

FILED
U.S. DISTRICT COURT
DISTRICT OF MARYLAND
2019 MAR -5 PM 1:10
AT BALTIMORE

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

UNITED STATES OF AMERICA

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CRIMINAL NO. GJH 17-667

v.

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**DAVON CARTER, and
CLIFTON MOSLEY**

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Defendants

**(Conspiracy to Murder a Witness
(Retaliation), 18 U.S.C. §1513(f);
Witness Retaliation Murder, 18 U.S.C.
§1513(a)(1)(B); Conspiracy to Murder a
Witness (Tampering), 18 U.S.C.
§1512(k); Witness Tampering Murder,
18 U.S.C. §1512(a)(1)(A); Felon in
Possession of Ammunition, 18 U.S.C.
§922(g); Possession with Intent to
Distribute Marijuana, 21 U.S.C. §841;
Use of a Communication Facility, 18
U.S.C. §843(b); Narcotics Conspiracy,
21 U.S.C. §846; Distribution of
Marijuana, 21 U.S.C. §841; Aiding &
Abetting, 18 U.S.C. §2)**

SECOND SUPERSEDING INDICTMENT

The Grand Jury for the District of Maryland charges that:

COUNT ONE

(Conspiracy to Murder a Witness (Retaliation))

On a date prior to May 27, 2016, the actual date being unknown to the Grand Jury, continuing through on or about May 27, 2016, in the District of Maryland, the defendants,

**DAVON CARTER, and
CLIFTON MOSLEY,**

did knowingly, willfully and unlawfully conspire and agree with others known and unknown to the Grand Jury to commit any offense under Title 18, Section 1513; to wit, to kill and attempt to kill another person, with malice aforethought, willfully, deliberately, maliciously and with premeditation, and with intent to retaliate against any person for providing to a law enforcement officer information relating to the commission and possible commission of a Federal offense.

18 U.S.C. §§ 1513(f) and (a)(1)(B)

COUNT TWO
(Witness Retaliation Murder)

The Grand Jury for the District of Maryland further charges that:

On or about May 27, 2016, in the District of Maryland, the defendants,

DAVON CARTER, and
CLIFTON MOSLEY,

with malice aforethought, did unlawfully kill, and aid and abet the killing of Latrina Ashburne, willfully, deliberately, maliciously and with premeditation, by gunshot, and did so with intent to retaliate against a person for providing to a law enforcement officer information relating to the commission and possible commission of a Federal offense.

18 U.S.C. § 1513(a)(1)(B)
18 U.S.C. § 2

COUNT THREE

(Conspiracy to Murder a Witness (Tampering))

The Grand Jury for the District of Maryland further charges that:

On a date prior to May 27, 2016, the actual date being unknown to the Grand Jury, continuing through on or about May 27, 2016, in the District of Maryland, the defendants,

**DAVON CARTER, and
CLIFTON MOSLEY,**

did knowingly, willfully and unlawfully conspire and agree with others known and unknown to the Grand Jury to commit any offense under Title 18, Section 1512; to wit, to kill and attempt to kill another person, with malice aforethought, willfully, deliberately, maliciously and with premeditation, and with intent to prevent the attendance and testimony of any person in an official proceeding.

18 U.S.C. §§ 1512(k) and (a)(1)(A)

COUNT FOUR
(Witness Tampering Murder)

The Grand Jury for the District of Maryland further charges that:

On or about May 27, 2016, in the District of Maryland, the defendants,

DAVON CARTER, and
CLIFTON MOSLEY,

with malice aforethought, did unlawfully kill, and aid and abet the killing of, Latrina Ashburne, willfully, deliberately, maliciously and with premeditation, by gunshot, and did so with intent to prevent the attendance and testimony of any person in an official proceeding.

18 U.S.C. § 1512(a)(1)(A)

18 U.S.C. § 2

COUNT FIVE

(Felon in Possession of Ammunition)

The Grand Jury for the District of Maryland further charges that:

On or about May 27, 2016, in the District of Maryland, the defendant,

DAVON CARTER,

having been convicted of a crime punishable by imprisonment for a term exceeding one year, did knowingly possess, and aid and abet the possession of, ammunition, to wit, a round of 9 mm ammunition, in and affecting commerce.

18 U.S.C. § 922(g)

18 U.S.C. § 2

COUNT SIX

(Possession with Intent to Distribute Marijuana)

The Grand Jury for the District of Maryland further charges that:

On or about June 1, 2016, in the District of Maryland, the defendant,

DAVON CARTER,

knowingly, intentionally and unlawfully distributed and possessed with intent to distribute a quantity of a mixture and substance containing a detectable amount of marijuana, a Schedule I controlled substance.

21 U.S.C. § 841(a)(2), (b)(1)(D)

18 U.S.C. § 2

COUNT SEVEN
(Use of Communication Facility)

On or about May 8, 2016, at approximately 2:47 p.m., in the District of Maryland and elsewhere, the defendant,

DAVON CARTER,

did knowingly and intentionally use any communication facility, to wit: cellular telephone number 443-761-5150, in facilitating the commission of any act and acts constituting a felony under Title 21, United States Code, Section 841 and 846.

21 U.S.C. § 843(b)
18 U.S.C. § 2

COUNT EIGHT

(Use of Communication Facility)

On or about May 31, 2016, at approximately 10:23 a.m, in the District of Maryland and elsewhere, the defendant,

DAVON CARTER,

did knowingly and intentionally use any communication facility, to wit: cellular telephone number 443-761-5150, in facilitating the commission of any act and acts constituting a felony under Title 21, United States Code, Section 841 and 846.

21 U.S.C. § 843(b)

18 U.S.C. § 2

COUNT NINE
(Narcotics Conspiracy)

Beginning at some time prior to May 4, 2016 and continuing until on or about June 1, 2016,
in the District of Maryland and elsewhere, the defendant,

DAVON CARTER,

did knowingly and intentionally combine, conspire, confederate and agree with others known and unknown to the Grand Jury to distribute and possess with intent to distribute a mixture and substance containing marijuana, a Schedule I controlled substance.

21 U.S.C. § 846

COUNT TEN
(Distribution of Marijuana)

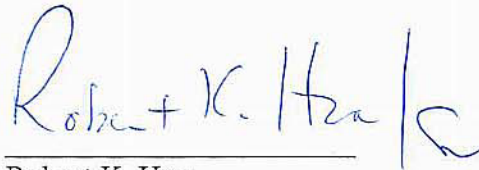
The Grand Jury for the District of Maryland further charges that:

Beginning on a date unknown to the grand jury but at least as of December 2015, and continuing through in or about December 2016, in the District of Maryland, the defendant,

CLIFTON MOSLEY,

knowingly, intentionally and unlawfully distributed and possessed with the intent to distribute a quantity of a mixture and substance containing a detectable amount of marijuana, a Schedule I controlled substance.

21 U.S.C. § 841(a)(1), (b)(1)(D)
18 U.S.C. § 2



Robert K. Hur
United States Attorney

A True Bill:



Foreman

Date: 3/5/19