

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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: UNITED STATES OF AMERICA :
: :
: **SEALED** :
-v.- : **SUPERSEDING** :
: **INDICTMENT** :
: ROBERT BALEY, :
: a/k/a "Dead Eye," :
AUGUSTUS INGRAM, : S4 20 Cr. 57 (GBD)
: a/k/a "Elevator," :
QUAVEON ROSS, :
: a/k/a "Bullet," :
: :
: Defendants. :
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COUNT ONE
(Racketeering Conspiracy)

The Grand Jury charges:

The Enterprise

1. At all times relevant to this Indictment, ROBERT BALEY, a/k/a "Dead Eye," AUGUSTUS INGRAM, a/k/a "Elevator," and QUAVEON ROSS, a/k/a "Bullet," the defendants, and others known and unknown, were members and associates of the 59 Brims (the "59 Brims" or the "Enterprise"), a criminal organization whose members and associates engaged in, among other activities, acts involving murder, robbery, fraud, and the distribution of controlled substances. The 59 Brims operated in and around Manhattan, the Bronx, Queens, and Brooklyn, New York.

2. The 59 Brims, including its leadership, its membership, and its 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 was engaged in, and its activities affected, interstate and foreign commerce. ROBERT BALEY, a/k/a "Dead Eye," AUGUSTS INGRAM, a/k/a "Elevator," and QUAVEON ROSS, a/k/a "Bullet," the defendants, participated in the Enterprise and participated in unlawful and other activity in furtherance of the conduct of the Enterprise's affairs.

3. Members and associates of the 59 Brims engaged in a series of violent disputes with rivals of the 59 Brims, including those within the 59 Brims who they deemed disloyal to the Enterprise. During these disputes, members and associates of the 59 Brims committed multiple murders, shootings, robberies, and assaults against their rivals and against fellow members of the 59 Brims.

4. Members and associates of the 59 Brims sold heroin, fentanyl, crack cocaine, and marijuana in and around Manhattan, Brooklyn, Queens, and the Bronx, New York.

5. Members and associates of the 59 Brims committed and agreed, attempted, and threatened to commit acts of violence to protect and expand their narcotics business, to protect fellow

members and associates of the Enterprise, to otherwise promote the standing and reputation of the 59 Brims amongst rival gangs, and to promote the standing and reputation of members of the 59 Brims. These acts of violence included acts involving murder, robbery, and assault, intended to protect the Enterprise's narcotics business, and to retaliate against members of rival gangs who had encroached on the Enterprise's narcotics business.

Purposes of the Enterprise

6. The purposes of the Enterprise included the following:
 - a. Preserving and protecting the power, territory, and profits of the Enterprise through acts involving 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 gang.
 - e. Enriching the members and associates of the Enterprise through, among other things, robbery, bank fraud, access device fraud, wire fraud, and the distribution and sale of narcotics, including heroin, fentanyl, crack cocaine, and marijuana.

f. Protecting the Enterprise and its members and associates from detection and prosecution by law enforcement authorities through acts of intimidation and violence against potential witnesses to crimes committed by members of the Enterprise.

Means and Methods of the Enterprise

7. 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, conspired, attempted, and threatened to commit acts of violence, including acts involving murder, to protect and expand the Enterprise's criminal operations, and against rival gang members.

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

c. Members and associates of the Enterprise committed, conspired, attempted, and threatened to commit acts of violence, including acts involving murder and robbery against rival gang members and other individuals.

d. Members and associates of the Enterprise promoted and celebrated, in music and on social media, the criminal

conduct of the Enterprise, namely narcotics distribution, acts involving violence, and the use of firearms.

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

f. Members and associates of the Enterprise distributed controlled substances, including heroin, fentanyl, crack cocaine, and marijuana.

g. Members and associates of the Enterprise committed bank fraud and wire fraud by depositing checks containing false information into bank accounts controlled by members and associates of the Enterprise and transferring money from those bank accounts and committed access device fraud by using credit and debit cards belonging to others.

The Racketeering Conspiracy

8. From at least in or about 2011, up to and including February 2020, in the Southern District of New York and elsewhere, ROBERT BAILEY, a/k/a "Dead Eye," AUGUSTS INGRAM, a/k/a "Elevator," and QUAVEON ROSS, a/k/a "Bullet," the defendants, and others known and unknown, being persons employed by and associated with the Enterprise described in paragraphs 1 through 7 of this Indictment, namely, the 59 Brims, which enterprise engaged in, and the activities of which affected, interstate and foreign commerce, 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 59 Brims through a pattern of racketeering activity, as that term is defined in Title 18, United States Code, Sections 1961(1) and 1961(5), consisting of:

a. multiple 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. multiple acts involving robbery, chargeable under the following provisions of state law: New York Penal Law, Sections 160.00, 160.05, 160.10, 160.15 (robbery), 105.10 (conspiracy), 110.00 (attempt), and 20.00 (aiding and abetting);

c. multiple acts indictable under Title 18, United States Code, Section 1951 (relating to Hobbs Act robbery);

d. multiple acts indictable under Title 18, United States Code, Sections 1029 (access device fraud), 1343 (wire fraud), and 1344 (bank fraud); and

e. multiple offenses involving the distribution of controlled substances, including, heroin, fentanyl, crack cocaine, and marijuana in violation of laws of the United States, namely Title 21, United States Code, Sections 812,

841(a)(1), 841(b)(1)(A), 841(b)(1)(C), 841(b)(1)(D), and 846, and Title 18, United States Code, Section 2.

9. It was a part of the conspiracy that each defendant 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. From at least in or about 2011, up to and including in or about February 2020, in the Southern District of New York and elsewhere, ROBERT BALEY, a/k/a "Dead Eye," AUGUSTS INGRAM, a/k/a "Elevator," and QUAVEON ROSS, a/k/a "Bullet," 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.

