

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
SOUTH BEND DIVISION

SEALED

UNITED STATES OF AMERICA)

INDICTMENT

(9 counts)

3:12 CR 128 RM

v.

DEMERIUS M. SHAW (01);)
TIMOTHY WHITFIELD (02);)
ALVIN BLADE III (03);)
JARVIS WARD (04);)
JALEEN L. McGEE (05);)
BRISON K. WILLIAMS (06);)
RICKEY HEMPHILL (07))

18 U.S.C. § 1962(c)
18 U.S.C. § 1962(d)
18 U.S.C. § 924(c)
18 U.S.C. § 1959(a)(3)

US DISTRICT COURT
FOR THE NORTHERN DISTRICT
OF INDIANA

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THE GRAND JURY CHARGES:

**Count 1
(RICO)**

The Enterprise

1. At various times relevant to this Indictment, Demerius M. Shaw, Timothy Whitfield, Alvin Blade III, Jaleen L. McGee, Brison K. Williams, Rickey Hemphill, Jarvis Ward, and others known and unknown, were members and associates of the Cash Out Boyz, a criminal organization whose members and associates engaged in the distribution of controlled substances and in acts of violence, including acts involving murder, attempted murder, assaults with deadly weapons, robbery, and home invasions, and which operated principally in the South Bend,

Indiana area.

2. The Cash Out Boyz including its leaders, members, and associates constituted an “enterprise,” as defined by Title 18, United States Code, Section 1961(4) (hereinafter “the enterprise”), that is, a group of individuals associated in fact. The enterprise constituted an ongoing organization whose members functioned as a continuing unit for a common purpose of achieving the objectives of the enterprise. This enterprise was engaged in, and its activities affected, interstate and foreign commerce.

Purposes of the Enterprise

3. The purposes of the enterprise included the following:
- a. Enriching the members and associates of the enterprise through, among other things, violence, robbery, theft, and the distribution of controlled substances.
 - b. Preserving and protecting the power and profits of the enterprise through the use of intimidation, violence, threats of violence, assaults, and murder.
 - c. Promoting and enhancing the enterprise and its members' and associates' activities.
 - d. Keeping victims in fear of the enterprise and in fear of its members and associates through threats of violence and violence.

Roles of the Defendants

4. The defendants participated in the operation and management of the enterprise. Defendants Jarvis Ward and Timothy Whitfield were leaders of the enterprise who directed other members and associates of the enterprise in carrying out unlawful and other activities in furtherance of the conduct of the enterprise’s affairs. Under the direction of the leaders of the enterprise, defendants Demerius M. Shaw, Alvin Blade III, Brison K. Williams, Jaleen L. McGee, and Rickey Hemphill and others participated in unlawful and other activities in

furtherance of the conduct of the enterprise's affairs.

Means and Methods

5. Among the means and methods by which the defendants and their associates conducted and participated in the conduct of the affairs of the enterprise were the following:
- a. Members of the enterprise and their associates committed, attempted and threatened to commit acts of violence, including murder, attempted murder, robbery and assault, to protect and expand the enterprise's criminal operations.
 - b. Members of the enterprise and their associates promoted a climate of fear through violence and threats of violence.
 - c. Members of the enterprise and their associates used and threatened to use physical violence against various individuals.
 - d. Members of the enterprise and their associates trafficked in ecstasy and marijuana.

The Racketeering Violation

6. From in or around 2010 through in or around 2012, in the Northern District of Indiana and elsewhere,

**Demerius M. Shaw, Timothy Whitfield, Alvin Blade III,
Brison K. Williams, Jaleen L. McGee, Jarvis Ward, and Rickey Hemphill,**

defendants herein, together with others known and unknown being persons employed by and associated with the Cash Out Boyz, which was an enterprise engaged in, and the activities of which affected, interstate commerce, unlawfully, and knowingly conducted and participated, directly and indirectly, in the conduct of the affairs of that enterprise through a pattern of racketeering activity, that is, through the commission of the following Racketeering Acts One through Eighteen as set forth below.

