

IN THE DISTRICT COURT OF THE UNITED STATES

For the Western District of New York

**NOVEMBER 2011 GRAND JURY
(Impaneled 11/04/11)**

**FOURTH
SUPERSEDING INDICTMENT**

THE UNITED STATES OF AMERICA

-vs-

12-CR-103-S

**KENNETH PETTWAY, JR. a/k/a KPJ
(Counts 1, 2, 27 – 31),
DEMETRIUS BLACK a/k/a Dee Black
(Counts 27 – 30),
TYRONE BROWN a/k/a Ty Boog
(Counts 1, 2, 6 – 12, 25 - 27),
TARIQ BROWN a/k/a Tyriq Brown a/k/a
Reek a/k/a Reek Havick Boog a/k/a Lil Boog
(Counts 1, 2, 10 - 12, 16 - 21, 34-38),
QUINTON THOMPSON a/k/a Q
(Counts 22 - 24),
EDDIE ALLEN a/k/a Pow Pow a/k/a Bundles
(Counts 1, 2, 13 - 15, 25, 26),
MONTELL JONES a/k/a Telly
(Counts 10 – 12),
RAYMEL WEEDEN a/k/a Ray Deuce
(Counts 32-33),
RAYSHOD WASHINGTON a/k/a Shoddy
(Counts 1, 2, 32, 33), and
DERRICK RAMOS a/k/a Little D
(Counts 3 - 5)**

Violations:

Title 18, United States Code,
Sections 1962(c), 1962(d), 1959(a)(1),
1959(a) (3), 1959(a)(5), 1959(a)(6),
924(c)(1), 924(j) and 922(g)(1);
Title 21, United States Code, Sections
841(a)(1) and 846

(38 Counts and Forfeiture Allegation)

INTRODUCTION TO COUNTS 1 AND 2

The Grand Jury Charges That:

At all times material to Counts 1 and 2,

A. **THE ENTERPRISE:** The defendants KENNETH PETTWAY, JR. a/k/a KPJ, TYRONE BROWN a/k/a Ty Boog, TARIQ BROWN a/k/a Tyriq Brown a/k/a Reek a/k/a Reek Havick Boog a/k/a Lil Boog, EDDIE ALLEN a/k/a Pow Pow a/k/a Bundles and RAYSHOD WASHINGTON a/k/a Shoddy, together with others, both known and unknown, were members and associates of the Bailey Boys, a criminal organization whose members and associates engaged in narcotics trafficking, robberies and violent acts, including acts involving murder. The Bailey Boys, including its leadership, members and associates, constituted an enterprise as that term is defined in Section 1961(4) of Title 18 of the United States Code; namely a group of individuals associated in fact for which the members and associates of the enterprise variously referred to themselves by, among other names, "the Bailey Boys," "Bailey and Minnesota," and "Six-Deuce," and which are hereinafter referred to as "the Bailey Boys Enterprise." The Bailey Boys Enterprise, which was and is a violent street gang, constituted an ongoing organization whose members functioned as a continuing unit for the common purpose of achieving the objectives of the enterprise. This enterprise was engaged in, and its activities affected, interstate and foreign commerce.

B. **PURPOSES OF THE ENTERPRISE:** One purpose of the enterprise was to control all criminal activity in an area of the City of Buffalo, New York bounded roughly by Winspear, the Kensington Expressway (Route 33), Eggert Road and Main Street ("the gang's territory"). Another purpose was to make money by both distributing controlled substances and committing robberies of non-gang members found in or near the gang's territory. The enterprise also sought to protect the gang's territory and its reputation by committing acts of violence, including murder, against non-members of the Bailey Boys Enterprise. In addition, the enterprise committed acts of violence against individuals who engaged in or attempted to engage in criminal activity in the gang's territory and acts of violence against anyone who committed any act that the members of the Bailey Boys Enterprise viewed as a threat or an insult to the enterprise or to an individual member of the enterprise.

C. **THE ENTERPRISE'S MEANS AND METHODS:** The defendants and other members and associates of the Bailey Boys Enterprise conducted and participated in the conduct of the affairs of the enterprise by:

1. Obtaining and then distributing marijuana, heroin, cocaine and cocaine base (also known as "crack") in the gang's territory to enrich members of the Bailey Boys Enterprise;

2. Robbing individuals in order to obtain their money and their valuables, also to enrich members of the Bailey Boys Enterprise; and

3. Committing acts of violence including conspiring to murder, attempting to murder and murdering members of rival gangs and non-members of the Bailey Boys Enterprise to avenge acts of violence perpetrated against members of the Bailey Boys Enterprise and committing these same acts of violence against individuals who engaged in or attempted to engage in criminal activity in the gang's territory and against anyone who committed any act that the members of the Bailey Boys Enterprise viewed as a threat or an insult to the enterprise or to an individual member of the enterprise.

COUNT 1
(Racketeering)

The Grand Jury Further Charges That:

A-C. Paragraphs A-C, inclusive, of the Introduction to Counts 1 and 2 are incorporated herein by reference and re-alleged as if more fully set forth herein.

D. **THE RACKETEERING VIOLATION:** Beginning sometime in 2004, the exact date being unknown, and continuing thereafter to the date of the return of this Fourth Superseding Indictment, in the Western District of New York, and elsewhere, the defendants, KENNETH PETTWAY, JR. a/k/a KPJ, TYRONE BROWN a/k/a Ty Boog, TARIQ BROWN a/k/a Tyriq Brown a/k/a Reek a/k/a Reek Havick Boog a/k/a Lil Boog, EDDIE ALLEN a/k/a Pow Pow a/k/a Bundles, RAYSHOD WASHINGTON a/k/a Shoddy, together with others, both known and unknown to the grand jury, being persons employed by and associated with the Bailey Boys Enterprise, which enterprise was engaged in, and the activities of which affected, interstate and foreign commerce, did unlawfully and knowingly conduct and participate, directly and indirectly, in the conduct of the affairs of the enterprise through a pattern of racketeering activity as defined in Title 18, United States Code Sections 1961(1) and 1961(5), and consisting of the following acts:

First Racketeering Act
An Act Involving Controlled Substances
Conspiracy to Distribute Cocaine Base

Beginning sometime in 2010, and continuing sometime into late 2011, the exact dates being unknown, in the Western District of New York, and elsewhere, the defendants, KENNETH PETTWAY, JR. a/k/a KPJ, and TYRONE BROWN a/k/a Ty Boog, together with Demetrius Black a/k/a Dee Black, who is named in this racketeering act as a co-conspirator but not charged, did knowingly, willfully and

unlawfully combine, conspire and agree together and with others, known and unknown, to possess with the intent to distribute, and to distribute, 280 grams or more of a mixture and substance containing cocaine base, a Schedule II controlled substance, in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(A), all in violation of Title 21, United States Code, Section 846.

Second Racketeering Act - An Act Involving Murder
The Murder of Harold McCain

On or about January 19, 2011, in Buffalo, New York, in the Western District of New York, the defendant, TYRONE BROWN a/k/a Ty Boog, committed an act involving murder, that is, with the intent to cause the death of Harold McCain, caused the death of Harold McCain by shooting him, in violation of New York Penal Law, Section 125.25(1).

Third Racketeering Act - An Act Involving Murder
The Murder of Kevin Wilkins

On or about June 14, 2011, in Buffalo, New York, in the Western District of New York, the defendant, TYRONE BROWN a/k/a Ty Boog, aided and abetted by others known and unknown, committed an act involving murder, that is, with the intent to cause the death of another, caused the death of Kevin Wilkins by shooting him, in violation of New York Penal Law, Sections 125.25(1) and 20.

Fourth Racketeering Act - An Act Involving Murder
The Attempted Murder of Victim 3

On or about June 28, 2011, in Buffalo, New York, in the Western District of New York, the defendants, TYRONE BROWN a/k/a Ty Boog, and TARIQ BROWN a/k/a Tyriq Brown a/k/a Reek a/k/a Reek Havick Boog a/k/a Lil Boog, aided and abetted by one another and by Montell Jones a/k/a Telly, who is named in this racketeering act as an aider and abettor but not charged, committed an act involving murder, that is, they unlawfully and knowingly attempted to intentionally cause the death of Victim 3, an individual whose identity is known, by shooting him, in violation of New York Penal Law, Sections 110, 125.25(1) and 20.

