

AO 257 (Rev. 6/78)

**DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURT**

BY:  COMPLAINT  INFORMATION  INDICTMENT  
 SUPERSEDING

**OFFENSE CHARGED**

See Attachment.

- Petty
- Minor
- Misdemeanor
- Felony

PENALTY:

See Attachment.

Name of District Court, and/or Judge/Magistrate Location

NORTHERN DISTRICT OF CALIFORNIA

OAKLAND DIVISION

FILED  
DEC 19 2013

DEFENDANT - U.S.

RICHARD W. WIEKING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND

PURVIS LAMAR ELLIS

DISTRICT COURT NUMBER

CR13-00818

PJH

**PROCEEDING**

Name of Complainant Agency, or Person (& Title, if any)

Federal Bureau of Investigation

person is awaiting trial in another Federal or State Court, give name of court

this person/proceeding is transferred from another district per (circle one) FRCrp 20, 21, or 40. Show District

this is a re prosecution of charges previously dismissed which were dismissed on motion of:

U.S. ATTORNEY  DEFENSE

SHOW DOCKET NO.

this prosecution relates to a pending case involving this same defendant

MAGISTRATE CASE NO.

prior proceedings or appearance(s) before U.S. Magistrate regarding this defendant were recorded under

Name and Office of Person

Furnishing Information on this form MELINDA HAAG

U.S. Attorney  Other U.S. Agency

Name of Assistant U.S.

Attorney (if assigned) JAMES C. MANN, AUSA

**DEFENDANT**

**IS NOT IN CUSTODY**

Has not been arrested, pending outcome this proceeding.

- 1)  If not detained give date any prior summons was served on above charges
- 2)  Is a Fugitive
- 3)  Is on Bail or Release from (show District)

**IS IN CUSTODY**

- 4)  On this charge
- 5)  On another conviction }  Federal  State
- 6)  Awaiting trial on other charges

If answer to (6) is "Yes", show name of institution

Alameda County Jail

Has detainer been filed?  Yes  No

If "Yes" give date filed

DATE OF ARREST

Month/Day/Year

Or... if Arresting Agency & Warrant were not

DATE TRANSFERRED TO U.S. CUSTODY

Month/Day/Year

This report amends AO 257 previously submitted

**ADDITIONAL INFORMATION OR COMMENTS**

**PROCESS:**

SUMMONS  NO PROCESS\*  WARRANT

Bail Amount: NO BAIL

If Summons, complete following:

Arraignment  Initial Appearance

\* Where defendant previously apprehended on complaint, no new summons or warrant needed, since Magistrate has scheduled arraignment

Defendant Address:

Date/Time: Before Judge:

Comments:

PENALTY SHEET ATTACHMENT FOR PURVIS LAMAR ELLIS

COUNT ONE: 18 U.S.C. § 1962(d) – Racketeering Conspiracy

- (1) Imprisonment: Maximum Life.
- (2) Fine: \$250,000
- (3) Supervised release: Maximum 5-year Term
- (4) Special assessment: \$100.00

COUNT TWO: 18 U.S.C. § 1959(a)(5) and 2 – Attempted Murder in Aid of Racketeering

- (1) Imprisonment: Maximum 10 Years.
- (2) Fine: \$250,000
- (3) Supervised release: Maximum 3-year Term
- (4) Special assessment: \$100.00

COUNT THREE: 18 U.S.C. § 1959(a)(3) and 2 – Assault With a Dangerous Weapon/Resulting in Serious Bodily Injury in Aid of Racketeering

- (1) Imprisonment: Maximum 20 Years.
- (2) Fine: \$250,000
- (3) Supervised release: Maximum 3-year Term
- (4) Special assessment: \$100.00

COUNT FOUR: 18 U.S.C. § 1959(a)(2) and 2 – Maiming in Aid of Racketeering

- (1) Imprisonment: Maximum 30 Years.
- (2) Fine: \$250,000
- (3) Supervised release: Maximum 5-year Term
- (4) Special assessment: \$100.00

COUNT FIVE: 18 U.S.C. § 924(c)(1)(A) and 2 – Use/Possession/Brandish/Discharge of Firearm in Furtherance of Crime of Violence

- (1) Imprisonment: Maximum Life Imprisonment  
Mandatory Minimum 10 Years Imprisonment Consecutive To Any Other Term Of Imprisonment; If Second Conviction, Mandatory Minimum 25 Years Imprisonment Consecutive To Any Other Term Of Imprisonment
- (2) Fine: \$250,000
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**OFFENSE CHARGED**

See Attachment.

- Petty
- Minor
- Misdemeanor
- Felony

PENALTY:

See Attachment.

Name of District Court, and/or Judge/Magistrate Location

NORTHERN DISTRICT OF CALIFORNIA

OAKLAND DIVISION

**FILED**

DEFENDANT - U.S.

