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F. #2017R00999

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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

U.S. DISTRICT COURT
EASTERN DISTRICT
OF NEW YORK

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UNITED STATES OF AMERICA

SUPERSEDING
INDICTMENT

- against -

TYSHEEN COOPER,
also known as "Billz,"
GABRIALE HERBERT,
MICHAEL LIBURD,
also known as "Mike Mike"
and "Mitty,"
SHAROD LIBURD,
also known as "Pop," and
MAURICE WASHINGTON,
also known as "Moe"
and "Flaco,"

Cr. No. 17-296 (S-1) (ILG)
(T. 18, U.S.C., §§ 924(c)(1)(A)(i),
924(c)(1)(A)(ii), 924(c)(1)(A)(iii),
924(c)(1)(C)(i), 924(d)(1), 924(j)(1),
981(a)(1)(C), 1503(a), 1512(b)(1),
1512(b)(2)(A), 1512(c)(2), 1951(a),
1959(a)(1), 1959(a)(5), 1962(d), 1963,
1963(a), 1963(m), 2 and 3551 et seq.;
T. 21 U.S.C., § 853(p); T. 28 U.S.C.,
§ 2461(c))

Defendants.

----- X

THE GRAND JURY CHARGES:

INTRODUCTION

At all times relevant to this Superseding Indictment, unless otherwise indicated:

The Enterprise

1. The West End Enterprise (the "enterprise") was a gang composed of individuals residing in and around the Sea Rise Apartments, the Gravesend Houses and Surfside Gardens, also known as the "Mermaid Houses," apartment complexes located in the western end of the Coney Island neighborhood in Brooklyn, New York. Members and

associates of the enterprise engaged in drug trafficking and have committed acts of violence, including murder, attempted murder, robbery and assault, as well as other crimes.

2. The West End Enterprise, including its leadership, membership and associates, constituted an “enterprise” as defined in Title 18, United States Code, Section 1961(4), that is, a group of individuals associated in fact that was engaged in, and the activities of which affected, interstate and foreign commerce. The enterprise constituted an ongoing organization whose members functioned as a continuing unit for a common purpose of achieving the objectives of the enterprise.

Purposes of the Enterprise

3. The purposes of the enterprise included the following:
- (a) Enriching the members and associates of the enterprise through criminal activity, including drug trafficking, extortion and robbery;
 - (b) Promoting and enhancing the prestige, reputation and position of the enterprise with respect to rival criminal organizations;
 - (c) Preserving and protecting the power, territory and criminal ventures of the enterprise through the use of intimidation, threats of violence and acts of violence, including murder, attempted murder, robbery and assault;
 - (d) Keeping victims and rivals in fear of the enterprise and its members and associates; and
 - (e) Concealing the activities of the enterprise from law enforcement.

Means and Methods of the Enterprise

4. Among the means and methods by which the defendants and their associates conducted and participated in the conduct of the affairs of the enterprise were the following:

(a) Members of the enterprise and their associates used, attempted to use and conspired to use drug trafficking, extortion and robbery as means of obtaining money;

(b) Members of the enterprise and their associates have committed, attempted to commit and threatened to commit acts of violence, including acts involving murder, robbery and assault, to enhance the enterprise's prestige and protect and expand the enterprise's criminal operations; and

(c) Members of the enterprise and their associates have used and threatened to use physical violence against various individuals, including witnesses, victims or informants and members of rival criminal organizations.

The Defendants

5. At all times relevant to this Superseding Indictment, the defendants TYSHEEN COOPER, also known as "Billz," MICHAEL LIBURD, also known as "Mike Mike" and "Mitty," SHAROD LIBURD, also known as "Pop," and MAURICE WASHINGTON, also known as "Moe" and "Flaco," were members of the enterprise.

COUNT ONE
(Racketeering Conspiracy)

6. The allegations contained in paragraphs one through five are realleged and incorporated as if fully set forth in this paragraph.