The Pattern of Racketeering Activity

7. The pattern of racketeering activity as defined in Title 18, United States Code, Sections 1961(1) and 1961(5), consisted of the following acts:

Racketeering Act One - shooting/attempted murder of David Adams

8 On or about March 19, 2010, in the Northern District of Indiana, defendant Timothy Whitfield attempted to murder, that is, knowingly and intentionally attempted to kill another human being, David Adams in violation of Indiana Code 35-41-5-1 and 35-42-1-1.

Racketeering Act Two - shooting/attempted murder of Daren Taylor, Daris Grant, and Carltes Underwood/conspiracy to murder Kaley St. gang members

9. The defendant named below committed the following acts, either of which alone constituted the commission of Racketeering Act Two:

a) On or about May 22, 2010, in the Northern District of Indiana, defendant Rickey Hemphill and other Cash Out Boyz members attempted to murder, that is, knowingly and intentionally attempted to kill another human being, Kaley St. gang members including specifically Daren Taylor, Daris Grant, and Carltes Underwood, in violation of Indiana Code 35-41-5-1 and 35-42-1-1.

b) On or about May 22, 2010, in the Northern District of Indiana, defendant Rickey Hemphill and other Cash Out Boyz members with intent to kill another human being conspired and agreed to kill another human being, namely, Kaley St. gang members and committed an overt act in furtherance of that conspiracy, all in violation of Indiana Code 35-41-5-2 and 35-42-1-1.

Racketeering Act Three - shooting/attempted murder of Devencie Ervin

10. On or about May 28, 2010, in the Northern District of Indiana, defendant Timothy Whitfield attempted to murder, that is, knowingly and intentionally attempted to kill another human being, Devencie Ervin in violation of Indiana Code 35-41-5-1 and 35-42-1-1.

Racketeering Act Four - possession with intent to distribute marijuana

11. On or about June 8, 2010, in the Northern District of Indiana, defendant Alvin Blade III possessed with intent to distribute marijuana, in violation of Title 21, United States Code, Section 841(a)(1).

Racketeering Act Five - shooting/attempted murder of Anthony Carter

12. On or about June 19, 2010, in the Northern District of Indiana, defendant Timothy Whitfield attempted to murder, that is, knowingly and intentionally attempted to kill another human being, Anthony Carter in violation of Indiana Code 35-41-5-1 and 35-42-1-1.

Racketeering Act Six - possession with intent to distribute marijuana

13. On or about October 1, 2010, in the Northern District of Indiana, defendant Jaleen L. McGee possessed with intent to distribute marijuana, in violation of Title 21, United States Code, Section 841(a)(1).

Racketeering Act Seven - conspiracy to distribute controlled substances/Hobbs Act robbery/attempt to murder Jerrell Sanders and William Sanders/robbery

14. The defendant named below committed the following acts, any one of which alone constituted the commission of Racketeering Act Seven:

a) On or about January 21, 2011, in the Northern District of Indiana, defendant Alvin Blade III and another Cash Out Boyz member unlawfully conspired to distribute ecstasy pills in

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

b) On or about January 21, 2011, in the Northern District of Indiana, defendant Alvin Blade III and another Cash Out Boyz member attempted to obstruct, delay and affect commerce, and the movement of articles and commodities in such commerce, by robbery in that defendant Blade and his accomplice attempted to unlawfully take and obtain personal property consisting of cash from Jerrell Sanders and William Sanders, against their will by means of actual and threatened force, violence, and fear of injury, immediate and future, in violation of Title 18, United States Code, Section 1951;

c) On or about January 21, 2011, in the Northern District of Indiana, defendant Alvin Blade III attempted to murder, that is, knowingly and intentionally attempted to kill another human being, Jerrell Sanders in violation of Indiana Code 35-41-5-1 and 35-42-1-1.

d) On or about January 21, 2011, in the Northern District of Indiana, defendant Alvin Blade III and another Cash Out Boyz member knowingly and intentionally took property from another person(s) by threatening the use of force on another person(s) and by putting another person(s), Jerrell Sanders and William Sanders, in fear, in violation of Indiana Code 35-42-5-1.

