
UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA : **CRIMINAL COMPLAINT**
:
v. : Hon. Cathy L. Waldor
:
SHAQUAN RUSH, : Mag. No. 22-9055
a/k/a "Nut," :
a/k/a "Sha," :
DARBY SHIRDEN, :
a/k/a "Go Hard," :
a/k/a "GH," :
JEREMY PEREZ, :
a/k/a "Smooov," :
a/k/a "JSmooov," :
DEVON TUTTEN, :
a/k/a "Joker," and :
TYREE WITHERSPOON, :
a/k/a "Surf," :
a/k/a "Sonny" :

I, David Scanlon, the undersigned complainant being duly sworn, state the following is true and correct to the best of my knowledge and belief:

SEE ATTACHMENT A

I further state that I am a Task Force Officer with the Bureau of Alcohol, Tobacco, Firearms, and Explosives ("ATF") and that this complaint is based on the following facts:

SEE ATTACHMENT B

s/ David L. Scanlon

David Scanlon
ATF Task Force Officer

Task Force Officer David Scanlon attested to this Complaint by telephone pursuant to Federal Rule of Criminal Procedure 4.1(b)(2)(A) on January 7, 2021, in the District of New Jersey

Honorable Cathy L. Waldor
United States Magistrate Judge

s/ Honorable Cathy L. Waldor
Signature of Judicial Officer

ATTACHMENT A

COUNT ONE

(Murder in Aid of Racketeering Activity)

On or about April 1, 2020, in Hudson County, in the District of New Jersey and elsewhere, the defendants,

SHAQUAN RUSH,

a/k/a “Nut,”

a/k/a “Sha,”

DARBY SHIRDEN,

a/k/a “Go Hard,”

a/k/a “GH,”

JEREMY PEREZ,

a/k/a “Smoov,”

a/k/a “JSmoov,”

for the purpose of gaining entrance to, and maintaining and increasing position in, the Rutgers Enterprise, an enterprise engaged in racketeering activity, did knowingly and intentionally murder Victim-1, contrary to N.J.S.A. 2C:11-3(a)(1), 2C:11-3(a)(2), and 2C:2-6, and did aid and abet the same.

In violation of Title 18, United States Code, Section 1959(a)(1) and Section 2.

COUNT TWO

(Discharging a Firearm During and in Relation to a Crime of Violence)

On or about April 1, 2020, in Hudson County, the District of New Jersey and elsewhere, the defendants,

SHAQUAN RUSH,
a/k/a "Nut,"
a/k/a "Sha,"
DARBY SHIRDEN,
a/k/a "Go Hard,"
a/k/a "GH,"
JEREMY PEREZ,
a/k/a "Smoov,"
a/k/a "JSmoov,"

during and in relation to a crime of violence for which they may be prosecuted in a court of the United States, namely, the murder in aid of racketeering activity charged in Count One of this Complaint, did knowingly use and carry a firearm, which was discharged.

In violation of Title 18, United States Code, Section 924(c)(1)(A)(iii).

COUNT THREE
(Attempted Murder in Aid of Racketeering Activity)

On or about April 1, 2020, in Hudson County, the District of New Jersey and elsewhere, the defendants,

SHAQUAN RUSH,
a/k/a “Nut,”
a/k/a “Sha,”
DARBY SHIRDEN,
a/k/a “Go Hard,”
a/k/a “GH,”
JEREMY PEREZ,
a/k/a “Smoov,”
a/k/a “JSmoov,”

for the purpose of gaining entrance to, and maintaining and increasing position in, the Rutgers Enterprise, an enterprise engaged in racketeering activity, did knowingly and purposely attempt to murder Victim-2, contrary to N.J.S.A. 2C:11-3(a)(1), 2C:11-3(a)(2), 2C:5-1, and 2C:2-6, and did aid and abet the same.

In violation of Title 18, United States Code, Section 1959(a)(5) and Section 2.

COUNT FOUR

(Discharging a Firearm During and in Relation to a Crime of Violence)

On or about April 1, 2020, in Hudson County, the District of New Jersey and elsewhere, the defendants,

SHAQUAN RUSH,
a/k/a "Nut,"
a/k/a "Sha,"
DARBY SHIRDEN,
a/k/a "Go Hard,"
a/k/a "GH,"
JEREMY PEREZ,
a/k/a "Smooov,"
a/k/a "JSmooov,"

during and in relation to a crime of violence for which they may be prosecuted in a court of the United States, namely, the attempted murder in aid of racketeering activity charged in Count Three of this Complaint, did knowingly use and carry a firearm, which was discharged.

In violation of Title 18, United States Code, Section 924(c)(1)(A)(iii).

