

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

ORIGINAL

- - - - - X  
:  
UNITED STATES OF AMERICA :  
:  
- v. - :  
:  
JAMEL UPSON, :  
a/k/a "Flynt," :  
SAMUEL CARLOS, :  
a/k/a "Zeke," :  
ANTHONY JONES, :  
a/k/a "Fish," :  
ANTOINE LITTLE, :  
a/k/a "Peanut," :  
TYRONE McCALLUM, :  
a/k/a "Yayo," :  
PORTLAND RAMSEUR, :  
a/k/a "PO," :  
GORHAM VALENTINE, :  
a/k/a "Bagz," and :  
JASON WHITE, :  
a/k/a "Dutch," :  
:  
Defendants. :  
:  
- - - - - X

SEALED  
SUPERSEDING  
INDICTMENT

S2 15 Cr. 570 (KMK)

COUNT ONE  
(Racketeering Conspiracy)

The Grand Jury charges:

THE ENTERPRISE

1. At all times relevant to this Indictment, JAMEL UPSON, a/k/a "Flynt," SAMUEL CARLOS, a/k/a "Zeke," ANTHONY JONES, a/k/a "Fish," ANTOINE LITTLE, a/k/a "Peanut," TYRONE McCALLUM, a/k/a "Yayo," PORTLAND RAMSEUR, a/k/a "PO," GORHAM VALENTINE, a/k/a "Bagz," and JASON WHITE, a/k/a "Dutch," the defendants, and others known and unknown, were members and associates of the "Boss Playa

Family" or "BPF" (the "Enterprise"), a criminal organization whose members and associates engaged in, among other activities, murder, attempted murder, assault with dangerous weapons, larceny, arson, interstate transportation of stolen property, and narcotics trafficking. BPF operated principally in and around the area of Seventh Avenue and Sandford Boulevard in Mount Vernon, New York.

2. BPF, including its leadership, its membership, and its associates, constituted an "enterprise," as defined by Title 18, United States Code, Section 1961(4), that is, a group of individuals associated in fact, although not a legal entity. The Enterprise constituted an ongoing organization whose members functioned as a continuing unit for a common purpose of achieving the objectives of the Enterprise. At all times relevant to this Indictment, BPF was engaged in, and its activities affected, interstate and foreign commerce.

3. JAMEL UPSON, a/k/a "Flynt," SAMUEL CARLOS, a/k/a "Zeke," ANTHONY JONES, a/k/a "Fish," ANTOINE LITTLE, a/k/a "Peanut," TYRONE McCALLUM, a/k/a "Yayo," PORTLAND RAMSEUR, a/k/a "PO," GORHAM VALENTINE, a/k/a "Bagz," and JASON WHITE, a/k/a "Dutch," the defendants, and others known and unknown, were leaders, members, or associates of the Enterprise or otherwise directed members of the Enterprise in carrying out unlawful and other activities in furtherance of the conduct of the Enterprise's affairs.

4. BPF was a criminal, street-level organization based in Mount Vernon, New York. BPF had multiple criminal objectives, including to exercise control over the area of Seventh Avenue and Sandford Boulevard in Mount Vernon. To that end, BPF sought to assert its dominance over rival gangs, particularly the "Goonies," a gang based in the neighboring area of Seventh Avenue and Third Street in Mount Vernon. Certain members and associates of BPF committed and agreed, attempted, and threatened to commit acts of violence to protect and expand BPF's territory, to protect fellow members and associates of the Enterprise, and to retaliate against and intimidate members of the Goonies and other rival gangs who encroached on BPF's territory. These acts of violence included multiple murders and other shootings committed on the streets of Mount Vernon.

5. Though it did not have a rigid or formal hierarchy, during the period relevant to this Indictment, BPF was led by, among others, JAMEL UPSON, a/k/a "Flynt," PORTLAND RAMSEUR, a/k/a "PO," and ANTOINE LITTLE, a/k/a "Peanut," the defendants. UPSON was a "shooter," one of the gang's chief enforcers, as was JASON WHITE, a/k/a "Dutch," the defendant. While UPSON and WHITE were far from the only BPF members who committed acts of violence in furtherance of the gang's objectives, they often took the lead, working together with other BPF members and associates, to commit such acts of violence, including multiple shootings. RAMSEUR was

one of the gang's primary money makers, generating funds to support the gang's activities through, among other means, the sale of narcotics and commission of larcenies. LITTLE's role included, among other things, coordinating and organizing BPF events and meetings, at which shootings and other acts of violence were sometimes planned and discussed. BPF members and associates often convened at a particular residence located in the vicinity of Seventh Avenue and Sandford Boulevard in Mount Vernon.

