

COPY

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

----- X

UNITED STATES OF AMERICA

SEALED INDICTMENT

- V. -

S1 17 Cr. 644 (NSR)

MARKEL OVERTON,
a/k/a "Kellz,"
THOMAS BLANTON,
a/k/a "LT,"
MARQUIS COLLIER,
a/k/a "Keise,"
KADEEM DINHAM,
a/k/a "Polo,"
DONNIE DIXON,
a/k/a "Scooter,"
DAVID HARDY,
a/k/a "Mooka,"
JERMAINE HUGHLEY,
a/k/a "Blacks,"
RAHEEM JONES,
a/k/a "Rah Trigger,"
a/k/a "Trigga,"
SINCERE SAVOY,
a/k/a "Bitty,"
JAMAAL SINCLAIR,
a/k/a "Diggz,"
NOEL SMITH,
a/k/a "Georgie," and
ERNEST WEBB,
a/k/a "Ern,"
a/k/a "Ern Millz,"

Defendants.

----- X

COUNT ONE
(RICO Conspiracy)

The Grand Jury charges:

THE ENTERPRISE

1. At all times relevant to this Indictment, MARKEL OVERTON, a/k/a "Kellz," THOMAS BLANTON, a/k/a "LT," MARQUIS COLLIER, a/k/a "Keise," KADEEM DINHAM, a/k/a "Polo," DONNIE DIXON, a/k/a "Scooter," DAVID HARDY, a/k/a "Mooka," JERMAINE HUGHLEY, a/k/a "Blacks," RAHEEM JONES, a/k/a "Rah Trigger," a/k/a "Trigga," SINCERE SAVOY, a/k/a "Bitty," JAMAAL SINCLAIR, a/k/a "Diggz," NOEL SMITH, a/k/a "Georgie," and ERNEST WEBB, a/k/a "Ern," a/k/a "Ern Millz," the defendants, and others known and unknown, were members and associates of the "Goonies" or "Goon Squad" (the "Goonies" or the "Enterprise"), a criminal organization whose members and associates engaged in, among other things, murder, assault with dangerous weapons, robbery, and narcotics trafficking. The Goonies operated principally in and around the City of Mount Vernon, New York.

2. The Goonies, including its leadership, membership, and associates, constituted an "enterprise," as defined by Title 18, United States Code, Section 1961(4), that is, a group of individuals associated in fact, although not a legal entity. The Enterprise constituted an ongoing organization whose members functioned as a continuing unit for a common purpose of achieving

the objectives of the Enterprise. At all times relevant to this Indictment, the Enterprise has engaged in, and its activities affected, interstate and foreign commerce. The defendants participated in the operation of the Enterprise, and participated in unlawful and other activities in furtherance of the conduct of the Enterprise's affairs.

3. MARKEL OVERTON, a/k/a "Kellz," THOMAS BLANTON, a/k/a "LT," MARQUIS COLLIER, a/k/a "Keise," KADEEM DINHAM, a/k/a "Polo," DONNIE DIXON, a/k/a "Scooter," DAVID HARDY, a/k/a "Mooka," JERMAINE HUGHLEY, a/k/a "Blacks," RAHEEM JONES, a/k/a "Rah Trigger," a/k/a "Trigga," SINCERE SAVOY, a/k/a "Bitty," JAMAAL SINCLAIR, a/k/a "Diggz," NOEL SMITH, a/k/a "Georgie," and ERNEST WEBB, a/k/a "Ern," a/k/a "Ern Millz," the defendants, and others known and unknown, were leaders, members, and associates of the Enterprise who carried out and directed other members of the Enterprise in carrying out unlawful and other activities in furtherance of the conduct of the Enterprise's affairs.

4. The Goonies have been engaged in a long-standing, and violent, feud with several rival Mount Vernon street gangs, including, among others, the "Boss Playa Family," the "Get Money Gangstas," the "Gunnas," and the "Much Better Gang," among others. Over the course of this conflict, Goonies members and associates have committed several acts of violence against their rivals, including several shootings.