Fifth Racketeering Act - An Act Involving Murder
The Attempted Murders of Victims 4, 5 and 6

On or about July 9, 2011, in Buffalo, New York, in the Western District of New York, the defendant, EDDIE ALLEN a/k/a Pow Pow a/k/a Bundles, aided and abetted by others whose identities are both known and unknown, committed an act involving murder, that is, he unlawfully and knowingly attempted to intentionally cause the death of Victims 4, 5 and 6, three individuals whose identities are known, by shooting them, in violation of New York Penal Law, Sections 110, 125.25(1) and 20.

Sixth Racketeering Act - An Act Involving Murder
The Attempted Murder of Victim 7

On or about July 23, 2011, in Buffalo, New York, in the Western District of New York, the defendant, TARIQ BROWN a/k/a Tyriq Brown a/k/a Reek a/k/a Reek Havick Boog a/k/a Lil Boog, committed an act involving murder, that is, he unlawfully and knowingly attempted to intentionally cause the death of Victim 7, an individual whose identity is known, by shooting him, in violation of New York Penal Law, Sections 110 and 125.25(1).

Seventh Racketeering Act - An Act Involving Murder
The Attempted Murder of Victim 8

On or about July 29, 2011, in Buffalo, New York, in the Western District of New York, the defendant, TARIQ BROWN a/k/a Tyriq Brown a/k/a Reek a/k/a Reek Havick Boog a/k/a Lil Boog, committed an act involving murder, that is, he unlawfully and knowingly attempted to intentionally cause the death of Victim 8, an individual whose identity is known, by shooting him, in violation of New York Penal Law, Sections 110 and 125.25(1).

Eighth Racketeering Act - An Act Involving Robbery and Murder
The Robbery of and the Attempted Murder of Victim 10

For the Eighth Racketeering Act, the defendants, TYRONE BROWN a/k/a Ty Boog, and EDDIE ALLEN a/k/a Pow Pow a/k/a Bundles,

committed the following acts, any one of which alone constitutes the commission of the Eighth Racketeering Act:

A. Conspiracy to Commit Robbery

On or about November 19, 2011, in Buffalo, New York, in the Western District of New York, the defendants, TYRONE BROWN a/k/a Ty Boog, and EDDIE ALLEN a/k/a Pow Pow a/k/a Bundles, and others, both known and unknown, committed an act involving robbery, that is, they knowingly combined, conspired, confederated and agreed together, with each other and with others to commit a violation of New York Penal Law, Sections 160.10(1), 160.10(2)(a) and 160.10(2)(b) by forcibly stealing property from Victim 10, an individual whose identity is known, and in the course of the commission of said crime and in the course of immediate flight therefrom, caused physical injury to Victim 10 who was not a participant in the robbery; and displayed what appeared to be a pistol or revolver or other firearm.

In furtherance of said conspiracy and in order to effect its purpose and object:

1. On or about November 19, 2011, defendant TYRONE BROWN provided a handgun to defendant EDDIE ALLEN.

2. On or about November 19, 2011, defendants TYRONE BROWN and EDDIE ALLEN went to a house party at 96 Rounds in the City of Buffalo.

3. On or about November 19, 2011, while at 96 Rounds, defendant EDDIE ALLEN used the handgun defendant TYRONE BROWN provided to him to threaten, rob and shoot Victim 10.

In violation of New York Penal Law, Sections 105.10, 160.10(1), 160.10(2)(a) and 160.10(2)(b).

B. Robbery

On or about November 19, 2011, in Buffalo, New York, in the Western District of New York, the defendants, TYRONE BROWN a/k/a Ty Boog, and EDDIE ALLEN a/k/a Pow Pow a/k/a Bundles, committed an act involving robbery, that is, aided and abetted by one another and by others, both known and unknown, the defendants did forcibly steal property from Victim 10, an individual whose identity is known, and in the course of the commission of said crime and in the course of immediate flight therefrom, caused physical injury to Victim 10, who was not a participant in the robbery, and displayed what appeared to be a pistol or revolver or other firearm, in violation of New York Penal Law, Sections 160.10(1), 160.10(2)(a), 160.10(2)(b) and 20.00.

C. Attempted Murder

On or about November 19, 2011, in Buffalo, New York, in the Western District of New York, the defendants, TYRONE BROWN a/k/a Ty Boog, and EDDIE ALLEN a/k/a Pow Pow a/k/a Bundles, aided and abetted by one another and by others known and unknown, committed an act involving murder, that is, they unlawfully and knowingly attempted to intentionally cause the death of Victim 10, an individual whose identity is known, by shooting him, in violation of New York Penal Law, Sections 110, 125.25(1) and 20.

Ninth Racketeering Act
An Act Involving Controlled Substances
Possession of Cocaine and Heroin with Intent to Distribute

On or about January 18, 2012, in the Western District of New York, the defendant, KENNETH PETTWAY, JR. a/k/a KPJ, together with Demetrius Black a/k/a Dee Black, who is named in this racketeering act as an aider and abettor but not charged, did knowingly, intentionally and unlawfully possess with the intent to distribute a mixture and substance containing heroin, a Schedule I controlled substance, and a mixture and substance containing cocaine, a Schedule II controlled substance, in violation of Title 21, United States Code, Section 841(a)(1) and Title 18, United States Code, Section 2.

Tenth Racketeering Act - An Act Involving Robbery
The Robbery of Victim 11

For the Tenth Racketeering Act, the defendant, RAYSHOD WASHINGTON a/k/a Shoddy, committed the following acts, either one of which alone constitutes the commission of the Tenth Racketeering Act:

A. Conspiracy to Commit Robbery

On or about January 27, 2012, in Buffalo, New York, in the Western District of New York, the defendant, RAYSHOD WASHINGTON a/k/a Shoddy, together with Terrence Boyd, who is named herein as a co-conspirator but not charged, and another whose identity is known, committed an act involving robbery, that is, they knowingly combined, conspired, confederated and agreed together, with each other and with others to commit a violation of New York Penal Law, Sections 160.10(1) and 160.10(2)(b), by forcibly stealing property from Victim 11, an individual whose identity is known, and in the course of the commission of said crime and in the course of immediate flight therefrom displayed what appeared to be a pistol or revolver or other firearm.

In furtherance of said conspiracy and in order to effect its purpose and object:

1. On or about January 27, 2012, defendant, RAYSHOD WASHINGTON provided a handgun to Terrence Boyd and told Boyd to "get him" (Victim 11).

2. Within a short period of time after defendant RAYSHOD WASHINGTON provided a handgun to Terrence Boyd, Boyd pointed the handgun at Victim 11 and forced Victim 11 to give him money.

3. Simultaneously with Terrence Boyd pointing the gun at Victim 11, defendant RAYSHOD WASHINGTON grabbed Victim 11 and took an ATM card from Victim 11.

In violation of New York Penal Law, Sections 105.10, 160.10(1) and 160.10(2)(b).

B. Robbery

On or about January 27, 2012, in Buffalo, New York, in the Western District of New York, the defendant, RAYSHOD WASHINGTON a/k/a Shoddy, together with Terrence Boyd, who is named herein as an aider and abettor but not charged, and another whose identity is known, committed an act involving robbery, that is, aided and abetted by one another, the defendant and Boyd did forcibly steal property from Victim 11, an individual whose identity is known, and in the course of the commission of said crime and in the course of

immediate flight therefrom, displayed what appeared to be a pistol or revolver or other firearm, in violation of New York Penal Law, Sections 160.10(1), 160.10(2)(b) and 20.00.

Eleventh Racketeering Act - An Act Involving Robbery and Murder
The Robbery of and the Murder of Fred Rozier

For the Eleventh Racketeering Act, the defendant, RAYSHOD WASHINGTON a/k/a Shoddy, committed the following acts, any one of which alone constitutes the commission of the Eleventh Racketeering Act:

A. Conspiracy to Commit Robbery

On or about February 9, 2012 in Buffalo, New York, in the Western District of New York, the defendant, RAYSHOD WASHINGTON a/k/a Shoddy, together with Raymel Weeden a/k/a Deuce, who is named herein as a co-conspirator but not charged, committed an act involving robbery, that is, they knowingly combined, conspired, confederated and agreed together, with each other and with others to commit a violation of New York Penal Law, Sections 160.10(1), 160.10(2)(a) and 160.10(2)(b) by forcibly stealing property from Fred Rozier, and in the course of the commission of said crime and in the course of immediate flight therefrom, caused physical injury to Fred Rozier who was not a participant in the robbery; and

displayed what appeared to be a pistol or revolver or other firearm.

