

1 BRIAN J. STRETCH (CABN 163973)
United States Attorney

FILED

AUG -3 2017

SUSAN Y. SOONG
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

2
3
4
5
6
7
8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA
10 SAN FRANCISCO DIVISION

UNDERSEAL

11
12 UNITED STATES OF AMERICA,
13 Plaintiff,

CASE NO. CR 17-00093 WHA

14 v.

15 MARCUS ETIENNE, a/k/a "Hitler,"
16 ELIZABETH GOBERT,
17 CRAIG MARSHALL, AND
18 MARIO ROBINSON,
19 Defendants.

VIOLATIONS:

21 U.S.C. §§ 846, 841(a)(1) and (b)(1)(B) –
Conspiracy to Distribute and Possess with Intent to
Distribute Marijuana; 21 U.S.C. § 848(e) – Murder in
Connection with Continuing Criminal Enterprise; 18
U.S.C. § 924(j) – Use of Firearm to Commit Murder;
18 U.S.C. § 1962(d) – Racketeering Conspiracy; 18
U.S.C. § 1959(a)(1) – VICAR Murder; 18 U.S.C. §
1959(a)(5) – VICAR Conspiracy to Murder

SAN FRANCISCO VENUE

UNDER SEAL

20
21 SUPERSEDING INDICTMENT

22 The Grand Jury charges:

23 COUNT ONE: (21 U.S.C. §§ 846, 841(a)(1) and (b)(1)(B) – Conspiracy to Distribute and Possess
with Intent to Distribute 100 Kilograms or More of Marijuana)

24
25 1. From a date unknown to the Grand Jury, but since at least in or about August of 2015 and
26 continuing up to and including December of 2016, in the Northern District of California and elsewhere,
27 the defendants,

28 MARCUS ETIENNE, a/k/a "Hitler,"
ELIZABETH GOBERT,

SUPERSEDING INDICTMENT

1 CRAIG MARSHALL, and
2 MARIO ROBINSON,

3 together with others known and unknown to the Grand Jury, knowingly and intentionally conspired to
4 distribute and to possess with intent to distribute a Schedule I controlled substance, to wit, 100
5 kilograms or more of a mixture or substance containing a detectable amount of marijuana.

6 All in violation of Title 21, United States Code, Sections 846, 841(a)(1) and (b)(1)(B).

7
8 COUNT TWO: (21 U.S.C. § 848(e)(1)(A) – Murder During Narcotics Offense)

9 2. On or about March 22, 2016, in the Northern District of California and elsewhere, the
10 defendants,

11 MARCUS ETIENNE, a/k/a “Hitler,”
12 CRAIG MARSHALL, and
13 MARIO ROBINSON,

14 together with others known and unknown to the Grand Jury, while engaged in and working in
15 furtherance of a continuing criminal enterprise as that term is defined by Title 21, United States Code,
16 Section 848(c), did unlawfully, intentionally, and knowingly kill and counsel, command, induce,
17 procure, and cause the intentional killing of T.T., and such killing occurred on March 22, 2016.

18 All in violation of Title 21, United States Code, Section 848(e)(1)(A) and Title 18, United States
19 Code, Section 2.

20 COUNT THREE: (18 U.S.C. § 924(j) – Use/Possession of Firearm in Murder)

21 3. On or about March 22, 2016, in the Northern District of California and elsewhere, the
22 defendants,

23 MARCUS ETIENNE, a/k/a “Hitler,”
24 CRAIG MARSHALL, and
25 MARIO ROBINSON,

26 aided and abetted each by the others, and together with others known and unknown to the Grand Jury,
27 unlawfully, willfully, and knowingly, during and in relation to a drug trafficking offense, namely, the
28 conspiracy to distribute and possess with intent to distribute marijuana as charged in Count One of this
Indictment, and during and in relation to a crime of violence for which they may be prosecuted in a court

1 of the United States, namely, the murder of T.T., as charged in Counts Two and Five of this Indictment,
2 did use and carry and discharge a firearm, and in the course of that crime did cause the death of a person
3 through the use of a firearm, which killing is murder as defined in Title 18, United States Code, Section
4 1111(a), namely, the defendants caused the death of T.T. by discharging a firearm at T.T.

