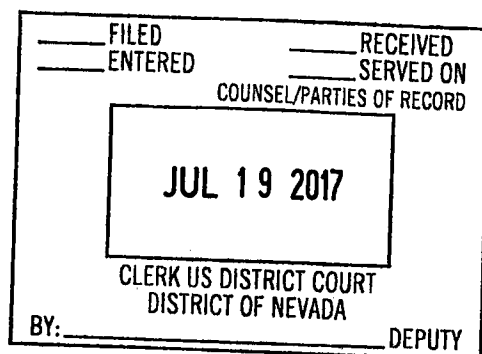


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8 UNITED STATES DISTRICT COURT
9 DISTRICT OF NEVADA

-oOo-

10 UNITED STATES OF AMERICA,

11 Plaintiff

12 vs.

13 RUSHARD BURTON,
14 KEJON WARD, and
15 ERICA CALDWELL,

16 Defendants.

CRIMINAL INDICTMENT

CASE NO: 2:17-CR- 221

VIOLATIONS:

18 18 U.S.C. § 1951(a) – *Interference with*
19 *Commerce by Robbery Conspiracy*; 18
20 U.S.C. § 924(c)(1)(A) – *Use and Carry of*
21 *Firearm in Relation to a Crime of*
22 *Violence*; 18 U.S.C. § 1951 – *Interference*
23 *with Commerce by Robbery*; 18 U.S.C. §
24 *2 – Aiding and Abetting*; and 18 U.S.C.
25 §§ 922(g)(1) and 924(a)(2) – *Felon in*
Possession of a Firearm.

THE GRAND JURY CHARGES THAT:

At times material to this Indictment:

Count One

Conspiracy to Interfere with Commerce by Robbery
(Title 18, United States Code, Section 1951(a))

From on or about March 18, 2017, until on or about June 5, 2017, in the State and

Federal District of Nevada,

RUSHARD BURTON,

1 physical violence, and fear of injury, immediate and future, to said persons. All in
2 violation of Title 18, United States Code, Sections 1951 and 2.

3 **Count Three**

4 *Use and Carry of a Firearm During and in Relation to a Crime of Violence*
5 (Title 18, United States Code, Sections 924(c)(1)(A)(ii) and 2)

6 On or about March 18, 2017, in the State and Federal District of Nevada,

7 **RUSHARD BURTON,**

8 defendant herein, and others, aided and abetted by each other, during and in relation to
9 the crime of violence alleged in Count Two of this Indictment, did knowingly use and
10 carry firearms, which were brandished. All in violation of Title 18, United States Code,
11 Sections 924(c)(1)(A)(ii) and 2.

12 **Count Four**

13 *Interference with Commerce by Robbery*
14 (Title 18, United States Code, Sections 1951 and 2)

15 On or about April 28, 2017, in the State and Federal District of Nevada,

16 **RUSHARD BURTON and**
17 **KEJON WARD**

18 defendants herein, and others, aided and abetted by each other, did unlawfully obstruct,
19 delay, and affect, and attempt to obstruct, delay, and affect commerce, as that term is
20 defined in Title 18, United States Code, Section 1951, and the movement of articles and
21 commodities in such commerce, by robbery, as that term is defined in Title 18, United
22 States Code, Section 1951, in that the defendants did unlawfully take and obtain
23 property, cellular telephones, from the Sprint store located at 1022 W. Sunset Road,
24 Henderson, Nevada; a business that affects interstate commerce, from the persons of
25 employees of that business, against their will, by means of actual and threatened force,

1 physical violence, and fear of injury, immediate and future, to said persons. All in
2 violation of Title 18, United States Code, Sections 1951 and 2.

