

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

v.

STORM JONES,
MICHAEL ORTIZ,
a/k/a "Dot,"
RANDY MACCOW,
MARIO MEDINA,
a/k/a "Flacco,"
JAYSON HOLLAND,
a/k/a "Jerry,"
a/k/a "Ninety," and
FRANCIS OFORI,
a/k/a "Ghana,"

Defendants.

SUPERSEDING INDICTMENT

S1 25 Cr. 345 (LJL)

The Grand Jury charges:

The Elsmere Crew

1. At least in or about 2020, a group of individuals (collectively, the "Elsmere Crew") utilized the residence located at 804 Elsmere Place in the Bronx, New York ("804 Elsmere") as a gathering place where members of the Elsmere Crew used narcotics, carried firearms, planned crimes of violence, and hid from law enforcement after committing those crimes.

2. On or about August 2, 2020, Elsmere Crew member STORM JONES, the defendant, while selling drugs several blocks away from 804 Elsmere with another member of the Elsmere Crew, shot 53-year-old Clarence Adams, who had confronted JONES about JONES's drug dealing. Adams died from his injuries. After the shooting, JONES fled to 804 Elsmere, where he met with other members of the Elsmere Crew.

3. In or around the fall of 2020, STORM JONES, MICHAEL ORTIZ, a/k/a “Dot,” RANDY MACCOW, MARIO MEDINA, a/k/a “Flacco,” JAYSON HOLLAND, a/k/a “Jerry,” a/k/a “Ninety,” and FRANCIS OFORI, a/k/a “Ghana,” the defendants, and others known and unknown, as part of the Elsmere Crew, planned and carried out two similar armed robberies at and around 804 Elsmere. In each robbery, members of the Elsmere Crew (i) persuaded a victim to deliver marijuana to the vicinity of 804 Elsmere, (ii) left together from 804 Elsmere to the site of the purported drug purchase, (iii) confronted and robbed the victim with firearms, and (iv) fled to 804 Elsmere afterward.

a. During the first robbery, on or about September 1, 2020, members of the Elsmere Crew shot and killed 29-year-old Jeffrey German.

b. In the second robbery, on or about November 3, 2020, members of the Elsmere Crew shot a victim, who survived.

COUNT ONE
(Conspiracy to Commit Hobbs Act Robbery)

The Grand Jury further charges:

4. On or about September 1, 2020, in the Southern District of New York and elsewhere, STORM JONES, MICHAEL ORTIZ, a/k/a “Dot,” RANDY MACCOW, MARIO MEDINA, a/k/a “Flacco,” and JAYSON HOLLAND, a/k/a “Jerry,” a/k/a “Ninety,” the defendants, and others known and unknown, knowingly combined, conspired, confederated, and agreed 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, JONES, ORTIZ, MACCOW, MEDINA, and

HOLLAND agreed to rob a marijuana dealer at gunpoint in the vicinity of 1908 Prospect Avenue in the Bronx, New York.

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

COUNT TWO
(Hobbs Act Robbery)

The Grand Jury further charges:

5. On or about September 1, 2020, in the Southern District of New York and elsewhere, STORM JONES, MICHAEL ORTIZ, a/k/a "Dot," RANDY MACCOW, MARIO MEDINA, a/k/a "Flacco," and JAYSON HOLLAND, a/k/a "Jerry," a/k/a "Ninety," the defendants, knowingly committed robbery, as that term is defined in Title 18, United States Code, Section 1951(b)(1), and thereby obstructed, delayed, and affected 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 aided and abetted the same, to wit, JONES, ORTIZ, MACCOW, MEDINA, and HOLLAND committed an armed robbery of a marijuana dealer in the vicinity of 1908 Prospect Avenue in the Bronx, New York.

