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DMJ:NB
F.#2012R00277

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

- - - - -X

UNITED STATES OF AMERICA

S U P E R S E D I N G
I N D I C T M E N T

- against -

ELIZABETH BAYLOCK,
also known as "LI,"
JOHN MOGLIA,
also known as "Most," and
RHAMAAD SPANN,

Defendants.

Cr. No. 12-0735(S-1)(LDW)
(T. 18, U.S.C., §§
924(c)(1)(A)(i),
924(c)(1)(A)(ii),
924(c)(1)(A)(iii),
924(j)(1), 924(d),
981(a)(1)(C), 1951(a), 2
and 3551 et seq.; T. 21,
U.S.C., § 853(p); T. 28,
U.S.C., § 2461(c))

- - - - -X

THE GRAND JURY CHARGES:

COUNT ONE

(Hobbs Act Robbery Conspiracy)

1. On or about and between June 2009 and December 14, 2009, both dates being approximate and inclusive, within the Eastern District of New York, the defendants ELIZABETH BAYLOCK, also known as "LI," JOHN MOGLIA, also known as "Most," and RHAMAAD SPANN, together with others, did knowingly and intentionally conspire to obstruct, delay and affect commerce, and the movement of articles and commodities in commerce, by robbery, to wit: the robbery and attempted robberies of John Doe, a marijuana

trafficker, whose identity is known to the Grand Jury, in Suffolk County, New York.

(Title 18, United States Code, Sections 1951(a) and 3551 et seq.)

COUNT TWO

(Attempted Robbery of a Marijuana Trafficker)

2. On or about December 14, 2009, within the Eastern District of New York, the defendants ELIZABETH BAYLOCK, also known as "LI," JOHN MOGLIA, also known as "Most," and RHAMAAD SPANN, together with others, did knowingly and intentionally attempt to obstruct, delay and affect commerce, and the movement of articles and commodities in commerce by robbery, to wit: the attempted robbery of John Doe, a marijuana trafficker, in Suffolk County, New York.

(Title 18, United States Code, Sections 1951(a), 2 and 3551 et seq.)

COUNT THREE

(Discharging a Firearm During Crimes of Violence:
Hobbs Act Robbery Conspiracy and the
Attempted Robbery of a Marijuana Trafficker)

3. On or about December 14, 2009, within the Eastern District of New York, the defendants ELIZABETH BAYLOCK, also known as "LI," JOHN MOGLIA, also known as "Most," and RHAMAAD SPANN, together with others, did knowingly and intentionally use and carry a firearm during and in relation to one or more crimes of

violence, to wit: the crimes charged in Counts One and Two, and did knowingly and intentionally possess said firearm in furtherance of such crimes of violence, which firearm was brandished and discharged.

(Title 18, United States Code, Sections 924(c)(1)(A)(i), 924(c)(1)(A)(ii), 924(c)(1)(A)(iii), 2 and 3551 et seq.)

COUNT FOUR

(Causing the Death of Steven Privitera
Through the Use of a Firearm)

4. On or about December 14, 2009, within the Eastern District of New York, the defendants ELIZABETH BAYLOCK, also known as "LI," JOHN MOGLIA, also known as "Most," and RHAMAAD SPANN, together with others, in the course of a violation of Title 18, United States Code, Section 924(c), to wit: the crime charged in Count Three, did knowingly and intentionally cause the death of a person through the use of a firearm, which killing was murder as defined in Title 18, United States Code, Section 1111(a), in that the defendants, together with others, with malice aforethought, did unlawfully kill Steven Privitera: (a) willfully, deliberately, maliciously and with premeditation; and (b) during the perpetration and attempted perpetration of a robbery.

(Title 18, United States Code, Sections 924(j)(1), 2 and 3551 et seq.)

CRIMINAL FORFEITURE ALLEGATION
AS TO COUNTS ONE AND TWO

5. The United States hereby gives notice to the defendants charged in this Indictment that, upon their conviction of the offenses charged in Counts One and Two, the government will seek forfeiture in accordance with Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461(c), which requires any person convicted of such offenses to forfeit any property constituting or derived from proceeds obtained directly or indirectly as a result of such offenses.

6. 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 party;

(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 divided without difficulty;

it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p), as incorporated by Title 28, United States Code, Section 2461(c), to seek forfeiture of any other property of the defendants up to the value of the forfeitable property described in this forfeiture allegation.

(Title 18, United States Code, Section 981(a)(1)(C); Title 21, United States Code, Section 853(p); Title 28, United States Code, Section 2461(c))

CRIMINAL FORFEITURE ALLEGATION AS TO COUNTS
THREE AND FOUR

7. The United States hereby gives notice to the defendants that, upon their conviction of the offenses charged in Counts Three and Four, the government will seek forfeiture in accordance with Title 18, United States Code, Section 924(d) and Title 28, United States Code, Section 2461(c), which requires the forfeiture of any firearm or ammunition involved in or used in any knowing violation of Title 18, United States Code, Sections 924, or any violation of any criminal law of the United States.

8. 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 party;

(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 divided without difficulty;

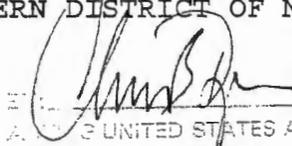
it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p), as incorporated by Title 28, United States Code, Section 2461(c), to seek forfeiture of any other property of the defendants up to the value of the forfeitable property described in this forfeiture allegation.

(Title 18, United States Code, Section 924(d); Title 21, United States Code, Section 853(p); Title 28, United States Code, Section 2461(c))

A TRUE BILL


FOREPERSON

LORETTA E. LYNCH
UNITED STATES ATTORNEY
EASTERN DISTRICT OF NEW YORK


UNITED STATES ATTORNEY
EASTERN DISTRICT OF NEW YORK
ELECTRANT TO 28 U.S.C. 4132

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF NEW YORK

CRIMINAL DIVISION

THE UNITED STATES OF AMERICA

vs.

ELIZABETH BAYLOCK, also known as "LI,"
JOHN MOGLIA also known as "Most," and
RHAMAAD SPANN

Defendants.

SUPERSEDING INDICTMENT

T. 18, U.S.C., §§ 924(c)(1)(A)(I), 924(c)(1)(A)(ii), 924(c)(1)(A)(iii),
924(j)(1), 924(d), 981(a)(1)(C), 1951(a), 2 and 3551 et seq.;
T. 21, U.S.C., § 853(p); T. 28, U.S.C., § 2401(c).

A true bill.



Foreman

Filed in open court this _____ day,

of _____ A.D. 19 _____

Clerk

Bail, \$ _____