

FILED
IN CLERK'S OFFICE
U.S. DISTRICT COURT E.D.N.Y.
★ SEP 10 2019 ★
LONG ISLAND OFFICE

CCC:MEM
F.#2018R01169

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

----- X

UNITED STATES OF AMERICA

- against -

TAHEEM SMITH,
also known as "Ta,"

Defendant.

----- X

INDICTMENT
CR19 0417
Cr. No.

(T. 18, U.S.C., §§ 924(c)(1)(A)(i),
924(c)(1)(A)(ii),
924(c)(1)(A)(iii), 924(d)(1),
924(j)(1), 981(a)(1)(C), 1951(a),
1959(a)(1), 1962(c), 1962(d),
1963, 2 and 3551 et seq.; T. 21,
U.S.C., §§ 841(a), 841(b)(1)(C),
846, 853(a) and 853(p); T. 28,
U.S.C., § 853(a)(5) ~~AZRACK, J.~~

SHIELDS, M.J.

THE GRAND JURY CHARGES:

INTRODUCTION

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

The Enterprise

1. The Bloods (hereinafter the "Bloods" or the "enterprise") was a violent street gang with members located throughout Long Island, New York, and elsewhere. The defendant TAHEEM SMITH, also known as "Ta," was a member of the Bloods. Members and associates of the Bloods engaged in acts of violence, including murder, attempted murder, robbery and assault, as well as other criminal activity, including narcotics trafficking. Participation by a member or an associate in criminal activity, especially violence directed at rival gangs or anyone who disrespected the Bloods, increased the respect accorded to that member or associate and could result in gaining entrance to the Bloods or a promotion to a

leadership position. Members of the Bloods purchased, maintained and circulated a collection of firearms for use in criminal activity.

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

3. The Bloods routinely held meetings to, among other things, plan criminal activity. At meetings, members paid dues into a treasury. The treasury funds were used, among other things, to purchase firearms and ammunition and to assist members who had been arrested. Members of the Bloods sometimes signified their membership and allegiance to the gang by wearing the color red, displaying special hand signals and tattoos.

Purposes of the Enterprise

4. The purposes of the enterprise included the following:
- a. Promoting and enhancing the prestige, reputation and position of the enterprise with respect to rival criminal organizations.
 - b. 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 assault and murder.

c. Keeping victims and rivals in fear of the enterprise and its members and associates.

d. Enriching the members and associates of the enterprise through criminal activity, including robbery and drug trafficking.

e. Ensuring discipline within the enterprise and compliance with the enterprise's rules by members and associates through threats of violence and acts of violence.

Means and Methods of the Enterprise

5. Among the means and methods by which the defendant and his associates conducted and participated in the conduct of the affairs of the enterprise were the following:

a. Members of the enterprise and their associates committed, attempted to commit and threatened to commit acts of violence, including murder, attempted murder, robbery and assault, to enhance the enterprise's prestige and protect and expand the enterprise's criminal operations.

b. Members of the enterprise and their associates used and threatened to use physical violence against various individuals, including members of rival criminal organizations and enterprise members who violated the enterprise's rules.

c. Members of the enterprise and their associates used, attempted to use and conspired to use robbery and drug trafficking as means of obtaining money.

COUNT ONE
(Racketeering)

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 January 2016 and the date of this Indictment, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendant TAHEEM SMITH, also known as “Ta,” together with others, being a person employed by and associated with the Bloods, an enterprise engaged in, and the activities of which affected, interstate and foreign commerce, did knowingly and intentionally conduct and participate, directly and indirectly, in the conduct of the affairs of the Bloods through a pattern of racketeering activity, as that term is defined by Title 18, United States Code, Sections 1961(1) and 1961(5), consisting of the racketeering acts set forth below.