Racketeering Act Eight - Hobbs Act robbery-conspiracy/robbery

15. The defendant named below committed the following acts, either of which alone constituted the commission of Racketeering Act Eight:

a) In or around March 2011, in the Northern District of Indiana, defendant Timothy Whitfield and other Cash Out Boyz members unlawfully conspired to and did obstruct, delay and affect commerce, and the movement of articles and commodities in such commerce, by robbery in that defendant Whitfield and his accomplices unlawfully took and obtained personal property

consisting of controlled substances and cash from a drug dealer named "Smoke" against his will by means of actual and threatened force, violence, and fear of injury, immediate and future, in violation of Title 18, United States Code, Section 1951.

b) In or around March 2011, in the Northern District of Indiana, defendant Timothy Whitfield and other Cash Out Boyz members knowingly and intentionally took property from another person by threatening the use of force on another person and by putting another person, a drug dealer named "Smoke," in fear, in violation of Indiana Code 35-42-5-1.

Racketeering Act Nine - Hobbs Act robbery-conspiracy/robbery/possession with intent to distribute

16. The defendant named below committed the following acts, any of which alone constituted the commission of Racketeering Act Nine:

a) In or around March/April 2011, in the Northern District of Indiana, defendant Jarvis Ward and another Cash Out Boyz member unlawfully conspired to and did obstruct, delay and affect commerce, and the movement of articles and commodities in such commerce, by robbery in that defendant Ward and his accomplices unlawfully took and obtained personal property consisting of controlled substances from a drug dealer named Decarlos Avance against his will by means of actual and threatened force, violence, and fear of injury, immediate and future, in violation of Title 18, United States Code, Section 1951.

b) In or around March/April 2011, in the Northern District of Indiana, defendant Jarvis Ward and another Cash Out Boyz member knowingly and intentionally took property from another person by threatening the use of force on another person and by putting another person, a drug dealer named Decarlos Avance, in fear, in violation of Indiana Code 35-42-5-1.

c) In or around March/April 2011, in the Northern District of Indiana, defendant Jarvis Ward and another Cash Out Boyz member possessed marijuana with intent to distribute in violation of Title 21, United States Code, Section 841(a)(1).

Racketeering Act Ten - Hobbs Act robbery-conspiracy/robbery/attempt to murder James Rucker/conspiracy to murder/possession with intent to distribute

17. The defendant named below committed the following acts, any one of which alone constituted the commission of Racketeering Act Ten:

a) On or about May 23, 2011, in the Northern District of Indiana, defendant Demerius M. Shaw and other Cash Out Boyz members unlawfully conspired to and did obstruct, delay and affect commerce, and the movement of articles and commodities in such commerce, by robbery in that defendant Shaw and his accomplices unlawfully took and obtained personal property consisting of a controlled substance and cash from James Rucker against his will by means of actual and threatened force, violence, and fear of injury, immediate and future, in violation of Title 18, United States Code, Section 1951.

b) On or about May 23, 2011, in the Northern District of Indiana, defendant Demerius M. Shaw and other Cash Out Boyz members knowingly and intentionally took property from another person by using and threatening the use of force on another person and by putting another person, James Rucker, in fear, in violation of Indiana Code 35-42-5-1.

c) On or about May 23, 2011, in the Northern District of Indiana, defendant Demerius M. Shaw possessed marijuana with intent to distribute in violation of Title 21, United States Code, Section 841(a)(1).

d) On or about May 23, 2011, in the Northern District of Indiana, defendant Demerius M. Shaw and other Cash Out Boyz members conspired to possess marijuana with intent to distribute in violation of Title 21, United States Code, Section 846.