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

COUNT THREE
(Murder Through the Use of a Firearm)

The Grand Jury further charges:

6. On or about September 1, 2020, in the Southern District of New York and elsewhere, STORM JONES, MICHAEL ORTIZ, a/k/a "Dot," RANDY MACCOW, MARIO MEDINA, a/k/a "Flacco," and JAYSON HOLLAND, a/k/a "Jerry," a/k/a "Ninety," the defendants, during and in relation to a crime of violence for which they may be prosecuted in a court of the United States, namely, the Hobbs Act robbery charged in Count Two of this

Indictment, 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 caused 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, and aided and abetted the same, to wit, during the armed robbery charged in Count Two, ORTIZ shot and killed Jeffrey German in the vicinity of 1908 Prospect Avenue in the Bronx, New York.

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

COUNT FOUR
(Firearm Use, Carrying, and Possession)

The Grand Jury further charges:

7. On or about September 1, 2020, in the Southern District of New York and elsewhere, STORM JONES, MICHAEL ORTIZ, a/k/a “Dot,” RANDY MACCOW, MARIO MEDINA, a/k/a “Flacco,” and JAYSON HOLLAND, a/k/a “Jerry,” a/k/a “Ninety,” the defendants, during and in relation to a crime of violence for which they may be prosecuted in a court of the United States, namely, the Hobbs Act robbery charged in Count Two of this Indictment, 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, which was brandished and discharged.

(Title 18, United States Code, Sections 924(c)(1)(A)(i), (ii), and (iii), and 2.)

COUNT FIVE
(Conspiracy to Commit Hobbs Act Robbery)

The Grand Jury further charges:

8. On or about November 3, 2020, in the Southern District of New York and elsewhere, MICHAEL ORTIZ, a/k/a “Dot,” and FRANCIS OFORI, a/k/a “Ghana,” the defendants, and others known and unknown, knowingly combined, conspired, confederated, and

agreed 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, ORTIZ and OFORI agreed to rob a marijuana dealer at gunpoint in the vicinity of 805 Fairmount Place in the Bronx, New York.

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

COUNT SIX
(Hobbs Act Robbery)

The Grand Jury further charges:

9. On or about November 3, 2020, in the Southern District of New York and elsewhere, MICHAEL ORTIZ, a/k/a “Dot,” and FRANCIS OFORI, a/k/a “Ghana,” the defendants, knowingly committed and attempted to commit robbery, as that term is defined in Title 18, United States Code, Section 1951(b)(1), and thereby obstructed, delayed, and affected 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 aided and abetted the same, to wit, ORTIZ, OFORI, and others committed and attempted to commit an armed robbery of a marijuana dealer in the vicinity of 805 Fairmount Place in the Bronx, New York.

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

COUNT SEVEN
(Firearm Use, Carrying, and Possession)

The Grand Jury further charges:

10. On or about November 3, 2020, in the Southern District of New York and elsewhere, MICHAEL ORTIZ, a/k/a “Dot,” and FRANCIS OFORI, a/k/a “Ghana,” the defendants, during and in relation to a crime of violence for which they may be prosecuted in a

court of the United States, namely, the Hobbs Act robbery charged in Count Six of this Indictment, 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, which was brandished and discharged.

(Title 18, United States Code, Sections 924(c)(1)(A)(i), (ii), and (iii), and 2.)

COUNT EIGHT
(Conspiracy to Distribute Narcotics)

The Grand Jury further charges:

11. From at least in or about 2018 through at least in or about 2020, in the Southern District of New York and elsewhere, STORM JONES, the defendant, and others known and unknown, knowingly and intentionally combined, conspired, confederated, and agreed together and with each other to violate the controlled-substance laws of the United States.

12. It was a part and an object of the conspiracy that STORM JONES, the defendant, and others known and unknown, would and did distribute and possess with intent to distribute a controlled substance, in violation of Title 21, United States Code, Section 841(a)(1).

13. The controlled substances involved in the offense were quantities of mixtures and substances containing detectable amounts of cocaine and cocaine base, in violation of Title 21, United States Code, Section 841(b)(1)(C).

(Title 21, United States Code, Section 846.)

