

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

- - - - - X
UNITED STATES OF AMERICA :
 :
 - v. - :
 :
 KAI JOHNSON, :
 :
 Defendant. :
 - - - - - X

SEALED INDICTMENT

22 Cr.

22 CRIM 191

COUNT ONE
(Racketeering Conspiracy)

The Grand Jury charges:

1. At all times relevant to this Indictment, KAI JOHNSON, the defendant, and others known and unknown, were members and associates of the Stevenson Commons Crew (the "Stevenson Commons Crew" or the "Enterprise"), a criminal organization whose members and associates engaged in, among other activities, acts involving murder, assault, and narcotics trafficking. The Stevenson Commons Crew operated principally in and around the Soundview neighborhood of the Bronx, New York.

2. The Stevenson Commons Crew, 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 Stevenson Commons Crew constituted an ongoing organization whose members functioned as a continuing

unit for a common purpose of achieving the objectives of the Stevenson Commons Crew. At all times relevant to this Indictment, the Stevenson Commons Crew was engaged in, and its activities affected, interstate and foreign commerce.

3. KAI JOHNSON, the defendant, participated in the operation of the Stevenson Commons Crew, and participated in unlawful and other activities in furtherance of the conduct of the Stevenson Commons Crew's affairs.

PURPOSES OF THE STEVENSON COMMONS CREW

4. The purposes of the Stevenson Commons Crew included the following:

a. Preserving and protecting the power and territory of the Stevenson Commons Crew and its members and associates through acts involving murder, assault, other acts of violence, and threats of violence.

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

c. Promoting and enhancing the Stevenson Commons Crew and the activities of its members and associates.

MEANS AND METHODS OF THE STEVENSON COMMONS CREW

5. Among the means and methods employed by the members and associates in conducting and participating in the conduct of the affairs of the Stevenson Commons Crew were the following:

a. Members and associates of the Stevenson Commons Crew committed and conspired, attempted, and threatened to commit, acts of violence, including acts involving murder and assault, to protect and to expand the Stevenson Commons Crew's criminal operations, and to retaliate against rival street gangs.

b. Members and associates of the Stevenson Commons Crew sold narcotics, including heroin, cocaine base in a form commonly known as "crack," oxycodone, and marijuana.

c. Members and associates of the Stevenson Commons Crew obtained, possessed, and used firearms and ammunition.

THE RACKETEERING CONSPIRACY

6. From at least in or about 2014, up to and including in or about August 2021, in the Southern District of New York and elsewhere, KAI JOHNSON, the defendant, and others known and unknown, being persons employed by and associated with the racketeering enterprise described in Paragraphs One through Five of this Indictment, namely, the Stevenson Commons Crew, 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, Title 18, United States Code, Section 1962(c), that is, to conduct and participate, directly and indirectly, in the conduct of the affairs of the Stevenson Commons Crew 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, 125.27 (murder), 105.15 (conspiracy to commit murder), 110.00 (attempted murder), and 20.00 (aiding and abetting);

b. multiple offenses involving the distribution of controlled substances, including heroin, cocaine base in a form commonly known as "crack," oxycodone, and marijuana chargeable under Title 21, United States Code, Sections 841(a)(1) (distribution and possession with intent to distribute) and 846 (conspiracy), and Title 18, United States Code, Section 2 (aiding and abetting).

7. It was a part of the conspiracy that the defendant agreed that a conspirator would commit at least two acts of racketeering activity in the conduct of the affairs of the Stevenson Commons Crew.

NOTICE OF SPECIAL SENTENCING FACTORS

8. On or about August 31, 2021, in the Southern District of New York, KAI JOHNSON, the defendant, and others known and unknown, knowingly murdered Price Tunstall, in that, 1) with the intent to cause the death of Price Tunstall, JOHNSON caused the death of Price Tunstall; and, 2) under circumstances evincing a depraved indifference to human life, JOHNSON did recklessly engage in conduct which created a grave risk of death to another person, and thereby caused the death of Price Tunstall, to wit, JOHNSON shot and killed Price Tunstall in the vicinity of 805 Taylor Avenue in the Bronx, New York, in violation of New York Penal Law, Sections 125.27, 125.25 and 20.00.