6. At times relevant to this Indictment, BPF was aligned with members and associates of another street-level criminal organization, the "Get Money Gangstas" or "GMG" gang, which operated in the area of Thirteenth Avenue in Mount Vernon. BPF and GMG were aligned together, in particular, against the rival Goonies gang. Members and associates of BPF would often join forces with individuals affiliated with GMG, including, among others, TYRONE McCALLUM, a/k/a "Yayo," the defendant, when engaging in acts of violence against the Goonies. As such, members and associates from BPF and GMG often coordinated, collaborated, and worked together and with each other as a single organization.

7. Certain members and associates of BPF maintained firearms for use by other members and associates of the Enterprise, some of which firearms were used in shootings against the Goonies. The guns were kept in stash locations that were

known to certain BPF members and associates, including WHITE, who maintained and supplied firearms for the gang. When a firearm was needed to protect BPF territory, or to strike against the Goonies, members of BPF could and did use such firearms maintained and stored by other members of the gang.

8. Another of BPF's criminal objectives was the enrichment of the members and associates of the organization through, among other activities, the distribution of narcotics, namely cocaine and marijuana. Certain BPF members and associates, including UPSON, CARLOS, RAMSEUR, and WHITE, sold drugs to customers, from vehicles and on the streets, within BPF's territory in the area of Seventh Avenue and Sandford Boulevard. BPF members and associates obtained at least some of their cocaine and marijuana for distribution from certain common suppliers.

9. BPF members and associates expressly acknowledged their gang affiliation through various means, including by wearing branded merchandise, such as shirts and jackets emblazoned with "Boss Playa Family" and "BPF." Certain BPF members, including UPSON, RAMSEUR, and GORHAM VALENTINE, a/k/a "Bagz," the defendants, also created, performed, recorded, and posted on Internet sites such as YouTube music videos celebrating BPF and its illegal activities.

PURPOSES OF THE ENTERPRISE

10. The purposes of the Enterprise included, but were not limited to, the following:

a. Preserving and protecting the power, territory, and profits of the Enterprise through murder, attempted murder, other acts of violence, and threats of violence.

b. Promoting and enhancing the Enterprise and the activities of its members and associates.

c. Keeping victims and potential victims in fear of the Enterprise and its members and associates through acts and threats of violence.

d. Providing assistance to members and associates who committed crimes for and on behalf of the gang.

e. Enriching the members and associates of the Enterprise through, among other means, holding parties and other events in and around Mount Vernon, and the distribution and sale of narcotics, including cocaine and marijuana.

f. Concealing the criminal activities of the Enterprise from detection by law enforcement.

MEANS AND METHODS OF THE ENTERPRISE

11. Among the means and methods employed by the members and associates in conducting and participating in the conduct of the affairs of the Enterprise were the following:

a. Members and associates of the Enterprise committed, conspired, attempted, and threatened to commit acts of violence, including murder, to protect and expand the Enterprise's criminal operations.

b. Members and associates of the Enterprise used threats of violence and physical violence against other members and associates to enforce and maintain discipline within the Enterprise.

c. Members and associates of the Enterprise committed, conspired, attempted, and threatened to commit acts of violence, including murder, against rival gang members and other individuals adverse to the Enterprise.

d. Members and associates of the Enterprise obtained, possessed, and used firearms.

e. Members and associates of the Enterprise distributed narcotics.