Racketeering Act Eleven - Hobbs Act robbery-conspiracy/robbery/attempt to murder Kenny Wade/conspiracy to murder

18. The defendants named below committed the following acts, any one of which alone constituted the commission of Racketeering Act Eleven:

a) On or about June 5, 2011, in the Northern District of Indiana, defendants Demerius Shaw, Jaleen L. McGee, and other Cash Out Boyz members unlawfully conspired to and did obstruct, delay and affect commerce, and the movement of articles and commodities in such commerce, by robbery in that defendants Shaw and McGee unlawfully took and obtained personal property consisting of a cash from Kenny Wade against his will by means of actual and threatened force, violence, and fear of injury, immediate and future, in violation of Title 18, United States Code, Section 1951.

b) On or about June 5, 2011, in the Northern District of Indiana, defendants Demerius Shaw, Jaleen L. McGee, and other Cash Out Boyz members knowingly and intentionally took property from another person by using and threatening the use of force on another person and by putting another person, Kenny Wade, in fear, in violation of Indiana Code 35-42-5-1.

c) On or about June 5, 2011, in the Northern District of Indiana, defendants Demerius Shaw, Jaleen L. McGee, and other Cash Out Boyz members attempted to murder, that is, knowingly and intentionally attempted to kill another human being, Kenny Wade in violation of Indiana Code 35-41-5-1 and 35-42-1-1.

d) On or about June 5, 2011, in the Northern District of Indiana, defendants Demerius Shaw, Jaleen L. McGee, and other Cash Out Boyz members with intent to kill another human being conspired and agreed to kill another human being, namely, Kenny Wade and committed an overt act in furtherance of that conspiracy, all in violation of Indiana Code 35-41-5-2 and 35-42-1-1.

Racketeering Act Twelve - possession with intent to distribute marijuana

19. On or about June 23, 2011, in the Northern District of Indiana, defendants Demerius M. Shaw and Brison K. Williams possessed with intent to distribute marijuana, in violation of Title 21, United States Code, Section 841(a)(1).

Racketeering Act Thirteen - shooting/murder of Steven Chatman

20. On or about August 8, 2011, in the Northern District of Indiana, defendant Demerius Shaw knowingly and intentionally killed another human being, Steven Chatman, in violation of Indiana Code 35-42-1-1.

Racketeering Act Fourteen - possession with intent to distribute marijuana

21. In or around September 2011 through in or around March 2012, in the Northern District of Indiana, defendant Jarvis Ward possessed with intent to distribute marijuana, in violation of Title 21, United States Code, Section 841(a)(1).

Racketeering Act Fifteen - possession with intent to distribute ecstasy pills

22. In or around October 2011, in the Northern District of Indiana, defendant Rickey Hemphill possessed with intent to distribute ecstasy pills, in violation of Title 21, United States Code, Section 841(a)(1).

Racketeering Act Sixteen - distribution of marijuana

23. In or around October 2011, in the Northern District of Indiana, defendant Rickey Hemphill distributed marijuana, in violation of Title 21, United States Code, Section 841(a)(1).

Racketeering Act Seventeen - possession with intent to distribute marijuana

24. On or about December 2, 2011, in the Northern District of Indiana, defendant Brison K. Williams possessed with intent to distribute marijuana, in violation of Title 21, United States Code, Section 841(a)(1).

Racketeering Act Eighteen - distribution of marijuana

25. In or around April/May 2012, in the Northern District of Indiana, defendant Jarvis Ward distributed marijuana, in violation of Title 21, United States Code, Section 841(a)(1).

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

THE GRAND JURY FURTHER CHARGES:

**Count 2
(RICO Conspiracy)**

Paragraphs 1 through 5 in Count 1 are hereby realleged and incorporated as if fully set forth herein.

In or around 2010 through in or around 2012, in the Northern District of Indiana,

**Demerius M. Shaw, Timothy Whitfield, Alvin Blade III, Brison K. Williams,
Jaleen L. McGee, Jarvis Ward, and Rickey Hemphill**

defendants herein, together with other persons known and unknown, being persons employed by and associated with the Cash Out Boyz, an enterprise, which engaged in, and the activities of which affected, interstate commerce, knowingly, and intentionally conspired to violate 18 U.S.C. § 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. The pattern of racketeering activity through which the defendants agreed to conduct the affairs of the enterprise consisted of the acts set forth in paragraphs 7 through 25 of Count 1 of this Indictment, which are incorporated as if fully set forth. It was a part of the conspiracy that the defendants 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).

