

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

UNITED STATES OF AMERICA : **CRIMINAL NO.** _____

v. : **DATE FILED:** _____

MIKEL SMITH : **VIOLATIONS:**
CURTIS COTTON : **18 U.S.C. § 1951(a) (robbery which**
WESLEY THOMAS : **interferes with interstate commerce**
: **- 4 counts)**
: **18 U.S.C. § 924(c)(1) (brandishing, using,**
: **and carrying a firearm during and in**
: **relation to a crime of violence - 4 counts)**
: **18 U.S.C. § 922(g)(1) (possession of a**
: **firearm by a convicted felon - 1 count)**
: **18 U.S.C. § 2 (aiding and abetting)**
: **Notice of forfeiture**

INDICTMENT

COUNT ONE

THE GRAND JURY CHARGES THAT:

1. At all times material to this indictment, Grace Mini Market, also known as Moncion Mini Market, located at 2339 W. Somerset Street, Philadelphia, Pennsylvania was a business engaged in interstate commerce and sold cigarettes, foods, beverages, and products that were produced in and transported from other states to the Commonwealth of Pennsylvania.

2. On or about February 3, 2015, in Philadelphia, in the Eastern District of Pennsylvania, defendants

**MIKEL SMITH,
CURTIS COTTON, and
WESLEY THOMAS**

obstructed, delayed and affected commerce and the movement of articles and commodities in commerce, and attempted to do so, by robbery, in that defendants SMITH, COTTON, and THOMAS unlawfully took and obtained, and aided and abetted the unlawful taking and obtaining of, property, that is, money in the amount of approximately \$1000, and cigarettes, from an employee of the Grace Mini Market, located at 2339 W. Somerset Street, Pennsylvania, against his will, by means of actual and threatened force, violence, and fear of injury, immediate and future, to his person and property, that is, by brandishing a handgun at the Grace Mini Market employee and demanding money at gunpoint.

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

COUNT TWO

THE GRAND JURY FURTHER CHARGES THAT:

On or about February 3, 2015, in Philadelphia, in the Eastern District of Pennsylvania, defendants

**MIKEL SMITH,
CURTIS COTTON, and
WESLEY THOMAS**

knowingly used and carried, and aided and abetted the use and carrying of, a firearm, that is, a Bryco .380 semi-automatic handgun, serial no. 1566750, during and in relation to a crime of violence for which they may be prosecuted in a court of the United States, that is, robbery which interferes with interstate commerce, in violation of Title 18, United States Code, Sections 1951(a) and 2, as charged in Count One of this indictment, and brandished, and aided and abetted the brandishing of, that firearm.

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

COUNT THREE

THE GRAND JURY FURTHER CHARGES THAT:

1. At all times material to this indictment, Nunez Grocery located at 617 W. York Street, Philadelphia, Pennsylvania was a business engaged in interstate commerce and sold cigarettes, foods, beverages, and products that were produced in and transported from other states to the Commonwealth of Pennsylvania.

2. On or about February 3, 2015, in Philadelphia, in the Eastern District of Pennsylvania, defendants

**MIKEL SMITH,
CURTIS COTTON, and
WESLEY THOMAS**

obstructed, delayed and affected commerce and the movement of articles and commodities in commerce, and attempted to do so, by robbery, in that defendants SMITH, COTTON, and THOMAS unlawfully took and obtained, and aided and abetted the unlawful taking and obtaining of, property, that is, money in the amount of approximately \$600, from employees of Nunez Grocery, located at 617 W. York Street, Philadelphia, Pennsylvania, against their will, by means of actual and threatened force, violence, and fear of injury, immediate and future, to their person and property, that is, by brandishing a handgun at Nunez Grocery employees and demanding money at gunpoint.

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

COUNT FOUR

THE GRAND JURY FURTHER CHARGES THAT:

On or about February 3, 2015, in Philadelphia, in the Eastern District of Pennsylvania, defendants

**MIKEL SMITH,
CURTIS COTTON, and
WESLEY THOMAS**

knowingly used and carried, and aided and abetted the use and carrying of, a firearm, that is, a Bryco .380 semi-automatic handgun, serial no. 1566750, during and in relation to a crime of violence for which they may be prosecuted in a court of the United States, that is, robbery which interferes with interstate commerce, in violation of Title 18, United States Code, Sections 1951(a) and 2, as charged in Count Three of this indictment, and brandished, and aided and abetted the brandishing of, that firearm.

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

COUNT FIVE

THE GRAND JURY FURTHER CHARGES THAT:

1. At all times material to this indictment, New Almonte Mini Mart, also known as Rodriguez Market, and also known as J & J Grocery, located at 2001 W. Spencer Street, Philadelphia, Pennsylvania was a business engaged in interstate commerce and sold cigarettes, foods, beverages, and products that were produced in and transported from other states to the Commonwealth of Pennsylvania.

