

47

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

CRIMINAL NO. 06-20465

HON. NANCY G. EDMUNDS

v.

- D-1 Aref "Steve" Nagi
- D-2 Nat "Bolo" Sanchez
- D-3 James "Jimmy" Gebara
- D-4 Erick "Pok-a-dot" Manners
- D-5 Michael "Cocoa" Cicchetti
- D-6 Leonard "Bo" Moore
- D-7 Donald Gill
- D-8 Miscal "Meecho" Gonzalez
- D-11 Michael Watson
- D-12 Aaron "Bam" Roberts
- D-14 Tamara Swiden
- D-15 Johnny "JD" Jarrell
- D-17 Gary "Junior" Ball Jr.
- D-18 Leonard "Dad" Moore
- D-19 Gerald "Byrd" Peters
- D-20 Joseph "Little Joe" Whiting
- D-21 Robert "Bobby" Burton
- D-22 Ronald Hatmaker
- D-23 Michael "Chopper" Kukla
- D-24 Louis "Dirty Lou" Fitzner
- D-25 Darrell "Ridgerunner" Bryant
- D-26 John "Recon" Barnett
- D-27 Robert "Kwik" Flowers
- D-28 Michael "Spanky" Toney
- D-29 Gerald "Pete" Baggett
- D-30 Jeffrey Miner
- D-31 Keith "Monk" Hood
- D-32 Dennis "Gone" Vanhulle
- D-33 Jeff "Pitbull" Pittman
- D-34 David "Conan" Reed
- D-35 Glenn Ballestero
- D-36 Sean Donovan
- D-37 Anthony "Mad Anthony" Clark

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D-38 Richard Younkin
D-39 Manous "Lightfoot" Sturgill
D-40 Donald "Daddy D" Messer Sr.
D-41 Chris "Lil Dawg" Miller
D-42 Gary "Grizz" Eizak
D-43 Juan Flores
D-44 Johnny "Jackrabbit" Rex
D-45 Richard "Freestyle" Wilkins
D-46 William "Speed" Bridges
D-47 John Duffey
D-48 Eugene "G-No" Triumph
D-49 David "Stifler" Tomlan
D-50 Rusty Lapalme
D-51 Emiliano "Milo" Ruiz
D-52 Daniel "Rocket" Sanchez
D-53 Steven Rhoads
D-54 Frank "Frankie the Bullet" Christopher
D-55 Dennis Brevard
D-56 Daniel "Angel" Espino
D-57 Erica Gafford
D-58 Sheryl Anne Gafford
D-59 Eric "Bull" Potts
D-60 Anton "Breaker" Reiner
D-61 Jeffrey "Jethro" Olko
D-62 Hatim "Tim" Attallah
D-63 William Bennett
D-64 Gina Daigle
D-65 Avelino "Joe" Ventura
D-66 Alton Bernard Holliday
D-67 Frank Makdesian
D-68 Adam Winkler
D-69 Donald Messer Jr.
D-70 Daniel Palmer
D-71 Joseph "Gaptooth" Burton
D-72 Robert "Bizzy" Whitehouse
D-73 Delilah Miller
D-74 Kathy Ann Whitehouse
D-75 Wayne "Torch" Wright
D-76 Timothy Sosnovske
D-77 John Thomas
D-78 Randell Hutchinson

SUPERSEDING INDICTMENT

THE GRAND JURY CHARGES:

COUNT ONE

(18 U.S.C. §§1962(c), 1963(a) - CONDUCTING OR PARTICIPATING IN THE
AFFAIRS OF AN ENTERPRISE THROUGH A PATTERN OF
RACKETEERING ACTIVITY)

D-1 Aref Nagi
D-5 Michael Cicchetti
D-6 Leonard "Bo" Moore
D-15 Johnny Jarrell
D-17 Gary Ball Jr.
D-18 Leonard "Dad" Moore
D-19 Gerald Peters
D-20 Joseph Whiting
D-21 Robert Burton
D-22 Ronald Hatmaker
D-23 Michael Kukla
D-24 Louis Fitzner
D-25 Darrell Bryant
D-26 John Barnett
D-27 Robert Flowers
D-28 Michael Toney
D-32 Dennis Vanhulle
D-33 Jeff Pittman
D-35 Glenn Ballestero
D-37 Anthony Clark

INTRODUCTION

At all times material to this Superseding Indictment:

1. The Highwaymen Motorcycle Club [hereinafter referred to as HMC] was a regional organization comprised of individual chapters located in various cities in Michigan, Kentucky, Tennessee, Florida, Alabama, and Indiana, and elsewhere. In

Michigan, the chapters were located in, amongst other cities, Detroit, Monroe, Lansing, Huron Township, and Ypsilanti. These chapters were known as the "Detroit," "Eastside," "Westside," "Eight Mile," "Lansing," "Monroe," "Downriver," and "Washtenaw" Chapters.

2. Each HMC Chapter had a President, Vice President, Treasurer, Sergeant at Arms or enforcer, and general members.

3. The HMC National President controlled the activities of all HMC members. The Detroit Chapter President stood as his second in command.

4. HMC members were expected to abide by a written HMC Constitution, or code. Failure to do so resulted in fines, assaults, and/or expulsion from the organization.

5. HMC members wore "colors" (leather vests or jackets with the HMC emblem on the back). The "colors" displayed other symbols such as "MC" (motorcycle club), club rank, chapter location, or lightening rods.

6. HMC members were required to attend special events referred to as "runs." Failure to attend a "run" subjected the member to disciplinary action.

7. HMC members were expected to follow orders from the National President, the Detroit Chapter President, or their own Chapter President. These orders included the takeover of rival gangs, retaliation against rival gangs, orders to assault other gang members, and the use of intimidation and threats against witnesses.

8. HMC members paid monthly dues to their Chapter, a percentage of which went

to the National Organization. HMC members were subjected to taxes, or special assessments, for various purposes.

9. HMC members who generated a profit from illegal activities, such as trafficking in controlled substances or transporting stolen motorcycles, contributed a portion of those proceeds to their chapter in the form of dues, expenses, a bail and legal defense fund for members who had been arrested, and fines and penalties. Members also gave stolen property and controlled substances as payment for back dues and penalties.

THE ENTERPRISE

At various times material to this Superseding Indictment:

10. From in or about 2000, the exact date being unknown to the grand jury, and continuing to the date of this indictment, in the Eastern District of Michigan and elsewhere, defendants Aref Nagi, Michael Cicchetti, Leonard "Bo" Moore, Johnny Jarrell, Gary Ball Jr., Leonard "Dad" Moore, Gerald Peters, Joseph Whiting, Robert Burton, Ronald Hatmaker, Michael Kukla, Louis Fitzner, Darrell Bryant, John Barnett, Robert Flowers, Michael Toney, Dennis Vanhulle, Jeff Pittman, Glenn Ballestero, Anthony Clark, and others known and unknown to the grand jury, were leaders, members, and associates of the HMC, a criminal organization that engaged in acts and threats involving murder, robbery, arson, and extortion, in violation of the laws of the State of Michigan, and acts involving theft, transportation of stolen property, and trafficking in controlled substances, in violation of federal law, and which operated

principally in the Detroit, Michigan area.

11. The HMC, including its leadership, members, and associates, constituted an “enterprise,” as defined by Title 18, United States Code, Sections 1961(4) and 1959(b)(2), that is, a group of individuals associated in fact. The enterprise 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 commerce.

