

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

<b>UNITED STATES OF AMERICA</b>	<b>:</b>	<b>CRIMINAL NO.</b>
<b>v.</b>	<b>:</b>	<b>DATE FILED:</b>
<b>CALVIN HICKS</b>	<b>:</b>	<b>VIOLATIONS:</b>
<b>WILLIAM COOPER</b>	<b>:</b>	<b>18 U.S.C. § 1951(a) (conspiracy to commit robbery which interferes with interstate commerce - 1 count)</b>
	<b>:</b>	<b>18 U.S.C. § 1951(a) (robbery which interferes with interstate commerce - 1 count)</b>
	<b>:</b>	<b>18 U.S.C. § 924(c)(1)(using and carrying a firearm during a crime of violence - 1 count)</b>
	<b>:</b>	<b>18 U.S.C. § 922(g)(1) (felon in possession of a firearm - 1 count)</b>
	<b>:</b>	<b>18 U.S.C. § 2 (aiding and abetting)</b>
		<b>Notice of forfeiture</b>

**INDICTMENT**

**COUNT ONE**

**THE GRAND JURY CHARGES THAT:**

1. At all times relevant to this indictment, Sunny’s Grill & Beer, located at 2416 Rhawn Street, in Philadelphia, Pennsylvania (“the victim business”), was a business engaged in and affecting interstate commerce, providing for sale beer, tobacco products, food, and/or other goods produced and transported from outside the Commonwealth of Pennsylvania.

2. On or about December 27, 2008, in Philadelphia, in the Eastern District of Pennsylvania, defendants

**CALVIN HICKS and  
WILLIAM COOPER**

conspired and agreed, together and with others known and unknown 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 HICKS and COOPER conspired to unlawfully take and obtain money and other items of value from the person and in the presence of owners of the victim business against their will, by means of actual and threatened force, violence, and fear of injury, immediate and future, to their person and property in their possession, all in violation of Title 18, United States Code, Section 1951(a), (b)(1), and (b)(3).

### **MANNER AND MEANS**

3. It was part of this conspiracy that defendants CALVIN HICKS and WILLIAM COOPER and others known and unknown to the grand jury entered the victim business and adjoining residential area armed with firearms, robbed the victim business' owners while threatening and assaulting the owners with the firearms, and fled with cash and personal property that represented proceeds and property of Sunny's Grill & Beer.

### **OVERT ACTS**

In furtherance of the conspiracy and to accomplish its object, defendants CALVIN HICKS and WILLIAM COOPER and others known and unknown to the grand jury committed the following overt acts, among others, in Philadelphia, in the Eastern District of Pennsylvania:

On or about December 27, 2008, beginning at approximately 4:30 a.m.:

1. Defendants CALVIN HICKS and WILLIAM COOPER and others known and unknown to the grand jury scaled a ladder located at the rear of 2416 Rhawn Street, broke the glass on the deck door, and entered the residential area located above Sunny's Grill & Beer.

2. Defendants CALVIN HICKS and WILLIAM COOPER and others known and unknown to the grand jury awoke the owners of Sunny's Grill & Beer, forced them into the bathroom, ordered them to disrobe, and held them at gunpoint. One of the owners of Sunny's Grill & Beer was struck in the head with a firearm because he moved too slowly.

3. Defendants CALVIN HICKS and WILLIAM COOPER and others known and unknown to the grand jury demanded money from the owners of Sunny's Grill & Bar.

4. Defendants CALVIN HICKS and WILLIAM COOPER and others known and unknown to the grand jury ransacked the home of the owners of Sunny's Grill & Bar and the victim business premises.

5. Defendants CALVIN HICKS and WILLIAM COOPER and others known and unknown to the grand jury fled the home of the owners of Sunny's Grill & Beer with approximately \$7,516, merchandise, and other items of value that represented proceeds and property of the victim business.

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

**COUNT TWO**

**THE GRAND JURY FURTHER CHARGES THAT:**

1. Paragraphs 1 and 3, and Overt Acts 1 through 5 of Count One of this indictment are incorporated here.
2. On or about December 27, 2008, in Philadelphia, in the Eastern District of Pennsylvania, defendants

**CALVIN HICKS and  
WILLIAM COOPER**

obstructed, delayed and affected commerce and the movement of articles and commodities in commerce, and attempted to do so, by robbery, in that, defendants HICKS and COOPER unlawfully took and obtained, and aided and abetted the unlawful taking and obtaining of, approximately \$7,516 in cash and other items of value, in the presence of others, against their will, by means of actual and threatened force, violence, and fear of injury, immediate and future to their persons and property, that is, by brandishing firearms at the owners of Sunny's Grill & Beer, and ransacking their home and the premises of Sunny's Grill & Beer, located at 2416 Rhawn Street, and demanding money and other things of value in their possession.

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

**COUNT THREE**

**THE GRAND JURY FURTHER CHARGES THAT:**

On or about December 27, 2008, in Philadelphia, in the Eastern District of Pennsylvania, defendants

**CALVIN HICKS and  
WILLIAM COOPER**

knowingly used and carried, and aided and abetted the use and carrying of, a firearm, during and in relation to a crime of violence for which each may be prosecuted in a court of the United States, that is, the robbery of Sunny's Grill & Beer, located at 2416 Rhawn Street, which robbery 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 FOUR**

**THE GRAND JURY FURTHER CHARGES THAT:**

On or about December 27, 2008, in Philadelphia, in the Eastern District of Pennsylvania, defendant

**CALVIN HICKS,**

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 two firearms, that is, a Keltec PT140 .40 caliber pistol, serial number SAN13732, loaded with four rounds of ammunition, and a Keltec P11 9mm pistol, serial number A8H90, loaded with 11 rounds of ammunition, and 38 rounds of Centerfire ammunition.

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 924(c)(1) and 922(g)(1) set forth in this indictment, defendants

**CALVIN HICKS and  
WILLIAM COOPER**

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

- (1) a Keltec PT140 .40 caliber pistol, serial number SAN13732;
- (2) a Keltec P11 9mm pistol, serial number A8H90; and
- (3) 53 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:**

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**GRAND JURY FOREPERSON**

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**ZANE DAVID MEMEGER**  
United States Attorney