5. Although the Goonies did not maintain a formal or rigid hierarchy, certain members and associates enjoyed significant power and respect within the organization. MARKEL OVERTON, a/k/a "Kellz," the defendant, acted as one of the Goonies's leaders.

PURPOSES OF THE ENTERPRISE

6. The purposes of the Enterprise included but were not limited to the following:

a. Preserving and protecting the power, territory, and profits of the Enterprise through murder, attempted murder, other acts of violence, and threats of violence.

b. Promoting and enhancing the Enterprise and the activities of its members and associates.

c. Keeping victims and potential victims in fear of the Enterprise and its members and associates through acts and threats of violence.

d. Providing assistance to members and associates who committed crimes for and on behalf of the Enterprise.

e. Enriching the members and associates of the Enterprise through, among other means, the distribution and sale of controlled substances, including cocaine base and marijuana.

f. Concealing the criminal activities of the Enterprise from detection by law enforcement.

MEANS AND METHODS OF THE ENTERPRISE

7. Among the means and methods employed by the members and associates of the Enterprise in conducting and participating in the conduct of the affairs of the Enterprise were the following:

a. Members and associates of the Enterprise committed, conspired, attempted, and threatened to commit acts of violence, murder, attempted murder, assault, and robbery, against rival gang members and other individuals adverse to the Enterprise to protect and expand the Enterprise's criminal operations, including the distribution of narcotics.

b. Members and associates of the Enterprise used threats of violence and physical violence, including murder, ~~against other members and associates to enforce and maintain~~ discipline within the Enterprise.

c. Members and associates promoted the Enterprise on social media websites such as Facebook and YouTube. For example, Goonies members posted written posts, videos, and photographs during which they, among other things, proclaimed their membership in the Enterprise.

d. Members and associates of the Enterprise displayed certain signs and wore certain clothing emblazoned with "Goonies" or "GS" to identify themselves and communicate with one another.

e. Members and associates of the Enterprise obtained, possessed, and used firearms.

f. Members and associates of the Enterprise distributed controlled substances, including cocaine base, and marijuana.

g. Members and associates of the Enterprise engaged in various types of fraud, including wire fraud, bank fraud, and access device fraud.

THE RACKETEERING CONSPIRACY

8. From at least in or about 2007, up to and including in or about 2017, in the Southern District of New York and elsewhere, MARKEL OVERTON, a/k/a "Kellz," THOMAS BLANTON, a/k/a "LT," MARQUIS COLLIER, a/k/a "Keise," KADEEM DINHAM, a/k/a "Polo," DONNIE DIXON, a/k/a "Scooter," DAVID HARDY, a/k/a "Mooka," JERMAINE HUGHLEY, a/k/a "Blacks," RAHEEM JONES, a/k/a "Rah Trigger," a/k/a "Trigga," SINCERE SAVOY, a/k/a "Bitty," JAMAAL SINCLAIR, a/k/a "Diggz," NOEL SMITH, a/k/a "Georgie," and ERNEST WEBB, a/k/a "Ern," a/k/a "Ern Millz," the defendants, and others known and unknown, being persons employed by and associated with the Enterprise described in paragraphs One through Seven of this Indictment, to wit, the Goonies, knowingly combined, conspired, confederated, and agreed together and with each other to violate the racketeering laws of the United States, to wit, Section 1962(c) of Title 18, United States Code, that is, to conduct and

participate, directly and indirectly, in the conduct of the affairs of the Goonies, which was engaged in, and the activities of which affected, interstate and foreign commerce, through a pattern of racketeering activity consisting of:

a. Multiple acts involving murder, chargeable under the following provisions of state law:

i. New York Penal Law, Sections 20.00, 110.00 and 125.25 (attempted murder);

ii. New York Penal Law, Sections 105.15 and 125.25 (conspiracy to commit murder);

iii. New York Penal Law, Sections 20.00 and 125.25 (murder);

b. Multiple acts involving robbery, chargeable under the following provisions of state law:

i. New York Penal Law, Sections 20.00, 110.00, 160.00, 160.05, 160.10, and 160.15 (attempted robbery);

ii. New York Penal Law, Sections 105.05, 105.10, 160.00, 160.05, 160.10, and 160.15 (conspiracy to commit robbery);

iii. New York Penal Law, Sections 20.00, 160.00, 160.05, 160.10, and 160.15 (robbery);

c. Multiple Acts indictable under the following provisions of federal law:

i. Title 18, United States Code, Section 1029 (Access Device Fraud);

ii. Title 18, United States Code, Section 1343 (Wire Fraud);

iii. Title 18, United States Code, Section 1344 (Bank Fraud);

iv. Title 18, United States Code, Section 1951 (Hobbs Act Robbery); and

d. Multiple offenses involving the distribution of controlled substances, chargeable under Title 21, United States Code, Sections 812, 841, and 846, and Title 18, United States Code, Section 2;

9. It was part of the conspiracy that MARKEL OVERTON, a/k/a "Kellz," THOMAS BLANTON, a/k/a "LT," MARQUIS COLLIER, a/k/a "Keise," KADEEM DINHAM, a/k/a "Polo," DONNIE DIXON, a/k/a "Scooter," DAVID HARDY, a/k/a "Mooka," JERMAINE HUGHLEY, a/k/a "Blacks," RAHEEM JONES, a/k/a "Rah Trigger," a/k/a "Trigga," SINCERE SAVOY, a/k/a "Bitty," JAMAAL SINCLAIR, a/k/a "Diggz," NOEL SMITH, a/k/a "Georgie," and ERNEST WEBB, a/k/a "Ern," a/k/a "Ern Millz," the defendants, and others known and unknown, each agreed that a conspirator would commit at least two acts of racketeering activity in the conduct of the affairs of the Enterprise.

NOTICE OF SPECIAL SENTENCING FACTORS

10. On or about December 31, 2016, in the Southern District of New York, MARQUIS COLLIER, a/k/a "Keise," DAVID HARDY, a/k/a "Mooka," JERMAINE HUGHLEY, a/k/a "Blacks," and SINCERE SAVOY, a/k/a "Bitty," the defendants, knowingly murdered and aided and abetted the murder of Shamoya McKenzie in the vicinity of Tecumseh Avenue and Third Street, Mount Vernon, New York, in violation of New York State Penal Law, Sections 125.25 and 20.00, in that (i) with intent to cause the death of another person, COLLIER, HARDY, HUGHLEY, SAVOY, and others known and unknown, caused the death of Shamoya McKenzie, and (ii) under circumstances evincing a depraved indifference to human life, COLLIER, HARDY, HUGHLEY, SAVOY, and others known and unknown, recklessly engaged in conduct which created a grave risk of death to another person, and thereby caused the death of Shamoya McKenzie.

11. On or about September 22, 2014, in the Southern District of New York, ERNEST WEBB, a/k/a "Ern," a/k/a "Ern Millz," the defendant, knowingly murdered and aided and abetted the murder of Dean Daniels in the vicinity of Park Avenue, Mount Vernon, New York, in violation of New York State Penal Law, Sections 125.25 and 20.00, in that (i) with intent to cause the death of another person, WEBB, and others known and unknown, caused the death of Dean Daniels, and (ii) under circumstances evincing a depraved indifference to human life, WEBB, and others known and unknown,

recklessly engaged in conduct which created a grave risk of death to another person, and thereby caused the death of Dean Daniels.

(Title 18, United States Code, Section 1962(d).)