STATUTORY ALLEGATIONS

12. From at least in or about 2007 up to and including in or about 2014, in the Southern District of New York and elsewhere, JAMEL UPSON, a/k/a "Flynt," SAMUEL CARLOS, a/k/a "Zeke," ANTHONY

JONES, a/k/a "Fish," ANTOINE LITTLE, a/k/a "Peanut," TYRONE McCALLUM, a/k/a "Yayo," PORTLAND RAMSEUR, a/k/a "PO," GORHAM VALENTINE, a/k/a "Bagz," and JASON WHITE, a/k/a "Dutch," the defendants, and others known and unknown, being persons employed by and associated with the Enterprise described in paragraphs 1 through 11 of this Indictment, to wit, BPF, knowingly combined, conspired, confederated, and agreed together and with each other to violate the racketeering laws of the United States, to wit, Section 1962(c) of Title 18, United States Code, that is, to conduct and participate, directly and indirectly, in the conduct of the affairs of the BPF enterprise, which was engaged in, and the activities of which affected, interstate and foreign commerce, through a pattern of racketeering activity consisting of:

a. multiple acts involving murder, chargeable under the following provisions of state law:

i. New York Penal Law, Sections 20.00 and 125.25 (murder);

ii. New York Penal Law, Sections 20.00, 110.00, and 125.25 (attempted murder);

iii. New York Penal Law, Sections 105.15 and 125.25 (conspiracy to murder);

b. multiple acts involving the distribution of controlled substances, including cocaine and marijuana, in



violation of the laws of the United States, namely Title 21, United States Code, Sections 846 and 841(a)(1); and

c. multiple acts indictable under Title 18, United States Code, Section 2314 (relating to interstate transportation of stolen property).

13. It was a part of the conspiracy that each defendant agreed that a conspirator would commit at least two acts of racketeering activity in the conduct of the affairs of the Enterprise.

#### Overt Acts

14. In furtherance of the conspiracy and to effect the illegal object thereof, the following overt acts, among others, were committed in the Southern District of New York:

a. In or about August 2008, JAMEL UPSON, a/k/a "Flynt," the defendant, and others known and unknown, conspired to murder Shomari Knox, a rival gang member, in or around Mount Vernon, New York.

b. On or about August 13, 2008, JAMEL UPSON, a/k/a "Flynt," aided and abetted by others known and unknown, murdered Shomari Knox, a rival gang member, in the vicinity of Ninth Avenue and Third Street in Mount Vernon, New York.

c. On or about December 14, 2008, JAMEL UPSON, a/k/a "Flynt," aided and abetted by others known and unknown, murdered

Cory Cabiness, a rival gang member, in the vicinity of 132 South Seventh Avenue in Mount Vernon, New York.

d. In or about late 2008, GORHAM VALENTINE, a/k/a "Bagz," the defendant, aided and abetted by PORTLAND RAMSEUR, a/k/a "PO," the defendant, and others known and unknown, shot at a narcotics trafficker in the vicinity of 241st Street and Carpenter Avenue in the Bronx, New York.

e. In or about the spring of 2010, JAMEL UPSON, a/k/a "Flynt," and ANTHONY JONES, a/k/a "Fish," the defendants, and others known and unknown, conspired to murder a rival gang member ("Victim-1") in the vicinity of 55 Sheridan Avenue in Mount Vernon, New York.

f. On or about May 4, 2010, JAMEL UPSON, a/k/a "Flynt," the defendant, aided and abetted by ANTHONY JONES, a/k/a "Fish," and others known and unknown, shot Victim-1, a rival gang member, in the vicinity of 55 Sheridan Avenue in Mount Vernon, New York.

g. On or about June 6, 2010, JASON WHITE, a/k/a "Dutch," the defendant, shot the girlfriend of a rival gang member in the vicinity of Seventh Avenue and Sandford Boulevard in Mount Vernon, New York.

h. On or about June 6, 2010, JAMEL UPSON, a/k/a "Flynt," the defendant, aided and abetted by ANTOINE LITTLE, a/k/a "Peanut," the defendant, and others known and unknown, attempted

to shoot a rival gang member and shot at the rival gang member's sister in the vicinity of Bell Avenue in Mount Vernon, New York.

i. On or about June 6, 2010, JASON WHITE, a/k/a "Dutch," and TYRONE McCALLUM, a/k/a "Yayo," the defendants, and others known and unknown, shot at rival gang members in the vicinity of Sheridan Avenue and Sherman Avenue in Mount Vernon, New York.

j. On or about March 11, 2012, JASON WHITE, a/k/a "Dutch," and TYRONE McCALLUM, a/k/a "Yayo," the defendants, and others known and unknown, conspired to murder rival gang members, and did shoot at a member and an associate of a rival gang member and aid and abet the same, in the vicinity of 20 Cooley Place in Mount Vernon, New York.

