

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

v.

RUBIN MOYE
a/k/a "Nut,"

Defendant.

SEALED INDICTMENT

S3 20 Cr. 215 (JPO)

COUNT ONE

(Murder in Aid of Racketeering Activity)

The Grand Jury charges:

THE "MOET-CRIPS" ENTERPRISE

1. At all times relevant to this Indictment, RUBIN MOYE, a/k/a "Nut," the defendant, and others known and unknown, were members and associates of the Santana Block Crips gang, also sometimes referred to as "Money Over Everything" or "MOET" (the "MOET-Crips," or "Enterprise"), a criminal organization whose members and associates engaged in, among other things, narcotics trafficking, robbery, and acts involving murder. The Enterprise operated principally in the vicinity of an apartment building known as "Two Stacks" or "2 Staccz," located at 2000 Valentine Avenue, Bronx, New York.

2. At all times relevant to this Indictment, the Enterprise, including its leaders, members, and associates, constituted an "enterprise," as that term is defined by Title 18, United States Code, Section 1959(b)(2), that is, a group of individuals associated in fact which 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.

3. RUBIN MOYE, a/k/a "Nut," the defendant, was a member of the Enterprise who participated in unlawful and other activities in furtherance of the conduct of the Enterprise's affairs.

PURPOSES OF THE ENTERPRISE

4. The purposes of the Enterprise included the following:
- a. Enriching the members and associates of the Enterprise through, among other things, the distribution of controlled substances, including cocaine base and marijuana.
 - b. Preserving and protecting the power and territory of the Enterprise and its members and associates through acts involving murder, attempted murder, and other acts and threats of violence.
 - c. Promoting and enhancing the Enterprise and the reputation and activities of its members and associates.

MEANS AND METHODS OF THE ENTERPRISE

5. Among the means and methods employed by the members and associates in conducting and participating in the conduct of the affairs of the Enterprise were the following:
- a. Members and associates of the Enterprise committed, and conspired, attempted, and threatened to commit acts of violence, including acts involving murder, to protect and to expand the Enterprise's interests and reputation, and to retaliate against rival gangs.
 - b. Members and associates of the Enterprise trafficked and distributed narcotics.
 - c. Members and associates of the Enterprise used force and threats, among other means, to control and attempt to control the narcotics trade at and around the vicinity of 2000 Valentine Avenue in the Bronx, New York.

d. Members and associates of the Enterprise possessed, carried, used, brandished, and discharged firearms in furtherance of the Enterprise's interests.

6. At all times relevant to this Indictment, the Enterprise, through its members and associates, engaged in racketeering activity, as that term is defined in Title 18, United States Code, Sections 1961(1) and 1959(b)(1), including, but not limited to, the following:

a. acts involving murder, chargeable under the following provisions of state law: New York Penal Law, Sections 125.25 (murder), 110.00 (attempt), 105.15 (conspiracy), and 20.00 (aiding and abetting);

b. acts involving robbery, chargeable under the following provisions of state law: New York Penal Law, Sections 160.05, 160.10, 160.15 (robbery), 105.10 (conspiracy), 110.00 (attempt), and 20.00 (aiding and abetting);

c. offenses involving the distribution of controlled substances, including cocaine base in a form commonly referred to as "crack cocaine," and marijuana, in violation of Title 21, United States Code, Sections 812, 841, and 846, and Title 18, United States Code, Section 2; and

d. acts relating to interference with commerce by robbery and extortion indictable under Title 18, United States Code, Section 1951.