PURPOSES OF THE ENTERPRISE

The purposes of the enterprise included, but were not limited to, the following:

12. Enforcing its authority and power by disciplining and punishing members and associates who did not comply with the HMC rules, who did not follow orders, or who committed acts against another member or the enterprise.

13. Promoting, protecting, and enhancing the authority, reputation, and standing of the HMC through the use of intimidation, threats, violent acts, and possession of weapons.

14. Maintaining control over HMC territory (turf) through acts of intimidation, threats, and violence.

15. Enriching the HMC and its members through, among other things, the commission of crimes involving theft and the distribution of controlled substances.

16. Protecting the HMC and its members from detection and prosecution by law

enforcement authorities through acts of intimidation and violence against potential witnesses to crimes committed by the HMC.

ROLES OF THE DEFENDANTS

The following defendants participated in the operation and management of the enterprise.

17. Defendants Aref Nagi, Michael Cicchetti, Leonard "Bo" Moore, Johnny Jarrell, Gary Ball Jr., Leonard "Dad" Moore, Gerald Peters, Joseph Whiting, Robert Burton, Ronald Hatmaker, Michael Kukla, Louis Fitzner, Darrell Bryant, John Barnett, Robert Flowers, and Michael Toney were leaders of the enterprise who directed other members of the enterprise in carrying out unlawful acts and other activities in furtherance of the conduct of the affairs of the enterprise.

18. Under the direction of the leaders of the enterprise, defendants Dennis Vanhulle, Jeff Pittman, and Anthony Clark were members of the enterprise who participated in unlawful acts and other activities in furtherance of the conduct of the affairs of the enterprise.

19. Under the direction of the leaders and members of the enterprise, defendant Glenn Ballestero was an associate of the enterprise who participated in unlawful acts and other activities in furtherance of the conduct of the affairs of the enterprise.

MEANS AND METHODS OF THE ENTERPRISE

20. 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 acts involving attempted murder, conspiracy to commit murder, armed robbery, extortion, assault and intimidation, in connection with maintaining discipline and punishment of HMC members and associates.

b. Members of the enterprise and their associates committed acts involving attempted murder, conspiracy to commit murder, armed robbery, assault and intimidation, in connection with maintaining the authority, standing, and reputation of HMC members and associates.

c. Members of the enterprise and their associates committed acts involving attempted murder, conspiracy to commit murder, robbery, arson, assault and intimidation, in connection with maintaining the territory of the HMC.

d. Members of the enterprise and their associates committed acts of theft of goods from interstate shipment in connection with generating income for the enterprise and its members.

e. Members of the enterprise and their associates committed acts of interstate transportation of stolen property in connection with generating income for the enterprise and its members.

f. Members of the enterprise and their associates committed acts of trafficking in controlled substances, including conspiracies to distribute, distribution of, and possession

with intent to distribute, controlled substances in connection with generating income for the enterprise and its members.

g. Members of the enterprise and their associates committed acts involving attempted murder, conspiracy to commit murder, assault, and intimidation, in connection with protecting the HMC and its members from detection and prosecution by law enforcement authorities.

THE RACKETEERING VIOLATION

21. From in or about 2000, the exact date being unknown to the grand jury, and continuing to the date of this indictment, in the Eastern District of Michigan and elsewhere, defendants Aref Nagi, Michael Cicchetti, Leonard "Bo" Moore, Johnny Jarrell, Gary Ball Jr., Leonard "Dad" Moore, Gerald Peters, Joseph Whiting, Robert Burton, Ronald Hatmaker, Michael Kukla, Louis Fitzner, Darrell Bryant, John Barnett, Robert Flowers, Michael Toney, Dennis Vanhulle, Jeff Pittman, Glenn Ballestero, Anthony Clark, and others known and unknown to the grand jury, being members of, and persons associated with, the HMC, an enterprise engaged in, and the activities of which affected, interstate commerce, did knowingly and unlawfully conduct and participate, directly and indirectly, in the conduct of the affairs of the enterprise through a pattern of racketeering activity, that is, through the commission of Racketeering Acts One through Thirteen as set forth below.

THE PATTERN OF RACKETEERING ACTIVITY

22. 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
(Armed Robbery and Attempted Murder)

D-21 Robert Burton
D-35 Glenn Ballestero

The defendants committed the following acts, either one of which alone constitutes Racketeering Act One.

A. Armed Robbery

On or about September 10, 2003, in the Eastern District of Michigan, defendants Robert Burton, Glenn Ballestero, and others known and unknown to the grand jury, did knowingly, intentionally, and unlawfully take, by force and violence, and while armed with a dangerous weapon, property from the person of Ruben Guzman; in violation of Michigan Compiled Laws, Sections 750.529 and 767.39.

B. Attempted Murder

On or about September 10, 2003, in the Eastern District of Michigan, defendants Robert Burton, Glenn Ballestero, and others known and unknown to the grand jury, did knowingly, intentionally, and unlawfully attempt to murder Ruben Guzman; in violation of Michigan Compiled Laws, Sections 750.316(1) and 767.39.

Racketeering Act Two
(Conspiracy to Commit Murder)

D-21 Robert Burton
D-32 Dennis Vanhulle
D-33 Jeff Pittman

In or about September 2005 through in or about January 2006, in the Eastern District of Michigan, defendants Robert Burton, Dennis Vanhulle, Jeff Pittman, and others known and unknown to the grand jury, did knowingly, intentionally, and unlawfully combine, conspire, confederate, and agree to kill Gerald Deese; in violation of Michigan Compiled Laws, Sections 750.316(1) and 750.157a(a).

Racketeering Act Three
(Extortion)

D-22 Ronald Hatmaker
D-26 John Barnett

In or about February 2006 through in or about December 2006, in the Eastern District of Michigan, defendants Ronald Hatmaker, John Barnett, and others known and unknown to the grand jury, did knowingly, intentionally, and unlawfully threaten injury to the person of Anthony Barton, with the intent to extort money from him; in violation of Michigan Compiled Laws, Sections 750.213 and 767.39.

Racketeering Act Four
(Armed Robbery)

D-28 Michael Toney

In or about June 2006, in the Eastern District of Michigan, defendant Michael

Toney, and others known and unknown to the grand jury, did knowingly, intentionally, and unlawfully take by force and violence, while armed with a dangerous weapon, property from the person of Steve Peet; in violation of Michigan Compiled Laws, Sections 750.529 and 767.39.

Racketeering Act Five
(Conspiracy to Burn a Dwelling)

D-19 Gerald Peters

In or about March 2004, in the Eastern District of Michigan, defendant Gerald Peters, and others known and unknown to the grand jury, did combine, conspire, confederate, and agree to wilfully and maliciously burn a dwelling located at 8613 Southfield Service Drive, Detroit, Michigan; in violation of Michigan Compiled Laws, Section 750.72 and 750.157a(a).

Racketeering Act Six
(Conspiracy to Commit Murder)

D-25 Darrell Bryant
D-37 Anthony Clark

On or about March 27, 2004, in the Eastern District of Michigan, defendants Darrell Bryant, Anthony Clark, and others known and unknown to the grand jury, did knowingly, intentionally, and unlawfully combine, conspire, confederate, and agree to kill members of the Black Pistons Motorcycle Club; in violation of Michigan Compiled Laws, Sections 750.316(1) and 750.157a(a).

Racketeering Act Seven
(Robbery)

D-24 Louis Fitzner

In or about February 2006, in the Eastern District of Michigan, defendant Louis Fitzner, and others known and unknown to the grand jury, did knowingly, intentionally, and unlawfully take by force and violence, property from a member of the Liberty Riders Motorcycle Club; in violation of Michigan Compiled Laws, Sections 750.530.