COUNT FIVE
(Murder in Aid of Racketeering Activity)

On or about April 4, 2020, in Hudson County, in the District of New Jersey and elsewhere, the defendants,

DEVON TUTTEN,
a/k/a “Joker,” and
TYREE WITHERSPOON,
a/k/a “Surf,”
a/k/a “Sonny,”

for the purpose of gaining entrance to, and maintaining and increasing position in, the Rutgers Enterprise, an enterprise engaged in racketeering activity, did knowingly and intentionally murder Victim-3, contrary to N.J.S.A. 2C:11-3(a)(1), 2C:11-3(a)(2), and 2C:2-6, and did aid and abet the same.

In violation of Title 18, United States Code, Section 1959(a)(1) and Section 2.

COUNT SIX

(Discharging a Firearm During and in Relation to a Crime of Violence)

On or about April 4, 2020, in Hudson County, the District of New Jersey and elsewhere, the defendants,

**DEVON TUTTEN,
a/k/a “Joker,” and
TYREE WITHERSPOON,
a/k/a “Surf,”
a/k/a “Sonny,”**

during and in relation to a crime of violence for which they may be prosecuted in a court of the United States, namely, the murder in aid of racketeering activity charged in Count Five of this Complaint, did knowingly use and carry a firearm, which was discharged.

In violation of Title 18, United States Code, Section 924(c)(1)(A)(iii).

ATTACHMENT B

I, David Scanlon, am a Task Force Officer with the Bureau of Alcohol, Tobacco, Firearms, and Explosives. I am fully familiar with the facts set forth herein based on my own investigation, my conversations with other law enforcement officers, and my review of reports, documents, videos, photographs, and other items of evidence. The information set forth herein contains information obtained from investigators and other law enforcement officers who have interviewed numerous witnesses and sources and reviewed various social media posts. Where statements of others are related herein, they are related in substance and part. Because this complaint is being submitted for a limited purpose, I have not set forth each and every fact that I know concerning this investigation. Where I assert that an event took place on a particular date, I am asserting that it took place on or about the date alleged.

The Rutgers Enterprise

1. At all times relevant to this Complaint, Shaquan Rush, a/k/a “Nut,” a/k/a Sha” (“RUSH”); Darby Shirden, a/k/a “Go Hard,” a/k/a “GH” (“SHIRDEN”); Jeremy Perez, a/k/a “Smooov,” a/k/a “Jsmooov” (“PEREZ”); Devon Tutton, a/k/a “Joker” (“TUTTEN”); and Tyree Witherspoon, a/k/a “Surf,” a/k/a “Sonny” (“WITHERSPOON”) (collectively, the “Defendants”), and others, known and unknown, were members and associates of a neighborhood street gang that operated within and in the vicinity of Triangle Park in Jersey City, New Jersey (the “Rutgers Enterprise”).

2. Individuals who associate with the Rutgers Enterprise have historically consisted of members and associates of the 52 Hoover set of the Crips street gang. They operate primarily in the area of Rutgers Avenue and McAdoo Avenue, as well as within Triangle Park, which is located within the intersection of Rose Avenue, Cator Avenue, and Old Bergen Road in Jersey City, New Jersey. Given the Hoover Crip connection, those associated with the Rutgers Enterprise often wear the colors orange and blue. Members of the Rutgers Enterprise also refer to themselves as the “Get Bacc Gang,” which notably replaces the letter “k” with the letter “c” in order to avoid the use of “ck”—a common denotation for “crip killer.” Moreover, the phrase “Get Bacc,” which originated with gangs in Chicago, Illinois, refers to retaliatory acts of violence. Members of the Rutgers Enterprise also pay homage to Isaiah Jackson, a/k/a “Tutu,” a Rutgers Enterprise member who was killed in June 2015, as well as Joshua Houston, a/k/a “Smoke, a Rutgers Enterprise member who died of a drug overdose in February 2020. A subset of the Rutgers Enterprise identifies as “300,” which is a tribute to Rondell Rush, a/k/a “Mr. 300,” who was killed in April 2016. Individuals associated with “300” also pay homage to Judane Holmes, a/k/a “Draco,” who was killed in December 2018. The Rutgers Enterprise is known for drug distribution in and around its controlled territory as well as for violence against numerous rival neighborhoods.

3. The Rutgers Enterprise has historically engaged in retaliatory acts of violence against the neighborhood street gang that operates in the area of the Salem Lafayette Apartments, more commonly referred to as “SaLaf,” and the neighborhood street gang that operates in the area of Wilkinson Avenue, Ocean Avenue, Martin Luther King Drive, and Wegman Parkway, more commonly referred to as “Wilkinson.” Members of both SaLaf and Wilkinson have historically associated with the Grape Street set of the Crips street gang

4. The Rutgers Enterprise, including its leadership, members, and associates, constitutes an enterprise as defined in Title 18, United States Code, Section 1959(b)(2)—namely, a group of individuals associated in fact that engages in, and the activities of which affect, interstate and foreign commerce. At all times relevant to this Complaint, the Rutgers Enterprise constituted an ongoing organization whose members and associates functioned as a continuing unit for a common purpose of achieving the objectives of that Enterprise.