7. In or about and between 2011 and October 2017, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendants TYSHEEN COOPER, also known as “Billz,” MICHAEL LIBURD, also known as “Mike Mike” and “Mitty,” and MAURICE WASHINGTON, also known as “Moe” and “Flaco,” together with others, being persons employed by and associated with the West End Enterprise, an enterprise that engaged in, and the activities of which affected, interstate and foreign commerce, did knowingly and intentionally 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 that enterprise through a pattern of racketeering activity, as defined in Title 18, United States Code, Sections 1961(1) and 1961(5).

8. The pattern of racketeering activity through which the defendants TYSHEEN COOPER, MICHAEL LIBURD and MAURICE WASHINGTON, together with others, agreed to conduct and participate, directly and indirectly, in the conduct of the affairs of the enterprise consisted of multiple acts indictable under:

- a. Title 18, United States Code, Section 1503(a) (obstruction of justice);
- b. Title 18, United States Code, Section 1512 (tampering with a witness, victim, or an informant);
- c. Title 18, United States Code, Section 1951(a) (Hobbs Act robbery and Hobbs Act robbery conspiracy); and

multiple acts involving murder, in violation of New York State Penal Law Sections 125.25(1), 110.00 and 105.15; extortion, in violation of New York State Penal Law Sections 155.40(2), 110.00 and 105.10; and robbery, in violation of New York State Penal Law Sections 160.05, 160.10, 110.00 and 105.10; and multiple offenses involving narcotics trafficking in violation of Title 21, United States Code, Sections 841(a)(1) and 846. It was

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

Notice of Enhanced Sentencing Concerning Count One

9. On or about January 17, 2016, within the Eastern District of New York and elsewhere, the defendants TYSHEEN COOPER, MICHAEL LIBURD and MAURICE WASHINGTON, together with others, with intent to cause the death of Antwon Flowers, did cause his death, contrary to New York Penal Law Sections 125.25(1) and 20.00.

(Title 18, United States Code, Sections 1962(d), 1963 and 3551 et seq.)

COUNT TWO
(Unlawful Use of a Firearm)

10. In or about and between 2011 and October 2017, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendants TYSHEEN COOPER, also known as “Billz,” MICHAEL LIBURD, also known as “Mike Mike” and “Mitty,” and MAURICE WASHINGTON, also known as “Moe,” together with others, did knowingly and intentionally use and carry one or more firearms during and in relation to a crime of violence and a drug trafficking crime, to wit: the crime charged in Count One, and did knowingly and intentionally possess such firearms in furtherance of said crime of violence and drug trafficking crime, one or more of which firearms 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 THREE

(Conspiracy to Commit Murder In-Aid-Of Racketeering – Rival Gang Members)

11. The allegations contained in paragraphs one through five are realleged and incorporated as if fully set forth in this paragraph.

12. At all times relevant to this Superseding Indictment, the West End Enterprise, including its leadership, membership and associates, constituted an “enterprise” as defined in Section 1959(b)(2) of Title 18, United States Code, that is, a group of individuals associated in fact that was engaged in, and the activities of which affected, interstate and foreign commerce. The enterprise constituted an ongoing organization whose members functioned as a continuing unit for a common purpose of achieving the objectives of the enterprise.

13. At all times relevant to this Superseding Indictment, the West End Enterprise, through its members and associates, engaged in racketeering activity, as defined in Title 18, United States Code, Sections 1959(b)(1) and 1961(1), that is, acts involving robbery that are chargeable under New York Penal Law and punishable by imprisonment for more than one year; offenses involving drug trafficking in violation of Title 21, United States Code, Sections 841 and 846; and acts indictable under Title 18, United States Code, Section 1951 (Hobbs Act robbery).

14. In or about and between December 2012 and June 2013, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendants MICHAEL LIBURD, also known as “Mike Mike” and “Mitty,” and MAURICE WASHINGTON, also known as “Moe” and “Flaco,” together with others, for the purpose of gaining entrance to and maintaining and increasing position in the West End Enterprise, an

enterprise engaged in racketeering activity, did knowingly and intentionally conspire to murder one or more individuals, to wit: members of the “Sex Money Murder” gang, in violation of New York Penal Law Sections 125.25(1) and 105.15.

