

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

- v. -

RASHAWN WHIDBEE,
a/k/a "RaBoy,"

Defendant.

SEALED INDICTMENT

19 Cr.

19 CRIM 673

COUNT ONE

The Grand Jury charges:

1. On or about September 27, 2014, in the Southern District of New York and elsewhere, RASHAWN WHIDBEE, a/k/a "RaBoy," the defendant, and others known and unknown, 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, WHIDBEE and others agreed to commit a gunpoint robbery of money belonging to a drug dealer in the vicinity of 112th Street and Madison Avenue in Manhattan, New York.

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

COUNT TWO

The Grand Jury further charges:

2. On or about September 27, 2014, in the Southern District of New York, RASHAWN WHIDBEE, a/k/a "RaBoy," the defendant, and others known and unknown, knowingly did commit and attempt to 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, WHIDBEE and others attempted to commit a gunpoint robbery of money belonging to a drug dealer, in the vicinity of 112th Street and Madison Avenue in Manhattan, New York.

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

COUNT THREE

The Grand Jury further charges:

3. On or about September 27, 2014, in the Southern District of New York, RASHAWN WHIDBEE, a/k/a "RaBoy," 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 attempted robbery charged in Count Two, willfully and knowingly 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 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 did aid and abet the same, to wit, Cody Dubose was shot and killed during an attempted robbery in the vicinity of 112th Street and Madison Avenue in Manhattan, New York.

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

FORFEITURE ALLEGATIONS

4. As a result of committing the offenses alleged in Counts One and Two of the Indictment, RASHAWN WHIDBEE, a/k/a "RaBoy," the defendant, 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 personally obtained by the defendant traceable to the commission of said offenses.

SUBSTITUTE ASSETS PROVISION

5. If any of the above-described forfeitable property, as a result of any act or omission of the defendant:

- 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

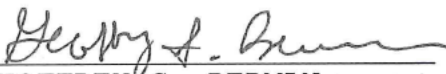

e. has been commingled with other property which

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 982;
Title 21, United States Code, Section 853; and
Title 28, United States Code, Section 2461.)


FOREPERSON


GEOFFREY S. BERMAN 
United States Attorney

Form No. USA-33s-274 (Ed. 9-25-58)

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(18 U.S.C. §§ 924(j), 1951, and 2.)

GEOFFREY S. BERMAN

United States Attorney



Foreperson