3 **Count Five**

4 *Use and Carry of a Firearm During and in Relation to a Crime of Violence*
5 (Title 18, United States Code, Sections 924(c)(1)(A)(ii) and 2)

6 On or about April 28, 2017, in the State and Federal District of Nevada,

7 **RUSHARD BURTON and**
8 **KEJON WARD**

9 defendants herein, and others, aided and abetted by each other, during and in relation
10 to the crime of violence alleged in Count Four of this Indictment, knowingly used and
11 carried firearms, which were brandished. All in violation of Title 18, United States Code,
12 Sections 924(c)(1)(A)(ii) and 2.

13 **Count Six**

14 *Interference with Commerce by Robbery*
15 (Title 18 United States Code, Sections 1951 and 2)

16 On or about May 1, 2017, in the State and Federal District of Nevada,

17 **RUSHARD BURTON**

18 defendant herein, and others, aided and abetted by each other, did unlawfully obstruct,
19 delay, and affect, and attempt to obstruct, delay, and affect commerce, as that term is
20 defined in Title 18, United States Code, Section 1951, and the movement of articles and
21 commodities in such commerce, by robbery, as that term is defined in Title 18, United
22 States Code, Section 1951, in that the defendants did unlawfully take and obtain
23 property, cellular telephones, from the AT&T store located at 7010 N. Durango Drive,
24 Las Vegas, Nevada; a business that affects interstate commerce, from the persons of
25 employees of that business, against their will, by means of actual and threatened force,

1 physical violence, and fear of injury, immediate and future, to said persons. All in
2 violation of Title 18, United States Code, Sections 1951 and 2.

3 **Count Seven**

4 *Use and Carry of a Firearm During and in Relation to a Crime of Violence*
5 (Title 18, United States Code, Sections 924(c)(1)(A)(ii) and 2)

6 On or about May 1, 2017, in the State and Federal District of Nevada,

7 **RUSHARD BURTON**

8 defendant herein, and others, aided and abetted by each other, during and in relation to
9 the crime of violence alleged in Count Six of this Indictment, knowingly used and carried
10 firearms, which were brandished. All in violation of Title 18, United States Code,
11 Sections 924(c)(1)(A)(ii) and 2.

12 **Count Eight**

13 *Interference with Commerce by Robbery*
14 (Title 18, United States Code, Sections 1951 and 2)

15 On or about May 26, 2017, in the State and Federal District of Nevada,

16 **RUSHARD BURTON**

17 defendant herein, aided and abetted by each other, did unlawfully obstruct, delay, and
18 affect, and attempt to obstruct, delay, and affect commerce, as that term is defined in
19 Title 18, United States Code, Section 1951, and the movement of articles and
20 commodities in such commerce, by robbery, as that term is defined in Title 18, United
21 States Code, Section 1951, in that the defendants did unlawfully take and obtain
22 property, cellular telephones, from the Verizon Wireless store located at 9985 S. Eastern
23 Ave, Henderson, Nevada; a business that affects interstate commerce, from the persons
24 of employees of that business, against their will, by means of actual and threatened force,
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1 physical violence, and fear of injury, immediate and future, to said persons. All in
2 violation of Title 18, United States Code, Sections 1951 and 2.

3 **Count Nine**

4 *Use and Carry of a Firearm During and in Relation to a Crime of Violence*
5 (Title 18, United States Code, Sections 924(c)(1)(A)(ii) and 2)

6 On or about May 26, 2017, in the State and Federal District of Nevada,

7 **RUSHARD BURTON**

8 defendant herein, aided and abetted by each other, during and in relation to the crime
9 of violence alleged in Count Eight of this Indictment, knowingly used and carried
10 firearms, which were brandished. All in violation of Title 18, United States Code,
11 Sections 924(c)(1)(A)(ii) and 2.

