

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

UNITED STATES OF AMERICA : **CRIMINAL NO. 09-574**

v. : **DATE FILED: 3/16/10**

MICHAEL LASSITER : **VIOLATIONS:**

CLARENCE POWELL :

: **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**

: **- 2 counts)**

: **18 U.S.C. § 924(c)(1) (using and carrying**

: **a firearm during a crime of violence**

: **- 2 counts)**

: **18 U.S.C. § 2 (aiding and abetting)**

: **Notice of forfeiture**

SECOND SUPERSEDING INDICTMENT

COUNT ONE

THE GRAND JURY CHARGES THAT:

At all times relevant to this second superseding indictment:

1. Star Wigs, located at 8 S. 52nd Street in Philadelphia, Pennsylvania, was a business engaged in interstate commerce. The owner of Star Wigs resided in Broomall, Pennsylvania, and regularly drove from the business to her Broomall residence with proceeds and receipts from the business, keeping those proceeds and receipts in the residence overnight while the business was closed.

2. Dollar Plus Discount, located at 27 S. 52nd Street in Philadelphia, Pennsylvania, was a business engaged in interstate commerce. The owners of Dollar Plus Discount resided in Upper Darby, Pennsylvania, and regularly drove from the business to their

residence with proceeds and receipts from the business, keeping those proceeds and receipts in the residence overnight while the business was closed.

3. From on or about December 1, 2008, through on or about December 18, 2008, in Delaware County, in the Eastern District of Pennsylvania, defendants

**MICHAEL LASSITER and
CLARENCE POWELL**

conspired and agreed, together and with persons known and unknown to the grand jury, including, but not limited to, Troy Hill and Alexis Byrd-Arroyo, charged elsewhere, to commit robbery, which robbery unlawfully obstructed, delayed, and affected commerce, and the movement of articles and commodities in commerce, in that defendants LASSITER and POWELL conspired to unlawfully take and obtain money and other items of value from multiple businesses by breaking into the homes of the business owners and stealing the proceeds from their businesses that they kept in their homes, in the presence of the business owners and their family members, and against their will, by means of actual and threatened force, violence, and fear of injury, immediate and future, to their person and property, all in violation of Title 18, United States Code, Section 1951(a), (b)(1), and (b)(3).

MANNER AND MEANS

4. It was part of the conspiracy, that during the robberies of Star Wigs and Dollar Plus Discount. the businesses listed in Paragraphs 1 and 2, defendants MICHAEL LASSITER and CLARENCE POWELL, and persons known and unknown to the grand jury:

a. entered the businesses to determine whether the businesses were successful and making money, and followed the owners of these businesses from their businesses to their homes to rob them;

b. stole over \$13,650 in cash and other items through the commission of two armed robberies of the homes of these business owners, and by placing the business owners and their family members in fear of physical harm;

c. traveled together to the homes of these business owners in Upper Darby and Broomall, Delaware County, Pennsylvania respectively; and

d. used and carried multiple firearms in the commission of each robbery, threatened and intimidated the business owners or family members at gunpoint. and stole cash and other property, which they split among themselves.

OVERT ACTS

In furtherance of the conspiracy and to effect the object of the conspiracy, defendants MICHAEL LASSITER and CLARENCE POWELL, and persons known and unknown to the grand jury including, but not limited to, Troy Hill and Alexis Byrd-Arroyo, charged elsewhere, committed the following overt acts, among others, in the Eastern District of Pennsylvania and elsewhere:

The Star Wigs Robbery

On or about December 1, 2008:

1. Defendants MICHAEL LASSITER and CLARENCE POWELL, along with Troy Hill and a person unknown to the grand jury (robber #1) waited outside Star Wigs until the owner closed the business for the day.

2. Defendants MICHAEL LASSITER and CLARENCE POWELL, along with Troy Hill and robber #1, while armed with a .50 caliber handgun and a 9mm handgun, followed the business owner until the business owner reached and entered her Broomall, Pennsylvania home.

3. Defendants MICHAEL LASSITER and CLARENCE POWELL, along with Troy Hill, armed with the handguns, entered the business owner's home through an unlocked rear sliding door, while robber #1 waited outside as a lookout and getaway driver.

4. Defendants MICHAEL LASSITER and CLARENCE POWELL, along with Troy Hill, tied up the business owner and another family member before stealing a handgun, \$1,650 in currency, fur coats, jewelry, credit cards and other property before fleeing the home.

5. Defendants MICHAEL LASSITER and CLARENCE POWELL, along with Troy Hill and robber #1, subsequently shared the proceeds they received from the robbery.