In furtherance of said conspiracy and in order to effect its purpose and object:

1. On or about February 9, 2012, one of the conspirators called Fred Rozier and asked Rozier to meet them on Deerfield Avenue.

2. On or about February 9, 2012, defendant RAYSHOD WASHINGTON and Raymel Weeden drove to the vicinity of 112 Deerfield Avenue where they got into the back seat of a car driven by a person whose identity is known.

3. Almost immediately after getting into the car, defendant RAYSHOD WASHINGTON handed Raymel Weeden a handgun.

4. Almost immediately after defendant RAYSHOD WASHINGTON handed Raymel Weeden a handgun, Weeden pointed the gun at Fred Rozier and demanded drugs and money from Rozier.

In violation of New York Penal Law, Sections 105.10, 160.10(1), 160.10(2)(a) and 160.10(2)(b).

B. Robbery

On or about February 9, 2012, in Buffalo, New York, in the Western District of New York, the defendant, RAYSHOD WASHINGTON a/k/a Shoddy, together with Raymel Weeden a/k/a Deuce, who is named herein as an aider and abettor but not charged, committed an act involving robbery, that is, aided and abetted by one another, the defendant and Weeden did forcibly steal property from Fred Rozier, and in the course of the commission of said crime and in the course of immediate flight therefrom, caused physical injury to Fred Rozier, who was not a participant in the robbery, and displayed what appeared to be a pistol or revolver or other firearm, in violation of New York Penal Law, Sections 160.10(1), 160.10(2)(a), 160.10(2)(b) and 20.00.

C. Murder

On or about February 9, 2012, in Buffalo, New York, in the Western District of New York, the defendant, RAYSHOD WASHINGTON a/k/a Shoddy, together with Raymel Weeden a/k/a Deuce, who is named herein as an aider and abettor but not charged, committed an act involving murder, that is, the defendant, RAYSHOD WASHINGTON a/k/a Shoddy and Raymel Weeden a/k/a Deuce, during the course of and in furtherance of attempting to rob and robbing Fred Rozier of money and drugs, and in the course of immediate flight from said robbery,

did cause the death of Fred Rozier, who was not a participant in the robbery, by shooting him, in violation of Sections 125.25(3) and 20 of the New York Penal Law.

Twelfth Racketeering Act - An Act Involving Murder
The Murder of Marquay Lee and the Attempted Murders
of Victims 12, 13, 14 and 15

For the Twelfth Racketeering Act, the defendant, TARIQ BROWN a/k/a Tyriq Brown a/k/a Reek a/k/a Reek Havick Boog a/k/a Lil Boog, committed the following acts, either one of which alone constitutes the commission of the Twelfth Racketeering Act:

A. Murder

On or about May 12, 2012, in Buffalo, New York, in the Western District of New York, the defendant, TARIQ BROWN a/k/a Tyriq Brown a/k/a Reek a/k/a Reek Havick Boog a/k/a Lil Boog, committed an act involving murder, that is, with the intent to cause the death of Marquay Lee, caused the death of Marquay Lee, by shooting him, in violation of New York Penal Law, Section 125.25(1).

B. Attempted Murder

On or about May 12, 2012, in Buffalo, New York, in the Western District of New York, the defendant, TARIQ BROWN a/k/a Tyriq Brown a/k/a Reek a/k/a Reek Havick Boog a/k/a Lil Boog, committed an act involving murder, that is, he unlawfully and knowingly attempted to

intentionally cause the death of Victims 12, 13, 14 and 15, four individuals whose identities are known, by shooting them, in violation of New York Penal Law, Sections 110, 125.25(1) and 20.

All in violation of Title 18, United States Code, Section 1962(c).

COUNT 2
(RICO Conspiracy)

The Grand Jury Further Charges That:

A-C. Paragraphs A-C, inclusive, of the Introduction to Counts 1 and 2 are incorporated herein by reference and re-alleged as if more fully set forth herein.

D. **THE CONSPIRACY:** Beginning sometime in 2004, the exact date being unknown, and continuing thereafter to the date of the return of this Fourth Superseding Indictment, in the Western District of New York, and elsewhere, the defendants, KENNETH PETTWAY, JR. a/k/a KPJ, TYRONE BROWN a/k/a Ty Boog, TARIQ BROWN a/k/a Tyriq Brown a/k/a Reek a/k/a Reek Havick Boog a/k/a Lil Boog, EDDIE ALLEN a/k/a Pow Pow a/k/a Bundles, RAYSHOD WASHINGTON a/k/a Shoddy, and others, both known and unknown to the grand jury, being persons employed by and associated with the Bailey Boys Enterprise, which enterprise was engaged in, and the activities of which affected, interstate and foreign commerce, knowingly, and intentionally conspired to violate Title 18, United States Code,

Section 1962(c), that is, to conduct and participate, directly and indirectly, in the conduct of the affairs of that enterprise through a pattern of racketeering activity, as that term is defined by Title 18, United States Code, Sections 1961(1) and 1961(5). The pattern of racketeering activity through which the defendants agreed to conduct the affairs of the enterprise consisted of the acts set forth in Racketeering Acts One through Twelve of Count 1 of this Fourth Superseding Indictment, which are incorporated as if fully set forth herein.

E. 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.

All in violation of Title 18, United States Code, Section 1962(d).

COUNT 3

(Violent Crime in Aid of Racketeering:
the Assault on Victims 1 and 2
by Means of a Dangerous Weapon)

The Grand Jury Further Charges that:

A-C. Paragraphs A-C, inclusive, of the Introduction to Counts 1 and 2 of this Fourth Superseding Indictment are incorporated herein by reference and re-alleged as if more fully set forth herein.

D. The defendants, together with other persons, known and unknown, were members and associates of the Bailey Boys Enterprise, which, including its leadership, membership, and associates, constituted an enterprise, as defined in Title 18, United States Code, Section 1959(b)(2), that is, a group of individuals associated in fact that 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. A primary purpose of the enterprise was to earn money for its members and associates through robberies and through dealing in controlled substances.

E. The Bailey Boys 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 (1) murder in violation of New York State Penal Laws; (2) robbery in violation of New York State Penal Laws and (3) trafficking in controlled substances in violation of Title 21, United States Code, Sections 841 and 846.

F. On or about December 30, 2010, in Buffalo, New York, in the Western District of New York, the defendant, DERRICK RAMOS a/k/a Little D, aided and abetted by others known and unknown, for

the purpose of maintaining and increasing position in the Bailey Boys Enterprise, an enterprise engaged in racketeering activity, did assault Victims 1 and 2, two individuals whose identities are known, with a dangerous weapon, that is, with the intent to cause physical injury to Victims 1 and 2, caused physical injury to Victims 1 and 2 by means of dangerous weapons, namely, loaded firearms, in violation of Sections 120.05(2) and 20 of the New York Penal Law.

All in violation of Title 18, United States Code, Sections 1959(a)(3) and 2.

COUNT 4

(Violent Crime in Aid of Racketeering:
the Attempted Murder of Victims 1 and 2)

The Grand Jury Further Charges That:

A-E. Paragraphs A-E, inclusive, of Count 3 of this Fourth Superseding Indictment are incorporated into this count by reference and re-alleged as if more fully set forth in this count.

F. On or about December 30, 2010, in Buffalo, New York, in the Western District of New York, the defendant, DERRICK RAMOS a/k/a Little D, aided and abetted by others known and unknown, for the purpose of maintaining and increasing position in the Bailey Boys Enterprise, an enterprise engaged in racketeering activity,

attempted to murder Victims 1 and 2, two individuals whose identities are known, that is, with the intent to cause the death of Victims 1 and 2, attempted to cause the death of Victims 8 and 9 by shooting at them, in violation of Sections 125.25(1), 110.00 and 20 of the New York Penal Law.

All in violation of Title 18 of the United States Code, Sections 1959(a)(5) and 2.

