

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

UNITED STATES OF AMERICA : **CRIMINAL NO. 14-00055**

v. : **DATE FILED: _____**

JAMES PRAY : **VIOLATIONS:**
RONALD STONE : **18 U.S.C. § 1951(a) (robbery**
: **which interferes with interstate commerce**
: **- 2 counts)**
: **18 U.S.C. § 1951(a) (attempted robbery which**
: **interferes with interstate commerce -**
: **1 count)**
: **18 U.S.C. § 924(c)(1) (brandishing, using,**
: **and carrying a firearm during and in**
: **relation to a crime of violence - 2 counts)**
: **18 U.S.C. § 2 (aiding and abetting)**
: **Notice of forfeiture**

SUPERSEDING INDICTMENT

COUNT ONE

THE GRAND JURY CHARGES THAT:

1. At all times material to this indictment, Cosi was a business engaged in interstate commerce, with franchise restaurants located at including but not limited to 235 S. 15th Street (15th and Locust Streets), Philadelphia, Pennsylvania and 140 S. 36th Street, Philadelphia, Pennsylvania. The Cosi locations at issue here in this indictment sold sandwiches, drinks and other foods that were made from food products and ingredients produced in and transported from other states to the Commonwealth of Pennsylvania.

2. On or about December 3, 2013, in Philadelphia, in the Eastern District of Pennsylvania, defendants

**JAMES PRAY and
RONALD STONE**

obstructed, delayed and affected commerce and the movement of articles and commodities in commerce, and attempted to do so, by robbery, in that defendants PRAY and STONE, and Ramon Martinez, charged elsewhere, unlawfully took and obtained, and aided and abetted the unlawful taking and obtaining of, property, that is, money in the amount of approximately \$1600, from employees of Cosi, located at 235 S. 15th 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 using and brandishing a handgun at Cosi employees and ordering an employee at gunpoint to open the safe.

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

COUNT TWO

THE GRAND JURY FURTHER CHARGES THAT:

On or about December 3, 2013, in Philadelphia, in the Eastern District of Pennsylvania,
defendants

**JAMES PRAY and
RONALD STONE**

knowingly used and carried, and aided and abetted the use and carrying of, a firearm, that is, a Smith & Wesson silver revolver, Model 624, serial no. AHB-4822, 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. Paragraph one of Count One of this Indictment is incorporated here.
2. On or about December 9, 2013, in Philadelphia, in the Eastern District of

Pennsylvania, defendants

**JAMES PRAY and
RONALD STONE**

obstructed, delayed and affected commerce and the movement of articles and commodities in commerce, and attempted to do so, by robbery, in that defendants PRAY and STONE, and Ramon Martinez, charged elsewhere, unlawfully attempted to take and obtain, and aided and abetted the unlawful attempted taking and obtaining of, property, that is, money, from employees of Cosi, located at 140 S. 36th 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 using and brandishing a handgun at Cosi employees and customers and ordering an employee at gunpoint to open the safe.

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

COUNT FOUR

THE GRAND JURY FURTHER CHARGES THAT:

On or about December 9, 2013, in Philadelphia, in the Eastern District of Pennsylvania,
defendants

**JAMES PRAY and
RONALD STONE**

knowingly used and carried, and aided and abetted the use and carrying of, a firearm, that is, a Smith & Wesson silver revolver, Model 624, serial no. AHB-4822, during and in relation to a crime of violence for which they may be prosecuted in a court of the United States, that is, attempted 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. Paragraph one of Count One of this Indictment is incorporated here.
2. On or about December 24, 2013, in Philadelphia, in the Eastern District of

Pennsylvania, defendant

RONALD STONE

obstructed, delayed and affected commerce and the movement of articles and commodities in commerce, and attempted to do so, by robbery, in that defendant STONE and Ramon Martinez, charged elsewhere, unlawfully took and obtained property, and aided and abetted the unlawful taking and obtaining of property that is, money in the amount of approximately \$2300, from employees of Cosi, located at 235 S. 15th 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 using and brandishing a handgun at Cosi employees and a customer and ordering an employee at gunpoint to open the safe.

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

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), set forth in this indictment, defendants

**JAMES PRAY and
RONALD STONE**

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 Smith & Wesson silver revolver, Model 624, serial no. AHB-4822, and five rounds of live 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