Racketeering Act Eight
(Transporting Stolen Vehicles)

D-1 Aref Nagi
D-5 Michael Cicchetti
D-6 Leonard "Bo" Moore
D-15 Johnny Jarrell
D-17 Gary Ball Jr.
D-20 Joseph Whiting
D-21 Robert Burton
D-23 Michael Kukla
D-24 Louis Fitzner
D-27 Robert Flowers
D-32 Dennis Vanhulle
D-33 Jeff Pittman

In or about March 2006 through in or about October 2006, in the Eastern District of Michigan and elsewhere, defendants Aref Nagi, Michael Cicchetti, Leonard "Bo" Moore, Johnny Jarrell, Gary Ball Jr., Joseph Whiting, Robert Burton, Michael Kukla, Louis Fitzner, Robert Flowers, Dennis Vanhulle, Jeff Pittman, and others known and unknown to the grand jury, did knowingly, intentionally, and unlawfully transport, in interstate commerce, motorcycles from the State of South Carolina to the State of

Michigan, knowing the same to be stolen; in violation of Title 18, United States Code, Sections 2312 and 2.

Racketeering Act Nine
(Conspiracy to Distribute Cocaine)

D-19 Gerald Peters
D-21 Robert Burton
D-25 Darrell Bryant
D-28 Michael Toney
D-35 Glenn Ballestero
D-37 Anthony Clark

In or about 2000 through in or about 2007, in the Eastern District of Michigan, defendants Gerald Peters, Robert Burton, Darrell Bryant, Michael Toney, Glenn Ballestero, Anthony Clark, and others known and unknown to the grand jury, did knowingly, intentionally, and unlawfully combine, conspire, confederate, and agree with each other to commit an offense against the United States, that is, to distribute cocaine, a Schedule II controlled substance; in violation of Title 21, United States Code, Sections 841(a)(1) and 846.

Racketeering Act Ten
(Conspiracy to Distribute Steroids)

D-6 Leonard "Bo" Moore

In or about 2005 through in or about 2006, in the Eastern District of Michigan, defendant Leonard "Bo" Moore, and others known and unknown to the grand jury, did knowingly, intentionally, and unlawfully combine, conspire, confederate, and agree with each other to commit an offense against the United States, that is, to distribute steroids, a

Schedule III controlled substance; in violation of Title 21, United States Code, Sections 841(a)(1) and 846.

Racketeering Act Eleven
(Conspiracy to Distribute Controlled Substances)

D-1 Aref Nagi
D-5 Michael Cicchetti
D-15 Johnny Jarrell
D-17 Gary Ball Jr.
D-23 Michael Kukla
D-24 Louis Fitzner
D-27 Robert Flowers

From in or about 2004 through the date of this indictment, in the Eastern District of Michigan, defendants Aref Nagi, Michael Cicchetti, Johnny Jarrell, Gary Ball Jr., Michael Kukla, Louis Fitzner, Robert Flowers, and others known and unknown to the grand jury, did knowingly, intentionally, and unlawfully combine, conspire, confederate, and agree with each other to commit offenses against the United States, that is, to distribute cocaine, marijuana, Vicoden, Viagra, Ecstasy, and other controlled substances; in violation of Title 21, United States Code, Sections 841(a)(1) and 846.

Racketeering Act Twelve
(Conspiracy to Commit Murder)

D-5 Michael Cicchetti
D-17 Gary Ball Jr.
D-18 Leonard "Dad" Moore
D-19 Gerald Peters
D-20 Joseph Whiting
D-21 Robert Burton
D-22 Ronald Hatmaker
D-26 John Barnett

In or about 2006 through in or about 2007, in the Eastern District of Michigan, defendants Michael Cicchetti, Gary Ball Jr., Leonard "Dad" Moore, Gerald Peters, Joseph Whiting, Robert Burton, Ronald Hatmaker, John Barnett, and others known and unknown to the grand jury, did knowingly, intentionally, and unlawfully combine, conspire, confederate, and agree to kill Doug Burnett; in violation of Michigan Compiled Laws, Sections 750.316(1), 750.157a(a), and 767.39.

Racketeering Act Thirteen
(Conspiracy to Commit Murder)

D-5 Michael Cicchetti
D-18 Leonard "Dad" Moore
D-19 Gerald Peters
D-20 Joseph Whiting
D-22 Ronald Hatmaker

In or about 2006 through in or about 2007, in the Eastern District of Michigan, defendants Michael Cicchetti, Leonard "Dad" Moore, Gerald Peters, Joseph Whiting, Ronald Hatmaker, and others known and unknown to the grand jury, did knowingly, intentionally, and unlawfully, combine, conspire, confederate, and agree with each other, to kill Philip McDonald; in violation of Michigan Compiled Laws, Sections 750.316(1), 750.157a(a), and 767.39.

COUNT TWO

(18 U.S.C. §§1962(d), 1963(a) - CONSPIRACY TO PARTICIPATE IN THE
AFFAIRS OF AN INTERSTATE ENTERPRISE THROUGH
A PATTERN OF RACKETEERING ACTIVITY)

D-1 Aref Nagi
D-5 Michael Cicchetti

D-6 Leonard "Bo" Moore
D-15 Johnny Jarrell
D-17 Gary Ball Jr.
D-18 Leonard "Dad" Moore
D-19 Gerald Peters
D-20 Joseph Whiting
D-21 Robert Burton
D-22 Ronald Hatmaker
D-23 Michael Kukla
D-24 Louis Fitzner
D-25 Darrell Bryant
D-26 John Barnett
D-27 Robert Flowers
D-28 Michael Toney
D-32 Dennis Vanhulle
D-33 Jeff Pittman
D-35 Glenn Ballestero
D-37 Anthony Clark

The allegations contained in Paragraphs One through Twenty Two are re-alleged and incorporated by reference herein.

25. In or about 2000, the exact date being unknown to the grand jury, and continuing to the date of this Superseding Indictment, in the Eastern District of Michigan and elsewhere, defendants Aref Nagi, Michael Cicchetti, Leonard "Bo" Moore, Johnny Jarrell, Gary Ball Jr., Leonard "Dad" Moore, Gerald Peters, Joseph Whiting, Robert Burton, Ronald Hatmaker, Michael Kukla, Louis Fitzner, Darrell Bryant, John Barnett, Robert Flowers, Michael Toney, Dennis Vanhulle, Jeff Pittman, Glenn Ballestero, Anthony Clark, and other persons known and unknown to the grand jury, being persons associated with the enterprise described in Count One of this Superseding Indictment, which was engaged in, and which the activities of affected, interstate commerce, did

knowingly, intentionally, and unlawfully combine, conspire, confederate, and agree to violate Title 18, United States Code, Section 1962(c), that is, to conduct and participate, directly and indirectly, in the affairs of the enterprise, through a pattern of racketeering activity, as defined in Title 18, United States Code, Section 1961(1) and (5), consisting of racketeering acts number One through Thirteen of Count One.

26. It was further 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, Sections 1962(d) and 1963(a).

COUNT THREE

(18 U.S.C. §1959(a)(3) - ASSAULT WITH A
DANGEROUS WEAPON IN AID OF RACKETEERING)

D-21 Robert Burton
D-35 Glenn Ballestero
D-36 Sean Donovan
D-38 Richard Younkin

1. At all times relevant to this Superseding Indictment, the HMC, as more fully described in paragraphs One through Twenty, which are re-alleged and incorporated as if fully set forth herein, including its leaders, members, 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 were engaged in, and the activities of which affected, interstate commerce. The enterprise constituted an ongoing organization whose members functioned as a continuing unit for the common purpose of achieving the objectives of the

enterprise.