COUNT 5

(Carrying and Using a Firearm During and in
Relation to the Assault on and
the Attempted Murder of Victims 1 and 2)

The Grand Jury Further Charges That:

On or about December 30, 2010, in Buffalo, New York, in the Western District of New York, the defendant, DERRICK RAMOS a/k/a Little D, aided and abetted by others known and unknown, during and in relation to crimes of violence for which he may be prosecuted in a court of the United States, that is, violations of Title 18, United States Code, Sections 1959(a)(3) and 1959(a)(5), committed in the manner set forth in Counts 3 and 4 of this Fourth Superseding Indictment, the allegations of which are incorporated herein by reference, did knowingly and unlawfully use, carry and discharge, and in furtherance of such crimes, did knowingly and unlawfully possess and discharge, firearms.

All in violation of Title 18, United States Code, Sections 924(c) (1) (A) (iii) and Section 2.

COUNT 6

(Violent Crime in Aid of Racketeering:
the Murder of Harold McCain)

The Grand Jury Further Charges That:

A-E. Paragraphs A-E, inclusive, of Count 3 of this Fourth Superseding Indictment are incorporated into this count by reference and re-alleged as if more fully set forth in this count.

F. On or about January 19, 2011, in Buffalo, New York, in the Western District of New York, the defendant, TYRONE BROWN a/k/a Ty Boog, for the purpose of maintaining and increasing position in the Bailey Boys Enterprise, an enterprise engaged in racketeering activity, did murder Harold McCain, that is, with the intent to cause the death of Harold McCain, caused the death of Harold McCain by shooting him, in violation of New York Penal Law, Section 125.25(1).

All in violation of Title 18, United States Code, Section 1959(a) (1).

COUNT 7

(Carrying and Using a Firearm During and in
Relation to the Murder of Harold McCain)

The Grand Jury Further Charges That:

On or about January 19, 2011, in Buffalo, New York, in the Western District of New York, the defendant, TYRONE BROWN a/k/a Ty Boog, during and in relation to a crime of violence for which he may be prosecuted in a court of the United States, that is, a violation of Title 18, United States Code, Section 1959(a)(1), committed in the manner set forth in Count 6 of this Fourth Superseding Indictment, the allegations of which are incorporated herein by reference, did knowingly and unlawfully use, carry and discharge, and in furtherance of such crime, did knowingly and unlawfully possess and discharge, a firearm, in violation of Title 18, United States Code, Section 924(c)(1)(A)(iii), and that in the course of this violation, the defendant, TYRONE BROWN a/k/a Ty Boog, caused the death of a person through the use of a firearm, which killing was a murder as defined in Title 18, United States Code, Section 1111, in that the defendant, with malice aforethought, did willfully, deliberately, maliciously, and with premeditation kill Harold McCain, by shooting him with a firearm.

All in violation of Title 18, United States Code, Sections 924(c)(1)(A)(iii) and 924(j).

COUNT 8

(Violent Crime in Aid of Racketeering:
the Murder of Kevin Wilkins)

The Grand Jury Further Charges That:

A-E. Paragraphs A-E, inclusive, of Count 3 of this Fourth Superseding Indictment are incorporated into this count by reference and re-alleged as if more fully set forth in this count.

F. On or about June 14, 2011, in Buffalo, New York, in the Western District of New York, the defendant, TYRONE BROWN a/k/a Ty Boog, aided and abetted by others, both known and unknown, for the purpose of maintaining and increasing position in the Bailey Boys Enterprise, an enterprise engaged in racketeering activity, did murder Kevin Wilkins, that is, with the intent to cause the death of another, caused the death of Kevin Wilkins by shooting him, in violation of New York Penal Law, Sections 125.25(1) and 20.

All in violation of Title 18, United States Code, Sections 1959(a)(1) and 2.

COUNT 9

(Carrying and Using a Firearm During and in
Relation to the Murder of Kevin Wilkins)

The Grand Jury Further Charges That:

On or about June 14, 2011, in Buffalo, New York, in the Western District of New York, the defendant, TYRONE BROWN a/k/a Ty

Boog, during and in relation to a crime of violence for which he may be prosecuted in a court of the United States, that is, a violation of Title 18, United States Code, Section 1959(a)(1), committed in the manner set forth in Count 8 of this Fourth Superseding Indictment, the allegations of which are incorporated herein by reference, did knowingly and unlawfully use, carry and discharge, and in furtherance of such crime, did knowingly and unlawfully possess and discharge, a firearm, in violation of Title 18, United States Code, Section 924(c)(1)(A)(iii), and that in the course of this violation, the defendant, TYRONE BROWN a/k/a Ty Boog, caused the death of a person through the use of a firearm, which killing was a murder as defined in Title 18, United States Code, Section 1111, in that the defendant, with malice aforethought, did willfully, deliberately, maliciously, and with premeditation kill Kevin Wilkins, by shooting him with a firearm.

All in violation of Title 18, United States Code, Sections 924(c)(1)(A)(iii) and 924(j).

COUNT 10

(Violent Crime in Aid of Racketeering:
the Assault on Victim 3
by Means of a Dangerous Weapon)

The Grand Jury Further Charges That:

A-E. Paragraphs A-E, inclusive, of Count 3 of this Fourth Superseding Indictment are incorporated into this count by reference and re-alleged as if more fully set forth in this count.

F. On or about June 28, 2011, in Buffalo, New York, in the Western District of New York, the defendants, TYRONE BROWN a/k/a Ty Boog, TARIQ BROWN a/k/a Tyriq Brown a/k/a Reek a/k/a Reek Havick Boog a/k/a Lil Boog, and MONTELL JONES a/k/a Telly, aided and abetted by one another, for the purpose of maintaining and increasing position in the Bailey Boys Enterprise, an enterprise engaged in racketeering activity, assaulted Victim 3, an individual whose identity is known, with a dangerous weapon, that is, with the intent to cause physical injury to Victim 3, caused physical injury to Victim 3 by means of a deadly weapon, namely, a loaded firearm, in violation of Sections 120.05(2) and 20 of the New York Penal Law.

All in violation of Title 18, United States Code, Sections 1959(a)(3) and 2.

COUNT 11

(Violent Crime in Aid of Racketeering:
the Attempted Murder of Victim 3)

The Grand Jury Further Charges That:

A-E. Paragraphs A-E, inclusive, of Count 3 of this Fourth Superseding Indictment are incorporated herein by reference and re-alleged as if more fully set forth herein.

F. On or about June 28, 2011, in Buffalo, New York, in the Western District of New York, the defendants, TYRONE BROWN a/k/a Ty Boog, TARIQ BROWN a/k/a Tyriq Brown a/k/a Reek a/k/a Reek Havick Boog a/k/a Lil Boog, and MONTELL JONES a/k/a Telly, aided and abetted by one another, for the purpose of maintaining and increasing position in the Bailey Boys Enterprise, an enterprise engaged in racketeering activity, attempted to murder Victim 3, an individual whose identity is known, that is, with the intent to cause the death of Victim 3, attempted to cause the death Victim 3 by shooting at him with a deadly weapon, namely, a loaded firearm, in violation of Sections 125.25(1), 110.00 and 20 of the New York Penal Law.