COUNT TWO

(Use, Carrying, and Possession of Firearms)

The Grand Jury further charges:

12. From at least in or about 2008 up to and including in or about 2017, in the Southern District of New York and elsewhere, MARKEL OVERTON, a/k/a "Kellz," THOMAS BLANTON, a/k/a "LT," MARQUIS COLLIER, a/k/a "Keise," KADEEM DINHAM, a/k/a "Polo," DONNIE DIXON, a/k/a "Scooter," DAVID HARDY, a/k/a "Mooka," JERMAINE HUGHLEY, a/k/a "Blacks," RAHEEM JONES, a/k/a "Rah Trigger," a/k/a "Trigga," SINCERE SAVOY, a/k/a "Bitty," JAMAAL SINCLAIR, a/k/a "Diggz," NOEL SMITH, a/k/a "Georgie," and ERNEST WEBB, a/k/a "Ern," a/k/a "Ern Millz," 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 racketeering conspiracy charged in Count One of this Indictment, knowingly did use and carry firearms, and, in furtherance of such crime, did possess firearms, and did aid and abet the use, carrying, and possession of firearms, some of which firearms were brandished and discharged.

(Title 18, United States Code, Section 924(c) and 2.)

COUNT THREE

(Conspiracy to Commit Murder in Aid of Racketeering)

The Grand Jury further charges:

13. At all times relevant to this Indictment, the Goonies, as described in paragraphs 1 through 7 of this Indictment, which are realleged and incorporated by reference as though fully set forth herein, including its leadership, its membership, and its 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 was 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.

14. At all times relevant to this Indictment, the Goonies, through its members and associates, engaged in racketeering activity, as that term is defined in Title 18, United States Code, Sections 1959(b)(1) and 1961(1), that is, acts involving murder, chargeable under New York Penal Law; acts involving robbery, chargeable under New York Penal Law; acts indictable under Title 18, United States Code, Sections 1029, 1343, 1344, and 1951; and multiple offenses involving the distribution of controlled substances, chargeable under Title 21, United States

Code, Sections 812, 841, and 846, and Title 18, United States Code, Section 2.

15. On or about December 31, 2016, in the Southern District of New York, DAVID HARDY, a/k/a "Mooka," MARQUIS COLLIER, a/k/a "Keise," JERMAINE HUGHLEY, a/k/a "Blacks," and SINCERE SAVOY, a/k/a "Bitty," the defendants, and others known and unknown, for the purpose of gaining entrance to and maintaining and increasing position in the Goonies, an enterprise engaged in racketeering activity, as described above, knowingly conspired to murder a member of a rival gang, in violation of New York Penal Law, Sections 125.25 and 105.15, to wit, HARDY, COLLIER, HUGHLEY, and SAVOY agreed with each other and with others to shoot at a member of a rival gang and thereby killed Shamoya McKenzie, an innocent bystander.

(Title 18, United States Code, Section 1959(a)(5).)

COUNT FOUR
(Murder in Aid of Racketeering)

The Grand Jury further charges:

16. Paragraphs 13 and 14 of this Indictment are realleged and incorporated by reference as though fully set forth herein.

17. On or about December 31, 2016, in the Southern District of New York, DAVID HARDY, a/k/a "Mooka," MARQUIS COLLIER, a/k/a "Keise," JERMAINE HUGHLEY, a/k/a "Blacks," and SINCERE

SAVOY, a/k/a "Bitty," the defendants, and others known and unknown, for the purpose of gaining entrance to and maintaining and increasing position in the Goonies, an enterprise engaged in racketeering activity, as described above, intentionally and knowingly murdered, and aided and abetted the murder of Shamoya McKenzie, that is, with the intent to cause the death of a member of a rival gang, did cause the death of Shamoya McKenzie, and under circumstances evincing a depraved indifference to human life, did recklessly engage in conduct which created a grave risk of death to another person, and thereby caused the death of McKenzie, and aided and abetted the same, in the vicinity of Tecumseh Avenue and Third Street, Mount Vernon, New York, in violation of New York Penal Law, Sections 125.25 and 20.00, to wit, HARDY, COLLIER, HUGHLEY, and SAVOY shot, and aided and abetted the shooting, at a member of a rival gang and thereby killed McKenzie, an innocent bystander.