5 All in violation of Title 18, United States Code, Sections 924(j) and 2.

6
7 COUNT FOUR: (18 U.S.C. § 1962(d) – Conspiracy to Conduct the Affairs of an Enterprise
8 Through a Pattern of Racketeering Activity)

9 The Racketeering Enterprise

10 4. The defendants and others known and unknown to the Grand Jury, were members of a criminal
11 organization, hereafter referred to as the “Etienne Enterprise.” Members of the Etienne Enterprise
12 engaged in criminal activity, including narcotics distribution, assault, robbery, extortion, extortionate
13 collection of extensions of credit, murder for hire, murder, money laundering, illegal firearms
14 possession, and obstruction of justice. The Etienne Enterprise was based in St. Martin Parish Louisiana
15 whose members operated in Louisiana, in the Northern District of California, in Texas, and elsewhere.
16 The Etienne Enterprise existed since at least in or about August of 2015.

17 5. There was a leader of the Etienne Enterprise, defendant MARCUS ETIENNE, a/k/a “Hitler.”
18 Other members of the Etienne Enterprise carried out different roles including purchasing marijuana,
19 packaging marijuana, shipping marijuana, transporting marijuana, selling marijuana, traveling for the
20 enterprise, and committing acts of violence for the enterprise.

21 6. The Etienne Enterprise, including its leaders, members, and associates, constituted an
22 “enterprise” as defined in Title 18, United States Code, Sections 1959(b)(2) and 1961(4), that is, a group
23 of individuals associated in fact that was engaged in, and its activities affected, interstate and foreign
24 commerce. The enterprise constituted an ongoing organization whose members functioned as a
25 continuing unit that had a common purpose of achieving the objectives of the enterprise.

26 7. Etienne Enterprise members committed and threatened to commit acts of violence to maintain
27 and enhance membership and to enforce discipline within the enterprise, including violence against
28 individuals who owed money to the enterprise, rival narcotics dealers, and members and associates who

1 were perceived to have violated the rules of the enterprise.

2 8. Etienne Enterprise members communicated about activities with other Etienne Enterprise
3 members using mobile telephones, telephone text messages, and other modes of electronic and wire
4 communications.

5 Purposes of the Enterprise

6 9. The purposes of the Etienne Enterprise, including its members and associates, included, but were
7 not limited to, the following:

8 a. Preserving and protecting the power, territory, reputation, and profits of the enterprise, its
9 members, and associates, through the use of intimidation, violence, threats of violence, murder, and
10 assaults;

11 b. Promoting and enhancing the enterprise and the activities of its members and associates,
12 including, but not limited to, murder, narcotics trafficking, money laundering, extortion, and other
13 criminal activities;

14 c. Providing financial support and information to Etienne Enterprise members; and

15 d. Providing assistance to other Etienne Enterprise members who committed crimes for and
16 on behalf of the group, to support families of the members and to hinder, obstruct, and prevent law
17 enforcement officers from identifying the offenders, apprehending the offenders, and successfully
18 prosecuting and punishing the offenders.

19 The Means and Methods of the Enterprise

20 10. The means and methods by which the defendants and other members and associates of the
21 Etienne Enterprise conducted and participated in the conduct of the affairs of the Etienne Enterprise
22 included, but were not limited to:

23 a. Members and associates of the Etienne Enterprise protected and expanded the
24 enterprise's criminal operation by committing, attempting, and threatening to commit violence,
25 including murder, solicitation to commit murder, assaults, intimidation, and threats of violence directed
26 against those who would act against the Etienne Enterprise, its activities, and its members and
27 associates;

28 b. Members of the Etienne Enterprise promoted a climate of fear through intimidation,

1 violence, and threats of violence intended to promote the authority of the enterprise and its members and
2 associates and insulate its members and associates from prosecution for the criminal actions of the
3 enterprise; and

4 c. Members and associates of the Etienne Enterprise used the enterprise to commit criminal
5 activities on behalf of the enterprise and its members and associates.

6 11. It was part of the means and methods of the enterprise that the defendants and other members
7 and associates of Etienne Enterprise discussed with other members and associates of the Etienne
8 Enterprise, among other things, the membership and rules of the Etienne Enterprise; the status of
9 Etienne Enterprise members and associates to the enterprise; the disciplining of Etienne Enterprise
10 members; Etienne Enterprise members' encounters with law enforcement; plans and agreements
11 regarding the commission of future crimes, including murder, solicitation to commit murder, extortion,
12 narcotics trafficking, money laundering, illegal possession of firearms, robbery, and assault, as well as
13 ways to conceal these crimes; and the enforcement of the rules of the Etienne Enterprise.