2. At all times relevant to this Superseding Indictment, the HMC, through its members and associates, engaged in racketeering activity as defined in Title 18, United States Code, Sections 1959(b)(1) and 1961(1), that is, acts involving attempted murder, conspiracy to commit murder, robbery, assault with a dangerous weapon, and arson, in violation of the laws of the State of Michigan, and acts involving theft, transportation of stolen property, and trafficking in controlled substances, in violation of federal law.

3. On or about September 10, 2003, in the Eastern District of Michigan, defendants Robert Burton, Glenn Ballestero, Sean Donovan, and Richard Younkin did knowingly, intentionally, and unlawfully, and for the purpose of maintaining and increasing position in the HMC, an enterprise engaged in racketeering activity, assault Ruben Guzman with a dangerous weapon, that is, a gun; in violation of Michigan Compiled Laws, Sections 750.82 and 767.39.

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

COUNT FOUR

(18 U.S.C. §§1959(a)(5) - ATTEMPTED MURDER IN AID OF RACKETEERING)

D-21 Robert Burton
D-35 Glenn Ballestero
D-36 Sean Donovan
D-38 Richard Younkin

1. Paragraphs One and Two of Count Three are re-alleged herein as if fully incorporated in this count.

2. On or about September 10, 2003, in the Eastern District of Michigan, defendants Robert Burton, Glenn Ballestero, Sean Donovan, and Richard Younkin did knowingly, intentionally, and unlawfully, and for the purpose of maintaining and increasing position in the HMC, an enterprise engaged in racketeering activity, attempt to murder Ruben Guzman; in violation of Michigan Compiled Laws, Sections 750.316(1) and 767.39.

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

COUNT FIVE

**(18 U.S.C. §§1959(a)(5) - CONSPIRACY TO COMMIT
MURDER IN AID OF RACKETEERING)**

D-21 Robert Burton
D-31 Keith Hood
D-32 Dennis Vanhulle
D-33 Jeff Pittman
D-34 David Reed

1. Paragraphs One and Two of Count Three are re-alleged herein as if fully incorporated in this count.

2. In or about January 2006, in the Eastern District of Michigan, defendants Robert Burton, Keith Hood, Dennis Vanhulle, Jeff Pittman, and David Reed did knowingly, intentionally, and unlawfully, and for the purpose of maintaining and increasing position in the HMC, an enterprise engaged in racketeering activity, combine, conspire, confederate, and agree to murder Gerald Deese; in violation of Michigan Compiled Laws, Sections 750.316(1) and 750.157a(a).

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

COUNT SIX

(18 U.S.C. §1959(a)(3) - ASSAULT WITH A
DANGEROUS WEAPON IN AID OF RACKETEERING)

D-28 Michael Toney

D-29 Gerald Baggett

1. Paragraphs One and Two of Count Three are re-alleged herein as if fully incorporated in this count.

2. In or about June 2006, in the Eastern District of Michigan, defendants Michael Toney and Gerald Baggett did knowingly, intentionally, and unlawfully, and for the purpose of maintaining and increasing position in the HMC, an enterprise engaged in racketeering activity, assault Steve Peet with a dangerous weapon, that is, a gun; in violation of Michigan Compiled Laws, Sections 750.82 and 767.39.

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

COUNT SEVEN

(18 U.S.C. §1959(a)(3) - ASSAULT WITH A
DANGEROUS WEAPON IN AID OF RACKETEERING)

D-1 Aref Nagi

D-4 Erick Manners

D-5 Michael Cicchetti

D-15 Johnny Jarrell

1. Paragraphs One and Two of Count Three are re-alleged herein as if fully incorporated in this count.

2. On or about December 23, 2005, in the Eastern District of Michigan,

defendants Aref Nagi, Erick Manners, Michael Cicchetti, and Johnny Jarrell did knowingly, intentionally, and unlawfully, and for the purpose of maintaining and increasing position in the HMC, an enterprise engaged in racketeering activity, assault Alan Kirchoff with dangerous weapons, that is, a gun and bottles; in violation of Michigan Compiled Laws, Section 750.82 and 767.39.

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

COUNT EIGHT

**(18 U.S.C. §1959(a)(3) - ASSAULT WITH A
DANGEROUS WEAPON IN AID OF RACKETEERING)**

D-6 Leonard "Bo" Moore
D-15 Johnny Jarrell
D-27 Robert Flowers
D-50 Rusty Lapalme

1. Paragraphs One and Two of Count Three are re-alleged herein as if fully incorporated in this count.

2. On or about April 14, 2006, in the Eastern District of Michigan, defendants Leonard "Bo" Moore, Johnny Jarrell, Rusty Lapalme, and Robert Flowers did knowingly, intentionally, and unlawfully, and for the purpose of maintaining and increasing position in the HMC, an enterprise engaged in racketeering activity, assault Charles Walker with dangerous weapons, that is, a gun and an automobile; in violation of Michigan Compiled Laws, Sections 750.82 and 767.39.

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

COUNT NINE

**(18 U.S.C. §1959(a)(3) - ASSAULT WITH A
DANGEROUS WEAPON IN AID OF RACKETEERING)**

D-6 Leonard "Bo" Moore
D-27 Robert Flowers
D-50 Rusty Lapalme

1. Paragraphs One and Two of Count Three are re-alleged herein as if fully incorporated in this count.

2. On or about April 14, 2006, in the Eastern District of Michigan, defendants Leonard "Bo" Moore, Robert Flowers, and Rusty Lapalme did knowingly, intentionally, and unlawfully, and for the purpose of maintaining and increasing position in the HMC, an enterprise engaged in racketeering activity, assault Don and Edith Megdanoff with a dangerous weapon, that is, a gun; in violation of Michigan Compiled Laws, Sections 750.82 and 767.39.

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

COUNT TEN

**(18 U.S.C. §1959(a)(5) - CONSPIRACY TO COMMIT MURDER
IN AID OF RACKETEERING)**

D-25 Darrell Bryant
D-37 Anthony Clark
D-39 Manous Sturgill
D-40 Donald Messer Sr.
D-69 Donald Messer Jr.
D-70 Daniel Palmer

1. Paragraphs One and Two of Count Three are re-alleged herein as if fully incorporated in this count.

2. On or about March 27, 2004, in the Eastern District of Michigan, defendants Darrell Bryant, Anthony Clark, Manous Sturgill, Donald Messer Sr., Donald Messer Jr., and Daniel Palmer did knowingly, intentionally, and unlawfully, and for the purpose of maintaining and increasing position in the HMC, an enterprise engaged in racketeering activity, combine, conspire, confederate, and agree to kill members of the Black Pistons Motorcycle Club; in violation of Michigan Compiled Laws, Sections 750.316(1) and 750.157a(a).

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

COUNT ELEVEN

(18 U.S.C. §1959(a)(6) - CONSPIRACY TO ASSAULT WITH A DANGEROUS WEAPON IN AID OF RACKETEERING)

D-22 Ronald Hatmaker
D-26 John Barnett
D-34 David Reed
D-41 Chris Miller

1. Paragraphs One and Two of Count Three are re-alleged herein as if fully incorporated in this count.

2. In or about February 2006, in the Eastern District of Michigan, defendants Ronald Hatmaker, John Barnett, David Reed, and Chris Miller did knowingly, intentionally, and unlawfully, and for the purpose of maintaining and increasing position in the HMC, an enterprise engaged in racketeering activity, combine, conspire, confederate, and agree to assault members of the Liberty Riders Motorcycle Club with dangerous weapons, that is, bottles, chairs, pool sticks, and other objects utilized as

weapons; in violation of Michigan Compiled Laws, Section 750.82 and 767.39.

