

VITALIANO, J.

MANN, M.J.

GMP:NMR/HDM/RCH
F.#2016R00583

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

CR 17- 330

-----X
UNITED STATES OF AMERICA

INDICTMENT

- against -

Cr. No. _____
(T. 18, U.S.C., §§ 2, 36(b)(2)(A),
1959(a)(1), 1962(c), 1962(d), 1963,
1963(a), 1963(m) and 3551 et seq.)

TAMMECO ANTHONY CARGILL and
WINSTON ANTHONY CARGILL,
also known as "Tony," "Pops" and
"Alfonso Dickerson,"

Defendants.

-----X
THE GRAND JURY CHARGES:

INTRODUCTION

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

The Enterprise

1. The "Nineties Crew," also known as the "Bloodstains," (hereinafter the "Nineties Crew" or the "enterprise") was a street gang comprised primarily of individuals residing in and around Brooklyn, New York, and elsewhere. Members and associates of the enterprise engaged in drug trafficking and acts of violence, including murder and attempted murder, as well as other crimes.

2. The Nineties Crew, including its leadership, membership and associates, constituted an "enterprise" as defined by Title 18, United States Code, Sections

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EASTERN DISTRICT
OF NEW YORK

1959(b)(2) and 1961(4), that is, a group of individuals associated in fact that 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 the common purpose of achieving the objectives of the enterprise. The enterprise, through its members and associates, engaged in racketeering activity as defined by Title 18, United States Code, Sections 1959(b)(1) and 1961(1), that is, acts and threats involving murder that are chargeable under New York Penal Law and punishable by imprisonment for more than one year, one or more acts indictable under Title 18, United States Code, Section 1512 (witness tampering) and Title 18, United States Code, Section 1542 (false statement in passport application), and offenses involving drug trafficking punishable under Title 21, United States Code, Sections 841 and 846.

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;
 - 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 and attempted murder; and
 - d. Keeping victims and rivals in fear of the enterprise and its members and associates.

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 as a means of obtaining money;

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

c. Members of the enterprise and their associates used and threatened to use physical force against various individuals, including members of rival criminal organizations.

The Defendants

5. The defendants TAMMECO ANTHONY CARGILL and WINSTON ANTHONY CARGILL, also known as "Tony," "Pops" and "Alfonso Dickerson," were members of the enterprise and participated in the operation and management of the enterprise.

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 2003 and December 2014, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendants TAMMECO ANTHONY CARGILL and WINSTON ANTHONY CARGILL, also known as “Tony,” “Pops” and “Alfonso Dickerson,” together with others, being persons employed by and associated with the Nineties Crew, 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 that enterprise through a pattern of racketeering activity, as that term is defined in Title 18, United States Code, Sections 1961(1) and 1961(5), consisting of the racketeering acts set forth below.

RACKETEERING ACT ONE
(Marijuana Distribution Conspiracy)

8. In or about and between January 2003 and December 2014, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendants TAMMECO ANTHONY CARGILL and WINSTON ANTHONY CARGILL, together with others, did knowingly and intentionally conspire to distribute and possess with intent to distribute a controlled substance, which offense involved marijuana, a Schedule I controlled substance, in violation of Title 21, United States Code, Sections 846 and 841(b)(1)(C).

RACKETEERING ACT TWO
(Murder of Robert Dixon)

9. On or about July 30, 2007, within the Eastern District of New York, the defendant TAMMECO ANTHONY CARGILL, together with others, with intent to cause the

death of another person, did knowingly and intentionally cause the death of a person, to wit: Robert Dixon, in violation of New York Penal Law Sections 125.25(1) and 20.00.