The Dollar Plus Discount Robbery

On or about December 18, 2008:

6. Defendants MICHAEL LASSITER and CLARENCE POWELL, along with Troy Hill and Alexis Byrd-Arroyo, while armed with a sawed off shotgun, a .50 caliber handgun and a 9mm handgun, drove to the Upper Darby, Pennsylvania home of the owner of Dollar Plus Discount, which had been identified several days earlier by following the business owner home.

7. When Byrd-Arroyo knocked on the door of the business owner's home, and a family member answered the door, Byrd-Arroyo returned to the car and remained nearby as a lookout.

8. Defendants MICHAEL LASSITER and CLARENCE POWELL, along with Troy Hill, who were armed with the handguns and the sawed off shotgun, forced their way into the business owner's home, restrained several members of the business owner's family, and stole \$3,000 in currency and other property before fleeing in the car driven by Byrd-Arroyo.

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

COUNT TWO

THE GRAND JURY FURTHER CHARGES THAT:

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

2. On or about December 1, 2008, in Delaware County, in the Eastern District of Pennsylvania, defendants

**MICHAEL LASSITER and
CLARENCE POWELL**

obstructed, delayed, and affected commerce, and the movement of articles and commodities in commerce, by robbery, in that, defendants LASSITER and POWELL, and Troy Hill, charged elsewhere, unlawfully took and obtained, and aided and abetted the taking and obtaining of, cash and other proceeds belonging to a business engaged in interstate commerce and being kept in the home of the business owner of Star Wigs, located in Broomall, Marple Township, Delaware County, Pennsylvania, in the presence of the business owner and other family members and against their will, by means of actual and threatened force, violence, and fear of injury, immediate and future to the business owner and family members, by tying them up, pointing multiple firearms at them, demanding money from, and otherwise threatening them.

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

COUNT THREE

THE GRAND JURY FURTHER CHARGES THAT:

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

2. On or about December 1, 2008, in Delaware County, in the Eastern District of Pennsylvania, defendants

**MICHAEL LASSITER and
CLARENCE POWELL**

knowingly used and carried, and aided and abetted the use and carrying of, a firearm, that is, a .50 caliber handgun and a 9mm handgun, during and in relation to a crime of violence for which each defendant may be prosecuted in a court of the United States, that is, conspiracy to commit robbery, which interferes with commerce, and robbery which interferes with commerce by robbery, 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 4 and Overt Acts 6 through 8 of Count One of this second superseding indictment are incorporated here.

2. On or about December 18, 2008, in the Eastern District of Pennsylvania, defendants

**MICHAEL LASSITER, and
CLARENCE POWELL**

obstructed, delayed, and affected commerce, and the movement of articles and commodities in commerce, by robbery, in that, defendants LASSITER and POWELL, and Troy Hill and Alexis Byrd-Arroyo, charged elsewhere, unlawfully took and obtained, and aided and abetted the taking and obtaining of, cash and other proceeds belonging to a business engaged in interstate commerce and being kept in the home of the business owners of the Dollar Plus Discount in Upper Darby, Delaware County, Pennsylvania, in the presence of family members of the business owners and against their will, by means of actual and threatened force, violence, and fear of injury, immediate and future to the business owner and family members, by tying them up, pointing multiple firearms, including a sawed off shotgun, at them, demanding money from, and otherwise threatening them.

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

COUNT FIVE

THE GRAND JURY FURTHER CHARGES THAT:

1. Paragraphs 1 and 4 and Overt Acts 6 through 8 of Count One of this second superseding indictment are incorporated here.

2. On or about December 18, 2008, in Delaware County, in the Eastern District of Pennsylvania, defendants

**MICHAEL LASSITER and
CLARENCE POWELL**

knowingly used and carried, and aided and abetted the use and carrying of, a firearm, that is, a Remington 20 gauge pump action shotgun, model 870, Express Magnum, serial number B893338U, with a sawed off and shortened barrel length of 14 1/4 inches, 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 commerce, and robbery which interferes with 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.

NOTICE OF FORFEITURE

THE GRAND JURY FURTHER CHARGES THAT:

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

**MICHAEL LASSITER and
CLARENCE POWELL**

shall forfeit to the United States of America the firearms involved in the commission of these offenses, including, but not limited to, a Remington 20 gauge pump action shotgun, model 870, Express Magnum, serial number B893338U, with a sawed off and shortened barrel length of 14 1/4 inches.

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

A TRUE BILL:

GRAND JURY FOREPERSON

**MICHAEL L. LEVY
United States Attorney**