9. On or about August 31, 2021, in the Southern District of New York, KAI JOHNSON, the defendant, and others known and unknown, knowingly murdered Malik Tunstall, in that, 1) with the intent to cause the death of Malik Tunstall, JOHNSON caused the death of Malik Tunstall; and, 2) under circumstances evincing a depraved indifference to human life, JOHNSON did recklessly engage in conduct which created a grave risk of death to another person, and thereby caused the death of Malik Tunstall, to wit, JOHNSON shot and killed Malik Tunstall in the vicinity of 805 Taylor Avenue in the Bronx, New York, in violation of New York Penal Law, Sections 125.27, 125.25 and 20.00

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

COUNT TWO
(Violent Crime in Aid of Racketeering - Price Tunstall)

The Grand Jury further charges:

10. At all times relevant to this Indictment, the Stevenson Commons Crew, as described in Paragraphs One through Five of Count One of this Indictment, which are repeated and incorporated by reference as though fully set forth herein, including its leadership, members, and associates, constituted an enterprise, as that term is defined in Title 18, United States Code, Section 1959(b)(2), that is, an association in fact of individuals which is engaged in, and the activities of which affected, interstate and foreign commerce. The Stevenson Commons Crew constituted an ongoing organization whose members functioned as a continuing unit for a common purpose of achieving the objectives of the Stevenson Commons Crew.

11. At all relevant times to this Indictment, the Stevenson Commons Crew, through its members and associates, engaged in racketeering activity, as that term is defined in Title 18, United States Code, Sections 1961(1) and 1959(b)(1), namely acts involving murder, in violation of New York Penal Law, and offenses involving narcotics trafficking, in violation of Title 21, United States Code, Sections 812, 841, and 846.

12. On or about August 31, 2021, in the Southern District of New York, KAI JOHNSON, the defendant, 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 Stevenson Commons Crew, and for the purpose of gaining entrance to and maintaining and increasing position in the Stevenson Commons Crew, an enterprise engaged in racketeering activity, as described above, knowingly murdered Price Tunstall, and aided and abetted the same in that, 1) with the intent to cause the death of Price Tunstall, JOHNSON caused the death of Price Tunstall, and, 2) under circumstances evincing a depraved indifference to human life, JOHNSON did recklessly engage in conduct which created a grave risk of death to another person, and thereby caused the death of Price Tunstall, to wit, JOHNSON shot and killed Price Tunstall in the vicinity of 805 Taylor Avenue in the Bronx, New York, in violation of New York Penal Law, Sections 125.27, 125.25 and 20.00.

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

COUNT THREE

(Violent Crime in Aid of Racketeering - Malik Tunstall)

The Grand Jury further charges:

13. At all times relevant to this Indictment, the Stevenson Commons Crew, as described in Paragraphs One through Five of Count One of this Indictment, which are repeated and incorporated by reference as though fully set forth herein, including its leadership, members, and associates, constituted an

enterprise, as that term is defined in Title 18, United States Code, Section 1959(b)(2), that is, an association in fact of individuals which is engaged in, and the activities of which affected, interstate and foreign commerce. The Stevenson Commons Crew constituted an ongoing organization whose members functioned as a continuing unit for a common purpose of achieving the objectives of the Stevenson Commons Crew.

14. At all relevant times to this Indictment, the Stevenson Commons Crew, through its members and associates, engaged in racketeering activity, as that term is defined in Title 18, United States Code, Sections 1961(1) and 1959(b)(1), namely acts involving murder, in violation of New York Penal Law, and offenses involving narcotics trafficking, in violation of Title 21, United States Code, Sections 812, 841, and 846.

15. On or about August 31, 2021, in the Southern District of New York, KAI JOHNSON, the defendant, 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 Stevenson Commons Crew, and for the purpose of gaining entrance to and maintaining and increasing position in the Stevenson Commons Crew, an enterprise engaged in racketeering activity, as described above, knowingly murdered Malik Tunstall, and aided and abetted the same, in that, 1) with the intent to cause the death of Malik Tunstall, JOHNSON caused

the death of Malik Tunstall, and, 2) under circumstances evincing a depraved indifference to human life, JOHNSON did recklessly engage in conduct which created a grave risk of death to another person, and thereby caused the death of Malik Tunstall, to wit, JOHNSON shot and killed Malik Tunstall in the vicinity of 805 Taylor Avenue in the Bronx, New York, in violation of New York Penal Law, Sections 125.27, 125.25 and 20.00.

