

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

**UNITED STATES OF AMERICA** : **CRIMINAL NO. 09-626**  
**v.** : **DATE FILED:** \_\_\_\_\_  
**SHERMELL MOBLEY** : **VIOLATIONS:**  
: **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**  
: **- 1 count)**  
: **18 U.S.C. § 924(c)(1) (carrying and using**  
: **a firearm during a crime of violence**  
: **- 1 count)**  
: **18 U.S.C. § 2 (aiding and abetting)**

**SUPERSEDING INDICTMENT**

**COUNT ONE**

**THE GRAND JURY CHARGES THAT:**

At all times relevant to this indictment:

1. The Cold Beer and Deli, located at 5937 Market Street in Philadelphia, Pennsylvania, was a business engaged in interstate commerce, selling food and beverages, and other goods, produced in and transported from other states to Pennsylvania, to residents of the Commonwealth of Pennsylvania and out-of-state residents.

**THE ROBBERY CONSPIRACY**

2. On or about December 15, 2008, in Philadelphia, in the Eastern District of Pennsylvania, defendant

**SHERMELL MOBLEY**

conspired and agreed with Kassim Butler and Kayveck Rojas, each charged elsewhere, to commit robbery, which robbery would unlawfully obstruct, delay, and affect commerce, and the movement of articles and commodities in commerce, in that defendant MOBLEY and Kassim Butler and Kayveck Rojas conspired to unlawfully take and obtain money and other items of value from the owner and an employee of the Cold Beer and Deli 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 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 defendant SHERMELL MOBLEY, who had previously worked for, but been fired from, the Cold Beer and Deli, and Kassim Butler and Kayveck Rojas, each charged elsewhere, planned to steal money and property at gunpoint from the Cold Beer and Deli by waiting until closing time when the manager and last employee left the store, then by forcing the victims to give the robbers their possessions by using a firearm while threatening to use physical violence, to gain access to the victims' money and property and deli proceeds that were in the victims' possession.

### **OVERT ACTS**

In furtherance of the conspiracy and to accomplish its object, defendant SHERMELL MOBLEY, and Kassim Butler and Kayveck Rojas, each charged elsewhere, committed the following overt acts, among others, in the Eastern District of Pennsylvania and elsewhere:

On or about December 15, 2008:

1. Defendant SHERMELL MOBLEY hired an unlicensed taxi driver to transport her, Kassim Butler, and Kayveck Rojas for the purpose of robbing the Cold Beer and Deli, and to flee from the Cold Beer and Deli after the robbery had been completed.

2. Defendant SHERMELL MOBLEY picked up Kassim Butler and Kayveck Rojas in the vicinity of the 5400 block of Spruce Street, Philadelphia, Pennsylvania, in the unlicensed taxi that defendant MOBLEY had hired.

3. Defendant SHERMELL MOBLEY, Kassim Butler, and Kayveck Rojas went to the Cold Beer and Deli shortly before closing time, to rob the Cold Beer and Deli of its proceeds.

4. When the owner and an employee left the Cold Beer and Deli carrying deli proceeds and other property, Kassim Butler and Kayveck Rojas, as defendant SHERMELL MOBLEY had planned, approached the owner and the employee, pointed a black handgun at them, demanded that the employee give them the bag containing deli proceeds that was over her shoulder, and then grabbed the bag from the employee's shoulder, one from her hand, and another bag from the owner.

5. Kassim Butler and Kayveck Rojas stole the proceeds of the robbery and fled on foot together to where defendant SHERMELL MOBLEY waited in the unlicensed taxi.

6. Defendant SHERMELL MOBLEY, Kassim Butler, and Kayveck Rojas attempted to flee from and evade arrest by police, who caught and arrested them several blocks

from the robbery and recovered the robbery proceeds, after stopping the unlicensed taxi from which the three ran.

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

**COUNT TWO**

**THE GRAND JURY FURTHER CHARGES THAT:**

1. Paragraph 1 of Count One is incorporated here.
2. On or about December 15, 2008, in Philadelphia, in the Eastern District of Pennsylvania, defendant

**SHERMELL MOBLEY,**

and Kassim Butler and Kayveck Rojas, each charged elsewhere, obstructed, delayed, and affected commerce, and the movement of articles and commodities in commerce, and attempted to do so, by robbery, in that, defendant MOBLEY, Kassim Butler, and Kayveck Rojas unlawfully took and obtained, and aided and abetted the unlawful taking and obtaining of, cash from the Cold Beer and Deli, in the presence of the owner and employee and against their will, by means of actual and threatened force, violence, and fear of injury, immediate and future to the owner and an employee, by pointing a firearm at, demanding money from, and otherwise assaulting and threatening them.

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 15, 2008, in Philadelphia, in the Eastern District of Pennsylvania, defendant

**SHERMELL MOBLEY,**

and Kassim Butler and Kayveck Rojas, each charged elsewhere, knowingly used and carried, and aided and abetted the use and carrying of, a firearm, that is, a small handgun, black in color, 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 interstate commerce, and robbery which interferes with interstate commerce, in violation of Title 18, United States Code, Sections 1951(a).

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

**A TRUE BILL:**

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**GRAND JURY FOREPERSON**

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**ZANE DAVID MEMEGER**  
United States Attorney