5. At all times relevant to this Complaint, the Rutgers Enterprise, through its respective leaders, members, and associates, engaged in racketeering activity, as defined in Title 18, United States Code, Sections 1959(b)(1) and 1961(1)—namely:

- a. acts involving murder, in violation of N.J.S.A. 2C:11-3(a)(1), 2C:11-3(a)(2), 2C:5-1(a), 2C:5-2, and 2C:2-6; and
- b. offenses involving the felonious manufacture, importation, receiving, concealment, buying, selling, and otherwise dealing in a controlled substance punishable under the laws of the United States, in violation of Title 21, United States Code, Section 846 (conspiracy to distribute and possess with intent to distribute controlled substances), Section 841 (distribution and possession with intent to distribute controlled substances), and Section 843(b) (use of a communication facility to violate the Controlled Substances Act).

6. For example, on or about July 20, 2019, at approximately 12:30 a.m., members and associates of the Rutgers Enterprise shot victim C.F., a member and associate of the SaLaf street gang, as well as another seemingly unintended victim, while operating a stolen vehicle. One of the firearms used to commit this shooting was recovered in the area of Linden Avenue East in Jersey City on or about April 20, 2020.

7. As another example, on or about December 27, 2019, at approximately 11:30 a.m., members and associates of the Rutgers Enterprise attempted to shoot members and associates of the SaLaf street gang with at least eighteen rounds of ammunition. One of the firearms used to commit this attempted shooting was the same firearm used to commit the July 20, 2019 shooting

mentioned above, which was recovered on in the area of Linden Avenue East in Jersey City on or about April 20, 2020.

8. As another example, on or about January 13, 2020, a member and associate of the Rutgers Enterprise shot victim I.C., a member and associate of the Wilkinson street gang, as well as another seemingly unintended victim within Wilkinson territory. The following day, on or about January 14, 2020, the same member and associate of the Rutgers Enterprise who had committed the shooting on January 13, 2020, along with two other members and associates of the Rutgers Enterprise, attempted to shoot several members and associates of the Wilkinson street gang. Immediately after the January 14, 2020 attempted shooting, the three members and associates of the Rutgers Enterprise were apprehended, and two firearms were recovered. One of the recovered firearms was the same firearm used to commit the January 13, 2020 shooting of victim I.C., a member and associate of the Wilkinson street gang, and the second unintended victim.

Purposes of the Enterprise

9. The purposes of the Rutgers Enterprise included, but were not limited to, the following:

- a. Enriching the members and associates of the Enterprise through criminal activity, including but not limited to drug trafficking;
- b. Preserving and protecting the power, reputation, territory, and criminal ventures of the Enterprise through the use of acts which involved intimidation, threats of violence, and acts of violence, including acts involving murder and assault against, among other members of rival organizations;
- c. Promoting and enhancing the prestige, reputation, and position of the Enterprise with respect to rival criminal organizations;
- 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.

Membership in the Enterprise

10. RUSH, SHIRDEN, PEREZ, TUTTEN, and WITHERSPOON were members and associates of the Rutgers Enterprise. Among other things, they utilized social media to tout the power of the Enterprise in an effort to keep victims and rivals in fear of the Enterprise, to post photographs of themselves with other members and associates of the Enterprise, and to communicate with other members and associates of the Enterprise.

11. Defendants and their associates also engaged in acts of violence, intimidation, and drug trafficking in furtherance of the Enterprise.

Means and Methods of the Enterprise

12. Among the means and methods by which Defendants and other members and associates of the Rutgers Enterprise agreed to conduct and participate in the conduct of the affairs of the Enterprise were the following:

- a. Members and associates of the Rutgers Enterprise committed, attempted, and threatened and agreed to commit acts of violence, including murder and assault, to protect and expand the Enterprise's criminal operations;
- b. Members and associates of the Rutgers Enterprise acquired and maintained firearms to use during violent criminal acts on behalf of the Enterprise, including to protect themselves, their territory, their controlled substances, and their illegal proceeds, and to threaten others in furtherance of the interests of the Enterprise;
- c. Members and associates of the Rutgers Enterprise were expected to participate in criminal activity, particularly violent acts directed at rivals or as directed by the Enterprise's leadership, in order to increase the respect accorded to those members, and the commission of crimes and violent acts resulted in those members' maintaining and increasing status within the Enterprise;
- d. Members and associates of the Rutgers Enterprise promoted a climate of fear through violence and threats of violence and reprisal;
- e. Members and associates of the Rutgers Enterprise used and threatened to use physical violence against various individuals, including witnesses and members of rival criminal organizations;
- f. Members and associates of the Rutgers Enterprise trafficked controlled substances as a means of enriching themselves; and
- g. Members and associates of the Rutgers Enterprise used social media, including Instagram and Facebook, to intimidate rival gang members, witnesses, and other members of the community, and to promote the Rutgers Enterprise.