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

COUNT FOUR

(Murder Through the Use of a Firearm - Price Tunstall)

The Grand Jury further charges:

16. On or about August 31, 2021, in the Southern District of New York, KAI JOHNSON, the defendant, willfully and knowingly, during and in relation to a crime of violence for which he may be prosecuted in a court of the United States, namely, the violent crime in aid of racketeering charged in Count Two of this Indictment, did use and carry firearms, and, in furtherance of such crime, did possess firearms, 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), and did aid and abet the same, to wit, JOHNSON shot and killed Price Tunstall in the vicinity of 805 Taylor Avenue in the Bronx, New York.

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

COUNT FIVE
(Murder Through the Use of a Firearm - Malik Tunstall)

The Grand Jury further charges:

17. On or about August 31, 2021, in the Southern District of New York, KAI JOHNSON, the defendant, willfully and knowingly, during and in relation to a crime of violence for which he may be prosecuted in a court of the United States, namely, the violent crime in aid of racketeering charged in Count Three of this Indictment, did use and carry firearms, and, in furtherance of such crime, did possess firearms, 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), and did aid and abet the same, to wit, JOHNSON shot and killed Malik Tunstall in the vicinity of 805 Taylor Avenue in the Bronx, New York.

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

SPECIAL FINDINGS AS TO KAI JOHNSON
REGARDING THE MURDER OF PRICE TUNSTALL

18. Counts Two and Four of the Indictment are realleged and incorporated by reference as though fully set forth herein. As to Counts Two and Four of the Indictment, alleging the murder of Price Tunstall, KAI JOHNSON, the defendant:

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

b. intentionally killed the victim (Title 18, United States Code, Section 3591(a)(2)(A));

c. intentionally inflicted serious bodily injury that resulted in the death of the victim (Title 18, United States Code, Section 3591(a)(2)(B);

d. intentionally participated in an act, contemplating that the life of a person would be taken and intending that lethal force would be used in connection with a person, other than one of the participants in the offenses, and Price Tunstall died as a direct result of the act (Title 18, United States Code, Section 3591 (a) (2) (C)); and,

e. intentionally and specifically engaged in an act of violence, knowing that the act created a grave risk of death to a person, other than one of the participants in the offenses, such that participation in the act constituted a reckless disregard for human life and the victim died as a direct result of the act. (Title 18, United States Code, Section 3591(a)(2)(D)).

SPECIAL FINDINGS AS TO KAI JOHNSON
REGARDING THE MURDER OF MALIK TUNSTALL

19. Counts Three and Five of the Indictment are realleged and incorporated by reference as though fully set forth herein. As to Counts Three and Five of the Indictment, alleging the murder of Malik Tunstall, KAI JOHNSON, the defendant:

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

b. intentionally killed the victim (Title 18, United States Code, Section 3591(a)(2)(A));

c. intentionally inflicted serious bodily injury that resulted in the death of the victim (Title 18, United States Code, Section 3591(a)(2)(B);

d. intentionally participated in an act, contemplating that the life of a person would be taken and intending that lethal force would be used in connection with a person, other than one of the participants in the offenses, and Price Tunstall died as a direct result of the act (Title 18, United States Code, Section 3591 (a) (2) (C)); and,

e. intentionally and specifically engaged in an act of violence, knowing that the act created a grave risk of death to a person, other than one of the participants in the offenses, such that participation in the act constituted a reckless disregard

for human life and the victim died as a direct result of the act.
(Title 18, United States Code, Section 3591(a)(2)(D)).

COUNT SIX
(Felon in Possession of Ammunition)

The Grand Jury further charges:

20. On or about August 31, 2021, in the Southern District of New York and elsewhere, KAI JOHNSON, the defendant, knowing that he had previously been convicted in a court of a crime punishable by imprisonment for a term exceeding one year, knowingly did possess ammunition, to wit, three .380 Blazer shell casings that JOHNSON discharged during a shooting in the vicinity of 805 Taylor Avenue, in the Bronx, New York, and the ammunition was in and affecting commerce.

