

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

2020 MAR -5 P 2: 24

CAROL L. MICHEL cc
CLERK

FELONY

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

INDICTMENT FOR CONSPIRACY TO COMMIT
BANK LARCENY AND NOTICE OF FORFEITURE

UNITED STATES OF AMERICA

v.

THEODORE KEYS
TYRIK SCOTT
JUSTIN PIERCE
BRISHUN GARY

CRIMINAL NO.: **20-38**

SECTION:

SECT. EMAG. 1
VIOLATIONS: 18 U.S.C. § 371

* * *

The Grand Jury charges that:

COUNT 1

A. AT ALL TIMES MATERIAL HEREIN:

1. Capital One Bank, located at 5696 Bullard Ave., New Orleans, Louisiana, was in the Eastern District of Louisiana.

B. THE CONSPIRACY:

2. On or about February 5, 2020, in the Eastern District of Louisiana, the defendants, **THEODORE KEYS (KEYS), TYRIK SCOTT (SCOTT), JUSTIN PIERCE (PIERCE),** and

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

BRISHUN GARY (GARY), and others unknown to the grand jury, did knowingly and willfully combine, conspire, confederate, and agree with each other to take and carry away with the intent to steal and purloin approximately \$175,142 of money and property belonging to and in the care, custody, control, management, and possession of Capital One Bank, a bank whose deposits were then insured by the Federal Deposit Insurance Corporation; in violation of Title 18, United States Code, Section 2113(b).

C. MANNER AND MEANS TO ACCOMPLISH THE CONSPIRACY:

3. The manner and means by which **KEYS, SCOTT, PIERCE**, and **GARY** sought to accomplish the object and purpose of the conspiracy included, among other things, the use of force by way of sledgehammers, crowbars, chains, and a truck to break into an ATM machine in the drive-through of the Capital One Bank.

D. OVERT ACTS:

4. In furtherance of and to conceal the conspiracy and accomplish its purposes, on about February 5, 2020, the defendants, **KEYS, SCOTT, PIERCE**, and **GARY**, and others unknown to the Grand Jury, committed at least one of the following overt acts, among others, in the Eastern District of Louisiana and elsewhere:

5. The defendants drove, and caused to be driven, a blue pickup truck to the Capital One Bank, located at 5696 Bullard Ave., New Orleans, Louisiana.

6. The defendants disguised themselves with face coverings to shield their identity from security cameras located at the bank.

7. The defendants pulled next to an ATM machine in the bank's drive-through lane, and exited the vehicle with sledgehammers, crowbars, and other tools.

8. The defendants then used these implements to repeatedly strike the ATM machine in an effort to steal its contents: approximately \$175,142 in cash and other deposits.

9. After ransacking the machine with the sledgehammers and crowbars, the defendants attached a chain to the ATM machine and attempted to tear it apart by repeatedly pulling the chain with the blue pickup truck.

10. When the New Orleans Police Department arrived on the scene, the defendants attempted to flee, but were quickly apprehended by law enforcement officers.

All in violation of Title 18, United States Code, Section 371.

NOTICE OF FORFEITURE

1. The allegations of Count 1 are incorporated by reference as though set forth fully herein for the purpose of alleging forfeiture to the United States.

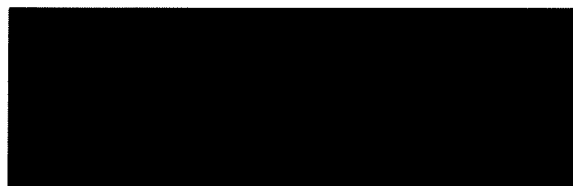
2. As a result of the offense alleged in Count 1, the defendants, **THEODORE KEYS (KEYS), TYRIK SCOTT (SCOTT), JUSTIN PIERCE (PIERCE), and BRISHUN GARY (GARY)**, shall forfeit to the United States pursuant to Title 18, United States Code, Section 981(a)(1)(C), and Title 28, United States Code, Section 2461(c), any property real or personal which constitutes or is derived from proceeds traceable to said offense.

3. If any of the above-described property, 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;

the United States shall seek a money judgment and, pursuant to Title 21, United States Code, Section 853(p), forfeiture of any other property of the defendant up to the value of said property.

A TRUE BILL:



PETER G. STRASSER
UNITED STATES ATTORNEY

A handwritten signature in black ink, appearing to read "G. Dall Kammer", written over a horizontal line.

G. DALL KAMMER
Assistant United States Attorney
Louisiana Bar Roll No. 26948

New Orleans, Louisiana
March 5, 2020