**The April 1, 2020 Retaliation – the Murder of Victim-1 and Attempted
Murder of Victim-2**

13. On or about March 31, 2020, within the territory controlled by the Rutgers Enterprise, Rutgers Enterprise member, Damone Smith, a/k/a “Munch,” was murdered by a member of the Wilkinson street gang.

14. On or about April 1, 2020, at approximately 7:55 p.m., officers heard gunshots in the area of Martin Luther King Drive and Forrest Street, which is territory controlled by the SaLaf street gang. After responding to that area, law enforcement encountered Victim-1 and Victim-2, both of whom had sustained gunshot wounds to their thighs. Victim-1 was a seventeen-year-old bystander. Victim-2 was a member and associate of the SaLaf street gang. Both victims were transported to the Jersey City Medical Center and released later that night. The following morning, Victim-1 was unresponsive. Following an autopsy, the cause of death was determined to be a pulmonary embolism due to deep vein thrombosis, which was caused by the gunshot wound that Victim-1 sustained. The manner of death was determined to be homicide.

15. Video footage that depicted the shooting and the actors’ retreat therefrom confirmed that four masked actors utilized a white Honda, which had been stolen from Newark the night before. Through various cameras throughout the city, the stolen Honda was tracked from the shooting, which occurred at approximately 7:55 p.m., to an industrial lot located on Linden Avenue East in Jersey City, where additional video footage depicted the actors’ flight from the Honda at approximately 7:59 p.m. That video footage revealed that two of the actors fled on foot on Linden Avenue East, to Princeton Avenue, and then to Pearsall Avenue. At approximately 8:11 p.m., law enforcement encountered RUSH and SHIRDEN on Pearsall Avenue, dressed in all black clothing, as depicted in the video footage depicting their flight from the Honda.

16. Additional video footage depicted another one of the actors flee from the Honda and hide behind a nearby Conex cargo container to avoid law enforcement. That video depicted that actor discarding clothing while hiding in that location. Several articles of clothing, including a wool hat, a sweatshirt, and a black jacket, were recovered from the area behind the Conex container to which this actor fled and hid immediately upon exiting the Honda. Subsequent DNA analysis confirmed that the hat contained PEREZ’s DNA. In addition, a cell phone was recovered from the Honda and a subsequent analysis of that phone, following the execution of a search warrant, revealed that the recovered phone belonged to PEREZ.

17. In addition to PEREZ’s phone, the Honda also contained 9mm shell casings, the NIBIN results for which matched the shootings, and two 9mm handguns, one of which contained the DNA of a fellow Enterprise member.

Further, law enforcement discovered gloves and masks in the area surrounding the Honda, and the DNA results for one of the masks matched that of SHIRDEN.

The April 4, 2020 Murder of Victim-3

18. On or about April 3, 2020, within the territory controlled by the Rutgers Enterprise, a juvenile associated with the Wilkinson street gang attempted to shoot WITHERSPOON.

19. On or about April 4, 2020, two actors traveled to the area of Ocean Avenue and Bidwell Avenue, which is territory controlled by the Wilkinson street gang, in a black Dodge Durango, which was registered to WITHERSPOON's father. After circling the block, the Dodge Durango approached the intersection of Ocean Avenue and Bidwell Avenue, at which time the passenger—subsequently determined to be TUTTEN—brandished a Tec-9 firearm through the front passenger window and opened fire. Victim-3, a member of the Wilkinson street gang, was shot in the head and pronounced dead shortly thereafter. Surveillance footage tracked the actors' movements in the Dodge Durango and other vehicles prior to and after the murder. That footage also showed the two actors park and exit the Dodge Durango after the shooting and enter a green Toyota Avalon registered to WITHERSPOON. Thereafter, video footage depicted TUTTEN in the Toyota Avalon. In addition to the video footage, cell site location data for WITHERSPOON's phone mirrored the route of the Dodge Durango as reflected in the video.

20. Prior to and after the commission of the April 1, 2020 murder of Victim-1 and attempted murder of Victim-2, and the April 4, 2020 murder of Victim-3, the Defendants and other members and associates of the Rutgers Enterprise touted their membership in and association with the Enterprise, as well as their commitment to retaliating for the murder of deceased Rutgers Enterprise member Damone Smith, a/k/a "Munch." For example, on or about April 4, 2020, at approximately 1:21 a.m., RUSH posted a message on Facebook, which stated, "We gon show ya'll how to play this game." That message was also accompanied by the hashtag "LLMunch," which stands for Long Live Munch. TUTTEN shared this post at approximately 2:37 a.m.