(Title 18, United States Code, Sections 1959(a)(5), and 3551 et seq.)

COUNT FOUR

(Conspiracy to Commit Murder In-Aid-Of Racketeering – Antwon Flowers)

15. The allegations contained in paragraphs one through five and 12 are realleged and incorporated as if fully set forth in this paragraph.

16. At all times relevant to this Superseding Indictment, the West End Enterprise, through its members and associates, engaged in racketeering activity, as defined in Title 18, United States Code, Sections 1959(b)(1) and 1961(1), that is, acts involving murder and robbery, that are chargeable under New York Penal Law and punishable by imprisonment for more than one year; offenses involving drug trafficking in violation of Title 21, United States Code, Sections 841 and 846; and acts indictable under Title 18, United States Code, Section 1951 (Hobbs Act robbery).

17. On or about and between January 16, 2016 and January 17, 2016, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendants TYSHEEN COOPER, also known as “Billz,” MICHAEL LIBURD, also known as “Mike Mike” and “Mitty,” and MAURICE WASHINGTON, also known as “Moe” and “Flaco,” together with others, for the purpose of gaining entrance to and maintaining and increasing position in the West End Enterprise, an enterprise engaged in

racketeering activity, did knowingly and intentionally conspire to murder Antwon Flowers, also known as “Nonni,” in violation of New York Penal Law Sections 125.25(1) and 105.15.

(Title 18, United States Code, Sections 1959(a)(5) and 3551 et seq.)

COUNT FIVE

(Murder In-Aid-Of Racketeering – Antwon Flowers)

18. The allegations set forth in paragraphs one through five, 12 and 16 are realleged and incorporated as if fully set forth in this paragraph.

19. On or about January 17, 2016, within the Eastern District of New York and elsewhere, the defendants TYSHEEN COOPER, also known as “Billz,” MICHAEL LIBURD, also known as “Mike Mike” and “Mitty,” and MAURICE WASHINGTON, also known as “Moe” and “Flaco,” together with others, for the purpose of gaining entrance to and maintaining and increasing position in the West End Enterprise, an enterprise engaged in racketeering activity, did knowingly and intentionally murder Antwon Flowers, also known as “Nonni,” in violation of New York Penal Law Sections 125.25(1) and 20.00.

(Title 18, United States Code, Sections 1959(a)(1), 2 and 3551 et seq.)

COUNT SIX

(Causing Death of Antwon Flowers Through Use of a Firearm)

20. On or about January 17, 2016, within the Eastern District of New York and elsewhere, the defendants TYSHEEN COOPER, also known as “Billz,” MICHAEL LIBURD, also known as “Mike Mike” and “Mitty,” and MAURICE WASHINGTON, also known as “Moe” and “Flaco,” 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 Two, did knowingly and intentionally cause the death of a person through the use of a firearm, which killing is a murder as defined in Title 18, United States Code, Section 1111(a), in that COOPER,

LIBURD and WASHINGTON, with malice aforethought, did unlawfully kill, and cause the killing of, Antwon Flowers, also known as “Nonni.”

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

COUNT SEVEN
(Obstruction of Justice)

21. In or about and between May 2016 and December 2016, both dates being approximate and inclusive, within the Eastern District of New York, the defendant MICHAEL LIBURD, also known as “Mike Mike” and “Mitty,” together with others, did knowingly, intentionally and corruptly endeavor to influence, obstruct and impede the due administration of justice in an official proceeding, to wit: a grand jury investigation in the Eastern District of New York.

(Title 18, United States Code, Sections 1503(a), 2 and 3551 et seq.)

COUNT EIGHT
(Attempt to Prevent Testimony)

22. In or about and between May 2016 and December 2016, both dates being approximate and inclusive, within the Eastern District of New York, the defendant MICHAEL LIBURD, also known as “Mike Mike” and “Mitty,” together with others, did knowingly and intentionally corruptly persuade, and attempt to do so, and engage in misleading conduct toward, one or more persons with intent to influence, delay and prevent the testimony of such persons, individuals whose identities are known to the Grand Jury, in an official proceeding, to wit: a grand jury investigation in the Eastern District of New York, and to cause and induce such persons to withhold testimony from such official proceeding.