COUNT NINE
(Firearm Use, Carrying, and Possession)

The Grand Jury further charges:

14. On or about August 2, 2020, in the Southern District of New York and elsewhere, STORM JONES, the defendant, during and in relation to a drug trafficking crime for which he may be prosecuted in a court of the United States, namely, the drug trafficking crime charged in

Count Eight of this Indictment, 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, which was brandished and discharged, to wit, JONES possessed a firearm during and in relation to the narcotics conspiracy charged in Count Eight, which firearm was brandished and discharged in the vicinity of East 179th Street between Arthur Avenue and Hughes Avenue in the Bronx, New York, resulting in the death of Clarence Adams.

(Title 18, United States Code, Sections 924(c)(1)(A)(i), (ii), and (iii), and 2.)

FORFEITURE ALLEGATIONS

15. As a result of committing the offenses alleged in Counts One and Two of this Indictment, STORM JONES, MICHAEL ORTIZ, a/k/a "Dot," RANDY MACCOW, MARIO MEDINA, a/k/a "Flacco," and JAYSON HOLLAND, a/k/a "Jerry," a/k/a "Ninety," the defendants, shall forfeit to the United States, pursuant to Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461(c), any and all property, real and personal, that constitutes or is derived from proceeds traceable to the commission of said offenses, including but not limited to a sum of money in United States currency representing the amount of proceeds traceable to the commission of said offenses.

16. As a result of committing the offenses alleged in Counts Three and Four of this Indictment, STORM JONES, MICHAEL ORTIZ, a/k/a "Dot," RANDY MACCOW, MARIO MEDINA, a/k/a "Flacco," and JAYSON HOLLAND, a/k/a "Jerry," a/k/a "Ninety," the defendants, shall forfeit to the United States, pursuant to Title 18, United States Code, Section 924(d)(1), and Title 28, United States Code, Section 2461(c), any and all firearms and ammunition involved in or used in said offenses.

17. As a result of committing the offenses alleged in Counts Five and Six of this

Indictment, MICHAEL ORTIZ, a/k/a "Dot," and FRANCIS OFORI, a/k/a "Ghana," the defendants, shall forfeit to the United States, pursuant to Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461(c), any and all property, real and personal, that constitutes or is derived from proceeds traceable to the commission of said offenses, including but not limited to a sum of money in United States currency representing the amount of proceeds traceable to the commission of said offenses.

18. As a result of committing the offense alleged in Count Seven of this Indictment, MICHAEL ORTIZ, a/k/a "Dot," and FRANCIS OFORI, a/k/a "Ghana," the defendants, shall forfeit to the United States, pursuant to Title 18, United States Code, Section 924(d)(1), and Title 28, United States Code, Section 2461(c), any and all firearms and ammunition involved in or used in said offense, including but not limited to a .22-caliber High-Standard revolver with serial number 2220254.

19. As a result of committing the offense alleged in Count Eight of this Indictment, STORM JONES, the defendant, shall forfeit to the United States, pursuant to Title 21, United States Code, Section 853, any and all property constituting, or derived from, any proceeds obtained, directly or indirectly, as a result of said offense and any and all property used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of, said offense, including but not limited to a sum of money in United States currency representing the amount of proceeds traceable to the commission of said offense.

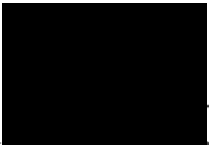
20. As a result of committing the offense alleged in Count Nine of this Indictment, STORM JONES, the defendant, shall forfeit to the United States, pursuant to Title 18, United States Code, Section 924(d)(1), and Title 28, United States Code, Section 2461(c), any and all firearms and ammunition involved in or used in said offense.

21. If any of the above-described forfeitable property, as a result of any act or omission of STORM JONES, MICHAEL ORTIZ, a/k/a "Dot," RANDY MACCOW, MARIO MEDINA, a/k/a "Flacco," JAYSON HOLLAND, a/k/a "Jerry," a/k/a "Ninety," and FRANCIS OFORI, a/k/a "Ghana," 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 intent of the United States, pursuant to Title 21, United States Code, Section 853(p), and Title 28, United States Code, Section 2461(c), to seek forfeiture of any other property of the defendant up to the value of the above forfeitable property.

(Title 18, United States Code, Section 924;
Title 21, United States Code, Section 853; and
Title 28, United States Code, Section 2461.)


FOREPERSON


JAY CLAYTON
United States Attorney