RACKETEERING ACT THREE
(Attempted Murder of Jane Doe #1)

10. The defendant TAMMECO ANTHONY CARGILL committed the following acts, either one of which alone constitutes racketeering act three:

A. Attempted Murder of Jane Doe #1

11. On or about July 30, 2007, within the Eastern District of New York, the defendant TAMMECO ANTHONY CARGILL, together with others, did knowingly and intentionally attempt to cause the death of another person, to wit: Jane Doe #1, an individual whose identity is known to the Grand Jury, in violation of New York Penal Law Sections 125.25(1), 110.00 and 20.00.

B. Attempted Obstruction of Justice Murder of Jane Doe #1

12. On or about July 30, 2007, within the Eastern District of New York, the defendant TAMMECO ANTHONY CARGILL, together with others, did knowingly and intentionally attempt to kill another person, to wit: Jane Doe #1, with intent to prevent the communication by such person to a law enforcement officer of the United States of information relating to the commission and possible commission of one or more federal offenses including, but not limited to, the crimes charged in Racketeering Act Two and Counts Three and Four, in violation of Title 18, United States Code, Sections 1512(a)(1)(C), 1512(a)(3)(B)(i) and 2.

RACKETEERING ACT FOUR
(Attempted Murder of Jane Doe #2)

13. The defendant TAMMECO ANTHONY CARGILL committed the following acts, either one of which alone constitutes racketeering act four:

A. Attempted Murder of Jane Doe #2

14. On or about July 30, 2007, within the Eastern District of New York, the defendant TAMMECO ANTHONY CARGILL, together with others, did knowingly and intentionally attempt to cause the death of another person, to wit: Jane Doe #2, an individual whose identity is known to the Grand Jury, in violation of New York Penal Law Sections 125.25(1), 110.00 and 20.00.

B. Attempted Obstruction of Justice Murder of Jane Doe #2

15. On or about July 30, 2007, within the Eastern District of New York, the defendant TAMMECO ANTHONY CARGILL, together with others, did knowingly and intentionally attempt to kill another person, to wit: Jane Doe #2, with intent to prevent the communication by such person to a law enforcement officer of the United States of information relating to the commission and possible commission of one or more federal offenses including, but not limited to, the crimes charged in Racketeering Act Two and Counts Three and Four, in violation of Title 18, United States Code, Sections 1512(a)(1)(C), 1512(a)(3)(B)(i) and 2.

RACKETEERING ACT FIVE
(False Statement in Application for a Passport)

16. On or about January 2, 2008, within the Eastern District of New York, the defendant TAMMECO ANTHONY CARGILL, with intent to induce and secure the

issuance of a passport under the authority of the United States for his own use and contrary to the laws regulating the issuance of passports and the rules prescribed pursuant to such laws, did willfully and knowingly make one or more false statements in an application for a passport, to wit: the use of a false name, false date of birth, false place of birth and false Social Security number, in violation of Title 18, United States Code, Section 1542.

RACKETEERING ACT SIX

(Possession of Marijuana with Intent to Distribute)

17. In or about June 2013, within the Eastern District of New York and elsewhere, the defendants TAMMECO ANTHONY CARGILL and WINSTON ANTHONY CARGILL, together with others, did knowingly and intentionally possess with intent to distribute a controlled substance, which offense involved marijuana, a Schedule I controlled substance, in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(C).

(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 2003 and December 2014, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendants TAMMECO ANTHONY CARGILL and WINSTON ANTHONY CARGILL, also known as "Tony," "Pops" and "Alfonso Dickerson," together with others, being persons employed by and associated with the Nineties Crew, 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 defined in Title 18, United States Code, Sections 1961(1) and 1961(5).

20. The pattern of racketeering activity through which the defendants, together with others, agreed to conduct the affairs of the enterprise consisted of the racketeering acts set forth in paragraphs eight through seventeen of Count One as Racketeering Acts One through Six, which are realleged and incorporated as if fully set forth in this paragraph. Each defendant agreed that he or 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 of Robert Dixon in Aid of Racketeering)

21. At all times relevant to this Indictment, the Nineties Crew, 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, members and associates, constituted an "enterprise" as defined in Title 18, United States Code, Section 1959(b)(2), 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 Nineties Crew, 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 that are chargeable under New York Penal Law and punishable by imprisonment for more than one year, one or more acts indictable under Title 18, United States Code, Section 1512 (witness tampering) and Title 18, United States Code, Section 1542 (false statement in passport application), and offenses involving drug trafficking punishable under Title 21, United States Code, Sections 841 and 846.

