

**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>ELCHIN ALIYEV</b>	<b>:</b>	<b>VIOLATIONS:</b>
<b>YVES DAVID WECHÉ</b>	<b>:</b>	<b>18 U.S.C. § 1951 (conspiracy to commit robbery which interferes with interstate commerce - 1 count)</b>
	<b>:</b>	<b>18 U.S.C. § 1951 (attempted robbery which interferes with interstate commerce - 1 count)</b>
	<b>:</b>	<b>18 U.S.C § 924(c) (possession of a firearm in furtherance of a crime of violence - 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:**

At all times relevant to this indictment:

1. The illegal sale, distribution, possession with intent to distribute, and trafficking of controlled substances are activities which affect interstate commerce as follows:

a. They have a substantial and detrimental effect on the health and general welfare of the American people.

b. A major portion of the traffic in illegal narcotics and controlled substances flows through interstate and foreign commerce. Incidents of the traffic which are not an integral part of the interstate or foreign flow, such as manufacture, local distribution, and possession,

nonetheless have a substantial and direct effect upon interstate commerce because many illegal narcotics and controlled substances: (i) after manufacture, these substances are transported in interstate commerce; (ii) such substances that are distributed locally usually have been transported in interstate commerce immediately before their distribution; and (iii) immediately prior to the possession of such substances, they commonly flow through interstate commerce.

c. Local distribution and possession of illegal narcotics and controlled substances contribute to swelling the interstate traffic in such substances.

d. Illegal narcotics and controlled substances manufactured and distributed intrastate cannot be differentiated from controlled substances manufactured and distributed interstate.

All as set forth in Title 21, United States Code, Section 801.

2. At all times relevant to this indictment, Person #1 known to the grand jury (Person #1), was engaged in the illegal sale, distribution, and trafficking of marijuana in the Eastern District of Pennsylvania, which included marijuana that had been shipped and transported to Person #1 from outside the Commonwealth of Pennsylvania, including from California, affecting interstate commerce.

3. From on or about March 1, 2012, through on or about March 13, 2012, in Philadelphia, in the Eastern District of Pennsylvania, and elsewhere, defendants

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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 conspired and agreed to unlawfully take and obtain, and attempted to unlawfully take and obtain, property, that is, cash, illegal controlled substances, and other items of value, from persons involved in the illegal sale, distribution, and trafficking of marijuana, including but not limited to, Person #1, and against their will, by means of actual and threatened force, violence, and fear of injury, immediate and future, to their persons and property, in violation of Title 18, United States Code, Section 1951(a), (b)(1) and (b)(3).

## MANNER AND MEANS

It was part of the conspiracy that:

4. Defendants ELCHIN ALIYEV and YVES DAVID WECHE, and others known and unknown to the grand jury, agreed to rob Person #1 at gunpoint because the defendants believed that Person #1 was a marijuana dealer and would have cash, marijuana, and other items of value in his possession and at his residences.

5. After targeting Person #1, defendants ELCHIN ALIYEV and YVES DAVID WECHE, and others known and unknown to the grand jury, obtained items, including a firearm, a knife, a baseball bat, masks, gloves and plastic zip-ties, that they intended to use to carry out the robbery of Person #1.

6. Defendants ELCHIN ALIYEV and YVES DAVID WECHE, and others known and unknown to the grand jury, met at the Home Depot located on Bustleton Aveune in Philadelphia, Pennsylvania in order to finalize arrangements for the robbery, and had with them items, including a loaded handgun, a knife, a baseball bat, masks, gloves, and plastic zip-ties, that they intended to use to commit the robbery of Person #1 later that evening.

## OVERT ACTS

In furtherance of the conspiracy, and to effect the object of the conspiracy, defendants ELCHIN ALIYEV and YVES DAVID WECHE, and others known and unknown to the grand jury, committed the following overt acts, among others, in the Eastern District of Pennsylvania, and elsewhere:

1. On or about March 1, 2012, defendant ELCHIN ALIYEV and others known and unknown to the grand jury, met in Philadelphia, Pennsylvania, and discussed beating up and robbing Person #1, who they knew was a marijuana drug trafficker.
2. On or about March 5, 2012, defendant ELCHIN ALIYEV and others known and unknown to the grand jury, met in Philadelphia, Pennsylvania, and again discussed beating up and robbing Person #1, who they learned would be receiving a large shipment of marijuana in the near future.
3. Prior to and on or about March 6, 2012, defendant ELCHIN ALIYEV recruited defendant YVES DAVID WECHE to join in the robbery.
4. On or about March 6, 2012, defendants ELCHIN ALIYEV and YVES DAVID WECHE, and others known and unknown to the grand jury, met in Philadelphia, Pennsylvania to discuss their plan to rob Person #1, their use of firearms to commit the robbery, and how they would divide up the proceeds from the robbery.
5. On or about March 11, 2012, defendants ELCHIN ALIYEV and YVES DAVID WECHE, and others known and unknown to the grand jury, met again in Philadelphia, Pennsylvania to discuss their plan to rob Person #1, which they planned to commit during the evening of

March 13, 2012.

6. Prior to and on or about March 13, defendants ELCHIN ALIYEV and YVES DAVID WECHE, and others known and unknown to the grand jury, obtained items to be used to commit the robbery of Person #1, including a loaded Taurus model PT 140 .40 caliber semiautomatic handgun with serial number SAN22926, a knife, a baseball bat, masks, gloves, and plastic zip-ties.

7. On or about March 13, 2012, defendants ELCHIN ALIYEV and YVES DAVID WECHE, and others known and unknown to the grand jury, while in possession of items that they intended to use to commit the robbery of Person #1, including a loaded Taurus model PT 140 .40 caliber semiautomatic handgun with serial number SAN22926, a knife, a baseball bat, masks, gloves, and plastic zip-ties, met at the Home Depot located on Bustleton Avenue, Philadelphia, Pennsylvania in order to coordinate the timing and location of the planned robbery of Person #1 that evening.

All in violation of Title 18, United States Code, Section 1951(a), (b)(1) and (b)(3).

**COUNT TWO**

**THE GRAND JURY FURTHER CHARGES THAT:**

1. Paragraphs 1, 2, 4, 5 and 6, and Overt Acts 1 through 7 of Count One of this Indictment are incorporated here.

2. On or about March 13, 2012, in Philadelphia, in the Eastern District of Pennsylvania, defendants

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obstructed, delayed and affected commerce and the movement of articles and commodities in commerce, and attempted to do so, by robbery, in that the defendants unlawfully attempted to take and obtain, and aided and abetted the unlawful attempted taking and obtaining of, property, that is, illegal narcotics, cash, and other items of value from Person #1, who was engaged in the illegal sale, distribution, and trafficking of marijuana, against his will by means of actual and threatened force, and violence, and fear of injury, immediate and future, to his person and property, that is, by obtaining and possessing items, including a loaded handgun, a knife, a baseball bat, masks, gloves, and plastic zip-ties, to be used in the robbery of Person #1, and meeting to finalize arrangements for the robbery of Person #1.

In violation of Title 18, United States Code, Sections 1951(a), 1951(b)(1), 1951(b)(3) and 2.

**COUNT THREE**

**THE GRAND JURY FURTHER CHARGES THAT:**

1. Paragraphs 1, 2, 4, 5 and 6, and Overt Acts 1 through 7 of Count One of this Indictment are incorporated here.

2. On or about March 13, 2012, in Philadelphia, in the Eastern District of Pennsylvania, defendants

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knowingly possessed, and aided and abetted the possession of, a firearm, that is, a Taurus model PT 140 .40 caliber semiautomatic handgun with serial number SAN22926 and loaded with 11 live rounds of ammunition, in furtherance of a crime of violence for which each may be prosecuted in a Court of the United States, that is, conspiracy to commit robbery which interferes with interstate commerce, and attempted robbery which interferes with interstate commerce.

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 indictment, defendants

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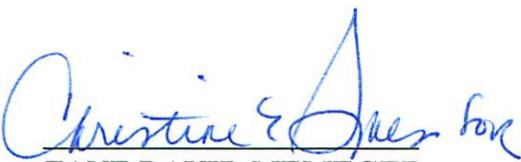
shall forfeit to the United States of America the firearms and ammunition involved in the commission of such offenses, including, but not limited to:

- (i) a Taurus model PT 140 .40 caliber semi-automatic handgun, with serial number SAN22926; and
- (ii) 11 live 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**

  
**ZANE DAVID MEMEGER**  
United States Attorney