

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

UNITED STATES OF AMERICA : **CRIMINAL NO.** **08-558**

v. : **DATE FILED:** **January 13, 2010**

SHAWN THOMAS, : **VIOLATIONS:**
a/k/a Malik Brown : **21 U.S.C. § 846 (conspiracy to distribute and possess**
: **with intent to distribute cocaine base (“crack”) -**
: **1 count)**
: **21 U.S.C. § 841(a)(1) (distribution of cocaine base**
: **(“crack”) – 3 counts)**
: **21 U.S.C. § 860 (distribution of cocaine base**
: **(“crack”) within 1000 feet of a school – 1 count)**
: **21 U.S.C. § 841(a)(1) (possession with**
: **intent to distribute cocaine base (“crack”) - 1 count)**
: **18 U.S.C. § 924(c) (possession of a firearm in**
: **furtherance of a drug trafficking offense – 1 count)**
: **18 U.S.C. § 922(g)(1) (felon in possession**
: **of a firearm - 1 count)**
: **18 U.S.C. § 2 (aiding and abetting)**
: **Notice of forfeiture**

SUPERSEDING INDICTMENT

COUNT ONE

THE GRAND JURY CHARGES THAT:

1. From in or about May, 2008, to on or about June 17, 2008, in Philadelphia, in the Eastern District of Pennsylvania, defendant

SHAWN THOMAS,
a/k/a “Malik Brown,”

conspired and agreed with others known and unknown to the grand jury, to knowingly and intentionally distribute and possess with intent to distribute 50 grams or more of a mixture and substance containing a detectable amount of cocaine base (“crack” and “crack cocaine”) a Schedule II controlled substance, in violation of Title 21, United States Code, Section 841(a)(1),

(b)(1)(A).

MANNER AND MEANS

It was part of the conspiracy that:

2. Defendant **SHAWN THOMAS** and persons known and unknown to the grand jury agreed to sell crack cocaine to customers.

3. On or about May 6, 2008 and on or about May 29, 2008, defendant **SHAWN THOMAS** and Person # 1 known to the grand jury (Person # 1) traveled together to locations in Philadelphia, where **SHAWN THOMAS** sold crack cocaine to customers.

4. On occasion, when defendant **SHAWN THOMAS** sold crack cocaine to a customer, he carried and possessed a firearm.

5. Defendant **SHAWN THOMAS** and Person # 1 stored cocaine base (“crack”) for resale in their Philadelphia residence.

All in violation of Title, 21, United States Code, Section 846.

COUNT TWO

THE GRAND JURY FURTHER CHARGES THAT:

On or about May 21, 2008, in Philadelphia, in the Eastern District of Pennsylvania,
defendant

**SHAWN THOMAS,
a/k/a “Malik Brown,”**

knowingly and intentionally distributed 5 grams or more, that is, approximately 10.8 grams, of a mixture and substance containing a detectable amount of cocaine base (“crack”), a Schedule II controlled substance.

In violation of Title 21, United States Code, Section 841(a)(1), (b)(1)(B).

COUNT THREE

THE GRAND JURY FURTHER CHARGES THAT:

On or about May 21, 2008, in Philadelphia, in the Eastern District of Pennsylvania,
defendant

**SHAWN THOMAS,
a/k/a “Malik Brown,”**

knowingly and intentionally distributed 5 grams or more, that is, approximately 10.8 grams, of a mixture and substance containing a detectable amount of cocaine base (“crack”), a Schedule II controlled substance, within 1000 feet of the real property comprising the Northeast Preparatory School, a private secondary school, located at 1328 Cottman Avenue in Philadelphia, in violation of Title 21, United States Code, Section 841(a)(1).

In violation of Title 21, United States Code, Section 860.

COUNT FOUR

THE GRAND JURY FURTHER CHARGES THAT:

On or about May 29, 2008, in Philadelphia, in the Eastern District of Pennsylvania,
defendant

**SHAWN THOMAS,
a/k/a “Malik Brown,”**

knowingly and intentionally distributed 50 grams or more, that is, approximately 55.5 grams, of a mixture and substance containing a detectable amount of cocaine base (“crack”), a Schedule II controlled substance.

In violation of Title 21, United States Code, Section 841(a)(1), (b)(1)(A).

COUNT FIVE

THE GRAND JURY FURTHER CHARGES THAT:

On or about June 17, 2008, in Philadelphia, in the Eastern District of Pennsylvania,
defendant

**SHAWN THOMAS,
a/k/a “Malik Brown,”**

knowingly and intentionally distributed 50 grams or more, that is, approximately 54.3 grams, of a mixture and substance containing a detectable amount of cocaine base (“crack”), a Schedule II controlled substance.

In violation of Title 21, United States Code, Section 841(a)(1), (b)(1)(A).

COUNT SIX

THE GRAND JURY FURTHER CHARGES THAT:

On or about June 17, 2008, in Philadelphia, in the Eastern District of Pennsylvania,
defendant

**SHAWN THOMAS,
a/k/a “Malik Brown,”**

knowingly and intentionally possessed with intent to distribute, and aided and abetted the
possession with intent to distribute of, a mixture and substance containing a detectable amount of
cocaine base (“crack”), a Schedule II controlled substance.

In violation of Title 21, United States Code, Section 841(a)(1), (b)(1)(C).

COUNT SEVEN

THE GRAND JURY FURTHER CHARGES THAT:

From on or about May 21, 2008, to on or about June 17, 2008, in Philadelphia, in the Eastern District of Pennsylvania, defendant

**SHAWN THOMAS,
a/k/a “Malik Brown,”**

knowingly possessed, and aided and abetted the possession of, a firearm, that is, a .38 Smith & Wesson snub nose revolver (serial no. D453526), in furtherance of a drug trafficking crime for which he may be prosecuted in a court of the United States, that is, conspiracy to distribute and to possess with intent to distribute cocaine base (“crack”), in violation of Title 21, United States Code, Section 846; and possession with intent to distribute cocaine base (“crack”), in violation of Title 21, United States Code, Sections 841(a)(1) and 2.

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

COUNT EIGHT

THE GRAND JURY FURTHER CHARGES THAT:

On or about June 17, 2008, in Philadelphia, in the Eastern District of Pennsylvania,
defendant

**SHAWN THOMAS,
a/k/a “Malik Brown,”**

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 Smith & Wesson snub nose revolver (serial number D453526).

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

NOTICE OF FORFEITURE

THE GRAND JURY FURTHER CHARGES THAT:

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

**SHAWN THOMAS,
a/k/a “Malik Brown,”**

shall forfeit to the United States of America the firearm and ammunition involved in the commission of such offense, including, but not limited to:

1. a .38 Smith & Wesson snub nose revolver (serial no. D453526).

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

A TRUE BILL:

FOREPERSON

**MICHAEL L. LEVY
United States Attorney**