k. In or about January 2014, PORTLAND RAMSEUR, a/k/a "PO," the defendant, and others known and unknown, participated in the transportation of stolen chinchilla coats valued at over \$120,000 from a store in New Jersey to Mount Vernon, New York.

l. Between at least in or about 2007 and in or about 2012, JAMEL UPSON, a/k/a "Flynt," SAMUEL CARLOS, a/k/a "Zeke," PORTLAND RAMSEUR, a/k/a "PO," and JASON WHITE, a/k/a "Dutch," the defendants, and others known and unknown, conspired to distribute cocaine and marijuana in and around Mount Vernon, New York.

NOTICE OF SPECIAL SENTENCING FACTORS

15. On or about August 13, 2008, in the Southern District of New York, JAMEL UPSON, a/k/a "Flynt," the defendant, and others known and unknown, intentionally and knowingly murdered and aided and abetted the murder of Shomari Knox, in the vicinity of Ninth Avenue and Third Street in Mount Vernon, New York, in violation of New York Penal Law, Sections 20.00 and 125.25, in that, with the intent to cause the death of Shomari Knox, and under circumstances evincing a depraved indifference to human life, UPSON, and others known and unknown, caused the death of Knox, and did recklessly engage in conduct which created a grave risk of death to another person, and thereby caused the death of Knox, and did aid and abet one another in causing such death.

16. On or about December 14, 2008, in the Southern District of New York, JAMEL UPSON, a/k/a "Flynt," the defendant, and others known and unknown, intentionally and knowingly murdered and aided and abetted the murder of Cory Cabiness, in the vicinity of 132 South Seventh Avenue in Mount Vernon, New York, in violation of New York Penal Law, Sections 20.00 and 125.25, in that, with the intent to cause the death of Cory Cabiness, and under circumstances evincing a depraved indifference to human life, UPSON, and others known and unknown, caused the death of Cabiness, and did recklessly engage in conduct which created a grave risk of

death to another person, and thereby caused the death of Cabiness, and did aid and abet one another in causing such death.

(Title 18, United States Code, Section 1962(d).)

COUNT TWO  
(Firearms Offense)

The Grand Jury further charges:

17. From at least in or about 2007 up to and including in or about 2014, in the Southern District of New York and elsewhere, JAMEL UPSON, a/k/a "Flynt," SAMUEL CARLOS, a/k/a "Zeke," ANTHONY JONES, a/k/a "Fish," ANTOINE LITTLE, a/k/a "Peanut," TYRONE McCALLUM, a/k/a "Yayo," PORTLAND RAMSEUR, a/k/a "PO," GORHAM VALENTINE, a/k/a "Bagz," and JASON WHITE, a/k/a "Dutch," the defendants, during and in relation to a crime of violence for which they may be prosecuted in a court of the United States, namely, the racketeering conspiracy charged in Count One of this Indictment, knowingly did use and carry firearms, and, in furtherance of such crime, did possess firearms, and did aid and abet the use, carrying, and possession of firearms, some of which firearms were discharged.

(Title 18, United States Code, Sections 924(c)(1)(A)(iii) and 2.)

COUNT THREE  
(Murder in Aid of Racketeering)

The Grand Jury further charges:

18. At all times relevant to this Indictment, BPF, as described in paragraphs 1 through 11 of this Indictment, which are

realleged and incorporated by reference as though fully set forth herein, constituted an enterprise, as that term is defined in Title 18, United States Code, Section 1959(b)(2), that is, an association in fact of individuals engaged in, and the activities of which affected, interstate and foreign commerce.

19. At all times relevant to this Indictment, BPF, through its members and associates, engaged in racketeering activity, as that term is defined in Title 18, United States Code, Sections 1959(b)(1) and 1961(1), that is, acts involving murder, in violation of New York Penal Law; acts involving narcotics distribution, in violation of Title 21, United States Code, Sections 846 and 841; acts involving arson, in violation of New York Penal Law; and acts indictable under Title 18, United States Code, Section 2314 (relating to interstate transportation of stolen property).