7. On or about August 4, 2011, in the Southern District of New York and elsewhere, RUBIN MOYE, a/k/a "Nut," the defendant, and others known and unknown, as consideration for the receipt of, and as consideration for a promise and agreement to pay, a thing of pecuniary value from the Enterprise, and for the purpose of gaining entrance to and maintaining and increasing position in the Enterprise, an enterprise engaged in racketeering activity, as described above, knowingly and intentionally murdered Phillip Richards, and aided and abetted the same and willfully caused the same, in that, with the intent to cause the death of another person, MOYE

caused the death of Phillip Richards, and under circumstances evincing a depraved indifference to human life, MOYE recklessly engaged in conduct which created a grave risk of death to another person, thereby caused the death of Phillip Richards, and aided and abetted the same and willfully caused the same, to wit, MOYE directed another member of the Enterprise ("CC-1") to kill a rival gang member ("Rival-1") or someone associated with Rival-1, resulting in CC-1 shooting and killing bystander Phillip Richards in the vicinity of East 181st Street and Lafontaine Avenue, Bronx, New York, in violation of New York Penal Law, Sections 125.25(1), 125.25(2), and 20.00.

(Title 18, United States Code, Sections 1959(a)(1) and 2.)

COUNT TWO
(Murder While Engaged in a Narcotics Conspiracy)

The Grand Jury further charges:

8. On or about August 4, 2011, in the Southern District of New York and elsewhere, RUBIN MOYE, a/k/a "Nut," the defendant, while engaging in an offense punishable under Title 21, United States Code, Section 841(b)(1)(A), namely, a conspiracy to distribute and possess with intent to distribute 280 grams and more of mixtures and substances containing a detectable amount of cocaine base, intentionally and knowingly killed, and counseled, commanded, induced, procured, and caused the intentional killing of an individual which resulted in such killing, and aided and abetted the same and willfully caused the same, to wit, MOYE caused CC-1 to shoot and kill Phillip Richards in the vicinity of East 181st Street and Lafontaine Avenue, Bronx, New York.

(Title 21, United States Code, Section 848(e)(1)(A);
Title 18, United States Code, Section 2.)

COUNT THREE
(Murder Through Use of a Firearm)

The Grand Jury further charges:

9. On or about August 4, 2011, in the Southern District of New York and elsewhere, RUBIN MOYE, a/k/a "Nut," the defendant, during and in relation to a crime of violence for which he may be prosecuted in a court of the United States, namely, the murder in aid of racketeering charged in Count One of this Indictment, and during and in relation to a drug trafficking crime for which he may be prosecuted in a court of the United States, namely, a conspiracy to distribute and possess with intent to distribute crack cocaine and marijuana, in violation of Title 21, United States Code, Section 846, knowingly used and carried a firearm, and, in furtherance of such crime, possessed a firearm, and aided and abetted the use, carrying, and possession of a firearm, and in the course of that crime did cause the death of a person through the use of a firearm, which killing is murder as defined in Title 18, United States Code, Section 1111(a), and aided and abetted the same and willfully caused the same, to wit, MOYE caused CC-1 to shoot and kill Phillip Richards in the vicinity of East 181st Street and Lafontaine Avenue, Bronx, New York.

(Title 18, United States Code, Sections 924(j)(1) and 2.)

COUNT FOUR
(Murder in Aid of Racketeering Activity)

The Grand Jury further charges:

10. At all times relevant to this Indictment, the Enterprise, as described in paragraphs 1 through 6 of Count One of this Indictment, which are realleged and incorporated by reference as though fully set forth herein, including its members and associates, constituted an "enterprise," as that term is defined in Title 18, United States Code, Section 1959(b)(2), that is, a group of individuals associated in fact which 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.

11. At all times relevant to this Indictment, the Enterprise through its members and associates, engaged in racketeering activity, as that term is defined in Title 18, United States Code, Sections 1961(1) and 1959(b)(1), including, but not limited to, the following:

a. acts involving murder, chargeable under the following provisions of state law: New York Penal Law, Sections 125.25 (murder), 110.00 (attempt), 105.15 (conspiracy), and 20.00 (aiding and abetting)—for example, on or about November 19, 2011, in the vicinity of 1042 Lowell Street, Bronx, New York, members and associates of the Enterprise, including but not limited to, RUBIN MOYE, a/k/a “Nut,” the defendant, and others known and unknown, conspired to commit and attempted to commit the murder of a woman (“Victim-1”), who is Rival-1’s mother, to wit, MOYE shot Victim-1 in the chest and head in retaliation for Rival-1 killing MOYE’s brother, an Enterprise leader, during a conflict over gang and drug territory;

