violation of 18 U.S.C. § 1951(a).

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

COUNT SIX

THE GRAND JURY FURTHER CHARGES THAT

At all times material to this indictment:

1. Paragraph 1 of Count One of this indictment is incorporated here.
2. On or about August 19, 2009, in Philadelphia, in the Eastern District of

Pennsylvania, defendant

GENE CHRISTOPHER WRIGHT

and Vance Napper, charged elsewhere, obstructed, delayed, and affected commerce and the movement of articles and commodities in commerce, and attempted to do so, by robbery, in that, Napper and defendant WRIGHT unlawfully took and obtained, and aided and abetted the unlawful taking and obtaining of, approximately \$800 cash from the Checkers restaurant, located at 4813 Lancaster Avenue in Philadelphia, in the presence of employees of the Checkers restaurant by means of actual and threatened force, violence, and fear of injury, immediate and future, to the employees' persons and property, that is, by brandishing a starter pistol that resembled a real gun, demanding money, and threatening the employees.

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

COUNT SEVEN

THE GRAND JURY FURTHER CHARGES THAT

At all times material to this indictment:

1. Paragraph 1 of Count One of this indictment is incorporated here.
2. On or about August 24, 2009, in Philadelphia, in the Eastern District of

Pennsylvania, defendant

GENE CHRISTOPHER WRIGHT

and Vance Napper, charged elsewhere, obstructed, delayed, and affected commerce and the movement of articles and commodities in commerce, and attempted to do so, by robbery, in that, Napper and defendant WRIGHT unlawfully took and obtained, and aided and abetted the unlawful taking and obtaining of, approximately \$250 from the the Burger King restaurant, located at 3000 Island Avenue in Philadelphia, in the presence of employees of the restaurant by means of actual and threatened force, violence, and fear of injury, immediate and future, to the employees' persons and property, that is, by brandishing a starter pistol that resembled a real gun, demanding money, and threatening the employees.

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

COUNT EIGHT

THE GRAND JURY FURTHER CHARGES THAT

At all times material to this indictment:

1. Paragraph 1 of Count One of this indictment is incorporated here.
2. On or about September 13, 2009, in Philadelphia, in the Eastern District of

Pennsylvania, defendant

GENE CHRISTOPHER WRIGHT

and Vance Napper, charged elsewhere, obstructed, delayed, and affected commerce and the movement of articles and commodities in commerce, and attempted to do so, by robbery, in that Napper and defendant WRIGHT unlawfully took and obtained, and aided and abetted the unlawful taking and obtaining of, United States currency from the McDonalds restaurant, located at 5495 Woodland Avenue in Philadelphia, in the presence of employees of the McDonalds restaurant by means of actual and threatened force, violence, and fear of injury, immediate and future, to the employees' persons and property, that is, by brandishing a silver Jennings .22 caliber semi-automatic pistol, serial number 419472, demanding money, and threatening the employees.

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

COUNT NINE

THE GRAND JURY FURTHER CHARGES THAT

On or about September 13, 2009, in Philadelphia, in the Eastern District of Pennsylvania, defendant

GENE CHRISTOPHER WRIGHT

and Vance Napper, charged elsewhere, knowingly used and carried, and aided and abetted the use and carrying of, a firearm, that is, a silver Jennings .22 caliber semi-automatic pistol, serial number 419472, during and in relation to a crime of violence for which they may be prosecuted in a court of the United States, that is, the armed robbery of the McDonalds restaurant, located at 5495 Woodland Avenue in Philadelphia, in violation of 18 U.S.C. § 1951(a).

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

COUNT TEN

THE GRAND JURY FURTHER CHARGES THAT

At all times material to this indictment:

1. Paragraph 1 of Count One of this indictment is incorporated here.
2. On or about September 19, 2009, in Philadelphia, in the Eastern District of

Pennsylvania, defendant

GENE CHRISTOPHER WRIGHT

and Vance Napper, charged elsewhere, obstructed, delayed, and affected commerce and the movement of articles and commodities in commerce, and attempted to do so, by robbery, in that, Napper and defendant WRIGHT unlawfully took and obtained, and aided and abetted the unlawful taking and obtaining of, approximately \$400 cash from the McDonalds restaurant, located at 5495 Woodland Avenue in Philadelphia, in the presence of employees of the McDonalds restaurant by means of actual and threatened force, violence, and fear of injury, immediate and future, to the employees' persons and property, that is, by brandishing a silver Jennings .22 caliber semi-automatic pistol, serial number 419472, demanding money, and threatening the employees.

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

COUNT ELEVEN

THE GRAND JURY FURTHER CHARGES THAT

On or about September 19, 2009, in Philadelphia, in the Eastern District of Pennsylvania, defendant

GENE CHRISTOPHER WRIGHT

and Vance Napper, charged elsewhere, knowingly used and carried, and aided and abetted the use and carrying of, a firearm, that is, a silver Jennings .22 caliber semi-automatic pistol, serial number 419472, during and in relation to a crime of violence for which they may be prosecuted in a court of the United States, that is, the armed robbery of the McDonalds restaurant, located at 5495 Woodland Avenue in Philadelphia, in violation of 18 U.S.C. § 1951(a).

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

COUNT TWELVE

THE GRAND JURY FURTHER CHARGES THAT

At all times material to this indictment:

1. Paragraph 1 of Count One of this indictment is incorporated here.
2. On or about September 22, 2009, in Philadelphia, in the Eastern District of

Pennsylvania, defendant

KYLE RODGERS

and Vance Napper, charged elsewhere, obstructed, delayed, and affected commerce and the movement of articles and commodities in commerce, and attempted to do so, by robbery, in that, Vance and defendant RODGERS unlawfully took and obtained, and aided and abetted the unlawful taking and obtaining of, United States currency from the Family Dollar store, located at 4701 Girard Avenue in Philadelphia, in the presence of employees of the Family Dollar store by means of actual and threatened force, violence, and fear of injury, immediate and future, to the employees' persons and property, that is, by brandishing a silver Jennings .22 caliber semi-automatic pistol, serial number 419472, demanding money, and threatening the employees.

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

COUNT THIRTEEN

THE GRAND JURY FURTHER CHARGES THAT

On or about September 22, 2009, in Philadelphia, in the Eastern District of Pennsylvania, defendant

KYLE RODGERS

and Vance Napper, charged elsewhere, knowingly used and carried, and aided and abetted the use and carrying of, a firearm, that is, a silver Jennings .22 caliber semi-automatic pistol, serial number 419472, during and in relation to a crime of violence for which they may be prosecuted in a court of the United States, that is, the armed robbery of the Family Dollar store, located at 4701 Girard Avenue in Philadelphia, in violation of 18 U.S.C. § 1951(a).

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

NOTICE OF FORFEITURE

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

**KYLE RODGERS and
GENE CHRISTOPHER WRIGHT**

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

- (1) one silver Jennings .22 caliber semi-automatic pistol, serial number 419472.

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

MICHAEL L. LEVY
United States Attorney