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(Violent Crime in Aid of Racketeering)

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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.

#### Purposes of the MacBallas Enterprise

3. The purposes of the Enterprise included the following:

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

b. Enriching the members and associates of the Enterprise through, among other things, the distribution of narcotics, including marijuana, heroin, and cocaine base in a form commonly known as "crack."

c. Preserving and protecting the power of the Enterprise and its members and associates through acts of violence and threats of violence.

#### Means and Methods of the MacBallas Enterprise

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

a. Members and associates of the Enterprise committed, conspired, attempted, and threatened to commit acts of violence, including murder, to protect and expand the Enterprise's criminal operations, and in connection with the rivalries with members of other gangs.

b. Members and associates of the Enterprise used physical violence and threats of violence, including murder and attempted murder, against various people, including in particular rival gang members.

c. Members and associates of the Enterprise sold narcotics, including marijuana, heroin, and cocaine base in a form commonly known as "crack."

The Assault and Attempted Murder of Victim-1

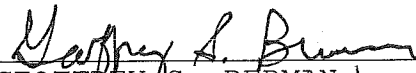

5. At all times relevant to this Indictment, the above-described Enterprise, through its members and associates, engaged in racketeering activity as defined in Title 18, United States Code, Sections 1959(b)(1) and 1961(1), namely, acts involving murder in violation of the laws of New York State, and offenses involving drug trafficking in violation of Title 21, United States Code, Sections 812, 841, and 846.

6. On or about June 7, 2017, in the Southern District of New York, KALVIN THWAITES, KENDALL NEWLAND, and ANDREW BURRELL, the defendants, 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 MacBallas, and for the purpose of gaining entrance to and maintaining and increasing position in the MacBallas, an enterprise engaged in racketeering activity, as described above, knowingly assaulted an individual with a dangerous weapon; attempted to murder an

individual; and aided and abetted the same, to wit, THWAITES, NEWLAND, and BURRELL, and others participated in a stabbing and assault of an individual ("Victim-1") inside the Vernon C. Bain Center, a New York City jail in the Bronx, New York, in violation of New York Penal Law Sections 125.25, 120.05, 110.00 and 20.00.

(Title 18, United States Code,  
Sections 1959(a)(3), (a)(5) and 2.)

  
Foreperson

  
GEOFFREY S. BERMAN   
United States Attorney

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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA

- v. -

KALVIN THWAITES,  
KENDALL NEWLAND, and  
ANDREW BURRELL,

Defendants.

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SEALED INDICTMENT

19 Cr. \_\_\_\_

(18 U.S.C. §§ 1959(a)(3), (a)(5),  
and 2.)

GEOFFREY S. BERMAN

Forepe

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