RACKETEERING ACT ONE
(Robbery and Murder of David Arzu)

8. The defendant TAHEEM SMITH, together with others, committed the following acts, any one of which alone constitutes Racketeering Act One:

A. Robbery

9. On or about September 2, 2016, within the Eastern District of New York, the defendant TAHEEM SMITH, together with others, did knowingly and intentionally rob property from David Arzu, in violation of New York Penal Law Sections 160.05 and 20.00.

B. Hobbs Act Robbery

10. On or about September 2, 2016, within the Eastern District of New York, the defendant TAHEEM SMITH, 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 United States currency and property from David Arzu, an individual who distributed narcotics in Suffolk County, New York, through the use of

actual and threatened force, physical violence and fear of injury to such person and to others present, in violation of Title 18, United States Code, Sections 1951(a) and 2.

C. Murder

11. On or about September 2, 2016, within the Eastern District of New York, the defendant TAHEEM SMITH, together with others, with intent to cause the death of another person, to wit: David Arzu, did knowingly and intentionally cause his death, in violation of New York Penal Law Sections 125.25(1) and 20.00.

D. Felony Murder

12. On or about September 2, 2016, within the Eastern District of New York, the defendant TAHEEM SMITH, together with others, did knowingly and intentionally commit the robbery of David Arzu, and, in the course of and in furtherance of such crime and of immediate flight therefrom, SMITH and others caused the death of a person other than one of the participants, to wit: David Arzu, in violation of New York Penal Law Sections 125.25(3) and 20.00.

RACKETEERING ACT TWO

(Attempted Robbery and Murder of Janelle Curella)

13. The defendant TAHEEM SMITH, together with others, committed the following acts, any one of which alone constitutes Racketeering Act Two:

A. Attempted Robbery

14. On or about September 2, 2016, within the Eastern District of New York, the defendant TAHEEM SMITH, together with others, did knowingly and intentionally

attempt to rob property from Janelle Curella, in violation of New York Penal Law Sections 160.05, 110.00 and 20.00.

B. Murder

15. On or about September 2, 2016, within the Eastern District of New York, the defendant TAHEEM SMITH, together with others, with intent to cause the death of another person, to wit: Janelle Curella, did knowingly and intentionally cause her death, in violation of New York Penal Law Sections 125.25(1) and 20.00.

C. Felony Murder

16. On or about September 2, 2016, within the Eastern District of New York, the defendant TAHEEM SMITH, together with others, did knowingly and intentionally attempt to commit the robbery of Janelle Curella, and, in the course of and in furtherance of such crime and of immediate flight therefrom, SMITH and others caused the death of a person other than one of the participants, to wit: Janelle Curella, in violation of New York Penal Law Sections 125.25(3) and 20.00.

RACKETEERING ACT THREE

(Conspiracy to Distribute Controlled Substances)

17. In or about and between January 2016 and December 2018, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendant TAHEEM SMITH, together with others, did knowingly and intentionally conspire to distribute and possess with intent to distribute one or more controlled substances, which offense involved (a) a substance containing cocaine base, a Schedule II controlled substance,

and (b) a substance containing marijuana, a Schedule I controlled substance, in violation of Title 21, United States Code, Sections 846 and 841(a)(1).

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

COUNT TWO
(Racketeering Conspiracy)

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

19. In or about and between January 2016 and the date of this Indictment, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendant TAHEEM SMITH, also known as “Ta,” together with others, being a person employed by and associated with the Bloods, an enterprise 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 the enterprise through a pattern of racketeering activity, as that term is defined in Title 18, United States Code, Sections 1961(1) and 1961(5).

20. The pattern of racketeering activity through which the defendant TAHEEM SMITH, together with others, agreed to conduct the affairs of the enterprise consisted of Racketeering Acts One through Three set forth above, which are realleged and

incorporated as if fully set forth in this paragraph. The defendant agreed that a conspirator would commit at least two acts of racketeering in the conduct of the affairs of the enterprise.

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

COUNT THREE

(Murder in Aid of Racketeering – David Arzu)

21. At all times relevant to this Indictment, the Bloods, as more fully described in paragraphs one through five, which are realleged and incorporated as if fully set forth in this paragraph, 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.