DEC 19 2013

DEANTE TERRANCE KINCAID  
 RICHARD W. WIEKING  
 CLERK, U.S. DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA  
 DISTRICT COURT NUMBER OAKLAND

**CR13-00818**

PJH

**PROCEEDING**

Name of Complainant Agency, or Person (& Title, if any)

Federal Bureau of Investigation

person is awaiting trial in another Federal or State Court, give name of court

this person/proceeding is transferred from another district per (circle one) FRCrp 20, 21, or 40. Show District

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this prosecution relates to a pending case involving this same defendant

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prior proceedings or appearance(s) before U.S. Magistrate regarding this defendant were recorded under

Name and Office of Person

Furnishing Information on this form MELINDA HAAG

U.S. Attorney  Other U.S. Agency

Name of Assistant U.S.

Attorney (if assigned) JAMES C. MANN, AUSA

**DEFENDANT**

**IS NOT IN CUSTODY**

Has not been arrested, pending outcome this proceeding.

- 1)  If not detained give date any prior summons was served on above charges
- 2)  Is a Fugitive
- 3)  Is on Bail or Release from (show District)

**IS IN CUSTODY**

- 4)  On this charge
- 5)  On another conviction }  Federal  State
- 6)  Awaiting trial on other charges

If answer to (6) is "Yes", show name of institution

Alameda County Jail

Has detainer been filed?  Yes  No

If "Yes" give date filed

DATE OF ARREST

Month/Day/Year

Or... if Arresting Agency & Warrant were not

DATE TRANSFERRED TO U.S. CUSTODY

Month/Day/Year

This report amends AO 257 previously submitted

**ADDITIONAL INFORMATION OR COMMENTS**

**PROCESS:**

SUMMONS  NO PROCESS\*  WARRANT

Bail Amount: NO BAIL

If Summons, complete following:

Arraignment  Initial Appearance

\* Where defendant previously apprehended on complaint, no new summons or warrant needed, since Magistrate has scheduled arraignment

Defendant Address:

Date/Time: \_\_\_\_\_ Before Judge: \_\_\_\_\_

Comments:

PENALTY SHEET ATTACHMENT FOR DEANTE TERRANCE KINCAID

COUNT ONE: 18 U.S.C. § 1962(d) – Racketeering Conspiracy

- (1) Imprisonment: Maximum Life.
- (2) Fine: \$250,000
- (3) Supervised release: Maximum 5-year Term
- (4) Special assessment: \$100.00

COUNT TWO: 18 U.S.C. § 1959(a)(5) and 2 – Attempted Murder in Aid of Racketeering

- (1) Imprisonment: Maximum 10 Years.
- (2) Fine: \$250,000
- (3) Supervised release: Maximum 3-year Term
- (4) Special assessment: \$100.00

COUNTS THREE and SIX: 18 U.S.C. § 1959(a)(3) and 2 – Assault With a Dangerous Weapon/Resulting in Serious Bodily Injury in Aid of Racketeering

- (1) Imprisonment: Maximum 20 Years.
- (2) Fine: \$250,000
- (3) Supervised release: Maximum 3-year Term
- (4) Special assessment: \$100.00

COUNT FOUR: 18 U.S.C. § 1959(a)(2) and 2 – Maiming in Aid of Racketeering

- (1) Imprisonment: Maximum 30 Years.
- (2) Fine: \$250,000
- (3) Supervised release: Maximum 5-year Term
- (4) Special assessment: \$100.00

COUNTS FIVE and SEVEN: 18 U.S.C. § 924(c)(1)(A) and 2 – Use/Possession/Brandish/Discharge of Firearm in Furtherance of Crime of Violence

- (1) Imprisonment: Maximum Life Imprisonment  
Mandatory Minimum 10 Years Imprisonment Consecutive To Any Other Term Of Imprisonment; If Second Conviction, Mandatory Minimum 25 Years Imprisonment Consecutive To Any Other Term Of Imprisonment
- (2) Fine: \$250,000
- (3) Supervised Release: Maximum 5-Year Term
- (4) Special Assessment. \$100.00

COUNT EIGHT: 18 U.S.C. § 922(g)(1) – Felon In Possession Of A Firearm

- (1) Imprisonment: Maximum 10 Years.
- (2) Fine: \$250,000
- (3) Supervised release: Maximum 3-year Term
- (4) Special assessment: \$100.00

AO 257 (Rev. 6/78)

**DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURT**

BY:  COMPLAINT  INFORMATION  INDICTMENT  
 SUPERSEDING

**OFFENSE CHARGED**

See Attachment.

- Petty
- Minor
- Misdemeanor
- Felony

PENALTY:

See Attachment.