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

COUNT FIVE

(Use, Carrying, and Possession of Firearms, Resulting in Death)

The Grand Jury further charges:

18. On or about December 31, 2016, in the Southern District of New York, DAVID HARDY, a/k/a "Mooka," MARQUIS COLLIER, a/k/a "Keise," JERMAINE HUGHLEY, a/k/a "Blacks," and SINCERE SAVOY, a/k/a "Bitty," the defendants, willfully and knowingly,

during and in relation to crimes of violence for which they may be prosecuted in a court of the United States, namely, the conspiracy to commit racketeering charged in Count 1 of this Indictment, the conspiracy to commit murder in aid of racketeering charged in Count 3 of this Indictment, and the murder in aid of racketeering charged in Count 4 of this Indictment, did use and carry a firearm, and, in furtherance of such crimes of violence, did possess a firearm, and did aid and abet 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), to wit, HARDY, COLLIER, HUGHLEY, and SAVOY caused the death of Shamoya McKenzie by shooting McKenzie, and aiding and abetting the same, in the vicinity of Tecumseh Avenue and Third Street, Mount Vernon, New York.

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

COUNT SIX

(Conspiracy to Commit Murder in Aid of Racketeering)

The Grand Jury further charges:

19. Paragraphs 13 and 14 of this Indictment are realleged and incorporated by reference as though fully set forth herein.

20. On or about September 22, 2014, in the Southern District of New York, ERNEST WEBB, a/k/a "Ern," a/k/a "Ern Millz,"

the defendant, and others known and unknown, for the purpose of gaining entrance to and maintaining and increasing position in the Goonies, an enterprise, engaged in racketeering activity, as described above, knowingly conspired to murder Dean Daniels, in violation of New York Penal Law, Sections 125.25 and 105.15, to wit, WEBB did agree with others to shoot and kill Daniels.

(Title 18, United States Code, Section 1959(a)(5).)

COUNT SEVEN
(Murder in Aid of Racketeering)

The Grand Jury further charges:

21. Paragraphs 13 and 14 of this Indictment are realleged and incorporated by reference as though fully set forth herein.

22. On or about September 22, 2014, in the Southern District of New York, ERNEST WEBB, a/k/a "Ern," a/k/a "Ern Millz," the defendant, and others known and unknown, for the purpose of gaining entrance to and maintaining and increasing position in the Goonies, an enterprise engaged in racketeering activity, as described above, intentionally and knowingly murdered, and aided and abetted the murder of Dean Daniels, that is, with the intent to cause the death of Daniels, did cause the death of Daniels, and aided and abetted the same, in the vicinity of Park Avenue, Mount Vernon, New York, in violation of New York Penal Law, Sections 125.25 and 20.00, to wit, WEBB shot, and thereby killed Daniels.

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

COUNT EIGHT

(Use, Carrying, and Possession of Firearms, Resulting in Death)

The Grand Jury further charges:

23. On or about September 22, 2014, in the Southern District of New York, ERNEST WEBB, a/k/a "Ern," a/k/a "Ern Millz," the defendant, willfully and knowingly, during and in relation to crimes of violence for which he may be prosecuted in a court of the United States, namely, the conspiracy to commit racketeering charged in Count 1 of this Indictment, the conspiracy to commit murder in aid of racketeering charged in Count 6 of this Indictment, and the murder in aid of racketeering charged in Count 7 of this Indictment, did use and carry a firearm, and, in furtherance of such crimes of violence, did possess a firearm, and did aid and abet 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), to wit, WEBB caused the death of Dean Daniels by shooting Daniels, and aiding and abetting the same, in the vicinity of Park Avenue, Mount Vernon, New York.

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

COUNT NINE

(Narcotics Conspiracy)

The Grand Jury further charges:

24. From at least in or about 2007, up to and including in or about 2017, in the Southern District of New York and elsewhere, THOMAS BLANTON, a/k/a "LT," MARQUIS COLLIER, a/k/a "Keise," KADEEM DINHAM, a/k/a "Polo," DONNIE DIXON, a/k/a "Scooter," and RAHEEM JONES, a/k/a "Rah Trigger," a/k/a "Trigga," the defendants, and others known and unknown, intentionally and knowingly did combine, conspire, confederate, and agree together and with each other to violate the narcotics laws of the United States.