11. It was a part and an object of the conspiracy that ROBERT BALEY, a/k/a "Dead Eye," AUGUSTS INGRAM, a/k/a "Elevator," and QUAVEON ROSS, a/k/a "Bullet," 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).

12. The controlled substances that ROBERT BALEY, a/k/a "Dead Eye," AUGUSTS INGRAM, a/k/a "Elevator," and QUAVEON ROSS, a/k/a "Bullet," the defendants, conspired to distribute and possess with intent to distribute were: (i) one kilogram and

more of mixtures and substances containing a detectable amount of heroin, in violation of Title 21, United States Code, Section 841(b)(1)(A); (ii) 400 grams and more of mixtures and substances containing a detectable amount of fentanyl, in violation of Title 21, United States Code, Section 841(b)(1)(A); and (iii) 280 grams and more of mixtures and substances containing a detectable amount of cocaine base in a form commonly known as "crack cocaine," in violation of Title 21, United States Code, Section 841(b)(1)(A), all in violation of Title 21, United States Code, Section 846.

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

COUNT TWO
(Narcotics Conspiracy)

The Grand Jury further charges:

13. From at least in or about 2011, up to and including February 2020, in the Southern District of New York and elsewhere, ROBERT BALEY, a/k/a "Dead Eye," AUGUSTS INGRAM, a/k/a "Elevator," and QUAVEON ROSS, a/k/a "Bullet," 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.

14. It was a part and an object of the conspiracy that ROBERT BALEY, a/k/a "Dead Eye," AUGUSTS INGRAM, a/k/a "Elevator," and QUAVEON ROSS, a/k/a "Bullet," 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).

15. The controlled substances that ROBERT BALEY, a/k/a "Dead Eye," AUGUSTS INGRAM, a/k/a "Elevator," and QUAVEON ROSS, a/k/a "Bullet," the defendants, conspired to distribute and possess with intent to distribute were: (i) one kilogram and more of mixtures and substances containing a detectable amount of heroin, in violation of Title 21, United States Code, Section 841(b)(1)(A); (ii) 400 grams and more of mixtures and substances containing a detectable amount of fentanyl, in violation of Title 21, United States Code, Section 841(b)(1)(A); (iii) 280 grams and more of mixtures and substances containing a detectable amount of cocaine base in a form commonly known as "crack cocaine," in violation of Title 21, United States Code, Section 841(b)(1)(A); and (iv) mixtures and substances containing a detectable amount of marijuana, in violation of Title 21, United States Code, Section 841(b)(1)(D).

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

COUNT THREE

(Possession of a Firearm During a Drug Trafficking Crime)

The Grand Jury further charges:

16. Between in or about 2016 and February 2020, in the Southern District of New York and elsewhere, ROBERT BALEY, a/k/a

"Dead Eye," AUGUSTS INGRAM, a/k/a "Elevator," and QUAVEON ROSS, a/k/a "Bullet," the defendants, during and in relation to a drug trafficking offense for which they may be prosecuted in a court of the United States, namely, the conspiracy to distribute and possess with intent to distribute controlled substances as charged in Count Two of this Indictment, knowingly did use and carry a firearm, and in furtherance of such drug trafficking offense, did possess a firearm, and did aid and abet the use, carrying, and possession of a firearm.

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

FORFEITURE ALLEGATIONS

17. As a result of committing the offense alleged in Count One of this Indictment, ROBERT BALEY, a/k/a "Dead Eye," AUGUSTS INGRAM, a/k/a "Elevator," and QUAVEON ROSS, a/k/a "Bullet," the defendants, shall forfeit to the United States, pursuant to Title 18, United States Code, Section 1963, any and all interests the defendants acquired or maintained in violation of Title 18, United States Code, Section 1962; any and all interests in, securities of, claims against, and property or contractual rights of any kind affording a source of influence over, the enterprise named and described herein which the defendant established, operated, controlled, conducted, and participated in the conduct of, in violation of Title 18, United

States Code, Section 1962; and any and all property constituting and derived from proceeds obtained, directly and indirectly, from the racketeering activity alleged in Count One of this Indictment, 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 that the defendants personally obtained.

18. As a result of committing the offense charged in Count Two of this Indictment, ROBERT BAILEY, a/k/a "Dead Eye," AUGUSTS INGRAM, a/k/a "Elevator," and QUAVEON ROSS, a/k/a "Bullet," the defendants, 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 that the defendant personally obtained.

Substitute Assets Provision

19. If any of the property described above as subject to forfeiture, as a result of any act or omission of the above-named 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 18, United States Code, Section 1963(m), 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 defendants up to the value of the above forfeitable property.

(Title 18, United States Code, Sections 981 and 1963;
Title 21, United States Code, Section 853; and
Title 28, United States Code, Section 2461.)



Audrey Strauss

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Acting United States Attorney

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

- v. -

ROBERT BALEY, a/k/a "Dead Eye," AUGUSTS
INGRAM, a/k/a "Elevator," and QUAVEON
ROSS, a/k/a "Bullet,"

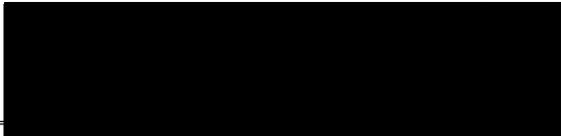
Defendants.

SEALED
SUPERSEDING INDICTMENT

S4 20 Cr. 57 (GBD)

(18 U.S.C. §§ 924(c),
1962, and 2; 21 U.S.C. § 846.)

AUDREY STRAUSS
Acting United States
Attorney.



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