Name of District Court, and/or Judge/Magistrate Location

NORTHERN DISTRICT OF CALIFORNIA

OAKLAND DIVISION

**FILED**  
DEC 19 2013

**DEFENDANT - U.S.**

**DAMIEN EDWARD MCDANIEL**

RICHARD W. WIEKING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND

DISTRICT COURT NUMBER

**CR13-00818**

**PJH**

**PROCEEDING**

Name of Complainant Agency, or Person (& Title, if any)

Federal Bureau of Investigation

person is awaiting trial in another Federal or State Court, give name of court

this person/proceeding is transferred from another district per (circle one) FRCrp 20, 21, or 40. Show District

this is a re prosecution of charges previously dismissed which were dismissed on motion of:

U.S. ATTORNEY  DEFENSE

SHOW DOCKET NO.

this prosecution relates to a pending case involving this same defendant

MAGISTRATE CASE NO.

prior proceedings or appearance(s) before U.S. Magistrate regarding this defendant were recorded under

Name and Office of Person

Furnishing Information on this form MELINDA HAAG

U.S. Attorney  Other U.S. Agency

Name of Assistant U.S.

Attorney (if assigned) JAMES C. MANN, AUSA

**IS NOT IN CUSTODY**

Has not been arrested, pending outcome this proceeding.

- 1)  If not detained give date any prior summons was served on above charges
- 2)  Is a Fugitive
- 3)  Is on Bail or Release from (show District)

**IS IN CUSTODY**

- 4)  On this charge
- 5)  On another conviction }  Federal  State
- 6)  Awaiting trial on other charges

If answer to (6) is "Yes", show name of institution

Alameda County Jail

Has detainer been filed?  Yes  No

If "Yes" give date filed

DATE OF ARREST

Month/Day/Year

Or... If Arresting Agency & Warrant were not

DATE TRANSFERRED TO U.S. CUSTODY

Month/Day/Year

This report amends AO 257 previously submitted

**ADDITIONAL INFORMATION OR COMMENTS**

**PROCESS:**

SUMMONS  NO PROCESS\*  WARRANT

Bail Amount: NO BAIL

If Summons, complete following:

Arraignment  Initial Appearance

\* Where defendant previously apprehended on complaint, no new summons or warrant needed, since Magistrate has scheduled arraignment

Defendant Address:

Date/Time: \_\_\_\_\_ Before Judge: \_\_\_\_\_

Comments:

PENALTY SHEET ATTACHMENT FOR DAMIEN EDWARD MCDANIEL

COUNT ONE: 18 U.S.C. § 1962(d) – Racketeering Conspiracy

- (1) Imprisonment: Maximum Life.
- (2) Fine: \$250,000
- (3) Supervised release: Maximum 5-year Term
- (4) Special assessment: \$100.00

COUNT TWO: 18 U.S.C. § 1959(a)(5) and 2 – Attempted Murder in Aid of Racketeering

- (1) Imprisonment: Maximum 10 Years.
- (2) Fine: \$250,000
- (3) Supervised release: Maximum 3-year Term
- (4) Special assessment: \$100.00

COUNTS THREE and SIX: 18 U.S.C. § 1959(a)(3) and 2 – Assault With a Dangerous Weapon/Resulting in Serious Bodily Injury in Aid of Racketeering

- (1) Imprisonment: Maximum 20 Years.
- (2) Fine: \$250,000
- (3) Supervised release: Maximum 3-year Term
- (4) Special assessment: \$100.00

COUNT FOUR: 18 U.S.C. § 1959(a)(2) and 2 – Maiming in Aid of Racketeering

- (1) Imprisonment: Maximum 30 Years.
- (2) Fine: \$250,000
- (3) Supervised release: Maximum 5-year Term
- (4) Special assessment: \$100.00

COUNTS FIVE and SEVEN: 18 U.S.C. § 924(c)(1)(A) and 2 – Use/Possession/Brandish/Discharge of Firearm in Furtherance of Crime of Violence

- (1) Imprisonment: Maximum Life Imprisonment  
Mandatory Minimum 10 Years Imprisonment Consecutive To Any Other Term Of Imprisonment; If Second Conviction, Mandatory Minimum 25 Years Imprisonment Consecutive To Any Other Term Of Imprisonment
- (2) Fine: \$250,000
- (3) Supervised Release: Maximum 5-Year Term
- (4) Special Assessment. \$100.00

COUNT NINE: 18 U.S.C. § 922(g)(1) – Felon In Possession Of A Firearm

- (1) Imprisonment: Maximum 10 Years.
- (2) Fine: \$250,000
- (3) Supervised release: Maximum 3-year Term
- (4) Special assessment: \$100.00

AO 257 (Rev. 6/78)

**DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURT**

BY:  COMPLAINT  INFORMATION  INDICTMENT  
 SUPERSEDING

**OFFENSE CHARGED**

See Attachment.