(Title 18, United States Code, Sections 1512(b)(1), 1512(b)(2)(A), 2 and 3551 et seq.)

COUNT NINE

(Attempt to Obstruct an Official Proceeding)

23. In or about September 2016, within the Eastern District of New York, the defendant MICHAEL LIBURD, also known as “Mike Mike” and “Mitty,” together with others, did knowingly, intentionally and corruptly obstruct, influence and impede an official proceeding, to wit: a grand jury investigation in the Eastern District of New York, and attempt to do so.

(Title 18, United States Code, Sections 1512(c)(2), 2 and 3551 et seq.)

COUNT TEN

(Hobbs Act Robbery Conspiracy)

24. On or about May 24, 2017, within the Eastern District of New York and elsewhere, the defendants TYSHEEN COOPER, also known as “Billz,” SHAROD LIBURD, also known as “Pop,” and GABRIALE HERBERT, 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 of the proceeds of a merchandising business from John Doe #1, an individual whose identity is known to the Grand Jury.

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

COUNT ELEVEN

(Hobbs Act Robbery)

25. On or about May 24, 2017, within the Eastern District of New York, the defendants TYSHEEN COOPER, also known as “Billz,” SHAROD LIBURD, also known as “Pop,” and GABRIALE HERBERT, together with others, did knowingly and intentionally obstruct, delay and affect commerce, and the movement of articles and

commodities in commerce, by robbery, to wit: the robbery of the proceeds of a merchandising business from John Doe #1.

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

COUNT TWELVE

(Possessing and Brandishing a Firearm During a Crime of Violence)

26. On or about May 24, 2017, within the Eastern District of New York and elsewhere, the defendants TYSHEEN COOPER, also known as “Billz,” SHAROD LIBURD, also known as “Pop,” and GABRIALE HERBERT, together with others, did knowingly and intentionally use and carry one or more firearms during and in relation to one or more crimes of violence, to wit: the crimes charged in Counts Ten and Eleven, and did knowingly and intentionally possess such firearms in furtherance of said crimes of violence, one or more of which firearms were brandished.

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

CRIMINAL FORFEITURE ALLEGATION
AS TO COUNT ONE

27. The United States hereby gives notice to the defendants charged in Count One that, upon their conviction of such offense, the government will seek forfeiture in accordance with Title 18, United States Code, Section 1963(a), which requires any person convicted of such offense to forfeit: (a) any interest the person acquired or maintained in violation of Title 18, United States Code, Section 1962; (b) any interest in, security of, claim against, or property or contractual right of any kind affording a source of influence over any enterprise which the person has established, operated, controlled, conducted or participated in the conduct of, in violation of Title 18, United States Code, Section 1962; and (c) any

property constituting, or derived from, any proceeds which the person obtained, directly or indirectly, from racketeering activity in violation of Title 18, United States Code, Section 1962, including but not limited to: (i) one .38 caliber Rock Island Armory Revolver, model 206, serial number RIA1687101 and ammunition contained therein; and (ii) one .380 caliber, semi-automatic Smith & Wesson pistol, model M&P Bodyguard, serial number KDS2751 and ammunition contained therein, all of which were seized on or about May 24, 2017 from a 2014 Nissan Sentra occupied by TYSHEEN COOPER, SHAROD LIBURD and GABRIALE HERBERT in Brooklyn, New York.

28. If any of the above-described forfeitable property, as a result of any act or omission of such 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 18, United States Code, Section 1963(m), to seek forfeiture of any other property of such defendants up to the value of the forfeitable property described in this forfeiture allegation.