14 12. It was further part of the means and methods of the enterprise that the defendants and other
15 members and associates of the Etienne Enterprise agreed that acts of violence, including murder, threats,
16 and assault, would be committed by members and associates of the Etienne Enterprise against those who
17 would do harm to their members and associates, and others when it suited the enterprise's purposes.

18 13. It was further part of the means and methods of the enterprise that the defendants and other
19 members and associates of the Etienne Enterprise agreed to distribute narcotics, to commit robbery,
20 extortion, money laundering, murder for hire, and other crimes, and to conceal their criminal activities
21 by obstructing justice, threatening and intimidating witnesses, and other means.

22 The Racketeering Conspiracy

23 14. Beginning on a date unknown to the Grand Jury, but since at least August of 2015, and
24 continuing up through and including the present, in the Northern District of California and elsewhere,
25 the defendants,

26 MARCUS ETIENNE, a/k/a "Hitler,"
27 ELIZABETH GOBERT,
28 CRAIG MARSHALL, and
MARIO ROBINSON,

1 together with others known and unknown to the Grand Jury, each being a person employed by and
2 associated with the Etienne Enterprise, an enterprise engaged in, and the activities of which affected,
3 interstate and foreign commerce, unlawfully, knowingly, and intentionally did conspire to violate Title
4 18, United States Code, Section 1962(c), that is to conduct and participate, directly and indirectly, in the
5 conduct of the affairs of the Etienne Enterprise through a pattern of racketeering activity, as defined in
6 Title 18, United States Code, Sections 1961(1) and (5), which pattern of racketeering activity consisted
7 of:

8 a. multiple offenses involving dealing in controlled substances, in violation of 21 U.S.C.
9 Sections 841(a)(1) and 846;

10 b. multiple acts indictable under Title 18, United States Code, Section 894 (extortionate
11 collection of extensions of credit);

12 c. multiple acts indictable under Title 18, United States Code, Section 1956 (money
13 laundering);

14 d. multiple acts indictable under Title 18, United States Code, Section 1958 (murder for
15 hire); and

16 e. multiple acts involving murder in violation of California Penal Code, Sections 182, 187,
17 188, and 189, and in violation of Louisiana Revised Statutes, Title 14, Sections 26, 28.1, 29, 30, and
18 30.1.

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

21 Means and Methods of the Conspiracy

22 16. The means and methods by which the defendants and other members and associates of the
23 Etienne Enterprise conducted and participated in the conspiracy included, but were not limited to:

24 a. Distributing and possessing with intent to distribute narcotics including marijuana.
25 Distribution included distribution both inside and outside of California;

26 b. Laundering money believed to be the proceeds of specified unlawful activity, including
27 from narcotics trafficking;

28 c. Offering to collect drug loans and extensions of credit through threats and violence;

1 d. Solicitation and commission of murders, as well as offering to commit murder for
2 payment of money; and

3 e. Possessing and carrying firearms by convicted felons including for protection of
4 members and associates of the enterprise and for protection of other criminal activities as well as for the
5 purpose of committing violence for the enterprise.

6 All in violation of Title 18, United States Code, Section 1962(d).

7
8 COUNT FIVE: (18 U.S.C. § 1959(a)(1) – Murder in Aid of Racketeering)

9 17. The allegations contained in paragraphs 4 through 13 of Count Four are repeated and realleged
10 as though fully set forth herein. The Etienne Enterprise, through its members and associates, engaged in
11 racketeering activity, as defined in Title 18, United States Code, Sections 1959(b)(1) and 1961(1), that
12 is, multiple offenses involving dealing in controlled substances, in violation of Title 21, United States
13 Code, Sections 841(a)(1) and 846; multiple acts indictable under Title 18, United States Code, Section
14 894 (extortionate collection of extensions of credit); multiple acts indictable under Title 18, United
15 States Code, Section 1956 (money laundering); multiple acts indictable under Title 18, United States
16 Code, Section 1958 (murder for hire); and multiple acts involving murder in violation of California law
17 and in violation of Louisiana law.