- Petty
- Minor
- Misdemeanor
- Felony

PENALTY:

See Attachment.

Name of District Court, and/or Judge/Magistrate Location

NORTHERN DISTRICT OF CALIFORNIA

OAKLAND DIVISION

**FILED**  
DEC 19 2013

**DEFENDANT - U.S.**

RICHARD W. WIEKING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND

▶ **JOSEPH PENNYMON**

DISTRICT COURT NUMBER

**CR13-00818 PJH**

**PROCEEDING**

Name of Complainant Agency, or Person (& Title, if any)

Federal Bureau of Investigation

person is awaiting trial in another Federal or State Court, give name of court

this person/proceeding is transferred from another district per (circle one) FRCrp 20, 21, or 40. Show District

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prior proceedings or appearance(s) before U.S. Magistrate regarding this defendant were recorded under

Name and Office of Person

Furnishing Information on this form MELINDA HAAG

U.S. Attorney  Other U.S. Agency

Name of Assistant U.S.

Attorney (if assigned) JAMES C. MANN, AUSA

**DEFENDANT**

**IS NOT IN CUSTODY**

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- 3)  Is on Bail or Release from (show District)

**IS IN CUSTODY**

- 4)  On this charge
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If answer to (6) is "Yes", show name of institution

Alameda County Jail

Has detainer been filed?  Yes  No

If "Yes" give date filed

**DATE OF ARREST** ▶

Month/Day/Year

Or... if Arresting Agency & Warrant were not

**DATE TRANSFERRED TO U.S. CUSTODY** ▶

Month/Day/Year

This report amends AO 257 previously submitted

**ADDITIONAL INFORMATION OR COMMENTS**

**PROCESS:**

SUMMONS  NO PROCESS\*  WARRANT

Bail Amount: NO BAIL

If Summons, complete following:

Arraignment  Initial Appearance

\* Where defendant previously apprehended on complaint, no new summons or warrant needed, since Magistrate has scheduled arraignment

Defendant Address:

Date/Time: \_\_\_\_\_ Before Judge: \_\_\_\_\_

Comments:

PENALTY SHEET ATTACHMENT FOR JOSEPH PENNYMON

COUNT ONE: 18 U.S.C. § 1962(d) – Racketeering Conspiracy

- (1) Imprisonment: Maximum Life.
- (2) Fine: \$250,000
- (3) Supervised release: Maximum 5-year Term
- (4) Special assessment: \$100.00

COUNT TWO: 18 U.S.C. § 1959(a)(5) and 2 – Attempted Murder in Aid of Racketeering

- (1) Imprisonment: Maximum 10 Years.
- (2) Fine: \$250,000
- (3) Supervised release: Maximum 3-year Term
- (4) Special assessment: \$100.00

COUNTS THREE and SIX: 18 U.S.C. § 1959(a)(3) and 2 – Assault With a Dangerous Weapon/Resulting in Serious Bodily Injury in Aid of Racketeering

- (1) Imprisonment: Maximum 20 Years.
- (2) Fine: \$250,000
- (3) Supervised release: Maximum 3-year Term
- (4) Special assessment: \$100.00

COUNT FOUR: 18 U.S.C. § 1959(a)(2) and 2 – Maiming in Aid of Racketeering

- (1) Imprisonment: Maximum 30 Years.
- (2) Fine: \$250,000
- (3) Supervised release: Maximum 5-year Term
- (4) Special assessment: \$100.00

COUNTS FIVE and SEVEN: 18 U.S.C. § 924(c)(1)(A) and 2 – Use/Possession/Brandish/Discharge of Firearm in Furtherance of Crime of Violence

- (1) Imprisonment: Maximum Life Imprisonment  
Mandatory Minimum 10 Years Imprisonment Consecutive To Any Other Term Of Imprisonment; If Second Conviction, Mandatory Minimum 25 Years Imprisonment Consecutive To Any Other Term Of Imprisonment
- (2) Fine: \$250,000
- (3) Supervised Release: Maximum 5-Year Term
- (4) Special Assessment. \$100.00

# United States District Court

FOR THE  
NORTHERN DISTRICT OF CALIFORNIA

VENUE: Oakland

**CR13-00818 PJH**

UNITED STATES OF AMERICA,

v.

PURVIS LAMAR ELLIS, a/k/a "Bot,"  
DEANTE TERRANCE KINCAID, a/k/a "Tay-Tay,"  
DAMIEN EDWARD MCDANIEL, a/k/a "Famous," "Lil' Dame," and  
JOSEPH PENNYMON, a/k/a "Junkie,"

**FILED**

DEC 19 2013

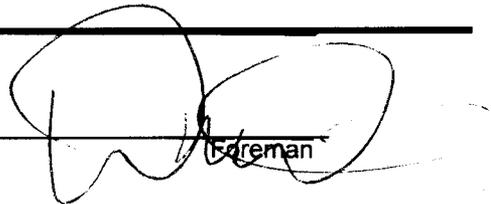
RICHARD W. WIEKING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND

DEFENDANT.