22. At all times relevant to this Indictment, the Bloods, 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 and threats involving murder and robbery, chargeable under New York Penal Law and punishable by imprisonment of more than one year; acts indictable under Title 18, United States Code, Section 1951 (robbery); and offenses involving trafficking of controlled substances, punishable under Title 21, United States Code, Sections 841 and 846.

23. On or about September 2, 2016, within the Eastern District of New York and elsewhere, the defendant TAHEEM SMITH, also known as “Ta,” together with others, for the purpose of maintaining and increasing position in the Bloods, an enterprise engaged in

racketeering activity, did knowingly and intentionally murder David Arzu, in violation of New York Penal Law Sections 125.25(1), 125.25(3) and 20.00.

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

COUNT FOUR

(Murder in Aid of Racketeering – Janelle Curella)

24. The allegations contained in paragraphs one through five and paragraphs 21 through 22 are realleged and incorporated as if fully set forth in this paragraph.

25. On or about September 2, 2016, within the Eastern District of New York and elsewhere, the defendant TAHEEM SMITH, also known as “Ta,” together with others, for the purpose of maintaining and increasing position in the Bloods, an enterprise engaged in racketeering activity, did knowingly and intentionally murder Janelle Curella, in violation of New York Penal Law Sections 125.25(1), 125.25(3) and 20.00.

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

COUNT FIVE

(Hobbs Act Robbery Conspiracy)

26. On or about September 2, 2016, within the Eastern District of New York, the defendant TAHEEM SMITH, also known as “Ta,” 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 United States currency from David Arzu, an individual who distributed narcotics in Suffolk County, New York, through the

use of actual and threatened force, physical violence and fear of injury to such person and to others present.

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

COUNT SIX
(Hobbs Act Robbery)

27. On or about September 2, 2016, within the Eastern District of New York, the defendant TAHEEM SMITH, also known as “Ta,” 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 United States currency from David Arzu, an individual who distributed narcotics in Suffolk County, New York, through the use of actual and threatened force, physical violence and fear of injury to such person and to others present.

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

COUNT SEVEN
(Discharging a Firearm During Crimes of Violence)

28. On or about September 2, 2016, within the Eastern District of New York, the defendant TAHEEM SMITH, also known as “Ta,” 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 Three, Four and Six, and did knowingly and intentionally possess said firearms in furtherance of such crimes of violence, one or more of which firearms were 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 EIGHT

(Firearm-Related Murder of David Arzu)

29. On or about September 2, 2016, within the Eastern District of New York, the defendant TAHEEM SMITH, also known as “Ta,” 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 Seven, did knowingly and intentionally cause the death of a person through the use of one or more firearms, which killing was murder as defined in Title 18, United States Code, Section 1111, in that the defendant, together with others, with malice aforethought, did unlawfully kill David Arzu: (i) willfully, deliberately, maliciously and with premeditation; and (ii) during the perpetration and attempted perpetration of a robbery.

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

COUNT NINE

(Firearm-Related Murder of Janelle Curella)

30. On or about September 2, 2016, within the Eastern District of New York, the defendant TAHEEM SMITH, also known as “Ta,” 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 Seven, did knowingly and intentionally cause the death of a person through the use of one or more firearms, which killing was murder as defined in Title 18, United States Code, Section 1111, in that the defendant, together with others, with malice aforethought, did unlawfully kill Janelle Curella: (i) willfully, deliberately, maliciously and with premeditation; and (ii) during the perpetration and attempted perpetration of a robbery.

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

COUNT TEN
(Conspiracy to Distribute Controlled Substances)

31. In or about and between January 2016 and December 2018, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendant TAHEEM SMITH, also known as “Ta,” together with others, did knowingly and intentionally conspire to distribute and possess with intent to distribute one or more controlled substances, which offense involved (a) a substance containing cocaine base, a Schedule II controlled substance, and (b) a substance containing marijuana, a Schedule I controlled substance, contrary to Title 21, United States Code, Section 841(a)(1).