20. On or about August 13, 2008, in the Southern District of New York, JAMEL UPSON, a/k/a "Flynt," the defendant, and others known and unknown, for the purpose of gaining entrance to and maintaining and increasing position in BPF, an enterprise engaged in racketeering activity, as described above, intentionally and knowingly murdered and aided and abetted the murder of a rival gang member, Shomari Knox, that is, with the intent to cause the death of Knox, and under circumstances evincing a depraved indifference to human life, did cause the death of Knox, and did

recklessly engage in conduct which created a grave risk of death to another person, and thereby caused the death of Knox, in violation of New York Penal Law, Sections 20.00 and 125.25.

(Title 18, United States Code, Sections 1959(a)(1) and 2.)

**COUNT FOUR**  
**(Firearms Offense)**

The Grand Jury further charges:

21. On or about August 13, 2008, in the Southern District of New York, JAMEL UPSON, a/k/a "Flynt," the defendant, during and in relation to a crime of violence for which he may be prosecuted in a court of the United States, namely, the murder in aid of racketeering charged in Count Three of this Indictment, willfully and knowingly did use and carry a firearm, and, in furtherance of such crime, did possess a firearm, and did aid and abet the use, carrying, and possession of a firearm, which firearm was discharged, and in the course of those crimes did cause the death of a person through the use of a firearm, which killing is murder as defined in Title 18, United States Code, Section 1111(a), to wit, UPSON caused the death of Shomari Knox, a rival gang member, by shooting Knox in the vicinity of Ninth Avenue and Third Street in Mount Vernon, New York.

(Title 18, United States Code, Sections 924(c)(1)(A)(iii),  
924(c)(1)(C)(i), 924(j), and 2.)

COUNT FIVE  
(Murder in Aid of Racketeering)

The Grand Jury further charges:

22. Paragraphs 18 and 19 of Count Three of this Indictment are realleged and incorporated by reference as though fully set forth herein.

23. On or about December 14, 2008, in the Southern District of New York, JAMEL UPSON, a/k/a "Flynt," the defendant, and others known and unknown, for the purpose of gaining entrance to and maintaining and increasing position in BPF, an enterprise engaged in racketeering activity, as described above, intentionally and knowingly murdered and aided and abetted the murder of a rival gang member, Cory Cabiness, that is, with the intent to cause the death of Cabiness, and under circumstances evincing a depraved indifference to human life, did cause the death of Cabiness, and did recklessly engage in conduct which created a grave risk of death to another person, and thereby caused the death of Cabiness, in violation of New York Penal Law, Sections 20.00 and 125.25.

(Title 18, United States Code, Sections 1959(a)(1) and 2.)

COUNT SIX  
(Firearms Offense)

The Grand Jury further charges:

24. On or about December 14, 2008, in the Southern District of New York, JAMEL UPSON, a/k/a "Flynt," the defendant, during and in relation to a crime of violence for which he may be prosecuted



in a court of the United States, namely, the murder in aid of racketeering charged in Count Five of this Indictment, willfully and knowingly did use and carry a firearm, and, in furtherance of such crime, did possess a firearm, and did aid and abet the use, carrying, and possession of a firearm, which firearm was discharged, and in the course of those crimes did cause the death of a person through the use of a firearm, which killing is murder as defined in Title 18, United States Code, Section 1111(a), to wit, UPSON caused the death of Cory Cabiness, a rival gang member, by shooting Cabiness in the vicinity of 132 South Seventh Avenue in Mount Vernon, New York.

(Title 18, United States Code, Sections 924(c)(1)(A)(iii), 924(c)(1)(C)(i), 924(j), and 2.)

**COUNT SEVEN**  
**(Narcotics Conspiracy)**

The Grand Jury further charges:

25. Between at least in or about 2007 and in or about 2012, in the Southern District of New York and elsewhere, JAMEL UPSON, a/k/a "Flynt," SAMUEL CARLOS, a/k/a "Zeke," PORTLAND RAMSEUR, a/k/a "PO," and JASON WHITE, a/k/a "Dutch," the defendants, and others known and unknown, intentionally and knowingly did combine, conspire, confederate, and agree together and with each other to violate the narcotics laws of the United States.