**INDICTMENT**

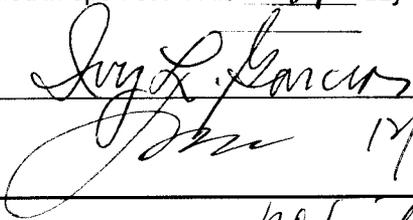
18 U.S.C. § 1962(d) – Racketeering Conspiracy; 18 U.S.C. § 1959 (a)(5) and 2 – Attempted Murder in Aid of Racketeering; 18 U.S.C. § 1959(a)(3) and 2 – Assault With a Dangerous Weapon/Resulting in Serious Bodily Injury in Aid of Racketeering; 18 U.S.C. § 1959 (a)(2) and 2 – Maiming in Aid of Racketeering; 18 U.S.C. § 924(c) (1)(A) and 2 – Use/Possession/Brandish/Discharge of Firearm in Furtherance of Crime of Violence; 18 U.S.C. § 922(g)(1) – Felon In Possession Of A Firearm

A true bill.



Foreman

Filed in open court this 19 day of December



Clerk

12/19/13

Bail, \$ no bail warrant for all 4 defendants

1 MELINDA HAAG (CABN 132612)  
United States Attorney

**FILED**

DEC 19 2013

RICHARD W. WIEKING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND

8 UNITED STATES DISTRICT COURT  
9 NORTHERN DISTRICT OF CALIFORNIA  
10 OAKLAND DIVISION

CR13-00818 PJH

12 UNITED STATES OF AMERICA,	)	CASE NO.
13 v.	)	<u>VIOLATIONS</u> – 18 U.S.C. § 1962(d) – Racketeering
14 PURVIS LAMAR ELLIS, a/k/a “Bot,”	)	Conspiracy; 18 U.S.C. § 1959(a)(5) and 2 –
15 DEANTE TERRANCE KINCAID, a/k/a “Tay- Tay,”	)	Attempted Murder in Aid of Racketeering; 18 U.S.C. § 1959(a)(3) and 2 – Assault With a Dangerous
16 DAMIEN EDWARD MCDANIEL, a/k/a	)	Weapon/Resulting in Serious Bodily Injury in Aid of
17 “Famous,” “Lil’ Dame,” and	)	Racketeering; 18 U.S.C. § 1959(a)(2) and 2 –
18 JOSEPH PENNYMON, a/k/a “Junkie,”	)	Maiming in Aid of Racketeering; 18 U.S.C. § 924(c)(1)(A) and 2 –
Defendants.	)	Use/Possession/Brandish/Discharge of Firearm in Furtherance of Crime of Violence; 18 U.S.C. § 922(g)(1) – Felon In Possession Of A Firearm

19  
20 INDICTMENT

21 The Grand Jury charges, at all times relevant to this Indictment:

22 COUNT ONE: (18 U.S.C. § 1962(d) – Racketeering Conspiracy)

23 Introduction

24 1. Sem City was a violent street gang with members operating in the city of Oakland,  
25 California, whose activities affected other parts of the United States. The members of Sem City  
26 primarily conducted their activities in the Seminary neighborhood of East Oakland, which was bordered  
27 by Seminary Avenue on the North, International Boulevard on the West, 62<sup>nd</sup> Avenue on the South, and  
28 Foothill Boulevard on the East.



Purposes of the Enterprise

8. The purposes of the Sem City enterprise included the following:

- a. Preserving and protecting the power, territory, reputation, and profits of the enterprise through the use of intimidation, violence, threats of violence, assaults, and murder;
- b. Promoting and enhancing the enterprise and the activities of its members and associates, including, but not limited to, attempted murder, assault, robbery, narcotics distribution, pimping of minors, illegal firearms possession, credit card fraud, and other criminal activities; and
- c. Keeping victims, potential victims, and community members in fear of the enterprise and its members and associates through violence and threats of violence.