(Title 21, United States Code, Sections 846 and 841(b)(1)(C); Title 18, United States Code, Sections 3551 et seq.)

COUNT ELEVEN
(Distribution of Cocaine Base)

32. On or about December 10, 2018, within the Eastern District of New York and elsewhere, the defendant TAHEEM SMITH, also known as “Ta,” together with others, did knowingly and intentionally distribute a controlled substance, which offense involved a substance containing cocaine base, a Schedule II controlled substance.

(Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(C); Title 18, United States Code, Sections 2 and 3551 et seq.)

CRIMINAL FORFEITURE ALLEGATION AS TO
COUNTS ONE AND TWO

33. The United States hereby gives notice to the defendant that, upon his conviction of either of the offenses charged in Counts One or Two, the government will seek forfeiture in accordance with Title 18, United States Code, Section 1963(a), which requires any

person convicted of such offenses 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.

34. If any of the above-described forfeitable property, as a result of any act or omission of the defendant:

- 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 the defendant up to the value of the forfeitable property described in this forfeiture allegation.

(Title 18, United States Code, Section 1963)

CRIMINAL FORFEITURE ALLEGATION AS TO
COUNTS FIVE AND SIX

35. The United States hereby gives notice to the defendant that, upon his conviction of either of the offenses charged in Counts Five or Six, 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 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.

36. If any of the above-described forfeitable property, as a result of any act or omission of the defendant:

- 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 the defendant 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 SEVEN THROUGH NINE

37. The United States hereby gives notice to the defendant that, upon his conviction of any of the offenses charged in Counts Seven through Nine, 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 violation of Title 18, United States Code, Section 922 or Section 924.

38. If any of the above-described forfeitable property, as a result of any act or omission of the defendant:

- 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 the defendant 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 TEN AND ELEVEN

39. The United States hereby gives notice to the defendant that, upon his conviction of either of the offenses charged in Counts Ten or Eleven, the government will seek forfeiture in accordance with Title 21, United States Code, Section 853(a), which requires any person convicted of such offenses to forfeit: (a) any property constituting, or derived from, any proceeds obtained directly or indirectly as the result of such offenses; and (b) any property used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of, such offenses.

40. If any of the above-described forfeitable property, as a result of any act or omission of the defendant:

- 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 the defendant up to the value of the forfeitable property described in this forfeiture allegation.

(Title 21, United States Code, Sections 853(a) and 853(p))

A TRUE BILL



FOREPERSON

RICHARD P. DONOGHUE
UNITED STATES ATTORNEY
EASTERN DISTRICT OF NEW YORK

BY: 
ACTING UNITED STATES ATTORNEY
PURSUANT TO 28 C.F.R. Q.136

F.#: 2018R01169
FORM DBD-34
JUN. 85

No.

UNITED STATES DISTRICT COURT

EASTERN *District of* NEW YORK

CRIMINAL DIVISION

THE UNITED STATES OF AMERICA

vs.

TAHEEM SMITH, ALSO KNOWN AS "TA,"

Defendant.

INDICTMENT

(T. 18, U.S.C., §§ 924(c)(1)(A)(i), 924(c)(1)(A)(ii), 924(c)(1)(A)(iii),
924(d)(1), 924(j)(1), 981(a)(1)(C), 1951(a), 1959(a)(1), 1962(c),
1962(d), 1963, 2 and 3551 et seq.; T. 21, U.S.C., §§ 841(a),
841(b)(1)(C), 846, 853(a) and 853(p); T. 28, U.S.C., § 2461(c))

A true bill.



Foreperson

Filed in open court this _____ day,

of _____ A.D. 20 _____

Clerk

Bail, \$ _____

Christopher C. Caffarone, Assistant U.S. Attorney (631) 715-7868
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