26. It was a part and an object of the conspiracy that JAMEL UPSON, a/k/a "Flynt," SAMUEL CARLOS, a/k/a "Zeke," PORTLAND

RAMSEUR, a/k/a "PO," and JASON WHITE, a/k/a "Dutch," the defendants, and others known and unknown, would and did distribute and possess with intent to distribute controlled substances, in violation of Title 21, United States Code, Section 841(a)(1).

27. The controlled substances that JAMEL UPSON, a/k/a "Flynt," SAMUEL CARLOS, a/k/a "Zeke," PORTLAND RAMSEUR, a/k/a "PO," and JASON WHITE, a/k/a "Dutch," the defendants, conspired to distribute and possess with intent to distribute were mixtures and substances containing a detectable amount of (i) cocaine, in violation of Title 21, United States Code, Section 841(b)(1)(C), and (ii) marijuana, in violation of Title 21, United States Code, Section 841(b)(1)(D).

(Title 21, United States Code, Section 846.)

#### SPECIAL FINDINGS

##### SPECIAL FINDINGS AS TO JAMEL UPSON

28. Counts Three through Six of this Indictment are re-alleged and incorporated by reference as though fully set forth herein. As to Counts Three through Six, alleging the murders of Shomari Knox and Cory Cabiness, the defendant JAMEL UPSON, a/k/a "Flynt":

a. was 18 years of age or older at the time of the offenses;

b. intentionally killed Knox and Cabiness (18 U.S.C. § 3591(a)(2)(A));

c. intentionally inflicted serious bodily injury that resulted in the death of Knox and Cabiness (18 U.S.C. § 3591(a)(2)(B));

d. intentionally participated in acts, contemplating that the life of a person would be taken or intending that lethal force would be used in connection with a person, other than one of the participants in the offense, and Knox and Cabiness died as a direct result of such acts (18 U.S.C. § 3591(a)(2)(C));

e. intentionally and specifically engaged in acts of violence, knowing that the acts created a grave risk of death to a person, other than one of the participants in the offense, such that participation in the acts constituted a reckless disregard for human life and Knox and Cabiness died as a direct result of such acts (18 U.S.C. § 3591(a)(2)(D));

f. has previously been convicted of a State offense punishable by a term of imprisonment of more than one year involving the use or attempted or threatened use of a firearm against another person (18 U.S.C. § 3592(c)(2));

g. has previously been convicted of two or more State offenses, punishable by a term of imprisonment of more than one year, committed on different occasions, involving the infliction of, or attempted infliction of, serious bodily injury or death upon another person (18 U.S.C. § 3592(c)(4));

h. in the commission of the offenses, knowingly did create a grave risk of death to one or more persons in addition to Knox and Cabiness (18 U.S.C. § 3592(c)(5));

i. committed the offenses after substantial planning and premeditation to cause the death of a person (18 U.S.C. § 3592(c)(9)); and

j. intentionally attempted to kill more than one person in a single criminal episode, namely the episode involving the killing of Knox (18 U.S.C. § 3592(c)(16)).

**FORFEITURE ALLEGATION**  
**(Count One: RICO Offense)**

29. The allegations contained in Count One of this Indictment are hereby repeated, realleged, and incorporated by reference herein as though fully set forth at length for the purpose of alleging forfeiture pursuant to the provisions of Title 18, United States Code, Section 1963. Pursuant to Rule 32.2 of the Federal Rules of Criminal Procedure, notice is hereby given to the defendants that the United States will seek forfeiture as part of any sentence in accordance with Title 18, United States Code, Section 1963 in the event of any defendant's conviction under Count One of this Indictment.

30. JAMEL UPSON, a/k/a "Flynt," SAMUEL CARLOS, a/k/a "Zeke," ANTHONY JONES, a/k/a "Fish," ANTOINE LITTLE, a/k/a "Peanut," TYRONE McCALLUM, a/k/a "Yayo," PORTLAND RAMSEUR, a/k/a "PO,"

GORHAM VALENTINE, a/k/a "Bagz," and JASON WHITE, a/k/a "Dutch,"  
the defendants:

a. have acquired and maintained interests in violation of Title 18, United States Code, Section 1962, which interests are subject to forfeiture to the United States pursuant to Title 18, United States Code, Section 1963(a)(1);

b. have an interest in, security of, claim against, and property and contractual rights which afford a source of influence over, the enterprise named and described herein which the defendants established, operated, controlled, conducted, and participated in the conduct of, in violation of Title 18, United States Code, Section 1962, which interests, securities, claims, and rights are subject to forfeiture to the United States pursuant to Title 18, United States Code, Section 1963(a)(2); and/or

c. have property constituting and derived from proceeds obtained, directly and indirectly, from the aforesaid racketeering activity, in violation of Title 18, United States Code, Section 1962, which property is subject to forfeiture to the United States pursuant to Title 18, United States Code, Section 1963(a)(3).

