

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

UNITED STATES OF AMERICA	:	CRIMINAL NO. <u>09-612</u>
v.	:	DATE FILED: <u>January 28, 2010</u>
MICHAEL MATTHEWS	:	VIOLATIONS:
MICHAEL ANDERSON	:	18 U.S.C. § 1951 (conspiracy to commit robbery which interfered with interstate commerce - 1 count)
	:	18 U.S.C. § 1951 (attempted robbery which interfered with interstate commerce - 2 counts)
	:	18 U.S.C. § 924(c)(1) (carrying and using a firearm during a crime of violence - 1 count)
	:	18 U.S.C. § 922(g)(1) (possession of a firearm by a convicted felon - 2 counts)
	:	18 U.S.C. § 2 (aiding and abetting)
		Notice of forfeiture

SUPERSEDING INDICTMENT

COUNT ONE

THE GRAND JURY CHARGES THAT:

1. Express Check Cashing, located at 5300 Tabor Avenue in Philadelphia, Pennsylvania, was a business engaged in commercial activities within the Eastern District of Pennsylvania and elsewhere, which included providing and transmitting monetary funds for customers which affected interstate commerce.

2. From on or about May 30, 2009 through on or about June 12, 2009, in Philadelphia, in the Eastern District of Pennsylvania, defendants

**MICHAEL MATTHEWS and
MICHAEL ANDERSON**

knowingly and intentionally conspired and agreed, together and with others known 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 MATTHEWS and ANDERSON conspired to unlawfully take and obtain money in the presence of another and against her will, by means of actual or threatened force, violence, and fear of injury, immediate and future, to her person or property in her control, all in violation of Title 18, United States Code, Section 1951(a).

MANNER AND MEANS

It was part of the conspiracy that:

3. Defendants MICHAEL MATTHEWS and MICHAEL ANDERSON, and others known to the grand jury, planned to rob Express Check Cashing, located at 5300 Tabor Avenue in Philadelphia, Pennsylvania, to obtain cash.

4. In preparation for the commission of the robbery of Express Check Cashing, defendants MICHAEL MATTHEWS and MICHAEL ANDERSON:

- a. on multiple occasions, observed the operation of Express Check Cashing and the routine of its employees;
- b. armed themselves with a firearm; and
- c. drove together to Express Check Cashing in a car with a stolen license plate.

OVERT ACTS

In furtherance of the conspiracy and to effect the object of the conspiracy, defendants MICHAEL MATTHEWS and MICHAEL ANDERSON, and others known to the grand jury, committed the following overt acts, among others, in Philadelphia, in the Eastern District of Pennsylvania:

1. On or about May 30, 2009, defendant MICHAEL ANDERSON drove to Express Check Cashing, wearing female Muslim garb to conceal his identity, in order to observe the operations of the store and its employees for the purpose of planning the robbery.

2. On or about June 6, 2009, defendant MICHAEL ANDERSON again went to Express Check Cashing, wearing female Muslim garb to conceal his identity, in order to observe the operations of the store and its employees for the purpose of planning the robbery, and to execute the robbery. Defendant MICHAEL MATTHEWS assisted in the planning of the robbery and its execution by acting as “look-out” for the presence of law enforcement and by planning to enter the store to carry out the robbery.

On or about June 12, 2009:

3. Defendants MICHAEL MATTHEWS and MICHAEL ANDERSON placed a false stolen license plate on a gold Mazda 626 to conceal the true identity of the vehicle.

4. Defendants MICHAEL MATTHEWS and MICHAEL ANDERSON drove to the Express Check Cashing in the gold Mazda 626, in which Muslim garb was stashed in the rear seat.

5. When they arrived in the vicinity of Express Check Cashing, defendant MICHAEL ANDERSON got out of the vehicle and walked on the side of the street opposite of the business. At the same time, defendant MICHAEL MATTHEWS was walking away from the vehicle and towards Express Check Cashing carrying a Rino Galesi .22 caliber handgun, serial number 32388, duct tape, and black nylon gloves in a backpack to carry out the robbery of Express Check Cashing and to threaten, restrain, or injure its employees and customers during the robbery. Defendants MATTHEWS and ANDERSON were also each communicating with each other by cellular telephones.

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

COUNT TWO

THE GRAND JURY FURTHER CHARGES THAT:

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

2. On or about June 6, 2009, in Philadelphia, in the Eastern District of Pennsylvania, defendants

MICHAEL MATTHEWS and MICHAEL ANDERSON

and others known 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 MATTHEWS and ANDERSON unlawfully attempted to take and obtain, and aided and abetted the unlawful attempt to take and obtain, money belonging to Express Check Cashing, in the 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 or property in her control, that is by attempting to force the employee to turn over money.

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

COUNT THREE

THE GRAND JURY FURTHER CHARGES THAT:

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

2. On or about June 12, 2009, in Philadelphia, in the Eastern District of Pennsylvania, defendants

**MICHAEL MATTHEWS and
MICHAEL ANDERSON**

attempted to obstruct, delay, and affect commerce and the movement of articles and commodities in commerce, by robbery, in that defendants MATTHEWS and ANDERSON unlawfully attempted to take and obtain, and aided and abetted the unlawful attempt to take and obtain, money belonging to Express Check Cashing, in the 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 or property in her control, that is by attempting to force the employee to turn over money.

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

COUNT FOUR

THE GRAND JURY FURTHER CHARGES THAT:

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

2. On or about June 12, 2009, in Philadelphia, in the Eastern District of Pennsylvania, defendants

**MICHAEL MATTHEWS and
MICHAEL ANDERSON**

knowingly used and carried, and aided and abetted the use and carrying of, a firearm, that is a Rino Galesi .22 caliber handgun, serial number 32388, during and in relation to a crime of violence for which each may be prosecuted in a court of the United States, that is, conspiracy to commit robbery, which interfered with interstate commerce, and attempted 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 FIVE

THE GRAND JURY FURTHER CHARGES THAT:

On or about June 12, 2009, in Philadelphia, in the Eastern District of
Pennsylvania, defendant

MICHAEL MATTHEWS,

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 in and affecting interstate commerce a firearm, that is, a Rino Galesi .22 caliber, semi-automatic, handgun, serial number 32388.

In violation of Title 18, United States Code, Section 922(g)(1).

COUNT SIX

THE GRAND JURY FURTHER CHARGES THAT:

On or about June 12, 2009, in Philadelphia, in the Eastern District of
Pennsylvania, defendant

MICHAEL ANDERSON,

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 in and affecting interstate commerce a firearm, that is, a .38 caliber, Smith & Wesson handgun, with a defaced serial number, and an ammunition magazine with three live .22 caliber rounds.

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

NOTICE OF FORFEITURE

THE GRAND JURY FURTHER CHARGES THAT:

As a result of the violations of Title 18, United States Code, Sections 924(c) and 922(g)(1), set forth in this superseding indictment, defendants

**MICHAEL MATTHEWS and
MICHAEL ANDERSON**

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 Rino Galesi .22 caliber, semi-automatic, handgun, serial number 32388, and four live rounds of ammunition;

(2) a .38 caliber, Smith & Wesson handgun, with a defaced serial number; and

(3) an ammunition magazine, loaded with three live .22 caliber rounds of ammunition.

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

MICHAEL L. LEVY
United States Attorney