18 18. On or about March 22, 2016, in the Northern District of California, as consideration for the
19 receipt of, and as consideration for a promise and agreement to pay, anything of pecuniary value from
20 the Etienne Enterprise, and for the purpose of gaining entrance to and maintaining and increasing
21 position in the Etienne Enterprise, an enterprise engaged in racketeering activity, the defendants,

22 MARCUS ETIENNE, a/k/a "Hitler,"
23 CRAIG MARSHALL, and
MARIO ROBINSON,

24 together with others known and unknown to the Grand Jury, and aided and abetted each by the others,
25 did unlawfully, knowingly, and intentionally, and with malice aforethought, commit and cause the
26 murder of T.T., in violation of California Penal Code, Section 187.

27 All in violation of Title 18, United States Code, Sections 1959(a)(1) and 2.
28

1
2 COUNT SIX: (18 U.S.C. § 1959(a)(5) – Conspiracy to Commit Murder in Aid of Racketeering
3 of M.R.)

4 19. The allegations contained in paragraph 17 of Count Five are hereby repeated and realleged as
5 though fully set forth herein.

6 20. Between on or about May 1, 2017, and the present, in the Northern District of California and
7 elsewhere, as consideration for the receipt of, and as consideration for a promise and agreement to pay,
8 anything of pecuniary value from the Etienne Enterprise, and for the purpose of gaining entrance to and
9 maintaining and increasing position in the Etienne Enterprise, an enterprise engaged in racketeering
10 activity, the defendants,

11 MARCUS ETIENNE, a/k/a “Hitler,” and
12 ELIZABETH GOBERT,

13 together with others known and unknown to the Grand Jury, did unlawfully, knowingly, and
14 intentionally conspire to commit the murder of M.R. in violation of California Penal Code, Sections 182,
15 187, 188, and 189, and in violation of Louisiana Revised Statutes, Title 14, Sections 26, 28.1, 29, 30,
16 and 30.1.

17 All in violation of Title 18, United States Code, Section 1959(a)(5).

18 NOTICE OF SPECIAL SENTENCING FACTORS FOR COUNT FOUR

19 Number 1: Conspiracy to Commit Murder of T.T.

20 21. Beginning on a date unknown to the Grand Jury but prior to March 22, 2016, and continuing up
21 through and including March 22, 2016, in the Northern District of California and elsewhere, the
22 defendants,

23 MARCUS ETIENNE, a/k/a “Hitler,”
24 ELIZABETH GOBERT,
25 CRAIG MARSHALL, and
MARIO ROBINSON,

26 together with others known and unknown to the Grand Jury, unlawfully, knowingly, and intentionally
27 did conspire to commit murder, in violation of California Penal Code, Sections 182, 187, 188, and 189,
28

1 to wit, the defendants agreed with others to kill, with malice aforethought, deliberation, and
2 premeditation, T.T.

3
4 Number 2: Murder of T.T.

5 22. On or about March 22, 2016, in the Northern District of California, the defendants,

6 MARCUS ETIENNE, a/k/a "Hitler,"
7 ELIZABETH GOBERT,
8 CRAIG MARSHALL, and
9 MARIO ROBINSON,

10 aided and abetted by others known and unknown to the Grand Jury, did unlawfully, willfully and
11 intentionally and with deliberation and premeditation kill and cause to be killed, with malice
12 aforethought, T.T., in violation of California Penal Code, Sections 182, 187, 188, and 189, and in
13 violation of Louisiana Revised Statutes, Title 14, Sections 29, 30, and 30.1.

14 Number 3: Conspiracy to Commit Murder of M.R.

15 23. Beginning on a date unknown to the Grand Jury but on or about May 1, 2017, and continuing up
16 through and including the present, in the Northern District of California and elsewhere, the defendants,

17 MARCUS ETIENNE, a/k/a "Hitler," and
18 ELIZABETH GOBERT,

19 together with others known and unknown to the Grand Jury, unlawfully, knowingly, and intentionally
20 did conspire to commit murder, in violation of California Penal Code, Sections 182, 187, 188, and 189,

21 //

22 //

23 //

24 //

25 //

26 //

27 //

28 //

1 to wit, the defendants agreed with others to kill, with malice aforethought, deliberation, and
2 premeditation, M.R.

3 DATED:

4 *August 3, 2017*

A TRUE BILL.



6 FOREPERSON

7
8 BRIAN J. STRETCH
United States Attorney

9
10 *Eli D. [unclear] for*

11 BARBARA J. VALLIERE
Chief, Criminal Division

12
13
14 (Approved as to form: )
15 AUSA WILLIAM FRENTZEN