25. It was a part and an object of the conspiracy that THOMAS BLANTON, a/k/a "LT," MARQUIS COLLIER, a/k/a "Keise," KADEEM DINHAM, a/k/a "Polo," DONNIE DIXON, a/k/a "Scooter," and RAHEEM JONES, a/k/a "Rah Trigger," a/k/a "Trigga," the defendants, and others known and unknown, would and did distribute and possess with intent to distribute controlled substances, in violation of Title 21, United States Code, Section 841(a)(1).

26. The controlled substances that THOMAS BLANTON, a/k/a "LT," MARQUIS COLLIER, a/k/a "Keise," KADEEM DINHAM, a/k/a "Polo," DONNIE DIXON, a/k/a "Scooter," and RAHEEM JONES, a/k/a "Rah Trigger," a/k/a "Trigga," the defendants, conspired to distribute and possess with intent to distribute were (i) mixtures and substances containing a detectable amount of cocaine base, in a form commonly known as "crack," in violation of Title 21, United

States Code, Section 841(b)(1)(C); and (ii) 100 kilograms and more of mixtures and substances containing a detectable amount of marijuana, in violation of Title 21, United States Code, Section 841(b)(1)(B).

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

SPECIAL FINDINGS AS TO COLLIER, HARDY, HUGHLEY, SAVOY, and WEBB

27. Counts 3 through 5 of this Indictment are re-alleged and incorporated by reference as though fully set forth herein. As to Counts 3 through 5, alleging the murder of Shamoya McKenzie, the defendants MARQUIS COLLIER, a/k/a "Keise," DAVID HARDY, a/k/a "Mooka," JERMAINE HUGHLEY, a/k/a "Blacks," and SINCERE SAVOY, a/k/a "Bitty":

a. were 18 years of age or older at the time of the offenses;

b. intentionally killed McKenzie (18 U.S.C. § 3591(a)(2)(A));

c. intentionally inflicted serious bodily injury that resulted in the death of McKenzie (18 U.S.C. § 3591(a)(2)(B));

d. intentionally participated in acts, 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

McKenzie died as a direct result of such acts (18 U.S.C. § 3591(a)(2)(C));

e. intentionally and specifically engaged in acts of violence, knowing that the acts created a grave risk of death to a person, other than one of the participants in the offense, such that participation in the acts constituted a reckless disregard for human life and McKenzie died as a direct result of such acts (18 U.S.C. § 3591(a)(2)(D)); and

f. in the commission of the offenses, knowingly did create a grave risk of death to one or more persons in addition to McKenzie (18 U.S.C. § 3592(c)(5)).

28. Counts 6 through 8 of this Indictment are re-alleged and incorporated by reference as though fully set forth herein. As to Counts 6 through 8, alleging the murder of Dean Daniels, the defendant ERNEST WEBB, a/k/a "Ern," a/k/a "Ern Millz":

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

b. intentionally killed Daniels (18 U.S.C. § 3591(a)(2)(A));

c. intentionally inflicted serious bodily injury that resulted in the death of Daniels (18 U.S.C. § 3591(a)(2)(B));

d. intentionally participated in acts, 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 Daniels died as a direct result of such acts (18 U.S.C. § 3591(a)(2)(C));

e. intentionally and specifically engaged in acts of violence, knowing that the acts created a grave risk of death to a person, other than one of the participants in the offense, such that participation in the acts constituted a reckless disregard for human life and Daniels died as a direct result of such acts (18 U.S.C. § 3591(a)(2)(D)); and

f. in the commission of the offenses, knowingly did create a grave risk of death to one or more persons in addition to Daniels (18 U.S.C. § 3592(c)(5)).