2. On or about February 4, 2015, in Philadelphia, in the Eastern District of Pennsylvania, defendants

**MIKEL SMITH,
CURTIS COTTON, and
WESLEY THOMAS**

obstructed, delayed and affected commerce and the movement of articles and commodities in commerce, and attempted to do so, by robbery, in that defendants SMITH, COTTON, and THOMAS unlawfully took and obtained, and aided and abetted the unlawful taking and obtaining of, property, that is, money in the amount of approximately \$200, and cigarettes, from employees of the New Almonte Mini Market, located at 2001 W. Spencer Street, Philadelphia, Pennsylvania, against their will, by means of actual and threatened force, violence, and fear of injury, immediate and future, to their person and property, that is, by brandishing a handgun at New Almonte Mini Market employees and demanding money at gunpoint.

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

COUNT SIX

THE GRAND JURY FURTHER CHARGES THAT:

On or about February 4, 2015, in Philadelphia, in the Eastern District of Pennsylvania, defendants

**MIKEL SMITH,
CURTIS COTTON, and
WESLEY THOMAS**

knowingly used and carried, and aided and abetted the use and carrying of, a firearm, that is, a Bryco .380 semi-automatic handgun, serial no. 1566750, during and in relation to a crime of violence for which they may be prosecuted in a court of the United States, that is, robbery which interferes with interstate commerce, in violation of Title 18, United States Code, Sections 1951(a) and 2, as charged in Count Five of this indictment, and brandished, and aided and abetted the brandishing of, that firearm.

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

COUNT SEVEN

THE GRAND JURY FURTHER CHARGES THAT:

1. At all times material to this indictment, Rodriguez Deli, also known as Rodriguez Grocery, located at 5766 Colgate Street, Philadelphia, Pennsylvania was a business engaged in interstate commerce and sold cigarettes, foods, beverages, and products that were produced in and transported from other states to the Commonwealth of Pennsylvania.

2. On or about February 5, 2015, in Philadelphia, in the Eastern District of Pennsylvania, defendants

**MIKEL SMITH,
CURTIS COTTON, and
WESLEY THOMAS**

obstructed, delayed and affected commerce and the movement of articles and commodities in commerce, and attempted to do so, by robbery, in that defendants SMITH, COTTON, and THOMAS unlawfully took and obtained, and aided and abetted the unlawful taking and obtaining of, property, that is, money in the amount of approximately \$300, and cigarettes, from employees of Rodriguez Deli, located at 5766 Colgate Street, Philadelphia, Pennsylvania, against their will, by means of actual and threatened force, violence, and fear of injury, immediate and future, to their person and property, that is, by brandishing a handgun at Rodriguez Deli employees and demanding money at gunpoint.

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

COUNT EIGHT

THE GRAND JURY FURTHER CHARGES THAT:

On or about February 5, 2015, in Philadelphia, in the Eastern District of Pennsylvania, defendants

**MIKEL SMITH,
CURTIS COTTON, and
WESLEY THOMAS**

knowingly used and carried, and aided and abetted the use and carrying of, a firearm, that is, a Bryco .380 semi-automatic handgun, serial no. 1566750, during and in relation to a crime of violence for which they may be prosecuted in a court of the United States, that is, robbery which interferes with interstate commerce, in violation of Title 18, United States Code, Sections 1951(a) and 2, as charged in Count Seven of this indictment, and brandished, and aided and abetted the brandishing of, that firearm.

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

COUNT NINE

THE GRAND JURY FURTHER CHARGES THAT:

On or about February 5, 2015, in Philadelphia, in the Eastern District of Pennsylvania, defendant

MIKEL SMITH,

having been convicted in a court of the Commonwealth of Pennsylvania of a crime punishable by imprisonment for a term exceeding one year, knowingly possessed in and affecting interstate and foreign commerce a firearm, that is, a Bryco .380 semi-automatic handgun, serial no. 1566750, loaded with seven live rounds of ammunition.

In violation of Title 18, United States Code, Section 922(g)(1).

NOTICE OF FORFEITURE

THE GRAND JURY FURTHER CHARGES THAT:

As a result of the violations of Title 18, United States Code, Sections 924(c)(1) and 922(g)(1), set forth in this indictment, defendants

**MIKEL SMITH,
CURTIS COTTON, and
WESLEY THOMAS**

shall forfeit to the United States of America the firearm and ammunition involved in the commission of such offenses, including, but not limited to, a Bryco .380 semi-automatic handgun, serial no. 1566750, loaded with seven 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:

FOREPERSON

ZANE DAVID MEMEGER
United States Attorney