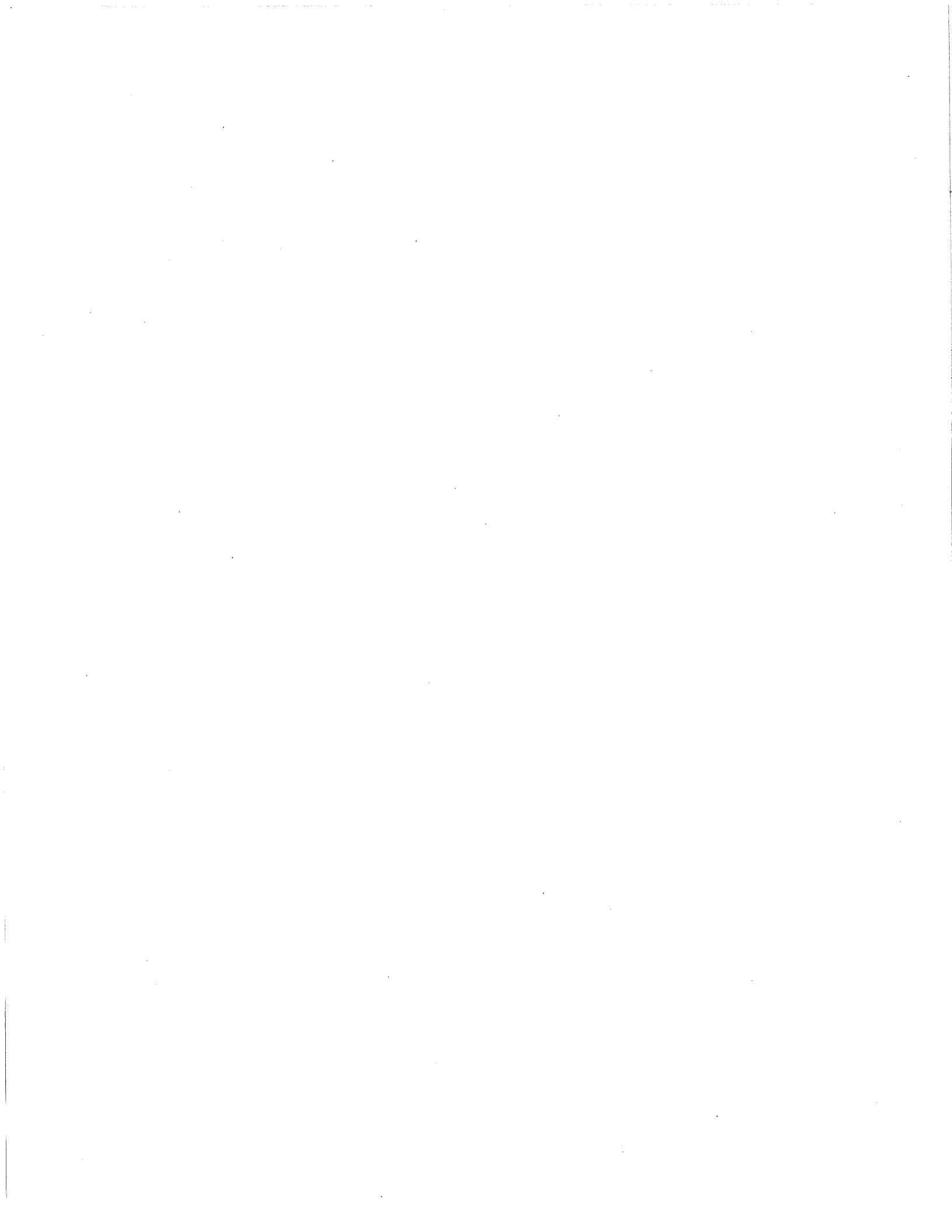
All in violation of Title 18, United States Code, Sections 1959(a)(5) and 2.

COUNT 12

(Carrying and Using a Firearm During and in
Relation to the Assault on and
the Attempted Murder of Victim 3)

The Grand Jury Further Charges That:

On or about June 28, 2011, in Buffalo, New York, in the Western District of New York, the defendants, TYRONE BROWN a/k/a Ty Boog, TARIQ BROWN a/k/a Tyriq Brown a/k/a Reek a/k/a Reek Havick Boog a/k/a Lil Boog, and MONTELL JONES a/k/a Telly, aided and abetted by one another, during and in relation to crimes of violence for which they may be prosecuted in a court of the United



States, that is, violations of Title 18, United States Code, Sections 1959(a)(3) and 1959(a)(5), committed in the manner set forth in Counts 10 and 11 of this Fourth Superseding Indictment, the allegations of which are incorporated herein by reference, did knowingly and unlawfully use, carry and discharge, and in furtherance of such crimes, did knowingly and unlawfully possess and discharge, a firearm.

All in violation of Title 18, United States Code, Sections 924(c)(1)(A)(iii) and 2.

COUNT 13

(Violent Crime in Aid of Racketeering:
the Assault on Victims 4, 5 and 6
by Means of a Dangerous Weapon)

The Grand Jury Further Charges That:

A-E. Paragraphs A-E, inclusive, of Count 3 of this Fourth Superseding Indictment are incorporated into this count by reference and re-alleged as if more fully set forth in this count.

F. On or about July 9, 2011, in Buffalo, New York, in the Western District of New York, the defendant, EDDIE ALLEN a/k/a Pow Pow a/k/a Bundles, aided and abetted by others known and unknown, for the purpose of maintaining and increasing position in the Bailey Boys Enterprise, an enterprise engaged in racketeering activity, did assault Victims 4, 5 and 6, three individuals whose

identities are known, with a dangerous weapon, that is, with the intent to cause physical injury to Victims 4, 5 and 6, caused physical injury to Victims 4, 5 and 6 by means of a deadly weapon, namely, a loaded firearm, in violation of Sections 120.05(2) and 20 of the New York Penal Law.

All in violation of Title 18, United States Code, Sections 1959(a)(3) and 2.

COUNT 14

(Violent Crime in Aid of Racketeering:
the Attempted Murder of Victims 4, 5 and 6)

The Grand Jury Further Charges That:

A-E. Paragraphs A-E, inclusive, of Count 3 of this Fourth Superseding Indictment are incorporated into this count by reference and re-alleged as if more fully set forth in this count.

F. On or about July 9, 2011, in Buffalo, New York, in the Western District of New York, the defendant, EDDIE ALLEN a/k/a Pow Pow a/k/a Bundles, aided and abetted by others known and unknown, for the purpose of maintaining and increasing position in the Bailey Boys Enterprise, an enterprise in racketeering activity, attempted to murder Victims 4, 5 and 6, three individuals whose identities are known, that is, with the intent to cause the death of Victims 4, 5 and 6, attempted to cause the death of Victims 4, 5 and 6 by shooting at them with a deadly weapon, namely, a loaded

firearm, in violation of Sections 125.25(1), 110.00 and 20 of the New York Penal Law.

All in violation of Title 18 of the United States Code, Sections 1959(a)(5) and 2.

COUNT 15

(Carrying and Using a Firearm During and in Relation to the Assault on and the Attempted Murder of Victims 4, 5 and 6)

The Grand Jury Further Charges That:

On or about July 9, 2011, in Buffalo, New York, in the Western District of New York, the defendant, EDDIE ALLEN a/k/a Pow Pow a/k/a Bundles, during and in relation to crimes of violence for which he may be prosecuted in a court of the United States, that is, violations of Title 18, United States Code, Sections 1959(a)(3) and 1959(a)(5), committed in the manner set forth in Counts 13 and 14 of this Fourth Superseding Indictment, the allegations of which are incorporated herein by reference, did knowingly and unlawfully use, carry and discharge, and in furtherance of such crimes, did knowingly and unlawfully possess and discharge, a firearm.

All in violation of Title 18, United States Code, Section 924(c)(1)(A)(iii).

COUNT 16

(Violent Crime in Aid of Racketeering:
the Attempted Assault of Victim 7
by Means of a Dangerous Weapon)

The Grand Jury Further Charges That:

A-E. Paragraphs A-E, inclusive, of Count 3 of this Fourth Superseding Indictment are incorporated into this count by reference and re-alleged as if more fully set forth in this count.

F. On or about July 23, 2011, in Buffalo, New York, in the Western District of New York, the defendant, TARIQ BROWN a/k/a Tyriq Brown a/k/a Reek a/k/a Reek Havick Boog a/k/a Lil Boog, for the purpose of maintaining and increasing position in the Bailey Boys Enterprise, an enterprise engaged in racketeering activity, assaulted Victim 7, an individual whose identity is known, with a dangerous weapon, that is, with the intent to cause physical injury to Victim 7, caused physical injury to Victim 7 by means of a deadly weapon, namely, a loaded firearm, in violation of Sections 120.05(2) and 110.00 of the New York Penal Law.

All in violation of Title 18, United States Code, Section 1959(a)(6).

COUNT 17

(Violent Crime in Aid of Racketeering:
the Attempted Murder of Victim 7)

The Grand Jury Further Charges That:

A-E. Paragraphs A-E, inclusive, of Count 3 of this Fourth Superseding Indictment are incorporated into this count by reference and re-alleged as if more fully set forth in this count.

F. On or about July 23, 2011, in Buffalo, New York, in the Western District of New York, the defendant, TARIQ BROWN a/k/a Tyriq Brown a/k/a Reek a/k/a Reek Havick Boog a/k/a Lil Boog, for the purpose of maintaining and increasing position in the Bailey Boys Enterprise, an enterprise engaged in racketeering activity, attempted to murder Victim 7, an individual whose identity is known, that is, with the intent to cause the death of Victim 7, attempted to cause the death of Victim 7 by shooting at him with a deadly weapon, namely, a loaded firearm, in violation of Sections 125.25(1) and 110.00 of the New York Penal Law.

