

COPY

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

- - - - - X
:
UNITED STATES OF AMERICA : SEALED INDICTMENT
:
- v. - : S1 16 Cr. 302 (KMK)
:
JEFFREY HERRING, :
TRAVIS DAVIS, :
JESSE HUMMEL, :
MARK MACK, and :
ANDREW REYNOLDS, :
:
Defendants. :
:
- - - - - X

COUNT ONE

The Grand Jury charges:

1. In or about October 2015, in the Southern District of New York and elsewhere, JEFFREY HERRING, TRAVIS DAVIS, JESSE HUMMEL, MARK MACK, and ANDREW REYNOLDS, the defendants, and others known and unknown, unlawfully and knowingly did combine, conspire, confederate, and agree together and with each other to commit robbery, as that term is defined in Title 18, United States Code, Section 1951(b)(1), and would and did thereby obstruct, delay, and affect commerce and the movement of articles and commodities in commerce, as that term is defined in Title 18, United States Code, Section 1951(b)(3), to wit, the defendants agreed to carry out a home-invasion robbery of a marijuana dealer at 177 Cohen & Cohen Road, Swan Lake, New York.

(Title 18, United States Code, Section 1951.)

COUNT TWO

The Grand Jury further charges:

2. On or about October 12, 2015, in the Southern District of New York, JEFFREY HERRING, TRAVIS DAVIS, JESSE HUMMEL, MARK MACK, and ANDREW REYNOLDS, the defendants, and others known and unknown, knowingly did commit robbery, as that term is defined in Title 18, United States Code, Section 1951(b)(1), and did thereby obstruct, delay, and affect commerce and the movement of articles and commodities in commerce, as that term is defined in Title 18, United States Code, Section 1951(b)(3), and did aid and abet the same, to wit, the defendants robbed Michael Northcote, a marijuana dealer, at 177 Cohen & Cohen Road, Swan Lake, New York.

(Title 18, United States Code, Sections 1951 and 2.)

COUNT THREE

The Grand Jury further charges:

3. On or about October 12, 2015, in the Southern District of New York, JEFFREY HERRING, TRAVIS DAVIS, JESSE HUMMEL, MARK MACK, and ANDREW REYNOLDS, the defendants, willfully and knowingly, during and in relation to a crime of violence for which they may be prosecuted in a court of the United States, namely, the robbery charged in Count Two of this Indictment, did use and carry a firearm, and, in furtherance of such crime of

violence, did possess a firearm, and in the course of that crime of violence did, through the use of a firearm, cause the death of a person, which killing is murder as defined in Title 18, United States Code, Section 1111(a), and did aid and abet the same, to wit, in the course of the defendants' robbery of Michael Northcote, HERRING shot and killed Northcote.

(Title 18, United States Code, Sections 924(j) and 2.)

FORFEITURE ALLEGATIONS

4. As a result of committing one or more of the robbery offenses charged in Counts One and Two of this Indictment, JEFFREY HERRING, TRAVIS DAVIS, JESSE HUMMEL, MARK MACK, and ANDREW REYNOLDS, the defendants, shall forfeit to the United States, pursuant to 18 U.S.C. § 981(a)(1)(C) and 28 U.S.C. § 2461, any and all property, real or personal, which constitutes or is derived from proceeds traceable to the commission of the offenses charged in Counts One and Two.

Substitute Assets Provision

5. If any of the property described above as being subject to forfeiture, 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 person;

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 subdivided without difficulty;
it is the intention of the United States, pursuant to Title 21, United States Code, Section 853(p), to seek forfeiture of any other property of the defendants up to the value of the above forfeitable property.

(Title 18, United States Code, Section 981;
Title 21, United States Code, Section 853;
Title 28, United States Code, Section 2461)

SPECIAL FINDINGS AS TO JEFFREY HERRING

6. Count Three of the Indictment is realleged and incorporated by reference as though fully set forth herein. As to Count Three, alleging the murder of Michael Northcote, the defendant JEFFREY HERRING:

a. was 18 years of age or older at the time of the offense;

b. intentionally killed the victim (Title 18, United States Code, Section 3591(a)(2)(A));

c. intentionally inflicted serious bodily injury that resulted in the death of the victim (Title 18, United States Code, Section 3591(a)(2)(B));

a. intentionally participated in an act, contemplating that the life of a person would be taken or intending that lethal force would be used in connection with a person, other than one of the participants in the offense, and the victim died as a direct result of the act (Title 18, United States Code, Section 3591(a)(2)(C)); and

b. intentionally and specifically engaged in an act of violence, knowing that the act created a grave risk of death to a person, other than one of the participants in the offense, such that participation in the act constituted a reckless disregard for human life and the victim died as a direct result of the act (Title 18, United States Code, Section 3591(a)(2)(D)).

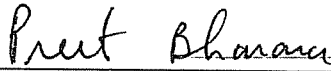
SPECIAL FINDINGS AS TO TRAVIS DAVIS, JESSE HUMMEL, MARK MACK,
and ANDREW REYNOLDS

7. Count Three of the Indictment is realleged and incorporated by reference as though fully set forth herein. As to Count Three, alleging the murder of Michael Northcote, the defendants TRAVIS DAVIS, JESSE HUMMEL, MARK MACK, and ANDREW REYNOLDS:

a. were each 18 years of age or older at the time of the offense; and

b. intentionally and specifically engaged in an act of violence, knowing that the act created a grave risk of death to a person, other than one of the participants in the offense, such that participation in the act constituted a reckless disregard for human life and the victim died as a direct result of the act (Title 18, United States Code, Section 3591(a)(2)(D)).


FOREPERSON


PREET BHARARA
United States Attorney

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

- v. -

JEFFREY HERRING, et al.,

Defendants.

SEALED INDICTMENT


S1 16 Cr. 302 (KMK)

(18 U.S.C. §§ 924, 1951, and 2.)

PREET BHARARA

United States Attorney.

A TRUE BILL


Foreperson.