12 **Count Ten**

13 *Interference with Commerce by Robbery*
14 (Title 18, United States Code, Sections 1951 and 2)

15 On or about June 5, 2017, in the State and Federal District of Nevada,

16 **RUSHARD BURTON,
17 KEJON WARD, and
18 ERICA CALDWELL,**

19 defendants herein, aided and abetted by each other, did unlawfully obstruct, delay, and
20 affect, and attempt to obstruct, delay, and affect commerce, as that term is defined in
21 Title 18, United States Code, Section 1951, and the movement of articles and
22 commodities in such commerce, by robbery, as that term is defined in Title 18, United
23 States Code, Section 1951, in that the defendants did unlawfully take and obtain
24 property, cellular telephones, from the Sprint store located at 7325 South Rainbow
25 Boulevard, Las Vegas, Nevada; a business that affects interstate commerce, from the
persons of employees of that business, against their will, by means of actual and

1 threatened force, physical violence, and fear of injury, immediate and future, to said
2 persons. All in violation of Title 18, United States Code, Sections 1951 and 2.

3 **Count Eleven**

4 *Use and Carry of a Firearm During and in Relation to a Crime of Violence*
5 (Title 18, United States Code, Sections 924(c)(1)(A)(ii) and 2)

6 On or about June 5, 2017, in the State and Federal District of Nevada,

7 **RUSHARD BURTON,**
8 **KEJON WARD, and**
9 **ERICA CALDWELL,**

10 defendants herein, aided and abetted by each other, during and in relation to the crime
11 of violence alleged in Count Ten of this Indictment, knowingly used and carried firearms,
12 which were brandished. All in violation of Title 18, United States Code, Sections
13 924(c)(1)(A)(ii) and 2.

14 **Count Twelve**

15 *Felon in Possession of a Firearm*
16 (Title 18, United States Code, Sections 922(g)(1) and 924(a)(2))

17 On or about June 16, 2017, in the State and Federal District of Nevada,

18 **KEJON WARD,**

19 defendant herein, having been convicted crimes punishable by imprisonment for a term
20 exceeding one year in the State of Nevada, specifically: Robbery and Burglary While in
21 Possession of a Firearm, in the Eighth Judicial District Court for Clark County Nevada,
22 on or about December 9, 2014, in Case No. 14C302598, did knowingly possess a Mr9,
23 Eagle, semi-automatic pistol bearing serial number Mn005757; and a SCCY, CPX-1
24 semi-automatic pistol bearing serial number 423550, said possession being in and
25 affecting interstate commerce and said firearm having been shipped and transported in

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

3 **Forfeiture Allegation One**

4 *Conspiracy to Interfere with Commerce by Robbery and Interference with Commerce by Robbery*

5 1. The allegations contained in Counts One, Two, Four, Six, Eight, and Ten of this
6 Criminal Indictment are hereby realleged and incorporated herein by reference for the purpose
7 of alleging forfeiture pursuant to Title 18, United States Code, Section 981(a)(1)(C) with Title
8 28, United States Code, Section 2461(c).

9 2. Upon conviction of any of the felony offenses charged in Counts One, Two, Four, Six,
10 Eight, and Ten of this Criminal Indictment,

11 **RUSHARD BURTON and KEJON WARD,**

12 defendants herein, shall forfeit to the United States of America, any property, real or personal,
13 which constitutes or is derived from proceeds traceable to violations of Title 18, United States
14 Code, Section 1951, a specified unlawful activity as defined in Title 18, United States Code,
15 Sections 1956(c)(7)(A) and 1961(1)(B), or Title 18, United States Code, Section 1951(a),
16 conspiracy to commit such offenses:

17 any and all cell phones and

18 an in personam criminal forfeiture money judgment including, but not limited to, at least
19 \$50,000
20 (all of which constitutes property).

21 3. If any property subject to forfeiture pursuant to Title 18, United States Code, Section
22 981(a)(1)(C) with Title 28, United States Code, Section 2461(c), as a result of any act or omission
23 of the defendants -

24 a. cannot be located upon the exercise of due diligence;

25 b. has been transferred or sold to, or deposited with, a third party;

- 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 divided without difficulty;

it is the intent of the United States of America, pursuant to Title 21, United States Code, Section 853(p), to seek forfeiture of any properties of the defendants for the in personam criminal forfeiture money judgment including, but not limited to, at least \$50,000.