All in violation of Title 18, United States Code, Section 1959(a)(5).

COUNT 18

(Carrying and Using a Firearm During and in
Relation to the Assault on and
the Attempted Murder of Victim 7)

The Grand Jury Further Charges That:

On or about July 23, 2011, in Buffalo, New York, in the Western District of New York, the defendant, TARIQ BROWN a/k/a Tyriq Brown a/k/a Reek a/k/a Reek Havick Boog a/k/a Lil Boog, during and in relation to crimes of violence for which he may be prosecuted in a court of the United States, that is, violations of Title 18, United States Code, Sections 1959(a)(6) and 1959(a)(5), committed in the manner set forth in Counts 16 and 17 of this Fourth Superseding Indictment, the allegations of which are incorporated herein by reference, did knowingly and unlawfully use, carry and discharge, and in furtherance of such crimes, did knowingly and unlawfully possess and discharge, a firearm.

All in violation of Title 18, United States Code, Section 924(c)(1)(A)(iii).

COUNT 19

(Violent Crime in Aid of Racketeering:
the Assault of Victim 8
by Means of a Dangerous Weapon)

The Grand Jury Further Charges That:

A-E. Paragraphs A-E, inclusive, of Count 3 of this Fourth Superseding Indictment are incorporated into this count by reference and re-alleged as if more fully set forth in this count.

F. On or about July 29, 2011, in Buffalo, New York, in the Western District of New York, the defendant, TARIQ BROWN a/k/a Tyriq Brown a/k/a Reek a/k/a Reek Havick Boog a/k/a Lil Boog, for the purpose of maintaining and increasing position in the Bailey Boys Enterprise, an enterprise engaged in racketeering activity, assaulted Victim 8, an individual whose identity is known, with a dangerous weapon, that is, with the intent to cause physical injury to Victim 8, caused physical injury to Victim 8 by means of a deadly weapon, namely, a loaded firearm, in violation of Section 120.05(2) of the New York Penal Law.

All in violation of Title 18, United States Code, Section 1959(a)(3).

COUNT 20

(Violent Crime in Aid of Racketeering:
the Attempted Murder of Victim 8)

The Grand Jury Further Charges That:

A-E. Paragraphs A-E, inclusive, of Count 3 of this Fourth Superseding Indictment are incorporated into this count by reference and re-alleged as if more fully set forth in this count.

F. On or about July 29, 2011, in Buffalo, New York, in the Western District of New York, the defendant, TARIQ BROWN a/k/a Tyriq Brown a/k/a Reek a/k/a Reek Havick Boog a/k/a Lil Boog, for the purpose of maintaining and increasing position in the Bailey

Boys Enterprise, an enterprise engaged in racketeering activity, attempted to murder Victim 8, an individual whose identity is known, that is, he unlawfully and knowingly attempted to intentionally cause the death of Victim 8, an individual whose identity is known, by shooting him, in violation of New York Penal Law, Sections 110 and 125.25(1).

All in violation of Title 18, United States Code, Section 1959(a)(5).

COUNT 21

(Carrying and Using a Firearm During and in
Relation to the Assault on and
the Attempted Murder of Victim 8)

The Grand Jury Further Charges That:

On or about July 29, 2011, in Buffalo, New York, in the Western District of New York, the defendant, TARIQ BROWN a/k/a Tyriq Brown a/k/a Reek a/k/a Reek Havick Boog a/k/a Lil Boog, during and in relation to crimes of violence for which he may be prosecuted in a court of the United States, that is, violations of Title 18, United States Code, Sections 1959(a)(3) and 1959(a)(5), committed in the manner set forth in Counts 19 and 20 of this Fourth Superseding Indictment, the allegations of which are incorporated herein by reference, did knowingly and unlawfully use, carry and discharge, and in furtherance of such crimes, did knowingly and unlawfully possess and discharge, a firearm.

All in violation of Title 18, United States Code, Section 924(c) (1) (A) (iii).

COUNT 22

(Violent Crime in Aid of Racketeering:
the Assault on Victim 9
by Means of a Dangerous Weapon)

The Grand Jury Further Charges That:

A-E. Paragraphs A-E, inclusive, of Count 3 of this Fourth Superseding Indictment are incorporated into this count by reference and re-alleged as if more fully set forth in this count.

F. On or about October 24, 2011, in Buffalo, New York, in the Western District of New York, the defendant, QUINTON THOMPSON a/k/a Q, aided and abetted by another whose identity is known, for the purpose of maintaining and increasing position in the Bailey Boys Enterprise, an enterprise engaged in racketeering activity, assaulted Victim 9, an individual whose identity is known, with a dangerous weapon, that is, with the intent to cause physical injury to Victim 9, caused physical injury to Victim 9 by means of a deadly weapon, namely, a loaded firearm, in violation of Sections 120.05(2) and 20 of the New York Penal Law.

All in violation of Title 18, United States Code, Sections 1959(a) (3) and 2.

COUNT 23

(Violent Crime in Aid of Racketeering:
the Attempted Murder of Victim 9)

The Grand Jury Further Charges That:

A-E. Paragraphs A-E, inclusive, of Count 3 of this Fourth Superseding Indictment are incorporated into this count by reference and re-alleged as if more fully set forth in this count.

F. On or about October 24, 2011, in Buffalo, New York, in the Western District of New York, the defendant, QUINTON THOMPSON a/k/a Q, aided and abetted by another whose identity is known, for the purpose of maintaining and increasing position in the Bailey Boys Enterprise, an enterprise engaged in racketeering activity, attempted to murder Victim 9, an individual whose identity is known, that is, with the intent to cause the death of another, attempted to cause the death of Victim 9, by shooting at Victim 9 with a deadly weapon, namely, a loaded firearm, in violation of Sections 125.25(1), 110.00 and 20 of the New York Penal Law.

All in violation of Title 18, United States Code, Sections 1959(a)(5) and 2.

COUNT 24

(Carrying and Using a Firearm During and in
Relation to the Assault on and
the Attempted Murder of Victim 9)

The Grand Jury Further Charges That:

On or about October 24, 2011, in Buffalo, New York, in the Western District of New York, the defendant, QUINTON THOMPSON a/k/a Q, during and in relation to crimes of violence for which he may be prosecuted in a court of the United States, that is, violations of Title 18, United States Code, Sections 1959(a)(3) and 1959(a)(5), committed in the manner set forth in Counts 22 and 23 of this Fourth Superseding Indictment, the allegations of which are incorporated herein by reference, did knowingly and unlawfully use, carry and discharge, and in furtherance of such crimes, did knowingly and unlawfully possess and discharge, a firearm.

All in violation of Title 18, United States Code, Section 924(c)(1)(A)(iii).

COUNT 25

(Violent Crime in Aid of Racketeering:
the Assault of Victim 10
by Means of a Dangerous Weapon)

The Grand Jury Further Charges That:

A-E. Paragraphs A-E, inclusive, of Count 3 of this Fourth Superseding Indictment are incorporated into this count by reference and re-alleged as if more fully set forth in this count.

F. On or about November 19, 2011, in Buffalo, New York, in the Western District of New York, the defendants, TYRONE BROWN a/k/a Ty Boog, and EDDIE ALLEN a/k/a Pow Pow a/k/a Bundles, aided and abetted by one another and by others known and unknown, for the purpose of maintaining and increasing position in the Bailey Boys Enterprise, an enterprise engaged in racketeering activity, did assault Victim 10, an individual whose identity is known, with a dangerous weapon, that is, with the intent to cause physical injury to Victim 10, caused physical injury to Victim 10 by means of a deadly weapon, namely a loaded firearm, in violation of New York Penal Law, Sections 120.05(2) and 20.

All in violation of Title 18, United States Code, Sections 1959(a)(3) and 2.

COUNT 26

(Carrying and Using a Firearm During and in
Relation to Assault on Victim 10)

The Grand Jury Further Charges That:

On or about November 19, 2011, in Buffalo, New York, in the Western District of New York, the defendants, TYRONE BROWN a/k/a Ty Boog, and EDDIE ALLEN a/k/a Pow Pow a/k/a Bundles, aided and abetted by one another, during and in relation to a crime of violence for which they may be prosecuted in a court of the United States, that is, the violation of Title 18, United States Code, Section 1959(a)(3), committed in the manner set forth in Count 25 of this

Fourth Superseding Indictment, the allegations of which are incorporated herein by reference, did knowingly and unlawfully use, carry and discharge, and in furtherance of such crime, did knowingly and unlawfully possess and discharge, a firearm.