The Racketeering Conspiracy

9. From at least in or about 2007, through and including in or about December of 2013, in the Northern District of California and elsewhere, the defendants,

PURVIS LAMAR ELLIS, a/k/a "Bot,"  
DEANTE TERRANCE KINCAID, a/k/a "Tay-Tay,"  
DAMIEN EDWARD MCDANIEL, a/k/a "Famous," "Lil' Dame," and  
JOSEPH PENNYMON, a/k/a "Junkie,"

together with others known and unknown, each being a person employed by and associated with Sem City, an enterprise engaged in, and the activities of which affected, interstate and foreign commerce, unlawfully, knowingly, and intentionally did conspire to violate Title 18, United States Code, Section 1962(c), that is to conduct and participate, directly and indirectly, in the conduct of the affairs of the Sem City enterprise through a pattern of racketeering activity, as defined in Title 18, United States Code, Sections 1961(1) and (5), which pattern of racketeering activity consisted of multiple acts involving offenses chargeable under the following provisions of California law:

- a. Murder, in violation of California Penal Code §§ 187, 188, 189, 182, 21a, 664, and 653f;
- b. Robbery, in violation of California Penal Code §§ 211, 212.5, 213, 21a, and 664; and multiple acts involving the following provisions of federal narcotics laws:
- c. 21 U.S.C. § 841(a)(1) (Distribution and Possession with Intent to Distribute

1 Controlled Substances);

2 and multiple acts indictable under the following provisions of federal law:

3 d. 18 U.S.C. § 1591(a) (Sex Trafficking of Minors);

4 e. 18 U.S.C. § 2422(b) (Enticement of Minor to Engage in Prostitution);

5 f. 18 U.S.C. § 1028 (Fraud in Connection with Identification Documents); and

6 g. 18 U.S.C. § 1029 (Fraud in Connection with Access Devices).

7 10. It was part of the conspiracy that each defendant agreed that a conspirator would commit  
8 at least two acts of racketeering activity in the conduct of the affairs of the enterprise.

9 All in violation of Title 18, United States Code, Section 1962(d).

10 NOTICE OF SPECIAL SENTENCING FACTORS REGARDING COUNT ONE

11 Number 1: Conspiracy to Commit Murder

12 11. On or about January 20, 2013, in the Northern District of California, the defendants,

13 PURVIS LAMAR ELLIS, a/k/a "Bot,"  
14 DEANTE TERRANCE KINCAID, a/k/a "Tay-Tay,"  
15 DAMIEN EDWARD MCDANIEL, a/k/a "Famous," "Lil' Dame," and  
16 JOSEPH PENNYMON, a/k/a "Junkie,"

17 together with others known and unknown, each aided and abetted by the other, unlawfully, knowingly  
18 and intentionally did conspire to commit the murder of Victim-1, in violation of California Penal Code  
19 §§ 187, 188, 189, and 182, to wit, the defendants agreed together and with each other to kill, with malice  
20 aforethought, Victim-1.

21 Number 2: Attempted First Degree Murder of Victim-1

22 12. On or about January 20, 2013, in the Northern District of California, the defendants,

23 PURVIS LAMAR ELLIS, a/k/a "Bot,"  
24 DEANTE TERRANCE KINCAID, a/k/a "Tay-Tay,"  
25 DAMIEN EDWARD MCDANIEL, a/k/a "Famous," "Lil' Dame," and  
26 JOSEPH PENNYMON, a/k/a "Junkie,"

27 together with others known and unknown, each aided and abetted by the other, unlawfully, knowingly  
28 and intentionally and with deliberation and premeditation, did attempt to kill, with malice aforethought,  
Victim-1, in violation of California Penal Code §§ 187,188, 189, 21a, and 664.

///

1 COUNT TWO: (18 U.S.C. § 1959(a)(5) and 2 – Attempted Murder in Aid of Racketeering)

2 13. Paragraphs 1 through 6 and 8 of this Indictment are realleged and incorporated by  
3 reference as though fully set forth herein.

4 14. At all times relevant to this Indictment, Sem City, including its leadership, membership,  
5 and associates, constituted an enterprise as defined in Title 18, United States Code, Section 1959(b)(2),  
6 that is, a group of individuals associated in fact that engaged in, and the activities of which affected,  
7 interstate and foreign commerce. The enterprise constituted an ongoing organization whose members  
8 functioned as a continuing unit for a common purpose of achieving the objectives of the enterprise.

9 15. At all times relevant to this Indictment, Sem City, through its members and associates,  
10 engaged in racketeering activity as defined in Title 18, United States Code, Sections 1959(b)(1) and  
11 1961(1), namely, multiple acts involving offenses chargeable under the following provisions of  
12 California law:

13 a. Murder, in violation of California Penal Code §§ 187, 188, 189, 182, 21a, 664,  
14 and 653f;

15 b. Robbery, in violation of California Penal Code §§ 211, 212.5, 213, 21a, and 664;  
16 and multiple acts involving the following provisions of federal narcotics laws:

17 c. 21 U.S.C. § 841(a)(1) (Distribution and Possession with Intent to Distribute  
18 Controlled Substances);

19 and multiple acts indictable under the following provisions of federal law:

20 d. 18 U.S.C. § 1591(a) (Sex Trafficking of Minors);

21 e. 18 U.S.C. § 2422(b) (Enticement of Minor to Engage in Prostitution);

22 f. 18 U.S.C. § 1028 (Fraud in Connection with Identification Documents); and

23 g. 18 U.S.C. § 1029 (Fraud in Connection with Access Devices).

