

FILED
U.S. DISTRICT COURT
EASTERN DISTRICT OF LA.

2018 SEP 14 P 1:50

WILLIAM W. BLEVINS
CLERK DG

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

FELONY

INDICTMENT FOR HOBBS ACT ROBBERY AND
VIOLATIONS OF THE FEDERAL GUN CONTROL ACT

UNITED STATES OF AMERICA

* CRIMINAL NO.

18- 193

v.

* SECTION:

SECT. 1 MAG. 1

DARRYL HENRY

* VIOLATION:

18 U.S.C. § 1951(a)

18 U.S.C. § 924(c)(1)(A)(i) and (ii)

*

* * *

The Grand Jury charges that:

COUNT 1

A. AT ALL MATERIAL TIMES HEREIN:

Walmart Supercenter, located at 4001 Behrman Place, New Orleans, Louisiana, was a commercial store, and its business affected interstate commerce.

B. THE ROBBERY

On or about August 24, 2018, in the Eastern District of Louisiana, the defendant, **DARRYL HENRY**, did unlawfully obstruct, delay and affect, and attempt to obstruct, delay and affect, commerce as that term is defined in Title 18, United States Code, Section 1951, and the movement of articles and commodities in such commerce, by robbery as that term is defined in

Fee USA
Process _____
X Dkt'd _____
CtRmDep _____
Doc. No. _____

Title 18, United States Code, Section 1951, in that the defendant **DARRYL HENRY**, did unlawfully attempt to take and obtain property, to wit: money, in the care, custody, control management, and possession of the Walmart Supercenter's employees, against their will, by means of actual and threatened force, violence and fear of injury, that is, the defendant, **DARRYL HENRY**, demanded money and displayed a firearm in his possession;

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

COUNT 2

On or about August 24, 2018, in the Eastern District of Louisiana, the defendant, **DARRYL HENRY**, knowingly used, carried, possessed, and brandished a firearm during and in relation to the defendant's commission of a crime of violence for which he may be prosecuted in a court of the United States, to wit: Hobbs Act robbery, in violation of Title 18, United States Code, Section 1951, as charged in Count 1 of the Indictment; all in violation of Title 18, United States Code, Sections 924(c)(1)(A)(i) and (ii).

COUNT 3

A. AT ALL MATERIAL TIMES HEREIN:

Winn-Dixie Supermarket, located at 3008 Holiday Drive, New Orleans, Louisiana, was a commercial store, and its business affected interstate commerce.

B. THE ROBBERY

On or about August 24, 2018, in the Eastern District of Louisiana, the defendant, **DARRYL HENRY**, did unlawfully obstruct, delay and affect, and attempt to obstruct, delay and affect, commerce as that term is defined in Title 18, United States Code, Section 1951, and the movement of articles and commodities in such commerce, by robbery as that term is defined in Title 18, United States Code, Section 1951, in that the defendant **DARRYL HENRY**, did

unlawfully attempt to take and obtain property, to wit: money, in the care, custody, control management, and possession of the Winn-Dixie Supermarket's employees, against their will, by means of actual and threatened force, violence and fear of injury, that is, the defendant, **DARRYL HENRY**, demanded money and displayed a firearm in his possession;

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

COUNT 4

On or about August 24, 2018, in the Eastern District of Louisiana, the defendant, **DARRYL HENRY**, knowingly used, carried, possessed, and brandished a firearm during and in relation to the defendant's commission of a crime of violence for which he may be prosecuted in a court of the United States, to wit: Hobbs Act robbery, in violation of Title 18, United States Code, Section 1951, as charged in Count 3 of the Indictment; all in violation of Title 18, United States Code, Sections 924(c)(1)(A)(i) and (ii).

COUNT 5

A. AT ALL MATERIAL TIMES HEREIN:

Walmart Neighborhood Market, located at 3265 Manhattan Boulevard, Harvey, Jefferson Parish, Louisiana, was a commercial store, and its business affected interstate commerce.

B. THE ROBBERY

On or about August 24, 2018, in the Eastern District of Louisiana, the defendant, **DARRYL HENRY**, did unlawfully obstruct, delay and affect, and attempt to obstruct, delay and affect, commerce as that term is defined in Title 18, United States Code, Section 1951, and the movement of articles and commodities in such commerce, by robbery as that term is defined in Title 18, United States Code, Section 1951, in that the defendant **DARRYL HENRY**, did unlawfully take and obtain property, to wit: \$6,992.00 of United States currency, in the care,

custody, control management, and possession of the Walmart Neighborhood Market's employees, against their will, by means of actual and threatened force, violence and fear of injury, that is, the defendant, **DARRYL HENRY**, demanded money and displayed a firearm in his possession;

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

COUNT 6

On or about August 24, 2018, in the Eastern District of Louisiana, the defendant, **DARRYL HENRY**, knowingly used, carried, possessed, and brandished a firearm during and in relation to the defendant's commission of a crime of violence for which he may be prosecuted in a court of the United States, to wit: Hobbs Act robbery, in violation of Title 18, United States Code, Section 1951, as charged in Count 5 of the Indictment; all in violation of Title 18, United States Code, Sections 924(c)(1)(A)(i) and (ii).

NOTICE OF HOBBS ACT FORFEITURE

1. The allegations of Counts 1, 3, and 5 of this Indictment are re-alleged and incorporated by reference as though set forth fully herein for the purpose of alleging forfeiture to the United States of America pursuant to the provisions of Title 18, United States Code, Sections 1951 and 981(a)(1)(C), made applicable through Title 28, United States Code, Section 2461(c).

2. As a result of the offenses alleged in Counts 1, 3, and 5, the defendant, **DARRYL HENRY** shall forfeit to the United States pursuant to Title 18, United States Code, Section 981(a)(1)(C), made applicable through Title 28, United States Code, Section 2461(c), any and all property, real or personal, which constitutes or is derived from proceeds traceable to a violation of Title 18, United States Code, Section 1951.

3. If any of the property subject to forfeiture, as a result of any act or omission of the defendant:

- 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 said defendant up to the value of the above forfeitable property.

All in violation of Title 18, United States Code, Sections 1951 and 981(a)(1)(C), made applicable through Title 28, United States Code, Section 2461(c).

NOTICE OF GUN FORFEITURE

1. The allegations of Counts 2, 4, and 6 of this Indictment are realleged and incorporated by reference as though set forth fully herein for the purpose of alleging forfeiture to the United States of America pursuant to the provisions of Title 18, United States Code, Section 924(d)(1) and Title 28, United States Code, Section 2461(c).

2. As a result of the offenses alleged in Counts 2, 4, and 6, defendant, **DARRYL HENRY**, shall forfeit to the United States pursuant to Title 18, United States Code, Section 924(d)(1) and Title 28, United States Code, Section 2461, any firearm or ammunition, which was involved in or used in a knowing violation of Title 18, United States Code, Section 924(c)(1), as alleged in Counts 2, 4, and 6 of the Indictment.

3. If any of the property subject to forfeiture pursuant to Paragraph 2 of this Notice of Forfeiture, as a result of any act or omission of the defendant:

- 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 said defendant up to the value of the above forfeitable property.

All in violation of Title 18, United States Code, Sections 924(c)(1) and 924(d)(1).

A TRUE BILL:



PETER G. STRASSER
UNITED STATES ATTORNEY



MYLES D. RANIER
Assistant United States Attorney
Louisiana Bar Number 30029

New Orleans, Louisiana
September 14, 2018