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

COUNT TWELVE

**(18 U.S.C. §1959(a)(6) - CONSPIRACY TO ASSAULT WITH A
DANGEROUS WEAPON IN AID OF RACKETEERING)**

D-1 Aref Nagi
D-2 Nat Sanchez
D-4 Erick Manners
D-5 Michael Cicchetti
D-6 Leonard "Bo" Moore
D-15 Johnny Jarrell
D-20 Joseph Whiting
D-24 Louis Fitzner
D-26 John Barnett
D-32 Dennis Vanhulle
D-34 David Reed
D-42 Gary Eizak
D-43 Juan Flores
D-44 Johnny Rex

1. Paragraphs One and Two of Count Three are re-alleged herein as if fully incorporated in this count.
2. In or about February 2006, in the Eastern District of Michigan, defendants Aref Nagi, Nat Sanchez, Erick Manners, Michael Cicchetti, Leonard "Bo" Moore, Johnny Jarrell, Joseph Whiting, Louis Fitzner, John Barnett, Gary Eizak, Dennis Vanhulle, David Reed, Juan Flores, and Johnny Rex did knowingly, intentionally, and unlawfully, and for the purpose of maintaining and increasing position in the HMC, an enterprise engaged in racketeering activity, combine, conspire, confederate, and agree to assault members of the Liberty Riders Motorcycle Club with dangerous weapons, that is, bottles and other objects

utilized as dangerous weapons; in violation of Michigan Compiled Laws, Sections 750.82 and 750.157a(a).

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

COUNT THIRTEEN

**(18 U.S.C. §§1959(a)(5) - CONSPIRACY TO COMMIT
MURDER IN AID OF RACKETEERING)**

D-5 Michael Cicchetti
D-17 Gary Ball Jr.
D-18 Leonard "Dad" Moore
D-19 Gerald Peters
D-20 Joseph Whiting
D-21 Robert Burton
D-22 Ronald Hatmaker
D-26 John Barnett

Paragraphs one and two of Count Three are re-alleged herein as if fully incorporated in this count.

In or about 2006 through in or about 2007, in the Eastern District of Michigan, defendants Michael Cicchetti, Gary Ball Jr., Leonard "Dad" Moore, Gerald Peters, Joseph Whiting, Robert Burton, Ronald Hatmaker, and John Barnett did knowingly, intentionally, and unlawfully, and for the purpose of maintaining and increasing position in the HMC, an enterprise engaged in racketeering activity, combine, conspire, confederate, and agree to kill Doug Burnett; in violation of Michigan Compiled Laws, Sections 750.316(1) and 750.157a(a).

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

COUNT FOURTEEN

**(18 U.S.C. §§1959(a)(5) - CONSPIRACY TO COMMIT
MURDER IN AID OF RACKETEERING)**

D-5 Michael Cicchetti
D-18 Leonard "Dad" Moore
D-19 Gerald Peters
D-20 Joseph Whiting
D-22 Ronald Hatmaker

Paragraphs one and two of Count Three are re-alleged herein as if fully incorporated in this count.

In or about 2006 through in or about 2007, in the Eastern District of Michigan, defendants Michael Cicchetti, Leonard "Dad" Moore, Gerald Peters, Joseph Whiting, and Ronald Hatmaker did knowingly, intentionally, and unlawfully, and for the purpose of maintaining and increasing position in the HMC, combine, conspire, confederate, and agree to murder Philip McDonald; in violation of Michigan Compiled Laws, Sections 750.316(1) and 750.157a(a).

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

COUNT FIFTEEN

**(18 U.S.C. §§2312, 371 - CONSPIRACY TO
TRANSPORT STOLEN PROPERTY IN INTERSTATE COMMERCE)**

D-1 Aref Nagi
D-5 Michael Cicchetti
D-6 Leonard "Bo" Moore
D-15 Johnny Jarrell
D-17 Gary Ball Jr.
D-20 Joseph Whiting
D-21 Robert Burton
D-23 Michael Kukla

D-24 Louis Fitzner
D-27 Robert Flowers
D-32 Dennis Vanhulle
D-33 Jeff Pittman
D-45 Richard Wilkins
D-46 William Bridges
D-47 John Duffey
D-48 Eugene Triumph
D-49 David Tomlan

In or about March 2006 through in or about October 2006, in the Eastern District of Michigan and elsewhere, defendants Aref Nagi, Michael Cicchetti, Leonard "Bo" Moore, Johnny Jarrell, Gary Ball Jr., Joseph Whiting, Robert Burton, Michael Kukla, Louis Fitzner, Robert Flowers, Dennis Vanhulle, Jeff Pittman, Richard Wilkins, William Bridges, John Duffey, Eugene Triumph, and David Tomlan did knowingly, intentionally, and unlawfully combine, conspire, confederate, and agree to commit an offense against the United States, that is, to transport, in interstate commerce, motorcycles from the State of South Carolina to the State of Michigan, knowing the same to be stolen; in violation of Title 18, United States Code, Section 2312.

In furtherance of the conspiracy, and to effect the objects thereof, the defendants committed the following overt acts:

1. In or about March 2006, HMC members made plans to attend an annual "Motorcycle Week" event in Myrtle Beach, North Carolina.
2. On or about March 17, 2006, Aref Nagi and Michael Kukla discussed getting Nagi's Titan motorcycle ready for Myrtle Beach.

3. On or about April 10, 2006, Gary Ball Jr. told Doug Burnett the HMC planned to "rip" some motorcycles in Myrtle Beach.

4. In or about May 2006, Aref Nagi called Philip McDonald and told him the HMC were on their way back from Myrtle Beach and they "got some motorcycles".

5. In or about May 2006, Robert Burton rented a U-Haul truck and gave it to Gary Ball.

6. In or about May 2006, John Duffey arrived in South Carolina and drove a U-Haul, filled with stolen motorcycles, from South Carolina to Michigan.

7. In or about May 2006, Louis Fitzner, Eugene Triumph, and Gary Ball Jr unloaded stolen motorcycles at Southwest Transmission in Detroit, Michigan.

8. In or about May 2006, Robert Burton and Doug Burnett moved two motorcycles stolen from Myrtle Beach out of Burton's garage.

9. In or about May 2006, Joseph Whiting took possession of a motorcycle stolen in Myrtle Beach.

10. On or about June 6, 2006, a motorcycle stolen from Myrtle Beach was found inside the garage at Southwest Transmissions.

All in violation of Title 18, United States Code, Sections 2312 and 371.

COUNT SIXTEEN

**(18 U.S.C. §511, 371 - CONSPIRACY TO ALTER, REMOVE,
AND OBLITERATE VEHICLE IDENTIFICATION NUMBERS)**

D-1 Aref Nagi
D-2 Nat Sanchez

D-23 Michael Kukla
D-24 Louis Fitzner
D-39 Manous Sturgill
D-61 Jeffrey Olko
D-75 Wayne Wright
D-76 Timothy Sosnovske
D-77 John Thomas

In or about 2005 through in or about 2006, in the Eastern District of Michigan, defendants Aref Nagi, Nat Sanchez, Michael Kukla, Manous Sturgill, Louis Fitzner, Jeffrey Olko, Wayne Wright, Timothy Sosnovske, and John Thomas did knowingly, intentionally, and unlawfully combine, conspire, confederate, and agree to commit an offense against the United States, that is, to alter, remove, and obliterate vehicle identification numbers (VIN) for motor vehicles and motor vehicle parts; in violation of Title 18, United States Code, Section 511.