24 16. On or about January 20, 2013, in the Northern District of California, for the purpose of  
25 gaining entrance to, maintaining, and increasing position in Sem City, an enterprise engaged in  
26 racketeering activity, the defendants,

27 PURVIS LAMAR ELLIS, a/k/a “Bot,”  
28 DEANTE TERRANCE KINCAID, a/k/a “Tay-Tay,”  
DAMIEN EDWARD MCDANIEL, a/k/a “Famous,” “Lil’ Dame,” and  
JOSEPH PENNYMON, a/k/a “Junkie,”

1 together with others known and unknown, each aided and abetted by the other, unlawfully, knowingly,  
2 and intentionally did attempt to murder Victim-1, in violation of California Penal Code Sections 187,  
3 188, 189, 21a, and 664.

4 All in violation of Title 18, United States Code, Sections 1959(a)(5) and 2.

5 COUNT THREE: (18 U.S.C. § 1959(a)(3) and 2 – Assault With a Dangerous Weapon/Resulting in  
6 Serious Bodily Injury in Aid of Racketeering)

7 17. Paragraphs 1 through 6, 8, 14, and 15 of this Indictment are realleged and incorporated by  
8 reference as though fully set forth herein.

9 18. On or about January 20, 2013, in the Northern District of California, for the purpose of  
10 gaining entrance to, maintaining, and increasing position in Sem City, an enterprise engaged in  
11 racketeering activity, the defendants,

12 PURVIS LAMAR ELLIS, a/k/a “Bot,”  
13 DEANTE TERRANCE KINCAID, a/k/a “Tay-Tay,”  
14 DAMIEN EDWARD MCDANIEL, a/k/a “Famous,” “Lil’ Dame,” and  
15 JOSEPH PENNYMON, a/k/a “Junkie,”

16 together with others known and unknown, each aided and abetted by the other, unlawfully, knowingly,  
17 and intentionally did assault Victim-1 with a dangerous weapon and assault Victim-1 resulting in serious  
18 bodily injury, in violation of California Penal Code Section 245(a)(1).

19 All in violation of Title 18, United States Code, Sections 1959(a)(3) and 2.

20 COUNT FOUR: (18 U.S.C. § 1959(a)(2) and 2 – Maiming in Aid of Racketeering)

21 19. Paragraphs 1 through 6, 8, 14, and 15 of this Indictment are realleged and incorporated by  
22 reference as though fully set forth herein.

23 20. On or about January 20, 2013, in the Northern District of California, for the purpose of  
24 gaining entrance to, maintaining, and increasing position in Sem City, an enterprise engaged in  
25 racketeering activity, the defendants,

26 PURVIS LAMAR ELLIS, a/k/a “Bot,”  
27 DEANTE TERRANCE KINCAID, a/k/a “Tay-Tay,”  
28 DAMIEN EDWARD MCDANIEL, a/k/a “Famous,” “Lil’ Dame,” and  
JOSEPH PENNYMON, a/k/a “Junkie,”

together with others known and unknown, each aided and abetted by the other, unlawfully, knowingly,

1 and intentionally did maim Victim-1, in violation of California Penal Code Sections 203, 204, and 205.

2 All in violation of Title 18, United States Code, Sections 1959(a)(2) and 2.

3 COUNT FIVE: (18 U.S.C. § 924(c)(1)(A) and 2 – Use/Possession/Brandish/Discharge of Firearm  
4 in Furtherance of Crime of Violence)

5 21. On or about January 20, 2013, in the Northern District of California, the defendants,

6 PURVIS LAMAR ELLIS, a/k/a “Bot,”  
7 DEANTE TERRANCE KINCAID, a/k/a “Tay-Tay,”  
8 DAMIEN EDWARD MCDANIEL, a/k/a “Famous,” “Lil’ Dame,” and  
9 JOSEPH PENNYMON, a/k/a “Junkie,”

10 together with others known and unknown, each aided and abetted by the other, willfully and knowingly  
11 did use and carry and brandish and discharge a firearm during and in relation to a crime of violence for  
12 which they may be prosecuted in a court of the United States, namely, the attempted murder in aid of  
13 racketeering, the assault with a deadly weapon resulting in serious bodily injury in aid of racketeering,  
14 and the maiming in aid of racketeering of Victim-1 charged in Counts Two, Three, and Four of this  
15 Indictment, and did possess, brandish, and discharge a firearm in furtherance of the offenses charged in  
16 Counts Two, Three, and Four of this Indictment.