23. On or about July 30, 2007, within the Eastern District of New York, the defendant TAMMECO ANTHONY CARGILL, together with others, for the purpose of maintaining and increasing position in the Nineties Crew, an enterprise engaged in racketeering activity, did knowingly and intentionally murder Robert Dixon, 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 FOUR
(Drive-By Shooting)

24. On or about July 30, 2007, within the Eastern District of New York, the defendant TAMMECO ANTHONY CARGILL, together with others, in furtherance of a major drug offense, to wit: a conspiracy to distribute a controlled substance, which offense involved marijuana, a Schedule I controlled substance, punishable under Title 21, United

States Code, Section 846, with the intent to intimidate, harass, injure and maim, did knowingly and intentionally fire a weapon into a group of two or more persons and, in the course of such conduct, did kill Robert Dixon, which killing was a murder as defined in Title 18, United States Code, Section 1111(a), in that TAMMECO ANTHONY CARGILL, together with others, with malice aforethought, did kill Dixon.

(Title 18, United States Code, Sections 36(b)(2)(A), 2 and 3551 et seq.)

CRIMINAL FORFEITURE ALLEGATION
AS TO COUNTS ONE AND TWO

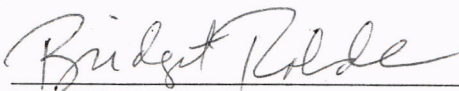
25. The United States hereby gives notice to the defendants that, upon their conviction of either of the offenses charged in Count One or Count Two, the government will seek forfeiture in accordance with Title 18, United States Code, Section 1963(a), which requires any person convicted of such offenses 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.

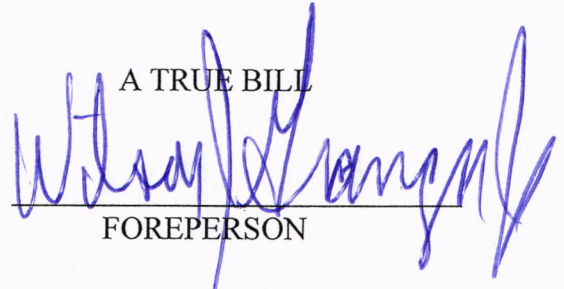
26. If any of the above-described forfeitable property, as a result of any act or omission of the defendants:

- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third 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 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))


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

A TRUE BILL

FOREPERSON

No. _____

UNITED STATES DISTRICT COURT

EASTERN *District of* NEW YORK

CRIMINAL DIVISION

THE UNITED STATES OF AMERICA

vs.

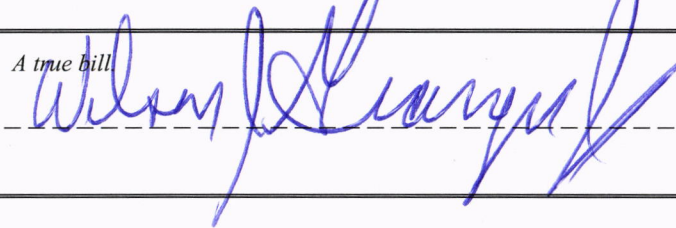
TAMMECO ANTHONY CARGILL, et al.

Defendants.

INDICTMENT

(T. 18, U.S.C., §§ 2, 36(b)(2)(A), 1959(a)(1), 1962(c), 1962(d), 1963, 1963(a),
1963(m) and 3551 et seq.)

A true bill



Foreperson

Filed in open court this _____ day,

of _____ A.D. 20 _____

Clerk

Bail, \$ _____

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