In furtherance of the conspiracy, and to effect the objects thereof, the defendants committed the following overt acts:

1. On August 25, 2005, Louis Fitzner stole a motorcycle from the Headliner's Bar in Toledo, Ohio.
2. On October 10, 2005, Louis Fitzner gave Aref Nagi a motorcycle stolen from Toledo.
3. On December 29, 2005, Wayne Wright called Aref Nagi.
4. On December 29, 2005, Aref Nagi talked to Jeff Olko, the owner of Eight Mile Choppers/Walkabout Cycle.

5. On March 6, 2006, Jeff Olko talked to Wayne Wright.
 6. On April 7, 2006, a stolen motorcycle frame, parts from a motorcycle stolen in Ohio, a 1974 Harley Davidson motorcycle with an altered VIN, a handgun, and assorted controlled substances were located inside Eight Mile Choppers/Walkabout Cycle.
 7. On April 9, 2006, Aref Nagi asked Wayne Wright to move a motorcycle out of Nagi's garage.
 8. On April 11, 2006, Johnny Jarrell called Aref Nagi and said he and Doug Burnett were ready to move the motorcycle.
 9. On April 11, 2006, Aref Nagi called Michael Jurczyk and asked if he had the garage door opener.
 10. On April 11, 2006, Aref Nagi called Nat Sanchez.
 11. On April 11, 2006, Aref Nagi called Manous Sturgill.
- All in violation of Title 18, United States Code, Sections 511 and 371.

COUNT SEVENTEEN

**(21 U.S.C. §846 - CONSPIRACY TO POSSESS WITH INTENT TO
DISTRIBUTE, AND DISTRIBUTION OF, COCAINE)**

D-19 Gerald Peters
D-21 Robert Burton
D-25 Darrell Bryant
D-28 Michael Toney
D-35 Glenn Ballestero
D-37 Anthony Clark
D-46 William Bridges
D-49 David Tomlan
D-51 Emiliano Ruiz
D-52 Daniel Sanchez

D-53 Steven Rhoads
D-54 Frank Christopher
D-55 Dennis Brevard
D-56 Daniel Espino
D-57 Erica Gafford
D-58 Sheryl Anne Gafford
D-71 Joseph Burton

In or about 2000 through in or about 2007, in the Eastern District of Michigan, defendants Gerald Peters, Robert Burton, Darrell Bryant, William Bridges, Glenn Ballestero, Anthony Clark, David Tomlan, Emiliano Ruiz, Daniel Sanchez, Steven Rhoads, Frank Christopher, Dennis Brevard, Daniel Espino, Erica Gafford, Sheryl Anne Gafford, Joseph Burton, and others known and unknown to the grand jury, did knowingly, intentionally, and unlawfully combine, conspire, confederate, and agree to commit an offense against the United States, that is, to distribute over five kilograms of cocaine, a Schedule II controlled substance; in violation of Title 21, United States Code, Section 841(a)(1).

It was part of the conspiracy that,

1. Darrell Bryant and other unidentified individuals supplied cocaine to Robert Burton.
2. Robert Burton distributed cocaine to various HMC members and associates, who in turn distributed it to other persons.
3. Robert Burton sold two to three ounces of cocaine, at least seventy five times, to William Bridges.

4. Robert Burton sold four and one half ounces of cocaine, at least five times, to Doug Burnett.

5. Robert Burton sold one half of a kilogram of cocaine at a motorcycle rally in Bowling Green, Ohio.

6. Robert Burton sold two ounces of cocaine, at least twenty times, to Frank Christopher.

7. Robert Burton sold four and one half ounces of cocaine, at least ten times, to Daniel Espino.

8. Robert Burton would get two or three kilograms of cocaine and would sell five to six ounces at a time to Gerald Peters.

9. Robert Burton sold a kilogram of cocaine, at least ten times, to Daniel Sanchez.

10. Robert Burton sold distributable amounts of cocaine to Anthony Clark.

11. Robert Burton sold distributable amounts of cocaine to Glenn Ballestero.

12. Robert Burton sold distributable amounts of cocaine to David Tomlan.

13. Robert Burton used houses occupied by Steven Rhoads, Erica Gafford, Sheryl Anne Gafford, Dennis Brevard, and Emiliano Ruiz to store and package cocaine. In return, Steven Rhoads, Erica Gafford, Sheryl Anne Gafford, Dennis Brevard, and Emiliano Ruiz would receive small amounts of cocaine or money from Robert Burton.

14. Joseph Burton would introduce prospective customers to Robert Burton.

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

COUNT EIGHTEEN

**(21 U.S.C. §846 - CONSPIRACY TO POSSESS WITH INTENT TO
DISTRIBUTE, AND DISTRIBUTION OF, STEROIDS)**

D-6 Leonard "Bo" Moore
D-30 Jeffrey Miner
D-59 Eric Potts
D-78 Randell Hutchinson

In or about 2005 through in or about 2006, in the Eastern District of Michigan, defendants Leonard "Bo" Moore, Jeffrey Miner, Eric Potts, Philip McDonald (an unindicted co-conspirator herein), Randell Hutchinson, and others known and unknown to the grand jury, did knowingly, intentionally, and unlawfully combine, conspire, confederate, and agree to commit an offense against the United States, that is, to possess with intent to distribute, and to distribute, steroids, a Schedule III controlled substance; in violation of Title 21, United States Code, Section 841(a)(1).

It was part of the conspiracy that,

1. Jeffrey Miner sold steroids to Philip McDonald.
2. Philip McDonald distributed steroids to Eric Potts, Leonard "Bo" Moore, Randell Hutchinson, and other individuals.
3. Eric Potts and Leonard "Bo" Moore sold steroids to various individuals.
4. Randell Hutchinson distributed steroids to Philip McDonald and others.
5. Randell Hutchinson used his position as a DEA Task Force Agent to insulate Philip McDonald from prosecution.
6. Randell Hutchinson provided information about FBI investigations to Philip

McDonald.

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

COUNT NINETEEN

**(21 U.S.C. §846 - CONSPIRACY TO POSSESS WITH INTENT TO
DISTRIBUTE, AND DISTRIBUTION OF, CONTROLLED SUBSTANCES)**

D-1 Aref Nagi
D-2 Nat Sanchez
D-3 James Gebara
D-4 Erick Manners
D-5 Michael Cicchetti
D-7 Donald Gill
D-8 Miscal Gonzalez
D-11 Michael Watson
D-12 Aaron Roberts
D-14 Tamara Swiden
D-15 Johnny Jarrell
D-17 Gary Ball Jr.
D-23 Michael Kukla
D-24 Louis Fitzner
D-27 Robert Flowers
D-60 Anton Reiner
D-61 Jeffrey Olko
D-62 Hatim Attallah
D-63 William Bennett
D-64 Gina Daigle
D-65 Avelino Ventura
D-66 Alton Bernard Holliday
D-67 Frank Makdesian
D-68 Adam Winkler

In or about 2004 through the date of this indictment, in the Eastern District of
Michigan, defendants Aref Nagi, Nat Sanchez, James Gebara, Erick Manners, Michael
Cicchetti, Donald Gill, Miscal Gonzalez, Michael Watson, Aaron Roberts, Tamara
Swiden, Johnny Jarrell, Gary Ball Jr., Michael Kukla, Louis Fitzner, Robert Flowers,

Anton Reiner, Jeffrey Olko, Hatim Attallah, William Bennett, Gina Daigle, Avelino Ventura, Alton Bernard Holliday, Frank Makdesian, and Adam Winkler did knowingly, intentionally, and unlawfully combine, conspire, confederate, and agree to commit offenses against the United States, that is, to possess with intent to distribute, and to distribute, controlled substances, to include over five kilograms of cocaine; in violation of Title 21, United States Code, Section 841(a)(1).