b. acts involving robbery, chargeable under the following provisions of state law: New York Penal Law, Sections 160.05, 160.10, 160.15 (robbery), 105.10 (conspiracy), 110.00 (attempt), and 20.00 (aiding and abetting);

c. offenses involving the distribution of controlled substances, including cocaine base in a form commonly referred to as “crack cocaine,” and marijuana, in violation of Title 21, United States Code, Sections 812, 841, and 846, and Title 18, United States Code, Section 2; and

d. acts relating to interference with commerce by robbery and extortion indictable under Title 18, United States Code, Section 1951.

12. On or about March 4, 2015, in the Southern District of New York and elsewhere, RUBIN MOYE, a/k/a “Nut,” the defendant, and others known and unknown, as consideration for

the receipt of, and as consideration for a promise and agreement to pay, a thing of pecuniary value from the Enterprise, and for the purpose of gaining entrance to and maintaining and increasing position in the Enterprise, an enterprise engaged in racketeering activity, as described above, knowingly and intentionally murdered Michelle Cox, and aided and abetted the same and willfully caused the same, in that, with the intent to cause the death of another person, MOYE caused the death of Michelle Cox, and under circumstances evincing a depraved indifference to human life, MOYE recklessly engaged in conduct which created a grave risk of death to another person, thereby causing the death of Michelle Cox, and aided and abetted the same and willfully caused the same, to wit, MOYE directed CC-1 and another member of the Enterprise ("CC-2") to kill someone associated with Rival-1, and aided and abetted CC-1 and CC-2 in doing so, and caused CC-1 and CC-2 to do so, resulting in CC-2 shooting and killing Michelle Cox in the vicinity of East 179th Street and Webster Avenue, Bronx, New York, in violation of New York Penal Law, Sections 125.25(1), 125.25(2), and 20.00.

(Title 18, United States Code, Sections 1959(a)(1) and 2.)

COUNT FIVE
(Murder While Engaged in a Narcotics Conspiracy)

The Grand Jury further charges:

13. On or about March 4, 2015, in the Southern District of New York and elsewhere, RUBIN MOYE, a/k/a "Nut," the defendant, while engaging in an offense punishable under Title 21, United States Code, Section 841(b)(1)(A), namely, a conspiracy to distribute and possess with intent to distribute 280 grams and more of mixtures and substances containing a detectable amount of cocaine base, intentionally and knowingly killed, and counseled, commanded, induced, procured, and caused the intentional killing of an individual which resulted in such killing, and aided and abetted the same and willfully caused the same, to wit MOYE caused

CC-2 to shoot and kill Michelle Cox in the vicinity of East 179th Street and Webster Avenue, Bronx, New York.

(Title 21, United States Code, Section 848(e)(1)(A);
Title 18, United States Code, Section 2.)

COUNT SIX
(Murder Through Use of a Firearm)

The Grand Jury further charges:

14. On or about March 4, 2015, in the Southern District of New York and elsewhere, RUBIN MOYE, a/k/a "Nut," the defendant, during and in relation to a crime of violence for which he may be prosecuted in a court of the United States, namely, the murder in aid of racketeering charged in Count Four of this Indictment, and during and in relation to a drug trafficking crime for which he may be prosecuted in a court of the United States, namely, a conspiracy to distribute and possess with intent to distribute crack cocaine and marijuana, in violation of Title 21, United States Code, Section 846, knowingly used and carried a firearm, and, in furtherance of such crime, possessed a firearm, and aided and abetted the use, carrying, and possession of a firearm, and in the course of that crime did cause the death of a person through the use of a firearm, which killing is murder as defined in Title 18, United States Code, Section 1111(a), and aided and abetted the same and willfully caused the same, to wit, MOYE caused CC-2 to shoot and kill Michelle Cox in the vicinity of East 179th Street and Webster Avenue, Bronx, New York.

(Title 18, United States Code, Sections 924(j)(1) and 2.)

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DANIELLE R. SASSOON
United States Attorney