All in violation of Title 18, United States Code, Sections 924(c) (1) (A) (iii) and 2.

COUNT 27

(Conspiracy to Possess with Intent to Distribute
and to Distribute Cocaine Base)

The Grand Jury Further Charges That:

Beginning sometime in 2010, and continuing sometime into late 2011, the exact dates being unknown, in Buffalo, New York, in the Western District of New York, and elsewhere, the defendants, KENNETH PETTWAY, JR. a/k/a KPJ, DEMETRIUS BLACK a/k/a Dee Black, and TYRONE BROWN a/k/a Ty Boog, did knowingly, willfully and unlawfully combine, conspire and agree together and with others, known and unknown, to commit the following offenses, that is, to possess with the intent to distribute, and to distribute, 280 grams or more of a mixture and substance containing cocaine base, a Schedule II controlled substance, in violation of Title 21, United States Code, Section 841(a) (1) and 841(b) (1) (A).

All in violation of Title 21, United States Code, Section 846.

COUNT 28

(Possession of Firearms in Furtherance
of Drug Trafficking Crime)

The Grand Jury Further Charges That:

Beginning sometime in 2010, and continuing sometime into late 2011, the exact dates being unknown, in Buffalo, New York, in the Western District of New York, the defendants, KENNETH PETTWAY, JR. a/k/a KPJ, and DEMETRIUS BLACK a/k/a Dee Black, in furtherance of a drug trafficking crime for which they may be prosecuted in a court of the United States, that is, a violation of Title 21, United States Code, Section 846, committed in the manner set forth in Count 27 of this Fourth Superseding Indictment, the allegations of which are incorporated herein by reference, did knowingly and unlawfully possess firearms.

All in violation of Title 18, United States Code, Sections 924(c) (1) and 2.

COUNT 29

(Possession of Heroin and Cocaine with Intent to Distribute)

The Grand Jury Further Charges That:

On or about January 18, 2012, in the Western District of New York, the defendants, KENNETH PETTWAY, JR. a/k/a KPJ, and DEMETRIUS BLACK a/k/a Dee Black, did knowingly, intentionally and unlawfully possess with the intent to distribute a mixture and substance containing heroin, a Schedule I controlled substance, and a mixture

and substance containing cocaine, a Schedule II controlled substance.

All in violation of Title 21, United States Code, Section 841(a) (1) and Title 18, United States Code, Section 2.

COUNT 30
(Possession of Firearms in Furtherance
of Drug Trafficking Crime)

The Grand Jury Further Charges That:

On or about January 18, 2012, in Buffalo, New York, in the Western District of New York, the defendants, KENNETH PETTWAY, JR. a/k/a KPJ, and DEMETRIUS BLACK a/k/a Dee Black, in furtherance of a drug trafficking crime for which they may be prosecuted in a court of the United States, that is, a violation of Title 21, United States Code, Section 841(a) (1), committed in the manner set forth in Count 29 of this Fourth Superseding Indictment, the allegations of which are incorporated herein by reference, did knowingly and unlawfully possess firearms, namely, a J.P. Shuer & Suhl CHL 7.65 mm pistol with no serial number, and a Smith and Wesson 9 mm model 6906 pistol, serial no. TCA6469.

All in violation of Title 18, United States Code, Sections 924(c) (1) and 2.

COUNT 31
(Possession of Firearms and
Ammunition by a Convicted Felon)

The Grand Jury Further Charges That:

On or about January 18, 2012, in the Western District of New York, the defendant, KENNETH PETTWAY, JR. a/k/a KPJ, having been previously convicted on or about June 20, 2007, in County Court, Erie County, New York, of a crime punishable by imprisonment for a term exceeding one year, unlawfully did knowingly possess, in and affecting commerce, firearms, namely, a J.P. Shuer & Suhl CHL 7.65 mm pistol with no serial number, and a Smith and Wesson 9 mm model 6906 pistol, serial no. TCA6469, and ammunition, namely, eight (8) rounds of .32 caliber ammunition and nine (9) rounds of 9 mm ammunition.

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

COUNT 32
(Violent Crime in Aid of Racketeering:
the Murder of Fred Rozier)

The Grand Jury Further Charges That:

A-E. Paragraphs A-E, inclusive, of Count 3 of this Fourth Superseding Indictment are incorporated into this count by reference and re-alleged as if more fully set forth in this count.

F. On or about February 9, 2012, in Buffalo, New York, in the Western District of New York, the defendants, RAYMEL WEEDEN a/k/a Deuce, and RAYSHOD WASHINGTON a/k/a Shoddy, aided and abetted by one another, for the purpose of maintaining and increasing position in the Bailey Boys Enterprise, an enterprise engaged in racketeering activity, did murder Fred Rozier in that the defendants, during the course of and in furtherance of attempting to rob and robbing Fred Rozier of money and drugs, and in the course of immediate flight from said robbery, did cause the death of Fred Rozier, who was not a participant in the robbery, by shooting him, in violation of Sections 125.25(3) and 20 of the New York Penal Law.

All in violation of Title 18, United States Code, Sections 1959(a)(1) and 2.

COUNT 33

(Carrying and Using a Firearm During and in Relation to the Murder of Fred Rozier)

The Grand Jury Further Charges That:

On or about February 9, 2012, in Buffalo, New York, in the Western District of New York, the defendants, RAYMEL WEEDEN a/k/a Deuce and RAYSHOD WASHINGTON a/k/a Shoddy, aided and abetted by one another, during and in relation to a crime of violence for which they may be prosecuted in a court of the United States, that is, a

violation of Title 18, United States Code, Section 1959(a)(1), committed in the manner set forth in Count 31 of this Fourth Superseding Indictment, the allegations of which are incorporated herein by reference, did knowingly and unlawfully use, carry and discharge, and in furtherance of such crime, did knowingly and unlawfully possess and discharge, a firearm, in violation of Title 18, United States Code, Section 924(c)(1)(A)(iii), and that in the course of this violation, the defendants, RAYMEL WEEDEN a/k/a Deuce and RAYSHOD WASHINGTON a/k/a Shoddy, aided and abetted by one another, caused the death of a person through the use of a firearm, which killing was a murder as defined in Title 18, United States Code, Section 1111, in that the defendants, during perpetration of, and attempt to perpetrate, a robbery of Fred Rozier of money and drugs, did cause the death of Fred Rozier, by shooting him with a firearm.

All in violation of Title 18, United States Code, Sections 924(c)(1)(A)(iii), 924(j) and 2.

COUNT 34

(Violent Crime in Aid of Racketeering:
the Murder of Marquay Lee)

The Grand Jury Further Charges That:

A-E. Paragraphs A-E, inclusive, of Count 3 of this Fourth Superseding Indictment are incorporated into this count by reference and re-alleged as if more fully set forth in this count.

F. On or about May 12, 2012, in Buffalo, New York, in the Western District of New York, the defendant, TARIQ BROWN a/k/a Tyriq Brown a/k/a Reek a/k/a Reek Havick Boog a/k/a Lil Boog, aided and abetted by others unknown, for the purpose of maintaining and increasing position in the Bailey Boys Enterprise, an enterprise engaged in racketeering activity, did murder Marquay Lee, that is, with the intent to cause the death of Marquay Lee, caused the death of Marquay Lee by shooting him, in violation of New York Penal Law, Section 125.25(1).

All in violation of Title 18, United States Code, Sections 1959(a)(1) and 2.

COUNT 35

(Carrying and Using a Firearm During and in
Relation to the Murder of Marquay Lee)

The Grand Jury Further Charges That:

On or about May 12, 2012, in Buffalo, New York, in the Western District of New York, the defendant, TARIQ BROWN a/k/a Tyriq Brown a/k/a Reek a/k/a Reek Havick Boog a/k/a Lil Boog, aided and abetted by others unknown, during and in relation to a crime of violence for which he may be prosecuted in a court of the United States, that is, a violation of Title 18, United States Code, Section 1959(a)(1), committed in the manner set forth in Count 34 of this Fourth Superseding Indictment, the allegations of which are

incorporated herein by reference, did knowingly and unlawfully use, carry and discharge, and in furtherance of such crime, did knowingly and unlawfully possess and discharge, a firearm, in violation of Title 18, United States Code, Section 924(c)(1)(A)(iii), and that in the course of this violation, the defendant TARIQ BROWN a/k/a Tyriq Brown a/k/a Reek a/k/a Reek Havick Boog a/k/a Lil Boog, caused the death of a person through the use of a firearm, which killing was a murder as defined in Title 18, United States Code, Section 1111, in that the defendant caused the death of a person through the use of a firearm, in that the defendant, with malice aforethought, did willfully, deliberately, maliciously, and with premeditation kill Marquay Lee, by shooting him with a firearm.