THE GRAND JURY FURTHER CHARGES:

**Count 3
(carrying and using a firearm)**

On or about January 21, 2011, in the Northern District of Indiana,

Alvin Blade III,

defendant herein, knowingly carried and used a firearm during and in relation to a crime of violence and drug trafficking crime which may be prosecuted in a court of the United States. The firearm was discharged.

In violation of Title 18, United States Code, Section 924(c).

THE GRAND JURY FURTHER CHARGES:

**Count 4
(carrying a firearm)**

In or around March 2011, in the Northern District of Indiana,

Timothy Whitfield,

defendant herein, knowingly carried a firearm during and in relation to a crime of violence and drug trafficking crime which may be prosecuted in a court of the United States. The firearm was brandished.

In violation of Title 18, United States Code, Section 924(c).

THE GRAND JURY FURTHER CHARGES:

**Count 5
(carrying a firearm)**

In or around March/April 2011, in the Northern District of Indiana,

Jarvis Ward,

defendant herein, knowingly aided and abetted the carrying of a firearm during and in relation to a crime of violence and drug trafficking crime which may be prosecuted in a court of the United States. The firearm was brandished.

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

THE GRAND JURY FURTHER CHARGES:

**Count 6
(carrying a firearm)**

On or about May 23, 2011, in the Northern District of Indiana,

Demerius M. Shaw,

defendant herein, knowingly carried a firearm during and in relation to a crime of violence and drug trafficking crime which may be prosecuted in a court of the United States and aided and abetted the carrying and use of a firearm during and in relation to a crime of violence and drug trafficking crime which may be prosecuted in a court of the United States. A firearm was discharged.

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

THE GRAND JURY FURTHER CHARGES:

**Count 7
(carrying and using a firearm)**

On or about June 5, 2011, in the Northern District of Indiana,

Jaleen McGee and Demerius M. Shaw,

defendants herein, knowingly carried and used a firearm during and in relation to a crime of violence which may be prosecuted in a court of the United States. A firearm was discharged.

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

THE GRAND-JURY FURTHER CHARGES:

**Count 8
(carrying a firearm)**

On or about June 23, 2011, in the Northern District of Indiana,

Demerius M. Shaw,

defendant herein, knowingly carried a firearm during and in relation to a drug trafficking crime which may be prosecuted in a court of the United States.

In violation of Title 18, United States Code, Sections 924(c).

THE GRAND JURY FURTHER CHARGES:

**Count 9
(VCAR)**

1. At all times relevant to this Indictment, the Cash Out Boyz, as more fully described in Paragraphs 1 through 5 of Count 1 of this Indictment, which are realleged and incorporated by reference as though set forth fully herein, constituted an enterprise as defined in Title 18, United States Code, Section 1959(b)(2), namely the Cash Out Boyz, that is, a group of individuals associated in fact which was 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.

2. At all times relevant to this Indictment, the above-described enterprise, through its members and associates, engaged in racketeering activity as defined in Title 18, United States Code, Sections 1959(b)(1) and 1961(1), namely, acts involving murder and robbery, in violation of laws of the State of Indiana, and narcotics trafficking in violation of Title 21, United States Code, Sections 841 and 846, and acts indictable under Section 1951 (robbery), of Title 18, United States Code.

3. On or about January 7, 2010, in the Northern District of Indiana,
Timothy Whitfield, Rickey Hemphill, and Brison Williams,
defendants herein, for the purpose of gaining entrance to, maintaining, and increasing position in an enterprise engaged in racketeering activity, assaulted Christopher Baker with a dangerous weapon in violation of Indiana Code sections 35-42-2-1(a)(3) and 35-31.5-2-86.

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

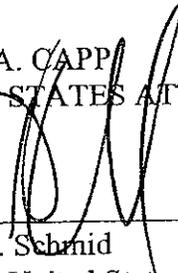
Dated: December 12, 2012

A TRUE BILL


Grand Jury Foreperson

DAVID A. CAPP
UNITED STATES ATTORNEY

By:


Donald J. Schmid
Assistant United States Attorney