17 All in violation of Title 18, United States Code, Sections 924(c)(1)(A) and 2.

18 COUNT SIX: (18 U.S.C. § 1959(a)(3) and 2 – Assault With a Dangerous Weapon/Resulting in  
19 Serious Bodily Injury in Aid of Racketeering)

20 22. Paragraphs 1 through 6, 8, 14, and 15 of this Indictment are realleged and incorporated by  
21 reference as though fully set forth herein.

22 23. On or about January 21, 2013, in the Northern District of California, for the purpose of  
23 gaining entrance to, maintaining, and increasing position in Sem City, an enterprise engaged in  
24 racketeering activity, the defendants,

25 DEANTE TERRANCE KINCAID, a/k/a “Tay-Tay,”  
26 DAMIEN EDWARD MCDANIEL, a/k/a “Famous,” “Lil’ Dame,” and  
27 JOSEPH PENNYMON, a/k/a “Junkie,”

28 together with others known and unknown, each aided and abetted by the other, unlawfully, knowingly,  
and intentionally did assault Victim-2 with a dangerous weapon and assault Victim-2 resulting in serious  
bodily injury, in violation of California Penal Code Section 245(a)(1).

1 All in violation of Title 18, United States Code, Sections 1959(a)(3) and 2.

2 COUNT SEVEN: (18 U.S.C. § 924(c)(1)(A) and 2 – Use/Possession/Brandish/Discharge of Firearm  
3 in Furtherance of Crime of Violence)

4 24. On or about January 21, 2013, in the Northern District of California, the defendants,

5 DEANTE TERRANCE KINCAID, a/k/a “Tay-Tay,”  
6 DAMIEN EDWARD MCDANIEL, a/k/a “Famous,” “Lil’ Dame,” and  
7 JOSEPH PENNYMON, a/k/a “Junkie,”

8 together with others known and unknown, each aided and abetted by the other, willfully and knowingly  
9 did use and carry and brandish and discharge a firearm during and in relation to a crime of violence for  
10 which they may be prosecuted in a court of the United States, namely, the assault with a deadly weapon  
11 resulting in serious bodily injury in aid of racketeering of Victim-2 charged in Count Six of this  
12 Indictment, and did possess, brandish, and discharge a firearm in furtherance of the offense charged in  
13 Count Six of this Indictment.

14 All in violation of Title 18, United States Code, Sections 924(c)(1)(A) and 2.

15 COUNT EIGHT: (18 U.S.C. § 922(g)(1) – Felon In Possession Of A Firearm)

16 25. On or about January 21, 2013, in the Northern District of California, the defendant,

17 DEANTE TERRANCE KINCAID, a/k/a “Tay-Tay,”

18 having previously been convicted of a felony crime punishable by a term of imprisonment exceeding  
19 one year, unlawfully and knowingly did possess firearms, described as: (1) a Glock, Model 30, .45  
20 caliber, semiautomatic handgun with serial number CDV174; (2) a Glock, Model 22Gen4, .40 caliber  
21 semiautomatic handgun with serial number RHD406; and (3) a Glock, Model 27, .40 caliber  
22 semiautomatic handgun with serial number KPK064; all in and affecting commerce, and which had been  
23 shipped and transported in interstate or foreign commerce, and all in violation of Title 18, United States  
24 Code, Section 922(g)(1).

25 COUNT NINE: (18 U.S.C. § 922(g)(1) – Felon In Possession Of A Firearm)

26 26. On or about January 21, 2013, in the Northern District of California, the defendant,

27 DAMIEN EDWARD MCDANIEL, a/k/a “Famous,” “Lil’ Dame,”

28 having previously been convicted of a felony crime punishable by a term of imprisonment exceeding  
one year, unlawfully and knowingly did possess firearms, described as: (1) a Smith & Wesson, Model

1 SW40VE, .40 caliber semiautomatic handgun with serial number DUM4701; (2) a Glock, Model  
2 22Gen4, .40 caliber semiautomatic handgun with serial number RHD406; and (3) a Glock, Model 27,  
3 .40 caliber semiautomatic handgun with serial number KPK064; all in and affecting commerce, and  
4 which had been shipped and transported in interstate or foreign commerce, and all in violation of Title  
5 18, United States Code, Section 922(g)(1).

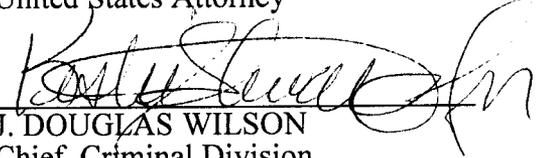
6 DATED:

7 19- December, 2013

A TRUE BILL

8   
9 FOREPERSON

10 MELINDA HAAG  
11 United States Attorney

12   
13 J. DOUGLAS WILSON  
14 Chief, Criminal Division

15 (Approved as to form:

16   
AUSA William Frentzen  
AUSA James C. Mann