It was part of the conspiracy that,

1. Michael Cicchetti sold large quantities of cocaine to Aref Nagi.
2. James Gebara sold large quantities of marijuana to Aref Nagi.
3. Frank Makdesion sold large quantities of marijuana to Aref Nagi.
4. Avelino Ventura and Gina Daigle sold large quantities of Ecstasy and marijuana to Aref Nagi.
5. Erick Manners sold large quantities of cocaine to Aref Nagi.
6. Leonard "Bo" Moore sold quantities of cocaine to Aref Nagi.
7. Nat Sanchez sold quantities of cocaine to Aref Nagi.

It was further part of the conspiracy that,

8. Aref Nagi sold large quantities of Oxycontin to Donald Gill.
9. Aref Nagi sold large quantities of marijuana to Michael Kukla, Anton Reiner, and Aaron Roberts.
10. Aref Nagi sold large quantities of Viagra to Leonard "Bo" Moore.

11. Aref Nagi sold large quantities of marijuana and Vicoden to Erick Manners.

12. Aref Nagi provided large quantities of cocaine to William Bennett.

13. Aref Nagi sold large quantities of marijuana to Louis Fitzner.

14. Aref Nagi sold large quantities of marijuana to Miseal Gonzalez.

15. Aref Nagi sold large quantities of marijuana to Alton Bernard Holliday.

16. Aref Nagi sold large quantities of marijuana to Michael Watson and Tamara Swiden.

17. Aref Nagi sold large quantities of marijuana and Viagra to Jeff Olko.

18. Aref Nagi sold large quantities of marijuana to Robert Flowers.

19. Aref Nagi sold large quantities of marijuana, Viagra and ecstasy to Johnny Jarrell.

It was also part of the conspiracy that,

20. Adam Winkler assisted Aref Nagi by setting up deliveries of controlled substances, accepting payment for controlled substances, and aiding Aref Nagi in other facets of the drug conspiracy.

21. Hatim Attallah assisted Aref Nagi by advising arrested individuals to keep silent regarding Nagi's involvement in the drug conspiracy, by supplying Nagi with a variety of different pills, and by acting as general counsel for the enterprise.

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

COUNT TWENTY

(21 U.S.C. §846 - CONSPIRACY TO POSSESS WITH INTENT TO
DISTRIBUTE, AND DISTRIBUTION OF, COCAINE)

D-17 Gary Ball Jr.
D-19 Gerald Peters
D-72 Robert Whitehouse
D-73 Delilah Miller
D-74 Kathy Ann Whitehouse

In or about May 2007 through in or about June 2007, in the Eastern District of Michigan, defendants Gary Ball Jr, Gerald Peters, Robert Whitehouse, Delilah Miller, and Kathy Ann Whitehouse did knowingly, intentionally, and unlawfully combine, conspire, confederate, and agree to possess with the intent to distribute, and to distribute, cocaine, a Schedule II controlled substance;

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

COUNT TWENTY ONE

(21 U.S.C. §841(a)(1) - POSSESSION WITH INTENT TO
DISTRIBUTE, AND DISTRIBUTION OF, COCAINE)

D-29 Gerald Baggett

In or about June 2006, in the Eastern District of Michigan, defendant Gerald Baggett did knowingly, intentionally, and unlawfully possess with the intent to distribute, and did distribute, cocaine, a Schedule II controlled substance; in violation of Title 21, United States Code, Section 841(a)(1).

COUNT TWENTY TWO

(18 U.S.C. §922(g) - FELON IN POSSESSION OF FIREARMS)

D-4 Erick Manners

From in or about December 2005, through in or about August 2006, in the Eastern District of Michigan, defendant Erick Manners, having previously been convicted of a felony, did knowingly, intentionally, and unlawfully possess firearms, that is, a Glock handgun and a Raven Arms .25 caliber pistol, said firearms having previously traveled in interstate commerce; in violation of Title 18, United States Code, Section 922(g).

COUNT TWENTY THREE

(18 U.S.C. §922(g) - FELON IN POSSESSION OF A FIREARM)

D-6 Leonard "Bo" Moore

On or about April 14, 2006, in the Eastern District of Michigan, defendant Leonard "Bo" Moore, having previously been convicted of a felony, did knowingly, intentionally, and unlawfully possess a firearm, that is, a handgun, said firearm having previously traveled in interstate commerce; in violation of Title 18, United States Code, Section 922(g).

COUNT TWENTY FOUR

(18 U.S.C. §922(g) - FELON IN POSSESSION OF A FIREARM)

D-21 Robert Burton

On or about September 10, 2003, in the Eastern District of Michigan, defendant Robert Burton, having previously been convicted of a felony, did knowingly, intentionally, and unlawfully possess a firearm, that is a handgun, said firearm having previously traveled in interstate commerce; in violation of Title 18, United States Code, Section 922(g).

COUNT TWENTY FIVE

(18 U.S.C. §922(g) - FELON IN POSSESSION OF A FIREARM)

D-36 Sean Donovan

On or about September 10, 2003, in the Eastern District of Michigan, defendant Sean Donovan, having previously been convicted of a felony, did knowingly, intentionally, and unlawfully possess a firearm, that is a handgun, said firearm having previously traveled in interstate commerce; in violation of Title 18, United States Code, Section 922(g).

COUNT TWENTY SIX

(18 U.S.C. §922(k) - POSSESSION OF FIREARM WITH AN OBLITERATED SERIAL NUMBER)

D-43 Juan Flores

On or about March 17, 2008, in the Eastern District of Michigan, defendant Juan Flores knowingly possessed a firearm, that is, a Bryco Arms, .38 caliber pistol, said firearm having traveled in interstate commerce, and from which the manufacturer's serial number had been removed, altered, and obliterated; in violation of Title 18, United States Code, Section 922(k).

COUNT TWENTY SEVEN

(18 U.S.C. §924(c) - USE OF A FIREARM DURING AND IN RELATION TO A DRUG TRAFFICKING CRIME)

D-61 Jeffrey Olko

In or about April 2006, in the Eastern District of Michigan, defendant Jeffrey Olko did knowingly, intentionally, and unlawfully, carry and use a firearm, during and in

relation to a drug trafficking crime for which he may be prosecuted in a court of the United States, specifically, conspiracy to possess with the intent to distribute, and distribution of marijuana and Viagra, as set forth in Count Nineteen of this indictment and which is incorporated by reference herein; in violation of Title 18, United States Code, Section 924(c).

COUNT TWENTY EIGHT

(18 U.S.C. § 924(c) - USE OF A FIREARM DURING AND IN
RELATION TO A CRIME OF VIOLENCE)

D-21 Robert Burton
D-35 Glenn Ballesterro
D-36 Sean Donovan
D-38 Richard Younkin

On or about September 10, 2003, in the Eastern District of Michigan, Southern Division, defendants Robert Burton, Glenn Ballesterro, Sean Donovan, and Richard Younkin did knowingly, intentionally, and unlawfully, carry and use firearms, during and in relation to a crime of violence for which they may be prosecuted in a court of the United States, specifically, assault with a dangerous weapon in aid of racketeering, as set forth in Count Three of this indictment and which is incorporated by reference herein; in violation of Title 18, United States Code, Sections 924(c) and 2.