31. The interests of the defendants subject to forfeiture to the United States pursuant to Title 18, United States Code, Section 1963(a) include the amount of gross proceeds received by

the defendants derived from racketeering activities as alleged in Count One of this Indictment.

32. The above-named defendants, and each of them, are jointly and severally liable for the forfeiture obligations as alleged above.

Substitute Assets Provision

33. If any of the above-described forfeitable property, as a result of any act or omission of the defendants:

- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third person;
- c. has been placed beyond the jurisdiction of the Court;
- d. has been substantially diminished in value; or
- e. has been commingled with other property which cannot be subdivided without difficulty;

it is the intent of the United States, pursuant to 18 U.S.C. § 981, 18 U.S.C. § 1963(m), and 28 U.S.C. § 2461, to seek forfeiture of any other property of the defendants up to the value of the forfeitable property.

(Title 18, United States Code, Sections 981 and 1963.)

**FORFEITURE ALLEGATION**  
**(Count Seven: Narcotics Offense)**

34. As a result of committing the controlled substance offense alleged in Count Seven of this Indictment, JAMEL UPSON, a/k/a "Flynt," SAMUEL CARLOS, a/k/a "Zeke," PORTLAND RAMSEUR, a/k/a "PO," and JASON WHITE, a/k/a "Dutch," the defendants, shall forfeit to the United States, pursuant to 21 U.S.C. § 853, any and all property constituting or derived from any proceeds said defendants obtained directly or indirectly as a result of the violation and any and all property used or intended to be used in any manner or part to commit or to facilitate the commission of the violation alleged in Count Seven of this Indictment, including but not limited to a sum in United States currency representing the amount of proceeds obtained as a result of the offense.

Substitute Assets Provision

35. If any of the above-described forfeitable property, as a result of any act or omission of the defendants:

a. cannot be located upon the exercise of due diligence;

b. has been transferred or sold to, or deposited with,  
a third person;

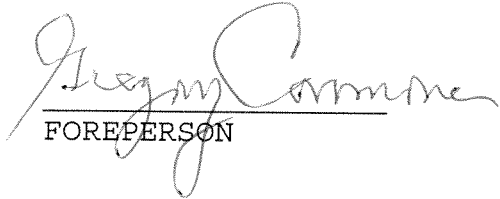
c. has been placed beyond the jurisdiction of the  
Court;

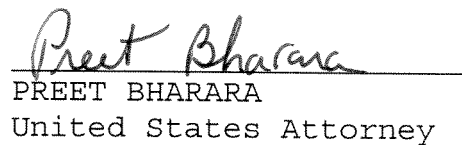
d. has been substantially diminished in value; or

e. has been commingled with other property which  
cannot be subdivided without difficulty;

it is the intent of the United States, pursuant to Title 21,  
United States Code, Section 853(p), to seek forfeiture of any  
other property of the defendants up to the value of the above  
forfeitable property.

(Title 21, United States Code, Sections 841(a)(1) and 853.)

  
FOREPERSON

  
PREET BHARARA  
United States Attorney



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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA

- v. -

JAMEL UPSON, et al.,

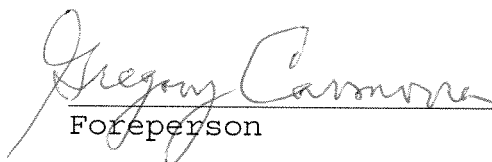
Defendants.

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SEALED SUPERSEDING INDICTMENT

S2 15 Cr. 570 (KMK)

(18 U.S.C. §§ 2, 924(c), 924(j), 1959(a)(1), and 1962(d); 21  
U.S.C. § 846.)

  
Foreperson

PREET BHARARA  
United States Attorney.

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