

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

UNITED STATES OF AMERICA	:	CRIMINAL NO. <u>10-045</u>
v.	:	DATE FILED: <u>March 15, 2011</u>
JOHN GASSEW	:	VIOLATIONS:
	:	18 U.S.C. § 1951(a) (robbery which
	:	interfered with interstate commerce -
	:	3 counts)
	:	18 U.S.C. § 924(c)(1) (using and carrying
	:	a firearm during a crime of violence -
	:	3 counts)
	:	18 U.S.C. § 2 (aiding and abetting)
	:	Notice of forfeiture

SUPERSEDING INDICTMENT

COUNT ONE

THE GRAND JURY CHARGES THAT:

At all times material to this superseding indictment:

1. Danny Boy's Bar, located at 7447 Torresdale Avenue, Philadelphia, Pennsylvania was a business engaged in and affecting interstate commerce, providing food and drink, and other goods and services, produced in and transported from other states to Pennsylvania, to residents of the Commonwealth of Pennsylvania and out-of-state residents.
2. On or about December 9, 2007, at Philadelphia, in the Eastern District of Pennsylvania, defendant

JOHN GASSEW

obstructed, delayed, and affected commerce and the movement of articles and commodities in commerce, by robbery, in that defendant GASSEW knowingly and unlawfully took and obtained, and aided and abetted the unlawful taking and obtaining of, money from Danny Boy's Bar, in the presence of its employees, against their will, by means of actual and threatened force, violence, and fear of injury, immediate and future, to their person and property, that is, by brandishing a handgun at Danny Boy's Bar's employees and patrons.

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

COUNT TWO

THE GRAND JURY FURTHER CHARGES THAT:

On or about December 9, 2007, at Philadelphia, in the Eastern District of Pennsylvania, defendant

JOHN GASSEW

knowingly used and carried, and aided and abetted the using and carrying of, a firearm, that is, a handgun, during and in relation to a crime of violence for which he may be prosecuted in a court of the United States, that is, robbery which interfered 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.

COUNT THREE

THE GRAND JURY FURTHER CHARGES THAT:

At all times material to this superseding indictment:

1. The 7-Eleven convenience store, located at 2634 Bridge Street, Philadelphia, Pennsylvania, was a business engaged in and affecting interstate commerce, providing goods and services produced in and transported from other states to Pennsylvania, to residents of the Commonwealth of Pennsylvania and out-of-state residents.

2. On or about October 26, 2009, at Philadelphia, in the Eastern District of Pennsylvania, defendant

JOHN GASSEW

obstructed, delayed, and affected commerce and the movement of articles and commodities in commerce, by robbery, in that defendant GASSEW knowingly and unlawfully took and obtained property, that is, money in the amount of approximately \$306 and cigarettes with a value of approximately \$263, belonging to the 7-Eleven convenience store, located at 2634 Bridge Street in Philadelphia, from 7-Eleven employees and in the presence of the employees, against their will, by means of actual and threatened force, violence, and fear of injury, immediate and future, to their person and property, that is, by brandishing a handgun at the employees, striking the employees on the head with the handgun, and forcing one of the employees to lie on the floor.

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

COUNT FOUR

THE GRAND JURY FURTHER CHARGES THAT:

On or about October 26, 2009, at Philadelphia, in the Eastern District of Pennsylvania, defendant

JOHN GASSEW

knowingly used and carried a firearm, that is, a handgun, during and in relation to a crime of violence for which he may be prosecuted in a court of the United States, that is, 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, Section 924(c)(1).

COUNT FIVE

THE GRAND JURY FURTHER CHARGES THAT:

At all times material to this superseding indictment:

1. The 7-Eleven convenience store, located at 8101 Oxford Avenue, Philadelphia, Pennsylvania, was a business engaged in and affecting interstate commerce, providing goods and services produced in and transported from other states to Pennsylvania, to residents of the Commonwealth of Pennsylvania and out-of-state residents.

2. On or about October 28, 2009, at Philadelphia, in the Eastern District of Pennsylvania, defendant

JOHN GASSEW

obstructed, delayed, and affected commerce and the movement of articles and commodities in commerce, by robbery, in that defendant knowingly and unlawfully took and obtained property, that is, money in the amount of approximately \$140 and cigarettes with a value of approximately \$4,854, belonging to the 7-Eleven convenience store, located at 8101 Oxford Avenue in Philadelphia, from a 7-Eleven employee and in the presence of the employee, against his will, by means of actual and threatened force, violence, and fear of injury, immediate and future, to his person and property, that is, by brandishing a handgun at the employee, striking the employee on the head with the handgun, and forcing the employee to lie on the floor.

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

COUNT SIX

THE GRAND JURY FURTHER CHARGES THAT:

On or about October 28, 2009, at Philadelphia, in the Eastern District of Pennsylvania, defendant

JOHN GASSEW

knowingly used and carried a firearm, that is, a Hi-Point Haskell MFG .45 caliber firearm, serial number 321438, loaded with 7 rounds of ammunition, during and in relation to a crime of violence for which he may be prosecuted in a court of the United States, that is, 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, Section 924(c)(1).

NOTICE OF FORFEITURE

THE GRAND JURY FURTHER CHARGES THAT:

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

JOHN GASSEW

shall forfeit to the United States of America the firearms and ammunition involved in the commission of such offenses, including, but not limited to, a Hi-Point Haskell MFG .45 caliber firearm, serial number 321438, loaded with 7 rounds of ammunition.

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


ZANE DAVID MEMEGER
UNITED STATES ATTORNEY