(Title 18, United States Code, Sections 1963(a) and 1963(m))

CRIMINAL FORFEITURE ALLEGATION
AS TO COUNTS TWO, SIX AND TWELVE

29. The United States hereby gives notice to the defendants charged in Counts Two, Six and Twelve that, upon their conviction of any such offenses, the government will seek forfeiture in accordance with Title 18, United States Code, Section 924(d)(1) and Title 28, United States Code, Section 2461(c), which require the forfeiture of any firearm or ammunition involved in or used in any knowing violations of Title 18, United States Code, Section 922 or Section 924, including but not limited to: (i) one .38 caliber Rock Island Armory Revolver, model 206, serial number RIA1687101 and ammunition contained therein; and (ii) one .380 caliber, semi-automatic Smith & Wesson pistol, model M&P Bodyguard, serial number KDS2751 and ammunition contained therein, all of which were seized on or about May 24, 2017 from a 2014 Nissan Sentra occupied by TYSHEEN COOPER, SHAROD LIBURD and GABRIALE HERBERT in Brooklyn, New York.

30. If any of the above-described forfeitable property, as a result of any act or omission of such 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), to seek forfeiture of any other property of such defendants up to the value of the forfeitable property described in this forfeiture allegation.

(Title 18, United States Code, Section 924(d)(1); Title 21, United States Code, Section 853(p); Title 28, United States Code, Section 2461(c))

CRIMINAL FORFEITURE ALLEGATION
AS TO COUNTS SEVEN THROUGH ELEVEN

31. The United States hereby gives notice to the defendants charged in Counts Seven through Eleven that, upon their conviction of any such offenses, the government will seek forfeiture in accordance with (a) Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461(c), which require any person convicted of such offenses to forfeit any property, real or personal, constituting or derived from proceeds obtained directly or indirectly as a result of such offenses; and (b) Title 18, United States Code, Section 924(d)(1) and Title 28, United States Code, Section 2461(c), which require the forfeiture of any firearm or ammunition involved in or used in any knowing violation of Title 18, United States Code, Section 922 or Section 924, or any violation of any other criminal law of the United States, including but not limited to: (i) one .38 caliber Rock Island Armory Revolver, model 206, serial number RIA1687101 and ammunition contained therein; and (ii) one .380 caliber, semi-automatic Smith & Wesson pistol, model M&P Bodyguard, serial number KDS2751 and ammunition contained therein, all of which were seized on or about May 24, 2017 from a 2014 Nissan Sentra occupied by TYSHEEN COOPER, SHAROD LIBURD and GABRIALE HERBERT in Brooklyn, New York.

32. If any of the above-described forfeitable property, as a result of any act or omission of such 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), to seek forfeiture of any other property of such defendants up to the value of the forfeitable property described in this forfeiture allegation.

(Title 18, United States Code, Sections 924(d)(1) and 981(a)(1)(C); Title 21, United States Code, Section 853(p); Title 28, United States Code, Section 2461(c))

A ~~TRUE~~ BILL

~~FOREPERSON~~

BRIDGET M. ROHDE
ACTING UNITED STATES ATTORNEY
EASTERN DISTRICT OF NEW YORK

F. # 2017R00999
FORM DBD-34
JUN. 85

No. _____

UNITED STATES DISTRICT COURT

EASTERN *District of* NEW YORK

CRIMINAL DIVISION

THE UNITED STATES OF AMERICA

vs.

TYSHEEN COOPER, et al.,

Defendants.

SUPERSEDING INDICTMENT

(T. 18, U.S.C., §§ 924(c)(1)(A)(i), 924(c)(1)(A)(ii), 924(c)(1)(A)(iii), 924(c)(1)(C)(i), 924(d)(1), 924(j)(1), 981(a)(1)(C), 1503(a), 1512(b)(1), 1512(b)(2)(A), 1512(c)(2), 1951(a), 1959(a)(1), 1959(a)(5), 1962(d), 1963, 1963(a), 1963(m), 2 and 3551 *et seq.*; T. 21 U.S.C., § 853(p); T. 28 U.S.C., § 2461(c).)

At the hill.

Foreperson

Filed in open court this _____ day,

of _____ A.D. 20 _____

Clerk

Bail, \$ _____

Rena Paul/Mathew S. Miller, Assistant U.S. Attorneys (718) 254-7575/6075