All in violation of Title 18, United States Code, Sections 924(c)(1)(A)(iii), 924(j) and 2.

COUNT 36

(Violent Crime in Aid of Racketeering:
the Assault on Victims 12, 13, 14 and 15
by Means of a Dangerous Weapon)

The Grand Jury Further Charges That:

A-E. Paragraphs A-E, inclusive, of Count 3 of this Fourth Superseding Indictment are incorporated into this count by reference and re-alleged as if more fully set forth in this count.

F. On or about May 12, 2012, in Buffalo, New York, in the Western District of New York, the defendant, TARIQ BROWN a/k/a Tyriq Brown a/k/a Reek a/k/a Reek Havick Boog a/k/a Lil Boog, aided and abetted by others unknown, for the purpose of maintaining and increasing position in the Bailey Boys Enterprise, an enterprise engaged in racketeering activity, assaulted Victims 12, 13, 14 and 15, four individuals whose identities are known, with a dangerous weapon, that is, with the intent to cause physical injury to Victims 12, 13, 14 and 15, caused physical injury to Victims 12, 13, 14 and 15 by means of a deadly weapon, namely, a loaded firearm, in violation of Sections 120.05(2) and 20 of the New York Penal Law.

All in violation of Title 18, United States Code, Sections 1959(a)(3) and 2.

COUNT 37

(Violent Crime in Aid of Racketeering:
the Attempted Murder of Victims 12, 13, 14 and 15)

The Grand Jury Further Charges That:

A-E. Paragraphs A-E, inclusive, of Count 3 of this Fourth Superseding Indictment are incorporated into this count by reference and re-alleged as if more fully set forth in this count.

F. On or about May 12, 2012 in Buffalo, New York, in the Western District of New York, the defendant, TARIQ BROWN a/k/a

Tyriq Brown a/k/a Reek a/k/a Reek Havick Boog a/k/a Lil Boog, aided and abetted by others unknown, for the purpose of maintaining and increasing position in the Bailey Boys Enterprise, an enterprise engaged in racketeering activity, attempted to murder Victims 12, 13, 14 and 15, four individuals whose identities are known, that is, with the intent to cause the death of Victims 12, 13, 14 and 15, attempted to cause the death of Victims 12, 13, 14 and 15 by shooting them with a deadly weapon, namely, a loaded firearm, in violation of Sections 125.25(1) and 110.00 of the New York Penal Law.

All in violation of Title 18, United States Code, Sections 1959(a)(5) and 2.

COUNT 38

(Carrying and Using a Firearm During and in
Relation to the Assault on and
the Attempted Murder of Victims 12, 13, 14 and 15)

The Grand Jury Further Charges That:

On or about May 12, 2012, in Buffalo, New York, in the Western District of New York, the defendant, TARIQ BROWN a/k/a Tyriq Brown a/k/a Reek a/k/a Reek Havick Boog a/k/a Lil Boog, aided and abetted by others unknown, during and in relation to crimes of violence for which he may be prosecuted in a court of the United States, that is, violations of Title 18, United States Code, Sections 1959(a)(3) and 1959(a)(5), committed in the manner set forth in Counts 36 and 37 of this Fourth Superseding Indictment, the allegations of which

are incorporated herein by reference, did knowingly and unlawfully use, carry and discharge, and in furtherance of such crimes, did knowingly and unlawfully possess and discharge, a firearm.

All in violation of Title 18, United States Code, Sections 924(c) (1) (A) (iii) and 2.

NOTICE OF SPECIAL FINDINGS FOR
TYRONE BROWN a/k/a Ty Boog
(COUNTS 8 AND 9)

The allegations of Counts 8 and 9 of this Fourth Superseding Indictment are re-alleged and incorporated by reference as though fully set forth herein.

As to Counts 8 and 9 of this Fourth Superseding Indictment, alleging the murder of Kevin Wilkins, the defendant TYRONE BROWN a/k/a Ty Boog:

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

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

c. intentionally participated in an act, 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 Kevin Wilkins died as a direct

result of the act (Title 18, United States Code, Section 3591(a)(2)(c));

d. 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 offense, such that participation in the act constituted a reckless disregard for human life and Kevin Wilkins died as a direct result of the act (Title 18, United States Code, Section 3591(a)(2)(D));

e. during the commission of the offense knowingly created a grave risk of death to one or more persons in addition to the victim, Kevin Wilkins (Title 18, United States Code, Section 3592(c)(5)); and

f. intentionally attempted to kill more than one person in a single criminal episode (Title 18, United States Code, Section 3592(c)(16)).

NOTICE OF SPECIAL FINDINGS FOR
TARIQ BROWN a/k/a Tyriq Brown a/k/a Reek a/k/a Reek
Havick Boog a/k/a Lil Boog
(COUNTS 34 AND 35)

The allegations of Counts 34 and 35 of this Fourth Superseding Indictment are re-alleged and incorporated by reference as though fully set forth herein.

As to Counts 34 and 35 of this Fourth Superseding Indictment, alleging the murder of Marquay Lee, the defendant TARIQ BROWN a/k/a Tyriq Brown a/k/a Reek a/k/a Reek Havick Boog a/k/a Lil Boog:

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

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

c. intentionally inflicted serious bodily injury that resulted in the death of Marquay Lee (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 or intending that lethal force would be used in connection with a person, other than one of the participants in the offense, and Marquay Lee died as a direct result of the act (Title 18, United States Code, Section 3591(a)(2)(C));

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 offense, 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));

f. during the commission of the offense knowingly created a grave risk of death to one or more persons, among others,

victims 12, 13, 14 and 15 in addition to the victim, Marquay Lee (Title 18, United States Code, Section 3592(c)(5));

g. intentionally attempted to kill more than one person in a single criminal episode (Title 18, United States Code, Section 3592(c)(16));

h. the defendant's conviction of any or all of the non-capital crimes alleged in Counts 10 through 12 and 16 through 21 of this indictment establishes that the defendant has engaged in a pattern of violence evidencing the fact that he is and will be a future danger, even if incarcerated; and

i. the defendant's conviction of any or all of the non-capital crimes alleged in Counts 10 through 12 and 16 through 21 of this indictment establishes that the defendant lacks remorse.

FORFEITURE ALLEGATION

The Grand Jury Alleges That:

Upon conviction of any of the offenses set forth in Counts 27 through 31 of this Fourth Superseding Indictment, the defendants, KENNETH PETTWAY, JR. a/k/a KPJ, and DEMETRIUS BLACK a/k/a Dee Black, shall forfeit to the United States any firearms and ammunition involved or used in the commission of the offense, or found in the possession or under the immediate control of the defendants at the time of arrest including, but not limited to:

- a. One J.P. Shuer & Suhl CHL 7.65 mm pistol with no serial number;

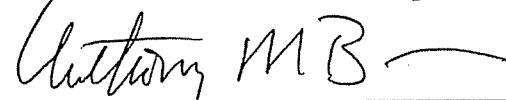
- b. One Smith and Wesson 9 mm model 6906 pistol, serial no. TCA6469;
- c. Eight (8) rounds of .32 caliber ammunition; and
- d. Nine (9) rounds of 9 mm ammunition.

All pursuant to the provisions of Title 18, United States Code, Sections 924(d) and 3665, and Title 28, United States Code, Section 2461(c).

DATED: Buffalo, New York, April 23, 2013.


WILLIAM J. HOCHUL, JR.
United States Attorney

BY:



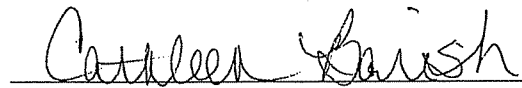
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BY:



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Attorney

A TRUE BILL:



FOREPERSON