

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

- - - - - X

UNITED STATES OF AMERICA :

- v. - :

ANTOINE BURROUGHS, : INDICTMENT

a/k/a "Butter,"

a/k/a "Youngblood," : S1 14 Cr. 171 (GHW)

LEON WHITFIELD,

a/k/a "Ty," :

Defendants. :

- - - - - X

COUNT ONE

The Grand Jury charges:

1. From at least in or about August 2009, up to and including in or about September 2009, in the Southern District of New York and elsewhere, ANTOINE BURROUGHS, a/k/a "Butter," a/k/a "Youngblood," and LEON WHITFIELD, a/k/a "Ty," the defendants, and others known and unknown, unlawfully and knowingly did combine, conspire, confederate, and agree together and with each other to commit robbery, as that term is defined in Title 18, United States Code, Section 1951(b)(1), and would and did thereby obstruct, delay, and affect commerce and the movement of articles and commodities in commerce, as that term is defined in Title 18, United States Code,

Section 1951(b)(3), to wit, BURROUGHS and WHITFIELD agreed to rob an individual engaged in interstate commerce.

(Title 18, United States Code, Section 1951.)

COUNT TWO

The Grand Jury further charges:

2. On or about September 9, 2009, in the Southern District of New York and elsewhere, ANTOINE BURROUGHS, a/k/a "Butter," a/k/a "Youngblood," and LEON WHITFIELD, a/k/a "Ty," the defendants, and others known and unknown, unlawfully and knowingly did attempt to commit robbery, as that term is defined in Title 18, United States Code, Section 1951(b)(1), and did thereby attempt to obstruct, delay, and affect commerce and the movement of articles and commodities in commerce, as that term is defined in Title 18, United States Code, Section 1951(b)(3), to wit, BURROUGHS and WHITFIELD attempted to rob an individual engaged in interstate commerce.

(Title 18, United States Code, Sections 1951 and 2.)

COUNT THREE

The Grand Jury further charges:

3. On or about September 9, 2009, in the Southern District of New York and elsewhere, ANTOINE BURROUGHS, a/k/a "Butter," a/k/a "Youngblood," and LEON WHITFIELD, a/k/a "Ty," the defendants, during and in relation to a crime of violence for which they may be prosecuted

in a court of the United States, namely, attempted robbery and conspiracy to commit robbery, in violation of Title 18, United States Code, Section 1951, as charged in Counts One and Two of this Indictment, knowingly did use and carry firearms, and, in furtherance of such crimes, did possess firearms, and did aid and abet the use, carrying, and possession of firearms, including a firearm that was brandished and discharged at Gerardo Antoniello, causing his death.

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

COUNT FOUR

The Grand Jury further charges:

4. On or about September 9, 2009, in the Southern District of New York and elsewhere, ANTOINE BURROUGHS, a/k/a "Butter," a/k/a "Youngblood," and LEON WHITFIELD, a/k/a "Ty," the defendants, willfully and knowingly, during and in relation to a crime of violence for which they may be prosecuted in a court of the United States, namely, attempted robbery and conspiracy to commit robbery, in violation of Title 18, United States Code, Section 1951, as charged in Counts One and Two of this Indictment, did use and carry firearms, and, in furtherance of such crimes, did possess firearms, and did aid and abet the use, carrying, and possession of firearms, and in the course of those crimes did cause the death of a person through the use of a firearm, which killing is murder as defined in Title

18, United States Code, Section 1111(a), and manslaughter as defined in Title 18, United States Code, Section 1112(a), to wit, BURROUGHS and WHITFIELD caused the death of Gerardo Antoniello by discharging a firearm at Antoniello and aiding and abetting the same.

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

SPECIAL FINDINGS AS TO ANTOINE BURROUGHS

5. Count Four of the Indictment is realleged and incorporated by reference as though fully set forth herein. As to Count Four of the Indictment, alleging the murder of Gerardo Antoniello, ANTOINE BURROUGHS, a/k/a "Butter," a/k/a "Youngblood," the defendant:

a. Was 18 years of age or older at the time of the offense;

b. Intentionally participated in an act, contemplating that the life of a person would be taken or intending that lethal force would be used in connection with a person, other than one of the participants in the offense, and the victim died as a result of the act (Title 18, United States Code, Section 3591(a)(2)(c)); and

c. Intentionally and specifically engaged in an act of violence, knowing that the act created a grave risk of death to a person, other than one of the participants in the offense, such that participation in the act constituted a reckless disregard for

human life and the victim died as a direct result of the act (Title 18, United States Code, Section 3591(a)(2)(D)).

SPECIAL FINDINGS AS TO LEON WHITFIELD

6. Count Four of the Indictment is realleged and incorporated by reference as though fully set forth herein. As to Count Four of the Indictment, alleging the murder of Gerardo Antoniello, LEON WHITFIELD, a/k/a "Ty," the defendant:

a. Was 18 years of age or older at the time of the offense;

b. Intentionally participated in an act, contemplating that the life of a person would be taken or intending that lethal force would be used in connection with a person, other than one of the participants in the offense, and the victim died as a result of the act (Title 18, United States Code, Section 3591(a)(2)(c)); and

c. Intentionally and specifically engaged in an act of violence, knowing that the act created a grave risk of death to a person, other than one of the participants in the offense, such that participation in the act constituted a reckless disregard for human life and the victim died as a direct result of the act (Title 18, United States Code, Section 3591(a)(2)(D)).

FORFEITURE ALLEGATION AS TO COUNTS ONE AND TWO

7. As a result of committing the robbery offenses alleged in Counts One and Two of this Indictment, ANTOINE BURROUGHS, a/k/a "Butter," a/k/a "Youngblood," and LEON WHITFIELD, a/k/a "Ty," the defendants, shall forfeit to the United States pursuant to 21 U.S.C. § 853, any and all property constituting or derived from any proceeds the defendants obtained directly or indirectly as a result of the violation and any and all property used or intended to be used in any manner or part to commit and to facilitate the commission of the violations alleged in Counts One and Two of this Indictment.

Substitute Asset Provision


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 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;

it is the intent of the United States, pursuant to 18 U.S.C. § 982(b)

and 21 U.S.C. § 853(p), to seek forfeiture of any other property of the defendants up to the value of the above forfeitable property.

(Title 18, United States Code, Section 981,
Title 28, United States Code, Section 2461, and
Title 18, United States Code, Section 1951.)


FOREPERSON


PREET BHARARA *Km*
United States Attorney

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

v.

ANTOINE BURROUGHS,
a/k/a "Butter,"
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LEON WHITFIELD,
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Defendants.

SEUPERSEDING INDICTMENT

S1 14 Cr. 171

(18 U.S.C. §§ 1951; 2;
§§ 924(c)(1)(A)(ii), 924(c)(1)(A)(iii),
and 924(j).)

PREET BHARARA
United States Attorney.

A TRUE BILL