FORFEITURE ALLEGATION AS TO COUNT ONE

29. As a result of committing the offense alleged in Count One of this Indictment, MARKEL OVERTON, a/k/a "Kellz," THOMAS BLANTON, a/k/a "LT," MARQUIS COLLIER, a/k/a "Keise," KADEEM DINHAM, a/k/a "Polo," DONNIE DIXON, a/k/a "Scooter," DAVID HARDY, a/k/a "Mooka," JERMAINE HUGHLEY, a/k/a "Blacks," RAHEEM JONES, a/k/a "Rah Trigger," a/k/a "Trigga," SINCERE SAVOY, a/k/a "Bitty," JAMAAL SINCLAIR, a/k/a "Diggz," NOEL SMITH, a/k/a "Georgie," and ERNEST WEBB, a/k/a "Ern," a/k/a "Ern Millz," the defendants, shall

forfeit to the United States, pursuant to Title 18, United States Code, Section 1963:

a. Any interest acquired or maintained in violation of Title 18, United States Code, Section 1962, which interests are subject to forfeiture to the United States pursuant to Title 18, United States Code, Section 1963(a)(1);

b. Any interest in, security of, claim against, or property or contractual right which afford a source of influence over, the enterprise named and described herein which the defendants established, operated, controlled, conducted, and participated in the conduct of, in violation of Title 18, United States Code, Section 1962, which interests, securities, claims, and rights are subject to forfeiture to the United States pursuant to Title 18, United States Code, Section 1963(a)(2); and

c. Any property constituting, or derived from, any proceeds obtained, directly or indirectly, from racketeering activity, in violation of Title 18, United States Code, Section 1962, which property is subject to forfeiture to the United States pursuant to Title 18, United States Code, Section 1963(a)(3).

FORFEITURE ALLEGATION AS TO COUNT NINE

30. As a result of committing the controlled substance offense charged in Count 9 of this Indictment, THOMAS BLANTON, a/k/a "LT," MARQUIS COLLIER, a/k/a "Keise," KADEEM DINHAM, a/k/a "Polo," DONNIE DIXON, a/k/a "Scooter," and RAHEEM JONES, a/k/a

"Rah Trigger," a/k/a "Trigga," the defendants, shall forfeit to the United States, pursuant to Title 21, United States Code, Section 853, any property constituting, or derived from, any proceeds the defendant obtained, directly or indirectly, as a result of the offense charged in Count 9, and any property used, or intended to be used, in any manner or part, to commit and to facilitate 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 the offenses alleged in Count 9.

Substitute Assets Provision

31. If any of the above-described forfeitable property, as a result of any act or omission of MARKEL OVERTON, a/k/a "Kellz," THOMAS BLANTON, a/k/a "LT," MARQUIS COLLIER, a/k/a "Keise," KADEEM DINHAM, a/k/a "Polo," DONNIE DIXON, a/k/a "Scooter," DAVID HARDY, a/k/a "Mooka," JERMAINE HUGHLEY, a/k/a "Blacks," RAHEEM JONES, a/k/a "Rah Trigger," a/k/a "Trigga," SINCERE SAVOY, a/k/a "Bitty," JAMAAL SINCLAIR, a/k/a "Diggz," NOEL SMITH, a/k/a "Georgie," and ERNEST WEBB, a/k/a "Ern," a/k/a "Ern Millz," the defendants, :

a. cannot be located upon the exercise of due diligence;

b. has been transferred or sold to, or deposited with, third person;

c. has been placed beyond the jurisdiction of the Court;

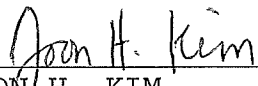
d. has been substantially diminished in value; or

e. has been commingled with other property which cannot be subdivided without difficulty;

it is the intent of the United States, pursuant to Title 18, United State Code, Section 1963(m) and Title 21, United States Code, Section 853(p), 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 1963, and Title 21, United States Code, Section 853.)





JOON H. KIM
Acting United States Attorney

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

- v. -

MARKEL OVERTON, et al.,

Defendants.

SEALED INDICTMENT

S1 17 Cr. 644 (NSR)

(18 U.S.C. §§ 924(c), 924(j),
1959(a)(1), 1959(a)(5), 1962, and 21
U.S.C. § 846.)

JOON H. KIM

Acting United States Attorney.