COUNT TWENTY NINE

(18 U.S.C. § 924(c) - USE OF A FIREARM DURING AND IN
RELATION TO A CRIME OF VIOLENCE)

D-21 Robert Burton
D-35 Glenn Ballesterro
D-36 Sean Donovan

D-38 Richard Younkin

On or about September 10, 2003, in the Eastern District of Michigan, Southern Division, defendants Robert Burton, Glenn Ballestero, Sean Donovan, and Richard Younkin did knowingly, intentionally, and unlawfully, carry and use firearms, during and in relation to a crime of violence for which they may be prosecuted in a court of the United States, specifically, attempted murder in aid of racketeering, as set forth in Count Four of this indictment and which is incorporated by reference herein; in violation of Title 18, United States Code, Sections 924(c) and 2.

COUNT THIRTY

(18 U.S.C. § 924(c) - USE OF A FIREARM DURING AND IN
RELATION TO A CRIME OF VIOLENCE)

D-28 Michael Toney

D-29 Gerald Baggett

In or about June 2006, in the Eastern District of Michigan, defendants Michael Toney and Gerald Baggett did knowingly, intentionally, and unlawfully, carry and use firearms, during and in relation to a crime of violence for which they may be prosecuted in a court of the United States, specifically, assault with a dangerous weapon in aid of racketeering, as set forth in Count Six of this indictment and which is incorporated by reference herein; in violation of Title 18, United States Code, Sections 924(c) and 2.

COUNT THIRTY ONE

(18 U.S.C. § 924(c) - USE OF A FIREARM DURING AND IN
RELATION TO A CRIME OF VIOLENCE)

D-1 Aref Nagi

D-4 Erick Manners
D-5 Michael Cicchetti
D-15 Johnny Jarrell

On or about December 23, 2005, in the Eastern District of Michigan, defendants Aref Nagi, Erick Manners, Michael Cicchetti, and Johnny Jarrell did knowingly, intentionally, and unlawfully, carry and use firearms, during and in relation to a crime of violence for which they may be prosecuted in a court of the United States, specifically, assault with a dangerous weapon in aid of racketeering, as set forth in Count Seven of this indictment and which is incorporated by reference herein; in violation of Title 18, United States Code, Sections 924(c) and 2.

COUNT THIRTY TWO

(18 U.S.C. § 924(c) - USE OF A FIREARM DURING AND IN
RELATION TO A CRIME OF VIOLENCE)

D-6 Leonard "Bo" Moore
D-15 Johnny Jarrell
D-27 Robert Flowers
D-50 Rusty Lapalme

On or about April 14, 2006, in the Eastern District of Michigan, defendants Leonard "Bo" Moore, Johnny Jarrell, Robert Flowers, and Rusty Lapalme did knowingly, intentionally, and unlawfully, carry and use firearms, during and in relation to a crime of violence for which they may be prosecuted in a court of the United States, specifically, assault with a dangerous weapon in aid of racketeering, as set forth in Count Eight of this indictment and which is incorporated by reference herein; in violation of Title 18, United States Code, Sections 924(c) and 2.

COUNT THIRTY THREE

(18 U.S.C. § 924(c) - USE OF A FIREARM DURING AND IN
RELATION TO A CRIME OF VIOLENCE)

D-6 Leonard "Bo" Moore
D-27 Robert Flowers
D-50 Rusty Lapalme

On or about April 14, 2006, in the Eastern District of Michigan, defendants Leonard "Bo" Moore, Robert Flowers, and Rusty Lapalme did knowingly, intentionally, and unlawfully, carry and use firearms, during and in relation to a crime of violence for which they may be prosecuted in a court of the United States, specifically, assault with a dangerous weapon in aid of racketeering, as set forth in Count Nine of this indictment and which is incorporated by reference herein; in violation of Title 18, United States Code, Sections 924(c) and 2.

COUNT THIRTY FOUR

(18 U.S.C. § 924(c) - USE OF A FIREARM DURING AND IN
RELATION TO A CRIME OF VIOLENCE)

D-40 Donald Messer Sr
D-69 Donald Messer Jr
D-70 Daniel Palmer

On or about March 27, 2004, in the Eastern District of Michigan, defendants Donald Messer Sr., Donald Messer Jr., and Daniel Palmer did knowingly, intentionally, and unlawfully, carry and use firearms, during and in relation to a crime of violence for which they may be prosecuted in a court of the United States, specifically, conspiracy to commit murder in aid of racketeering, as set forth in Count Ten of this indictment and

which is incorporated by reference herein; in violation of Title 18, United States Code, Sections 924(c) and 2.

COUNT THIRTY FIVE
(18 U.S.C. §1503 - OBSTRUCTION OF JUSTICE)

D-78 Randell Hutchinson

From in or about October 2005, through in or about September 2006, in the Eastern District of Michigan, defendant Randell Hutchinson did corruptly obstruct, impede, and endeavor to influence, the due administration of justice in a federal investigation in the Eastern District of Michigan, that is, an investigation into the criminal activity of the Highwaymen Motorcycle Club, by disclosing the existence of the investigation, disclosing the existence of electronic interceptions, instructing a defendant on ways to thwart law enforcement authorities, and attempting to influence law enforcement agencies, any one of which act constitutes a violation of this statute;

In violation of Title 18, United States Code, Section 1503.

THIS IS A TRUE BILL.

s/ GRAND JURY FOREPERSON

TERRENCE BERG
United States Attorney

s/ DIANE L. MARION
Assistant U.S. Attorney

s/ CHRISTOPHER GRAVELINE

Assistant U.S. Attorney

Dated: 4-21-09

United States District Court Eastern District of Michigan	Criminal Case Cover Sheet	Case Number 06-20465
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NOTE: It is the responsibility of the Assistant U.S. Attorney signing this form to complete it accurately in all respects.

Companion Case Information	Companion Case Number:
This may be a companion case based upon LCrR 57.10 (b)(4) ¹ :	Judge Assigned:
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	AUSA's Initials: <i>JLM</i>

Case Title: USA v. Aref Nagi, et al.

County where offense occurred : Wayne

FILED

Check One: Felony Misdemeanor Petty

APR 21 2009

Indictment/ Information --- no prior complaint. **CLERK'S OFFICE-DETROIT-PSG**
 Indictment/ Information --- based upon prior complaint [Case Number: _____] **U.S. DISTRICT COURT**
 Indictment/ Information --- based upon LCrR 57.10 (d) [Complete Superseding section below].

Superseding Case Information:

Superseding to Case No: 06-20465 Judge: Nancy G. Edmunds

- Original case was terminated; no additional charges or defendants.
- Corrects errors; no additional charges or defendants.
- Involves, for plea purposes, different charges or adds counts.
- Embraces same subject matter but adds the additional defendants or charges below:

<u>Defendant name</u>	<u>Charges</u>	<u>Prior Complaint (if applicable)</u>
D-18 through D-78		

Please take notice that the below listed Assistant United States Attorney is the attorney of record for the above captioned case.

April 21, 2009
Date

Diane L. Marion

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¹ Companion cases are matters in which it appears that (1) substantially similar evidence will be offered at trial, (2) the same or related parties are present, and the cases arise out of the same transaction or occurrence. Cases may be companion cases even though one of them may have already been terminated.