

BWB:NDB
F.#2015R02123

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

----- X

UNITED STATES OF AMERICA

- against -

XAVIER ONEAL,
also known as "Nico,"
ARTHUR SAM,
also known as "16," and
DANE PHILLIP,
also known as "JD,"

Defendants.

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THE GRAND JURY CHARGES:

COUNT ONE
(Hobbs Act Robbery Conspiracy)

1. On or about and between April 15, 2015 and December 8, 2015, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendants XAVIER ONEAL, also known as "Nico," ARTHUR SAM, also known as "16," and DANE PHILLIP, also known as "JD," together with others, did knowingly and intentionally conspire to obstruct, delay and affect commerce, and the movement of articles and commodities in commerce, by robbery, to wit: the robbery of commercial merchandise from employees of jewelry and cellular telephone stores.

(Title 18, United States Code, Sections 1951(a) and 3551 et seq.)

SUPERSEDING
INDICTMENT

Cr. No. 16-021 (S-1) (LDH)
(T. 18, U.S.C., §§ 1951(a),
981(a)(1)(C), 2 and 3551 et seq.; T.
21, U.S.C., § 853(p); T. 28, U.S.C.
§ 2461(c))

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COUNT TWO
(Hobbs Act Robbery)

2. On or about April 15, 2015, within the Eastern District of New York, the defendants XAVIER ONEAL, also known as “Nico,” and ARTHUR SAM, also known as “16,” together with others, did knowingly and intentionally obstruct, delay and affect commerce, and the movement of articles and commodities in commerce, by robbery, to wit: the robbery of commercial merchandise from employees of the Kay Jewelers store located at 5376 Avenue U, Brooklyn, New York.

(Title 18, United States Code, Sections 1951(a), 2 and 3551 et seq.)

COUNT THREE
(Hobbs Act Robbery)

3. On or about May 2, 2015, within the Eastern District of New York, the defendants XAVIER ONEAL, also known as “Nico,” and ARTHUR SAM, also known as “16,” together with others, did knowingly and intentionally obstruct, delay and affect commerce, and the movement of articles and commodities in commerce, by robbery, to wit: the robbery of commercial merchandise from employees of the T-Mobile store located at 1869 Utica Avenue, Brooklyn, New York.

(Title 18, United States Code, Sections 1951(a), 2 and 3551 et seq.)

COUNT FOUR
(Hobbs Act Robbery)

4. On or about May 12, 2015, within the Eastern District of New York, the defendants XAVIER ONEAL, also known as “Nico,” and ARTHUR SAM, also known as “16,” together with others, did knowingly and intentionally obstruct, delay and affect

commerce, and the movement of articles and commodities in commerce, by robbery, to wit: the robbery of commercial merchandise from employees of the Kay Jewelers store located at 5376 Avenue U, Brooklyn, New York.

(Title 18, United States Code, Sections 1951(a), 2 and 3551 et seq.)

COUNT FIVE
(Hobbs Act Robbery)

5. On or about May 15, 2015, within the Eastern District of New York, the defendants XAVIER ONEAL, also known as “Nico,” and ARTHUR SAM, also known as “16,” together with others, did knowingly and intentionally obstruct, delay and affect commerce, and the movement of articles and commodities in commerce, by robbery, to wit: the robbery of commercial merchandise from employees of the T-Mobile store located at 862 Remsen Avenue, Brooklyn, New York.

(Title 18, United States Code, Sections 1951(a), 2 and 3551 et seq.)

COUNT SIX
(Hobbs Act Robbery)

6. On or about May 19, 2015, within the Eastern District of New York, the defendants XAVIER ONEAL, also known as “Nico,” ARTHUR SAM, also known as “16,” and DANE PHILLIP, also known as “JD,” together with others, did knowingly and intentionally obstruct, delay and affect commerce, and the movement of articles and commodities in commerce, by robbery, to wit: the robbery of commercial merchandise from employees of the T-Mobile store located at 212 East 98th Street, Brooklyn, New York.

(Title 18, United States Code, Sections 1951(a), 2 and 3551 et seq.)

COUNT SEVEN
(Attempted Hobbs Act Robbery)

7. On or about June 3, 2015, within the Eastern District of New York, the defendants XAVIER ONEAL, also known as “Nico,” ARTHUR SAM, also known as “16,” and DANE PHILLIP, also known as “JD,” together with others, did knowingly and intentionally attempt to obstruct, delay and affect commerce, and the movement of articles and commodities in commerce, by robbery, to wit: the attempted robbery of commercial merchandise from employees of the Verizon store located at 191-30 Northern Boulevard, Queens, New York.

(Title 18, United States Code, Sections 1951(a), 2 and 3551 et seq.)

CRIMINAL FORFEITURE ALLEGATION

8. The United States hereby gives notice to the defendants XAVIER ONEAL, also known as “Nico,” ARTHUR SAM, also known as “16,” and DANE PHILLIP, also known as “JD,” that, upon their conviction of any of the above-charged offenses, the government will seek forfeiture in accordance with Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461(c), which require any person convicted of such offenses to forfeit any property, real or personal, which constitutes or is derived from proceeds traceable to such offenses.

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

- a. cannot be located upon the exercise of due diligence;
- 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, pursuant to Title 21, United States Code, Section 853(p), to seek forfeiture of any other property of the defendants up to the value of the forfeitable property described in this forfeiture allegation.

(Title 18, United States Code, Section 981(a)(1)(C); Title 21, United States Code, Section 853(p); Title 28, United States Code, Section 2461(c))

A TRUE BILL


FOREPERSON



ROBERT L. CARERS
UNITED STATES ATTORNEY
EASTERN DISTRICT OF NEW YORK