(Title 18, United States Code, Sections 922(g)(1),
924(a)(2), and 2.)

COUNT SEVEN
(Violent Crime in Aid of Racketeering - April 4, 2021)

The Grand Jury further charges:

21. At all times relevant to this Indictment, the Stevenson Commons Crew, as described in Paragraphs One through Five of Count One of this Indictment, which are repeated and incorporated by reference as though fully set forth herein, including its leadership, members, and associates, constituted an enterprise, as that term is defined in Title 18, United States Code, Section 1959(b)(2), that is, an association in fact of

individuals which is engaged in, and the activities of which affected, interstate and foreign commerce. The Stevenson Commons Crew constituted an ongoing organization whose members functioned as a continuing unit for a common purpose of achieving the objectives of the Stevenson Commons Crew.

22. At all relevant times to this Indictment, the Stevenson Commons Crew, through its members and associates, engaged in racketeering activity, as that term is defined in Title 18, United States Code, Sections 1961(1) and 1959(b)(1), namely acts involving murder, in violation of New York Penal Law, and offenses involving narcotics trafficking, in violation of Title 21, United States Code, Sections 812, 841, and 846.

23. On or about April 4, 2021, in the Southern District of New York and elsewhere, KAI JOHNSON, the defendant, 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 Stevenson Commons Crew, and for the purpose of gaining entrance to and maintaining and increasing position in the Stevenson Commons Crew, an enterprise engaged in racketeering activity, as described above, knowingly assaulted an individual with a dangerous weapon and attempted to murder an individual, and aided and abetted the same, to wit, JOHNSON shot at rival gang members in the vicinity of 877 Taylor Avenue in the Bronx, New York, which resulted in a 16-year old being grazed in

the head with a bullet, in violation of New York Penal Law, Sections 120.05, 125.25, 110.00, and 20.00.

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

COUNT EIGHT
(Firearm Offense - April 4, 2021)

The Grand Jury further charges:

24. On or about April 4, 2021, in the Southern District of New York, KAI JOHNSON, 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 violent crime in aid of racketeering charged in Count Seven of this Indictment, knowingly did use and carry a firearm, and in furtherance of such crime, did possess a firearm, which was brandished and discharged, and did aid and abet the same.

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

COUNT NINE
(Felon in Possession of Ammunition)

The Grand Jury further charges:

25. On or about April 4, 2021, in the Southern District of New York and elsewhere, KAI JOHNSON, the defendant, knowing that he had previously been convicted in a court of a crime punishable by imprisonment for a term exceeding one year, knowingly did possess ammunition, to wit, nine .40 caliber shell casings that JOHNSON discharged during a shooting in the vicinity of 877

Taylor Avenue, in the Bronx, New York, and the ammunition was in and affecting commerce.

(Title 18, United States Code, Sections 922(g)(1),
924(a)(2), and 2.)

FORFEITURE ALLEGATION AS TO COUNT ONE

26. As a result of committing the offense alleged in Count One of this Indictment, KAI JOHNSON, the defendant, shall forfeit to the United States, pursuant to Title 18, United States Code, Section 1963:

a. any interest acquired and 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, claims against, and property and contractual rights of any kind affording a source of influence over, the enterprise which the defendant has 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 and derived from any proceeds which the defendant obtained, directly and 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).

Substitute Assets Provision

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

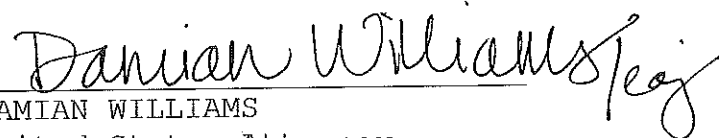
- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third person;
- c. has been placed beyond the jurisdiction of the Court;
- d. has been substantially diminished in value; or
- e. has been commingled with other property which cannot be subdivided without difficulty;

it is the intent of the United States, pursuant to Title 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 defendant up to the value of the above forfeitable property.

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



GRAND JURY FOREPERSON


DAMIAN WILLIAMS

United States Attorney.

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SEALED INDICTMENT

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(18 U.S.C. §§ 922(g), 924(c), 924(j),
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DAMIAN WILLIAMS

United States Attorney


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