All pursuant to Title 18, United States Code, Section 981(a)(1)(C) with Title 28, United States Code, Section 2461(c); Title 18, United States Code, Section 1951 and 1951(a); and Title 21, United States Code, Section 853(p).

Forfeiture Allegation Two

Interference with Commerce by Robbery and Conspiracy to Interfere with Commerce by Robbery

1. The allegations contained in Counts One and Ten of this Criminal Indictment are hereby realleged and incorporated herein by reference for the purpose of alleging forfeiture pursuant to Title 18, United States Code, Section 981(a)(1)(C) with Title 28, United States Code, Section 2461(c).

2. Upon conviction of any of the felony offenses charged in Counts One and Ten of this Criminal Indictment,

ERICA CALDWELL

defendant herein, shall forfeit to the United States of America, any property, real or personal, which constitutes or is derived from proceeds traceable to violations of Title 18, United States Code, Section 1951, a specified unlawful activity as defined in Title 18, United States Code, Sections 1956(c)(7)(A) and 1961(1)(B), or Title 18, United States Code, Section 1951(a), a conspiracy to commit such offenses, an in personam criminal forfeiture money judgment including, but not limited to, at least \$600.

1 defendants herein, shall forfeit to the United States of America, any firearm or ammunition
2 involved in or used in any knowing violation of Title 18, United States Code, Sections 922(g)(1)
3 and 924(c)(1)(A)(ii), or any violation of any other criminal law of the United States, Title 18,
4 United States Code, Section 1951 and 1951(a):

- 5 1. Mr9 Eagle handgun bearing serial number Mn005757;
- 6 2. SCCY CPX-1 handgun bearing serial number 423550; and
- 7 3. any and all ammunition.

8 All pursuant to Title 18, United States Code, Sections 922(g)(1) and 924(c)(1)(A)(ii); Title
9 18, United States Code, Section 924(d)(1) with Title 28, United States Code, Section 2461(c); and
10 Title 18, United States Code, Section 1951 and 1951(a).

11 **Forfeiture Allegation Four**

12 *Use and Carry of a Firearm During and in Relation to a Crime of Violence, Conspiracy to*
13 *Interfere with Commerce by Robbery, Interference with Commerce by Robbery, and Felon in*
14 *Possession of a Firearm*

15 1. The allegations of Counts One through Twelve of this Criminal Indictment are hereby
16 realleged and incorporated herein by reference for the purpose of alleging forfeiture pursuant to
17 Title 18, United States Code, Section 924(d)(1), (2)(C), and (3)(A) with Title 28, United States
18 Code, Section 2461(c).

19 2. Upon conviction of any of the felony offenses charged in Counts One through Twelve
20 of this Criminal Indictment,

21 **RUSHARD BURTON, KEJON WARD, and ERICA CALDWELL,**

22 defendants herein, shall forfeit to the United States of America, any firearm or ammunition
23 intended to be used in any crime of violence, Title 18, United States Code, Sections
24 924(c)(1)(A)(ii), 1951, and 1951(a):

- 25 1. Mr9 Eagle handgun bearing serial number Mn005757;
2. SCCY CPX-1 handgun bearing serial number 423550; and

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3. any and all ammunition.

All pursuant to Title 18, United States Code, Section 924(c)(1)(A)(ii); Title 18, United States Code, Section 924(d)(1), (2)(C), and (3)(A) with Title 28, United States Code, Section 2461(c); and Title 18, United States Code, Section 1951 and 1951(a).

DATED: this 19th day of July, 2017.

TRUE BILL:

/S/
FOREPERSON OF THE GRAND JURY

STEVEN W. MYHRE
Acting United States Attorney


KILBY MACFADDEN
Assistant United States Attorney